THE

JOURNAL OF THE ASSEMBLY

DURING THE

SEVENTEENTH SESSION

OF THE

Legislature of the State of California,

1867-8.

BEGAN ON MONDAY, DECEMBER SECOND, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND ENDED ON MONDAY, MARCH THIRTIETH, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

SACRAMENTO:

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JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

CALIFORNIA LEGISLATURE.—ASSEMBLY.

SEVENTEENTH SESSION.

HOUSE OF ASSEMBLY,
Monday, December 2d, 1867.

Pursuant to law, the House was called to order by Marcus D Boruck, Esq., Chief Clerk ot the last session.

The roll of counties was called, and the following gentlemen appeared, were duly qualified, (the oath being administered by the Hon. S. W. Sanderson, Associate Judge of the Supreme Court,) and took their seats as members of the Assembly:

Alameda—John W. Dwinelle, A. M. Church.
Alpine and Amador—George M. Payne, J. B. Gregory.
Butte—R M. Cochrane, W. M. Ord
Calaveras—Isaac Ayer, T. S Beaver, Otto Mentzell.
Colusa and Tehama—W S. Green.
Contra Costa—Thos. A. Brown.
Del Norte and Klamath—T. A Rector.
El Dorado—S. Willets, A. B. Bird, H. B. Newell, Chas. Gildea.
Fresno—R. P. Mace.
Humboldt—Chas. Westmoreland.
Inyo, Tuolumne, and Mono—William A. Davies, B. A. Mardis, Michael Meagher.
Lake and Napa—J. C. Crigler.
Lassen and Plumas—J. R Buckbee.
Los Angeles—Asa Ellis, J. A. Watson.
Marin—T J. Ables.
Mariposa—Francis Giltner.
Mendocino—W H. Cureton.
Merced and Stanislaus—J. M. Newsom.
Monterey—E. C. Tully.

Nevada—James D. White, J. M. Days, H. G. Rollins.
Placer—C. A. Tuttle, M. Waldron, C. G. Spencer.
Sacramento—Charles Wolleb, Bruce B. Lee, A. Comte, Jr., Marion Biggs, P. Coggins.
San Bernardino—John M James.
San Diego—Benjamin Hayes.
San Francisco—B. S. Broderson, M. Canavan, D. W. Connely, T. E. Farish, John Middleton, Frank Mahon, J. J. O'Malley, J. J. Papy, A. G. Russ, Frank V. Scudder, Thos. M. Wand.
San Joaquin—L. J. Morrow, Warner Oliver.
San Luis Obispo and Santa Barbara—W T. WcElhany.
San Mateo—R. L. Mattingly
Santa Clara—John H. Moore, C. T. Ryland, and W. Z. Angney.
Santa Cruz—George Pardee.
Shasta—Perry Dryer.
Sierra—T. S. Battelle
Siskiyou—John A. Fairchild, E. Steele.
Sonoma—William Caldwell, S. M. Martin, J. B. Warfield.
Sutter—B. R. Spillman.
Trinity—T. E. Jones
Tulare and Kern—J. C. Brown.
Yolo—John M. Kelly.
Yuba—L. B. Clark, J. K. Smith.

Roll called.
Quorum present.
Mr. Westmoreland offered the following resolution:

Resolved, That the Assembly do now proceed to the election of its officers in the following order:

1. Speaker.
2. Speaker pro tem.
3. Chief Clerk
4. Assistant Clerk
5. Minute Clerk.
6. Sergeant-at-Arms.
7. Assistant Sergeant-at-Arms.
8. Enrolling Clerk.
9. Engrossing Clerk.
10. Journal Clerk.
11. Two Copying Clerks.
12. Watchman.

At twelve o'clock and thirty minutes P. M., Mr. Brown of Tulare moved to adjourn till to-morrow at eleven o'clock A. M.
Mr. O'Malley moved to adjourn till Wednesday, December fourth.
Mr. Lupton of San Francisco, appeared, was sworn in, and took his seat.
The amendment offered by Mr. O'Malley was rejected.
On the motion to adjourn till to-morrow at eleven o'clock A. M., Messrs. Westmoreland, Days, and Ayer, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Bird, Broderson, Brown of Tulare, Caldwell, Canavan,

Clark, Cochrane, Comte, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Kelly, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Russ, Ryland, Scudder, Spillman, Steele, Watson, Willets, and Wolleb—45.

NOES—Messrs Ables, Angney, Ayer, Battelle, Beaver, Biggs, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Davies, Days, Dryer, Dwinelle, Jones, McElhany, Moore, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, and White—31.

So at twelve o'clock and thirty-five minutes, P. M., the House adjourned.

M. D. BORUCK,
Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 3d, 1867.

House met pursuant to adjournment.
M. D. Boruck, Chief Clerk of the last session, presiding.
Roll called.
Quorum present.
Messrs Batchelder, Dornin, and Downer, appeared, were sworn in, and took their seats.
Journal of yesterday read and approved.
Mr. Moore offered the following resolution:

Resolved, That the Standing Rules of last session, until changed, shall govern this House.

Adopted.
Mr. Steele offered the following resolution:

Resolved. That at ten o'clock, A. M., of Wednesday, December fourth, eighteen hundred and sixty-seven, this House do proceed to elect its officers, in the following order:

1. Speaker.
2. Speaker pro tem
3. Chief Clerk.
4. Sergeant-at-Arms.
5. Assistant Clerk.
6. Minute Clerk
7. Enrolling Clerk.
8. Engrossing Clerk.
9. Journal Clerk.
10. Two Copying Clerks.
11. Assistant Sergeant-at-Arms.
12. Chaplain.

Resolved, That the Speaker elected, after assuming his station, do appoint four Pages, one Postoffice Page, one Porter, (who shall do the duties of Porter and Fireman,) one Watchman.

Resolved, That the above named appointed officers shall be removable at the pleasure of the Speaker, and their places filled at his discretion.

Adopted.

Mr. Farish moved to adjourn till to-morrow at ten o'clock A. M.

Upon which, Messrs. Westmoreland, Batchelder, and Smith, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochrane, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Kelly, Lee, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Russ, Ryland, Scudder, Spillman, Steele, Tully, Wand, Warfield, Watson, Willets, and Wolleb—51.

NOES—Messrs. Ables, Ayer, Batchelder, Beaver, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Jones, McElhany, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, Westmoreland, and White—26.

So at eleven o'clock and fifteen minutes A. M., the House adjourned.

M. D. BORUCK,
Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Wednesday, December 4th, 1867.

House met pursuant to adjournment.

Mr. Boruck, Chief Clerk of last Assembly, presiding.

Roll called.

Quorum present.

Prayer by the Rev. T. H B. Anderson

Journal of yesterday read and approved.

Mr. Canavan offered the following resolution, which, under a suspension of the rules, was adopted:

Resolved, That the use of this chamber be given on this evening to the committee having in charge the arrangements for the holding of a public meeting to give expression to the sentiments of the people of California on the recent execution of political prisoners at Manchester, England.

Mr. Moore, on behalf of George E. Mason, Esq., of Placer County, gave notice that he would contest the seat of Charles A. Tuttle, sitting member for Placer County.

Mr. Moore offered the following resolution:

Resolved, That Marcus D. Boruck, late Chief Clerk of the Assembly, be requested to remain at the desk until such time as deemed necessary by the House, at the same per diem as is allowed the Chief Clerk of the House, payable out of the Contingent Fund of the Assembly.

Adopted.

The House then proceeded to the election of its officers.

FOR SPEAKER.

Mr Angney nominated C. T. Ryland.

Mr. Ayer nominated T. A. Brown, of Contra Costa.

The vote was then taken, with the following result:

Names.	Ryland.	Brown.
Ables		1
Angney	1	
Ayer		1
Batchelder		1
Battelle		1
Beaver		1
Biggs	1	
Bird	1	
Broderson	1	
Brown of Contra Costa	1	
Brown of Tulare	1	
Buckbee		1
Caldwell	1	
Canavan	1	
Church		1
Clark	1	
Cochrane	1	
Coggins		1
Comte	1	
Connely	1	
Crigler	1	
Cureton	1	
Davies		1
Days		1
Dornin		1
Dryer		1
Dwinelle		1
Ellis	1	
Fairchild	1	
Farish	1	
Gildea	1	
Giltner	1	
Gregory	1	
Green	1	
Hayes	1	
James	1	
Jones		1

Names.	Ryland.	Brown.
Kelly	1	.....
Lee	1	.....
Lupton	1	.....
Mace	1	.....
Mahon	1	.....
Mardis	1	.....
Martin	1	.....
Mattingly	1	.....
Meagher	1	.....
Mentzell	1	.....
Middleton	1	.....
Moore	1	.....
Morrow	.....	1
Newell	1	.....
Newsom	1	.....
Oliver	.....	1
O'Malley	1	.....
Ord	1	.....
Papy	1	.....
Pardee	.....	1
Payne	1	.....
Rector	1	.....
Rollins	.....	1
Russ	1	.....
Ryland	.....	1
Scudder	1	.....
Spencer	.....	1
Spillman	1	.....
Steele	1	.....
Tuttle	.....	1
Waldron	.....	1
Wand	1	.....
Warfield	1	.....
Watson	1	.....
White	.....	1
Willets	1	.....
Wolleb	1	.....
Totals	51	23

Whole number of votes cast 74
Necessary to a choice 38

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

On motion of Mr. Mace, the Clerk appointed Messrs. Brown of Contra Costa. Angney, and Mace, a committee to conduct the Speaker elect to the Chair

FOR SPEAKER PRO TEM.

Mr. Mahon nominated J. J. O'Malley.
Mr. Jones nominated Mr. Isaac Ayer.
The roll was then called, with the following result:

Names.	O'Malley.	Ayer.
Ables	.....	1
Angney	1	.....
Ayer	1	.....
Batchelder	.....	1
Battelle	.....	1
Beaver	.....	1
Biggs	1	.....
Bird	1	.....
Broderson	1	.....
Brown of Contra Costa	.....	1
Brown of Tulare	1	.....
Buckbee	1	.....
Caldwell	1	.....
Canavan	1	.....
Church	.....	1
Clark	1	.....
Cochrane	1	.....
Coggins	.....	1
Comte	1	.....
Connely	1	.....
Crigler	1	.....
Cureton	1	.....
Davies	.....	1
Days	.....	1
Dornin	.....	1
Dryer	.....	1
Dwinelle	.....	1
Ellis	1	.....
Fairchild	1	.....
Farish	1	.....
Gildea	1	.....
Giltner	1	.....
Gregory	1	.....
Green	1	.....
Hayes	1	.....
James	1	.....
Jones	.....	1
Kelly	1	.....
Lee	1	.....
Lupton	1	.....
Mace	1	.....
Mahon	1	.....
Mardis	1	.....
Martin	1	.....
Mattingly	1	.....

Names.	O'Malley.	Ayer.
Meagher	1	.....
Mentzell	1	.....
Middleton	1	.....
Moore	1	.....
Morrow	.....	1
Newell	1	.....
Newsom	1	.....
Oliver	.....	1
O'Malley	.....	1
Ord	1	.....
Papy	1	.....
Pardee	.....	1
Payne	1	.....
Rector	1	.....
Rollins	.....	1
Russ	1	.....
Scudder	1	.....
Smith	.....	1
Spencer	.....	1
Spillman	1	.....
Steele	1	.....
Tuttle	.....	1
Waldron	.....	1
Wand	1	.....
Warfield	1	.....
Watson	1	.....
White	.....	1
Willets	1	.....
Wolleb	1	.....
Ryland	1	.....
Totals	52	23

Whole number of votes cast..... 75
Necessary to a choice..... 38

Mr. O'Malley, having received a majority of all the votes cast, was declared duly elected Speaker pro tem.

FOR CHIEF CLERK.

Mr. Warfield nominated John A. Eagan.
Mr. Day nominated Marcus D. Boruck.
The roll was called, with the following result:

Names.	Eagan.	Boruck.
Ables		1
Angney	1	
Ayer		1
Batchelder		1
Battelle		1
Beaver		1
Biggs	1	
Bird	1	
Broderson	1	
Brown of Contra Costa		1
Brown of Tulare	1	
Buckbee		1
Caldwell	1	
Canavan	1	
Church		1
Clark	1	
Cochrane	1	
Coggins		1
Comte	1	
Connely	1	
Crigler	1	
Cureton	1	
Davies		1
Days		1
Dornin		1
Dryer		1
Dwinelle		1
Ellis	1	
Fairchild	1	
Farish	1	
Gildea	1	
Giltner	1	
Gregory	1	
Green	1	
Hayes	1	
James	1	
Jones		1
Kelly	1	
Lee	1	
Lupton	1	
Mace	1	
Mahon	1	
Mardis	1	
Martin	1	
Mattingly	1	
Meagher	1	
Mentzell	1	
Middleton	1	
Moore	1	
Morrow		1

Names.	Eagan.	Boruck.
Newell	1	.....
Newsom	1	.....
Oliver	.....	1
O'Malley	1	.....
Ord	1	.....
Papy	1	.....
Pardee	.....	1
Payne	1	.....
Rector	1	.....
Rollins	.....	1
Russ	1	.....
Ryland	1	.....
Scudder	1	.....
Smith	.....	1
Spencer	.....	1
Spillman	1	.....
Steele	1	.....
Tuttle	.....	1
Waldron	.....	1
Wand	1	.....
Warfield	1	.....
Watson	1	.....
White	.....	1
Willets	1	.....
Wolleb	1	.....
Total	50	25

Whole number of votes cast 75
Necessary to a choice 38

Mr. Eagan, having received a majority of all the votes cast, was declared duly elected Chief Clerk.

FOR SERGEANT-AT-ARMS.

Mr. Cureton nominated J. K. Luttrell.
Mr. Davies nominated James Oliphant.
The roll was then called, with the following result:

Names.	Luttrell.	Oliphant.
Ables	.....	1
Angney	1	.....
Ayer	.....	1
Batchelder	.....	1
Battelle	.....	1
Beaver	.....	1

Names.	Luttrell.	Oliphant.
Biggs	1	
Bird	1	
Broderson	1	
Brown of Contra Costa		1
Brown of Tulare	1	
Buckbee		1
Caldwell	1	
Canavan	1	
Church		1
Clark	1	
Cochrane	1	
Coggins		1
Comte	1	
Connely	1	
Crigler	1	
Cureton	1	
Davies		1
Days		1
Dornin		1
Dryer		1
Dwinelle		1
Ellis	1	
Fairchild	1	
Farish	1	
Gildea	1	
Giltner	1	
Gregory	1	
Green	1	
Hayes	1	
James	1	
Jones		1
Kelly	1	
Lee	1	
Lupton	1	
Mace	1	
Mahon	1	
Mardis	1	
Martin	1	
Meagher	1	
Mentzell	1	
Middleton	1	
Moore	1	
Morrow		1
Newell	1	
Newsom	1	
Oliver		1
O'Malley	1	
Ord	1	
Papy	1	
Pardee		1
Payne	1	

Names.	Luttrell.	Oliphant.
Rector	1	.....
Rollins	.....	1
Ryland	1	.....
Russ	1	.....
Scudder	1	.....
Smith	.....	1
Spencer	.....	1
Spillman	1	.....
Steele	1	.....
Tuttle	.....	1
Waldron	.....	1
Wand	1	.....
Warfield	1	.....
Watson	1	.....
White	.....	1
Willets	1	.....
Wolleb	1	.....
Totals	50	24

Whole number of votes cast 74
Necessary to a choice 38

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

C. T. Ryland, Esq , Speaker elect, was conducted to his seat. took the oath of office, (the same being administered by Justice Sanderson) and said :

Gentlemen of the Assembly :—I thank you kindly for this mark of your confidence. I hope I shall be able to meet your expectations, but fear that I will not, for I bring with me to this position but little experience. To err, I believe, is the commont lot; I cannot hope to escape it. I shall, however, throw myself upon your kind indulgence and ask your assistance; and I hope that you will give it to me not only as a duty but as a pleasure. Order and decorum of the Assembly rests as much with you as with me, and I sincerely hope that every member will aid the Chair in preserving both. Let us have a short and economical session ; short, that we may not squander away our own time in idle and useless legislation ; economical, that we may not squander away the finances of the Commonwealth. It is our duty as much as possible to reduce the expenses of the State Government, and to lessen the burden of taxation, already too heavy upon our people. In my humble judgment. but few new statutes are required. Some of the old ones need amendment; some ought to be repealed. The greatest evil that we shall have to contend against is the tendency to special legislation Let us avoid this bane of California law-making as much as possible There aro but few subjects or matters which cannot be reached by general laws, and yet in some of our statute books a general law is an exception. The duty of electing a United States Senator also devolves upon us. Let us

dispose of it quickly, that it may not retard the performance of our other duties Let us choose some earnest, active statesman, with enlarged views, with a clear head, an honest heart, and firm will. Let us choose one who will know the right and knowing, dare maintain; one who will look to the Constitution of the United States in its sphere, as being the supreme law of the land; one who will with all his time, his tongue, his intellect, and his industry, uphold and defend that sacred instrument against every assault, and against every infraction; one who will with all his influence aid in restoring not only a Union of States, but a union of hands and hearts, and feelings, and sympathies—such a Union as our beloved and distressed country so much needs. In my humble opinion—but in this I sincerely hope that I may be wrong—the times portend the severest test of constitutional freedom that we have ever witnessed. Republican institutions, and liberty according to law, are on their trial; let us hope that the verdict and judgment may be in their favor. It is the duty, as I understand it, the highest, most solemn duty of the citizen, and especially of that citizen who is himself a law-maker, to give his Government an earnest and generous support. Let us do this, and, lifting ourselves above the wild fanaticism of the hour, act from principle, and not from motives of hatred or revenge. When we shall have discharged these obligations, performed these duties and disposed of such other matters of importance as are brought before us, let us adjourn and return to our constituents with the expectation of receiving their approval; and if not theirs, we shall at least have our own. Gentlemen, I have no promises to make to you, save that I will discharge the duties of this position to the best of my ability, always relying upon your good sense and kindness to aid me. Again, I thank you. The House will now proceed with its organization.

Mr J. B. Frisbie, of Solano County, appeared, was sworn in, and took his seat

FOR ASSISTANT CLERK.

Mr. Wand nominated W S Byrne
Mr White nominated John H Roberts.
The roll was then called, with the following result:

Names.	Byrne.	Roberts.
Ables		1
Anguey	1	
Ayer		1
Batchelder		1
Battelle		1
Beaver		1
Biggs	1	
Bird	1	
Broderson	1	
Brown of Contra Costa		1
Brown of Tulare	1	
Buckbee		1
Caldwell	1	
Canavan	1	

Names.	Byrne.	Roberts.
Church	.....	1
Clark	1	.....
Cochrane	1	.....
Coggins	.....	1
Comte	1	.....
Connely	1	.....
Crigler	1	.....
Cureton	1	.....
Davies	.....	1
Days	.....	1
Dornin	.....	1
Dryer	.....	1
Dwinelle	.....	1
Ellis	1	.....
Fairchild	1	.....
Farish	1	.....
Gildea	1	.....
Giltner	1	.....
Gregory	1	.....
Green	1	.....
Hayes	1	.....
James	1	.....
Jones	.....	1
Kelly	1	.....
Lee	1	.....
Lupton	1	.....
Mace	1	.....
Mahon	1	.....
Mardis	1	.....
Martin	1	.....
Mattingly	1	.....
McElhany	.....	1
Meagher	1	.....
Mentzell	1	.....
Middleton	1	.....
Moore	1	.....
Morrow	.....	1
Newell	1	.....
Newsom	1	.....
Oliver	.....	1
O'Malley	1	.....
Ord	1	.....
Papy	1	.....
Pardee	.....	1
Payne	1	.....
Rector	1	.....
Rollins	.....	1
Russ	1	.....
Ryland	1	.....
Scudder	1	.....
Smith	.....	1

Names.	Byrne.	Roberts.
Spencer	.....	1
Spillman	1	.....
Steele	1	.....
Tuttle	.....	1
Waldron	.....	1
Wand	1	.....
Warfield	1	.....
Watson	1	.....
Westmoreland	.....	1
White	.....	1
Willets	1	.....
Wolleb	1	.....
Totals	51	26

Whole number of votes cast.....77
Necessary to a choice.....39

Mr W S Byrne, having received a majority of all the votes cast, was declared duly elected Assistant Clerk.

MINUTE CLERK.

Mr Bird nominated Newton Benedict
Mr Ayer nominated Gideon Thompson.
The roll was then called, with the following result:

Names.	Benedict.	Thompson.
Ables	.....	1
Angney	1	.....
Ayer	.....	1
Batchelder	.....	1
Battelle	.....	1
Beaver	.....	1
Biggs	1	.....
Bird	1	.....
Broderson	1	.....
Brown of Contra Costa	.....	1
Brown of Tulare	1	.....
Buckbee	.....	1
Caldwell	1	.....
Canavan	1	.....
Church	.....	1
Clark	1	.....
Cochrane	1	.....
Coggins	.....	1
Comte	1	.....

Names.	Benedict.	Thompson.
Connely	1	
Crigler	1	
Cureton	1	
Davies		1
Days		1
Dornin		1
Dryer		1
Dwinelle		1
Ellis	1	
Fairchild	1	
Farish	1	
Frisbie		1
Gildea	1	
Giltner	1	
Gregory	1	
Green	1	
Hayes	1	
James	1	
Jones		1
Kelly	1	
Lee	1	
Lupton	1	
Mace	1	
Mahon	1	
Mardis	1	
Martin	1	
Mattingly	1	
McElhany		1
Meagher	1	
Mentzell	1	
Middleton	1	
Moore	1	
Morrow		1
Newell,	1	
Newsom	1	
Oliver		1
O'Malley	1	
Ord	1	
Papy	1	
Pardee		1
Payne	1	
Rector	1	
Rollins		1
Russ	1	
Ryland	1	
Scudder	1	
Smith		1
Spencer		1
Spillman	1	
Steele	1	
Tuttle		1

Names.	Benedict.	Thompson.
Waldron	.....	1
Wand	1	.....
Warfield	1	.....
Watson	1	.....
Westmoreland	.....	1
White	.....	1
Willets	1	.....
Wolleb	1	.....
Totals	51	27

Whole number of votes cast.....78
Necessary to a choice.....39

Mr. Benedict, having received a majority of all the votes cast, was declared duly elected Minute Clerk.

FOR ENROLLING CLERK.

Mr. Smith nominated O F. Redfield.
Mr. Cureton nominated D F. Beveridge
The roll was then called, with the following result:

Names.	Beveridge.	Redfield.
Ables	.....	1
Angney	1	.....
Ayer	.....	1
Batchelder	.....	1
Battelle	.....	1
Beaver	.....	1
Biggs	1	.....
Bird	1	.....
Broderson	1	.....
Brown of Contra Costa	.....	1
Brown of Tulare	1	.....
Buckbee	.....	1
Caldwell	1	.....
Canavan	1	.....
Church	.....	1
Clark	1	.....
Cochrane	1	.....
Coggins	.....	1
Comte	1	.....
Connely	1	.....
Crigler	1	.....
Cureton	1	.....

Names.	Beveridge.	Redfield.
Davies		1
Days		1
Dornin		1
Dryer		1
Dwinelle		1
Ellis	1	
Fairchild	1	
Farish	1	
Frisbie		1
Gildea	1	
Giltner	1	
Gregory	1	
Green	1	
Hayes	1	
James	1	
Jones	1	
Kelly	1	
Lee	1	
Lupton	1	
Mace	1	
Mahon	1	
Mardis	1	
Martin	1	
Mattingly	1	
McElhany		1
Meagher	1	
Mentzell	1	
Middleton	1	
Moore	1	
Morrow		1
Newell	1	
Newsom	1	
Oliver		1
O'Malley	1	
Ord	1	
Papy	1	
Pardee		1
Payne	1	
Rector	1	
Rollins		1
Russ	1	
Ryland	1	
Scudder	1	
Smith		1
Spencer		1
Spillman	1	
Steele	1	
Tuttle		1
Waldron		1
Wand	1	
Warfield	1	

Names.	Beveridge.	Redfield.
Watson	1	.....
Westmoreland	.....	1
White	.....	1
Willets	1	.....
Wolleb	1	.....
Totals	52	26

Whole number of votes cast.....78
Necessary to a choice.....40

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

FOR ENGROSSING CLERK.

Mr. Meagher nominated R. M. Clarkin.
Mr. Rollins nominated John Pattison.
The roll was then called, with the following result:

Names.	Clarkin.	Pattison.
Ables	.....	1
Angney	1	.....
Ayer	.....	1
Batchelder	.....	1
Battelle	.....	1
Beaver	.....	1
Biggs	1	.....
Bird	1	.....
Broderson	1	.....
Brown of Contra Costa	.....	1
Brown of Tulare	1	.....
Buckbee	.....	1
Caldwell	1	.....
Canavan	1	.....
Church	.....	1
Clark	1	.....
Cochrane	1	.....
Coggins	.....	1
Comte	1	.....
Connely	1	.....
Crigler	1	.....
Cureton	1	.....
Davies	.....	1
Days	.....	1
Dornin	.....	1
Dryer	.....	1
Dwinelle	.....	1
Ellis	1	.....
Fairchild	1	.....

Names.	Clarkin.	Pattison.
Farish	1	
Frisbie		1
Gildea	1	
Giltner	1	
Gregory	1	
Green	1	
Hayes	1	
James	1	
Jones	1	
Kelly	1	
Lee	1	
Lupton	1	
Mace	1	
Mahon	1	
Mardis	1	
Martin	1	
Mattingly	1	
McElhany	1	
Meagher	1	
Mentzell	1	
Middleton	1	
Moore	1	
Morrow		1
Newell	1	
Newsom	1	
Oliver		1
O'Malley	1	
Ord	1	
Papy	1	
Pardee		1
Payne	1	
Rector	1	
Rollins		1
Russ	1	
Ryland	1	
Scudder	1	
Smith		1
Spencer		1
Spillman	1	
Steele	1	
Tuttle		1
Waldron		1
Wand	1	
Warfield	1	
Watson	1	
Westmoreland		1
White		1
Willets	1	
Wolleb	1	
Totals	53	25

Whole number of votes cast.....78
Necessary to a choice.....40

Mr Clarkin, having received a majority of all the votes, cast was declared duly elected Engrossing Clerk.

FOR JOURNAL CLERK.

Mr. Scudder nominated H. G. Sieberst.
Mr. Westmoreland nominated Robert Searles.
The roll was then called, with the following result:

Names.	Searles.	Sieberst.
Ables	1	
Angney		1
Ayer	1	
Batchelder	1	
Battelle	1	
Beaver	1	
Biggs		1
Bird		1
Broderson		1
Brown of Contra Costa	1	
Brown of Tulare		1
Buckbee	1	
Caldwell		1
Canavan		1
Church	1	
Clark		1
Cochrane		1
Coggins	1	
Comte		1
Connely		1
Crigler		1
Cureton		1
Davies	1	
Days	1	
Dornin	1	
Dryer	1	
Dwinelle	1	
Ellis		1
Fairchild		1
Farish		1
Gildea		1
Giltner		1
Gregory		1
Green		1
Hayes		1
James		1
Jones	1	
Kelly		1
Lee		1

Names.	Searles.	Sieberst.
Lupton	.....	1
Mace	.....	1
Mahon	.....	1
Mardis	.....	1
Martin	.....	1
Mattingly	.....	1
McElhany	.....	1
Meagher	.....	1
Mentzell	.....	1
Middleton	.....	1
Moore	.....	1
Morrow	1	.....
Newell	.....	1
Newsom	.....	1
Oliver	1	.....
O'Malley	.....	1
Ord	.....	1
Papy	.....	1
Pardee	1	.....
Payne	.....	1
Rector	.....	1
Rollins	1	.....
Russ	.....	1
Ryland	.....	1
Scudder	.....	1
Smith	1	.....
Spencer	1	.....
Spillman	.....	1
Steele	.....	1
Tuttle	1	.....
Waldron	1	.....
Wand	.....	1
Warfield	.....	1
Watson	.....	1
Westmoreland	1	.....
White	1	.....
Willets	.....	1
Wolleb	.....	1
Totals	25	52

Whole number of votes cast.....76
Necessary to a choice.....39

Mr. Sieberst, having received a majority of all the votes cast, was declared duly elected Journal Clerk

FOR COPYING CLERKS.

Mr. Mardis nominated W. S. Cooper.
Mr. Ables nominated Warren Dutton.
Mr. Meagher nominated J De la Guerra.
Mr Jones nominated A. H. Marshall.
The roll was then called, with the following result:

Names.	Cooper.	De la Guerra	Dutton.	Marshall.
Ables			1	1
Angney	1	1		
Ayer			1	1
Batchelder			1	1
Battelle			1	1
Beaver			1	1
Biggs	1	1		
Bird	1	1		
Broderson	1	1		
Brown of Contra Costa			1	1
Brown of Tulare	1	1		
Buckbee			1	1
Caldwell	1	1		
Canavan	1	1		
Church			1	1
Clark	1	1		
Cochrane	1	1		
Coggins			1	1
Comte	1	1		
Connely	1	1		
Crigler	1	1		
Cureton	1	1		
Davies			1	1
Days			1	1
Dornin			1	1
Dryer			1	1
Dwinelle			1	1
Ellis	1	1		
Fairchild	1	1		
Farish	1	1		
Frisbie			1	1
Gildea	1	1		
Giltner	1	1		
Gregory	1	1		
Green	1	1		
Hayes	1	1		
James	1	1		
Jones			1	1
Kelly	1	1		
Lee	1	1		
Lupton	1	1		
Mace	1	1		
Mahon	1	1		

Names.	Cooper.	DelaGuerra	Dutton.	Marshall.
Mardis	1	1	.....	.....
Martin	1	1	.....	.....
Mattingly	1	1	.....	.....
McElhany	1	1	.....	.....
Meagher	1	1	.....	.....
Mentzell	1	1	.....	.....
Middleton	1	1	.....	.....
Moore	1	1	.....	.....
Morrow	.....	.....	1	1
Newell	1	1	.....	.....
Newsom	1	1	.....	.....
Oliver	.....	.....	1	1
O'Malley	1	1	.....	.....
Ord	1	1	.....	.....
Papy	1	1	.....	.....
Pardee	.....	.....	1	1
Payne	1	1	.....	.....
Rector	1	1	.....	.....
Rollins	.....	.....	1	1
Russ	1	1	.....	.....
Ryland	1	1	.....	.....
Scudder	1	1	.....	.....
Smith	.....	.....	1	1
Spencer	.....	.....	1	1
Spillman	1	1	.....	.....
Steele	1	1	.....	.....
Tuttle	.....	.....	1	1
Waldron	.....	.....	1	1
Wand	1	1	.....	.....
Warfield	1	1	.....	.....
Watson	1	1	.....	.....
Westmoreland	.....	.....	1	1
White	.....	.....	1	1
Willets	1	1	.....	.....
Totals	51	51	27	27

Whole number of votes cast.....79
Necessary to a choice.....40

Messrs Cooper and De la Guerra, having received a majority of all the votes cast, were declared duly elected Copying Clerks.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Watson nominated W. H Peterson.
Mr Church nominated F. B. Granger.
The roll was then called, with the following result:

Names.	Peterson.	Granger.
Ables		1
Angney	1	
Ayer		1
Batchelder		1
Battelle		1
Beaver		1
Biggs	1	
Bird	1	
Broderson	1	
Brown of Contra Costa		1
Brown of Tulare	1	
Buckbee		1
Caldwell	1	
Canavan	1	
Church		1
Clark	1	
Cochrane	1	
Coggins		1
Comte	1	
Connely	1	
Crigler	1	
Cureton	1	
Davies		1
Days		1
Dornin		1
Dryer		1
Dwinelle		1
Ellis	1	
Fairchild	1	
Farish	1	
Gildea	1	
Giltner	1	
Gregory	1	
Green	1	
James	1	
Jones		1
Kelly	1	
Lee	1	
Lupton	1	
Mace	1	
Mahon	1	
Mardis	1	
Martin	1	
Mattingly	1	
McElhany	1	
Meagher	1	
Mentzell	1	
Middleton	1	
Moore	1	

Names.	Peterson.	Granger.
Morrow	.....	1
Newell	1	.....
Newsom	1	.....
Oliver	.....	1
O'Malley	1	.....
Ord	1	.....
Papy	1	.....
Pardee	.....	1
Payne	1	.....
Rector	1	.....
Rollins	.....	1
Russ	1	.....
Ryland	1	.....
Scudder	1	.....
Smith	.....	1
Spencer	.....	1
Spillman	1	.....
Steele	1	.....
Tuttle	.....	1
Waldron	.....	1
Wand	1	.....
Warfield	1	.....
Watson	1	.....
Westmoreland	.....	1
White	.....	1
Willets	1	.....
Totals	50	25

Whole number of votes cast.....75
Necessary to a choice.....39

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

Mr. Warfield offered the following resolution:

Resolved, That Rev. T. H. B. Anderson be and is hereby appointed Chaplain of the Assembly, and that he be allowed five dollars per day, payable out of the Contingent Fund.

Mr. Coggins offered the following as a substitute:

Resolved, That Rev. J. W. Ross, of Sacramento, be and is hereby appointed Chaplain of the Assembly, and that he be allowed five dollars per day, payable out of the Contingent Fund.

Rejected.

On the adoption of the resolution offered by Mr Warfield, Messrs. Watson, Westmoreland, and O'Malley, demanded the ayes and noes, and the resolution was adopted, by the following vote:

Montana Library
Miscellaneous Division

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochrane, Comte, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Kelly, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Russ, Ryland, Scudder, Spillman, Steele, Wand, Warfield, and Willets—48.

NOES—Messrs Ables, Ayer, Batchelder, Battelle, Beaver, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Davies, Days, Dornin, Dryer, Dwinelle, Frisbie, Jones, McElhany, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, Watson, Westmoreland, and White—29.

RESOLUTIONS.

Mr. Meagher offered the following resolution:

Resolved, That the Clerk be instructed to inform the Senate that the House is now organized by the election of the following officers, and is ready to proceed to business:

Speaker ..... C. T Ryland.
Speaker pro tem ..... J. J. O'Malley.
Chief Clerk ..... John A. Eagan.
Sergeant-at-Arms ..... John K. Luttrell.
Assistant Clerk ..... W. S. Byrne.
Minute Clerk ..... Newton Benedict.
Enrolling Clerk ..... D. F. Beveridge.
Engrossing Clerk ..... R. M Clarkin.
Journal Clerk ..... H. G Sieberst.
Copying Clerk ..... W. S Cooper.
Copying Clerk ..... J. De la Guerra.
Assistant Sergeant-at-Arms ..... Wm. H. Peterson.
Chaplain ..... T. H. B. Anderson.

Adopted.

Mr. O'Malley offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker to prepare rules for the government of the Assembly, and that said committee be authorized to act with a similar committee from the Senate, on joint rules.

Adopted.

Mr. Jones offered the following resolution:

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

Mr. Smith moved to amend by striking out the word "six," and inserting "four"

Mr O'Malley moved to amend by striking out "six," and inserting "five"

The amendment offered by Mr. Smith was rejected.

The amendment offered by Mr. O'Malley was adopted.

Mr. Dwinelle moved to amend by adding the words, "to be selected by the individual members."

The resolution as amended was then adopted.
The Speaker administered to M. D. Boruck the oath of office.
Mr. Smith offered the following resolution :

Resolved. That the Sergeant-at-Arms be and he is hereby authorized and directed to take from the post and express offices the letters and papers for members, and deliver the same at the Assembly Chamber.

Adopted.
Mr. Steele offered the following resolution :

Resolved, That the Sergeant-at-Arms provide desks for the reporters of the press and furnish them with necessary stationery.

Adopted.
Mr. Davies offered the following resolution :

Resolved, That the Sergeant-at-Arms be requested to furnish postage stamps or express envelopes to each member of the Assembly, and the Chief Clerk and his Assistants, to the amount of twenty-five dollars.

Mr. Westmoreland moved to amend by striking out "twenty-five" and inserting "thirty."
Mr. Moore moved to insert "fifteen."
Mr. Biggs moved to insert "five."
Mr. Smith moved to lay the resolution on the table.
The House refused.
Mr. Smith rose to a point of order, viz : that an appropriation should be made by a bill.
Overruled.
Messrs Watson, O'Malley, and Ord, demanded the previous question, which was sustained.
Mr. Biggs withdrew his amendment.
The amendment offered by Mr. Moore was rejected, and the resolution was then adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
December 4th, 1867.

Mr. SPEAKER :—I am directed to inform the Assembly of the organization of the Senate by the election of the following officers :

President pro tem.....L. B. Mizner.
Secretary.....John White.
Assistant Secretary.....Wilbur F. Huestis.
Sergeant-at-Arms.....F. S. Lardner.
Assistant Sergeant-at-Arms.....T. Mahoney.
Minute Clerk..... C. E. Barnes.
Journal Clerk.....J. E. Dent.
Engrossing Clerk.....W. H. Frink.
Enrolling Clerk.....W. L. Hawkins.
Copying Clerks.....A. W. Perley and B. S Marston.
Assistant Clerk at the desk.....George W. Dixon.

I am further directed to inform your honorable body that the Senate is now ready to proceed with legislative business.

WILBUR F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
December 4th, 1867.

Mr. SPEAKER:—The Senate this day passed the following resolution, in which the concurrence of the Assembly is solicited:

Resolved, By the Senate, the Assembly concurring, that a committee of three from each House be appointed to inform the Governor of the organization of the Legislature.

And in accordance therewith, the President of the Senate has appointed Senators Heacock, Belden, and Pearce, a committee to act on behalf of this body.

JOHN WHITE, Secretary.

The House concurred in Senate concurrent resolution No. 1, above reported

The Speaker appointed Messrs Brown of Contra Costa, O'Malley, and Watson, a committee under Senate concurrent resolution No. 1, to wait upon the Governor.

Mr. Watson offered a concurrent resolution providing for a Joint Convention to canvass the election returns, to be held at two o'clock P. M. this day.

Adopted.

Mr. Steele offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to employ one Clerk, with per diem pay equal to that allowed Assistant Clerks of the Assembly.

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

Carried

Mr. Moore had leave to present a petition from George E. Mason, praying that he be declared entitled to the seat now occupied by the Hon Chas. A. Tuttle.

Referred to the Committee on Elections, and the Clerk instructed to furnish a copy to Mr. Tuttle

Mr. Brown of Tulare offered the following resolution:

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

Adopted.

At twelve o'clock M., on motion of Mr. Cureton, the House took a recess till half past one o'clock P. M.

HOUSE RE-ASSEMBLED.

At one o'clock and thirty minutes P. M., the House re-assembled.

Speaker in the Chair.

Roll called.

Quorum present

Mr. Lupton made the following report:

Mr. SPEAKER :—The special committee appointed to wait on the Governor and inform him of the organization of the Legislature. have discharged the duty assigned them, and report that his Excellency will send in his biennial message at two o'clock to-day.

HEACOCK,
BELDEN,
PEARCE,
Senate Committee ;
LUPTON,
BROWN,
O'MALLEY,
Assembly Committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
December 4th, 1867.

Mr SPEAKER :—The Senate this day adopted Senate concurrent resolution No. 2, which is herewith transmitted, relative to meeting the Assembly in Joint Convention in the Assembly Chamber, on the fifth instant, at twelve o'clock M., to canvass the votes for Governor and Lieutenant Governor.

WILBUR F. HUESTIS,
Assistant Secretary.

Mr Lupton moved to amend by striking out "twelve M., Thursday the fifth instant," and inserting "Wednesday the fourth instant, at three o'clock P. M."

Adopted.

Mr. Moore presented a petition from Wm Aspenwall, praying that he be entitled to the seat now occupied by Hon John B. Frisbie, of Solano.

Ordered on file.

The Speaker announced the following Committee on Claims of Temporary Officers: Messrs. Brown of Tulare, Mace, and Ayer.

Mr. Dwinelle offered the following resolution :

Resolved, That the Sergeant-at-Arms be directed to have constructed an iron hand-rail outside the present bar of the House, attached to it, and two feet and a half distant from it for its whole length, excepting the spaces opposite the three entrances.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
December 4th, 1867.

Mr SPEAKER :—The Senate this day refused to concur in Assembly concurrent resolution No 1. relative to Joint Convention for counting votes for State officers for two o'clock P. M , this day ;

Also, concurred in Assembly amendment to Senate concurrent resolution No. 2.

WILBUR F. HUESTIS,
Assistant Secretary.

Mr. Mardis offered a concurrent resolution relating to the appointment of a joint committee to superintend the inaugural ceremonies.

Mr. Lee moved to amend by authorizing such committee to consult with the city committee on the same subject.

Accepted.

The resolution as amended was adopted.

Mr. Coggins offered the following resolution:

Resolved, That a committee of three be appointed to determine whether the present arrangement of desks in the Assembly Chamber may not be advantageously changed.

Adopted.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, December 4th, 1867.

To the Assembly of the State of California:

I herewith transmit to your honorable body my second biennial message. I have transmitted the reports and documents accompanying the message to the Senate, with a request that the Assembly be informed of their reception.

FRED'K F. LOW, Governor.

SECOND BIENNIAL MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, December 2d, 1867.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

After an interval of two years, you, as the representatives of the people, are again assembled for the purpose of enacting such laws as the public interests may seem to require, and such as may be necessary to maintaini ndividual rights; to secure public order and tranquillity, and to promote the well being and happiness of the people of this State. To the end that you may be placed in possession of information to aid you in your legislative duties, the Constitution requires the Executive to communicate to the Legislature at the beginning of each session the condition of the State, and to make such suggestions and recommendations as may appear to be for the public good.

FINANCES.

The financial condition of the State is highly satisfactory, and the speedy liquidation of the public debt is now an assured fact, if prudence and economy be practiced by the Legislature in the matter of appropriations During the last two years the demands upon the Treasury have been large, to liquidate claims of an extraordinary character—bounty and extra pay due to volunteers—in addition to the ordinary expenses of the State The Legislature at its last session reduced the rate of taxation for the General Fund, eighteen cents on the one hundred dollars of assessable property, yet notwithstanding this, and the extra drain alluded to above, all warrants have been paid in cash when presented. There is now a large balance in the Treasury, with nearly the entire tax of the present year still to be paid in.

From the reports of the Controller and Treasurer, which accompany this, you will be able to ascertain the operations of their respective departments during the past two years. It will be seen from these reports that the total funded debt of the State is five million one hundred and twenty-six thousand five hundred dollars, ($5,126.500) This amount covers the entire debt of the State with the exception of warrants drawn upon the Capitol Fund, which will be paid from taxes already collected for the current fiscal year, and swamp land warrants, drawn for reclamation of lands in particular districts, which must be paid from the proceeds of sales of lands and taxes levied in those particular districts Neither of these classes of warrants can in any proper sense be counted a State debt.

In January, eighteen hundred and sixty-four, in a special message to the Legislature, I estimated the debt and liabilities of the State to be five million three hundred and sixty-five thousand six hundred and forty dollars and seventy-one cents, ($5.365,640 71,) from which should be deducted an appropriation made for the deaf, dumb, and blind, of seventy-five thousand dollars, ($75,000,) which was not expended; this left the sum of five million two hundred and ninety thousand six hundred and forty dollars and seventy-one cents ($5,290.640 71) as the actual indebtedness of the State at that date. Since then there have been paid for extraordinary purposes:

For relief and bounty to California volunteers.....	$2.036,106 62
For constructing additional buildings at Insane Asylum...	184,165 28
For constructing additional buildings at State Prison.....	78,233 89
For purchase of land and erection of new buildings for the deaf, dumb, and blind.....	50,000 00
For amount expended in construction of State Capitol.... .	426,357 12
For redemption of old Indian War Bonds, not included in the statement of debt.....	32,500 00
	$2,807,362 91

Amounting in all to the sum of two million eight hundred and seven thousand three hundred and sixty-two dollars and ninety-one cents, ($2,807,362 91). Notwithstanding these payments for extraordinary purposes, the total debt is now less by one hundred and sixty-four thousand one hundred and forty dollars and seventy-one cents ($164,140 71) than it was four years ago. As a large proportion of these extraordinary demands upon the Treasury grew out of the late civil war, no provision need be made for such claims in the future. With the exercise, therefore, of ordinary prudence by the law-making power, the annual tax for the General Fund can be further reduced ten cents on the one hundred dollars. The resources, applicable to the payment of interest, and the creation of Sinking Funds, will fully liquidate the entire debt of the State within the next ten years.

The Controller makes valuable suggestions concerning the equalization of the assessments of property throughout the State by a Board appointed for that purpose, and in regard to lessening the cost of assessing and collecting the revenue of the State, which I commend to your consideration, that the evils complained of may be remedied.

SECRETARY OF STATE.

From the report of the Secretary of State you will obtain all the necessary information concerning his department. Under the supervision of the present incumbent of that office the scattered archives of the State have been gathered together, arranged, filed, and labelled in an appropriate manner. The official records of the State, from its organization, now present an orderly appearance, and it should be made the duty of all future incumbents of that office to cause the documents and papers of which he is the custodian to be filed in like manner and form.

The Secretary recommends that copies of the Great Registers of all the counties be lodged in his office; the suggestion appears to me wise and proper, and I fully concur therein. He also recommends that the County Auditor of each county be required annually to prepare a statement, which shall be verified by his oath, setting forth the financial condition of his county; stating in detail the amount of funded debt, scrip, or warrants, and all indebtedness of every kind that may be outstanding, together with the cash on hand and the rate of taxation for county purposes. These statements should, I think, be filed in the office of the Controller of State, and embraced in the biennial report of that officer.

I commend this matter to the especial attention of the Legislature, and trust that it may be favorably received and acted upon.

ATTORNEY-GENERAL.

For correct and detailed information relative to such litigation as the State is interested in, I refer you to the report of the Attorney-General, in whom the State has found a faithful officer, and criminals and those who would deprive the State of its property without giving adequate compensation, a determined opponent.

The suggestions and recommendations contained in the report I commend to your favorable consideration, particularly those referring to the Practice Act. The recommendation that any proposed amendments to these laws be first submitted to the Judges of the Supreme Court was made to and acted upon, by the last Legislature, with good results. I trust the present Legislature will follow the prudent example thus set.

The opinions expressed by the Attorney-General in regard to the giving of evidence in Courts of justice are sound, and I fully concur in the wisdom thereof. Open the door wide for the admission of evidence, and let the jury be allowed unrestricted latitude in judging of its *quality*. In a large majority of cases, where criminals are convicted of murder in the first degree—the highest crime known to the law—the verdict of the jury is found upon circumstantial evidence, either wholly or in part. If the barking of a dog may be considered in a chain of evidence which is to deprive a mortal of life, what reason can be assigned for excluding any human being from the witness stand in cases of assault and battery? The age when it was supposed a person could not be relied upon to testify to the truth unless his religious belief accorded with public sentiment, and when it was supposed a butcher valued human life too lightly to sit on a jury, has passed away; and I earnestly invoke your attention to the matter herein suggested, that all relics of the dark ages may be swept from the statute books.

STATE LANDS

The report of the Surveyor-General contains complete information concerning the lands belonging to the State, a subject of great impor-

tance to the people, and one of which Legislatures hitherto seem to have had a very imperfect idea. The title, vested in the State by various Acts of Congress to millions of acres of school lands, as well as to the swamp and overflowed lands within its boundaries, has not until the present year been officially recognized by the Executive Department of the Federal Government, in any form which would give assurance to purchasers from the State that a valid and complete title could be obtained. The Act of Congress so fully described in the report, passed at the last session, and the intelligent rulings and instructions of the Commissioner of the General Land Office, promise an early settlement of these difficulties, provided the State authorities use due diligence in pressing the matter to final consummation. The amounts of land already listed over to the State under the several Congressional grants are as follows:

Five Hundred Thousand Acre Grant	201,318 $\frac{95}{100}$ acres
Swamp Land Grant	324,678 $\frac{02}{100}$ acres
Public Building Grant	1,283 $\frac{80}{100}$ acres

Lists have been prepared and forwarded for about one million acres more, for which, title will probably be passed to the State within a few months.

For the confused state of our land matters, the State is largely responsible, consequent upon the passage of Acts authorizing sales of lands in manner and form contrary to the rules and regulations laid down by the Land Department. Indeed it would seem that former Legislatures had endeavored, by the various Acts relative to the sale of land, to devise and carry into execution, plans "how not to do it." I earnestly invoke your careful attention to the suggestions contained in the report touching the repeal and modification of certain land laws of the State, calculated to obviate these difficulties.

SWAMP AND OVERFLOWED LANDS.

The swamp and overflowed lands were granted by the Act of Congress of September twenty-eighth, eighteen hundred and fifty, to the States in which they were situated, on the condition, that the proceeds of the sales should be exclusively devoted to the reclamation of the lands. This State has made various experiments, trying to devise a proper plan for doing this work, but as yet these experiments must, I think, be set down as failures. The modes adopted for reclamation have proven to be unwise and inadequate for the purpose, and the money expended has in the main been squandered. No comprehensive plan for the reclamation of these lands has ever been devised, and without such a plan, all attempts at reclamation will meet with but partial success, if they do not result in complete failures. Under existing laws, the portions of the State in which the swamp lands are situated are divided into districts. The Board of Supervisors of the county, in which the larger proportion of the land in any particular district is located, are made Commissioners for reclamation, and the proceeds of all lands sold, and all reclamation taxes levied, within such district, are paid into the State Treasury to the credit of the District Fund, to be drawn against for payment of reclamation. It is also provided in the present law that

all the swamp land unsold, and all reclamation taxes *as soon as they are levied* shall be considered *assets*, and the Commissioners are authorized to contract liabilities to the full amount of the value of these unsold lands at the rate of one dollar per acre, and the taxes uncollected.

The result of this is, that nearly every district is burdened with a large debt, and Controller's warrants of this character have been selling at a large discount, in some instances below half of their par value. That such a state of things should not be allowed to continue seems certain, and yet under existing circumstances it is not easy to suggest the proper remedy. The only feasible plan that presents itself for adoption by the Legislature at this time is, to repeal so much of the law as constitutes unsold lands and uncollected taxes assets; which will prohibit the Boards of Supervisors from contracting liabilities for reclamation beyond the proceeds of *lands sold* and *taxes collected*. The credit of the State, as well as the protection of such persons as are interested in the ownership of these lands, require that some such remedy as this be applied at once.

AGRICULTURAL COLLEGE GRANT.

The limitations and restrictions contained in the Agricultural College grant of one hundred and fifty thousand acres, prohibiting the State from making selections of lands other than those that are subject to private entry at one dollar and twenty-five cents per acre, practically nullifies the grant. Either relief must be sought from Congress in the way of repeal of the restrictions, or efforts must be made to induce the President to offer a large amount of land at public sale, if we are to realize anything like the estimated value of this donation.

SALT MARSH AND TIDE LANDS.

The several Acts of the Legislature authorizing the sale of this class of lands prohibit the disposition of such as are located within five miles of San Francisco and Oakland, and one and a half miles of the State Prison at San Quentin. Early in the year eighteen hundred and sixty-four, certain parties caused surveys to be made of large tracts of these lands in the vicinity of San Francisco and Oakland, obtained certificates as to the proper location, made payment of *one dollar per acre*, and through the Surveyor-General applied for patents. These patents I declined to issue, upon the ground that the lands thus located were within the reservations mentioned in the several Acts. The Attorney-General, in his report, presents a detail of the attempts of claimants to obtain possession of portions of these lands, and the legal proceedings instituted for protecting the interests of the State.

The decision of the Supreme Court of the United States, in the case of O'Neil v. Kirkpatrick, demonstrates beyond peradventure, that the locations are invalid, and that the parties have neither legal nor equitable title I therefore recommend that the State Harbor Commissioners be authorized and instructed, to cause a survey to be made by a Board of competent engineers and surveyors, of the tide lands between the present water front of San Francisco and Hunter's Point, which can be made available for business purposes without injury to navigation, and with due regard to the drainage of the city. Upon completion of the survey, maps should be made, dividing the property into lots of convenient size, and after advertising for a proper length of time, these lots should be sold at auction to the highest bidder for cash or on credit; one half of the net

proceeds to go into the State School Fund, to be invested in the same manner as the proceeds of sales of school lands, and the other moiety be paid into the State Treasury, to the credit of the San Francisco Harbor Protection Fund. If this be done, the lands will be occupied and improved as rapidly as the wants of business will require them; a permanent water front will be established; education will be promoted, and an increased impetus given to the building of the sea wall now in course of construction; and, moreover, a perplexing and corrupting question will be removed from the halls of legislation. All this will be accomplished without injury or damage to any one, except those who, by legal technicalities and quibbles, attempted to get possession of valuable property of the State without giving any equivalent in return

I trust there will be no delay in making the appropriations asked for by the Surveyor-General, to pay for extra clerk hire and for services rendered by the United States land officers, mentioned in his report

STATE CAPITOL.

Since my last biennial message, satisfactory progress has been made in the construction of the new State Capitol. The Legislature at its last session doubled the annual tax—making it one mill—which has greatly facilitated the progress of the work. The prospect of a completion of the work at no distant day, is now assured, if the present annual appropriation be continued, of the advisability of which I entertain no doubt.

The original design of the building, contemplated the construction of the first or basement story in granite, and all above that, in brick and iron. The negative action of the last Legislature, would have perhaps warranted the Commissioners in changing this original design, and in continuing the use of granite for all the exterior walls. This change, which the Commissioners did not feel justified in making, would have involved a largely increased outlay, and consumed many years additional time in the construction of the building. If there should be found persons who complain at the action of the Commissioners, I desire to assume and bear my full share of the responsibility as one of the members of the Board.

Unusual progress has been made upon the building during the year eighteen hundred and sixty-seven, and I trust no material change will be made in the present design or mode of construction. If the Commissioners are allowed to carry out the plan of action they have adopted, the Legislature of eighteen hundred and sixty-nine and seventy should find accommodations in the new building, and the appropriations of the two following years should advance the structure and surrounding grounds to entire completion.

INSANE ASYLUM.

The reports of the Directors, Medical Visitors, and Resident Physician of the Insane Asylum, herewith transmitted, are replete with interesting facts and statistics bearing upon the management of that institution

It is painful to observe that the carefully prepared tables of the Resident Physician, show a constant increase in the number of this unfortunate class of persons, greatly disproportioned to the supposed increase of the whole population of the State. That officer discusses in his report the causes of insanity, and draws largely upon the reports and writings

of eminent men, on this terrible malady. His conclusions are suggestive and instructive, and I commend his report to the careful perusal of members of the Legislature, as well as to all who sympathize with the afflicted and are interested in the well-being of society.

The management of the Asylum, during the two years just past, has been unexceptionable. The funds appropriated for the support of this charity, have been wisely and economically expended, and humanity, kindness and skill, have been displayed by those to whom the care of this class of unfortunates has been committed The Directors, in view of the annual increase of patients, ask that the appropriations for the next two years may be increased two thousand dollars per month, making the appropriation twelve thousand dollars per month instead of ten thousand dollars, as at present. They also earnestly recommend that the annual tax of three cents upon the one hundred dollars of taxable property in the State be continued, to enable them to increase the accommodations of the patients. The request made to several preceding Legislatures is repeated, that each county should be obliged to make provision for its paupers, which would relieve the Asylum from the care of many persons who find their way thither under the existing order of things

STATE PRISON.

The Board of Directors of the State Prison, deeming it necessary to include the operations of that institution for the month of November in their report, it will not be presented to the Legislature at this time; nor have I the data which it will contain on which to base specific recommendations. My general knowledge, however, of the workings of the Prison, gathered from actual observation during my term of office, enables me to give you some general statements concerning it.

During the four years, in which by virtue of my office, I have shared in its general control and direction, every effort has been made by the Board of Directors to safely keep the inmates; to practice the greatest economy in the cost of maintenance compatible with the health and comfort of the prisoners; to see that the sick were properly cared for; to utilize the labor of the prisoners in such manner as to increase their earnings as much as possible, and to do all that the scant opportunity permitted, to make the Prison a reformatory as well as a penal institution. I am happy in being able to say that in all these measures, success, complete or partial, has been attained. The prisoners have been securely kept; the expenses, though large, have been indispensably necessary; no complaints have reached me of inattention to the sick; the receipts from convict labor have been considerably increased over those of former years, and some improvement has been made in the discipline of the Prison. While this is all true, there is great need of further reforms before it will be what the good of society requires. To accomplish these, a considerable expenditure of money is necessary—more than the Legislature will probably be willing to appropriate or the people to sanction

With seven hundred prisoners already there, and the number constantly increasing, the accommodations provided for the inmates are wholly inadequate. The shops are so badly constructed and illy arranged, that it is impossible to find contractors to employ the labor at prices which would appear just and reasonable. Hence the Directors have been obliged to accept such prices as contractors would be willing to pay, and even then, there has been a surplus of prisoners for whom

no employment could be found, except in the manufacture of bricks during the dry season. With the present quarters, it is practically impossible to classify the convicts, and until this is done, all attempts at reformation will meet with but partial success.

The present Board have during their term, built three hundred and ninety-six new cells, which have afforded some relief, but the remarkable increase in the number of prisoners, has almost kept pace with the increased accommodations, so that at the end of four years, the Prison is but little better off in this regard than at the beginning. The result of my observations and investigations into this matter leads to the belief, and so believing I give it as my deliberate judgment. that no radical reform can be made in the Prison as it now exists; and the Legislature should direct itself to the task of seeking out and applying the proper remedies. My opinion is, that steps should be taken to build a House of Correction at some suitable place, to which the better class of prisoners —young men, boys, and those who are under sentence for the first offence—may be removed. The shops in the old prison should be taken down before they fall down. and commodious ones, well lighted and ventilated, erected in their places. If this be done, there will be competition among contractors for the labor, and better prices will be obtained; the prisoners can be kept constantly at work under wholesome regulations, and good order and discipline will be promoted in every branch of the institution. Were I to make a suggestion as to the proper place to locate a House of Correction, I should name the eastern end of Angel Island, provided the consent of the United States could be obtained, of which I have little doubt.

The workings of the Act of eighteen hundred and sixty-four, allowing credits to prisoners for good behavior, and for faithful attention to the duties assigned them, have proved highly satisfactory. Many States have adopted the same plan, and Congress, at its last session, enacted, that United States prisoners should have similar credits.

It has been for some years a well settled belief in the minds of those having the best opportunities for acquiring information, that a large number of prisoners at San Quentin were suffering imprisonment, under unjust or unreasonably long sentences, and that the good of the State and of the prisoners so confined, would be promoted by their release. At the last session of the Legislature a bill was introduced, appointing a commission to inquire into the facts, and to take such action as might seem just and proper. The bill failed to become a law, not because any doubt existed as to the facts set forth, but for the reason, as it appeared from the discussion, that the matter could with more propriety be entrusted to the Executive, whose duty it was to correct errors and abuses of the nature alluded to. In view of this, I have within the last two years caused investigations to be made into a very large number of cases, many of which have been found deserving of clemency; this will account for some increase in the number of pardons issued over that of the previous two years.

It is a noteworthy fact, and one that affords me much satisfaction, that of all those to whom executive clemency has been extended during my term of office, the whole number have, with a single exception, given evidence that their conduct in the future will be exemplary.

The present law, constituting the Lieutenant-Governor, Resident Director and Warden of the Prison, at his option, during the recess of the Legislature, is unwise, unjust to that officer, and of no possible advantage to the State. Although not made compulsory, the practice

obtained heretofore, and the regulations at the Prison, seem to render his residence there imperative, under existing laws. I am not aware of any perceptible connection between the duties of a presiding officer of the highest deliberative body in the State, and those of a jailor or warden of a prison. I therefore recommend the modification of the present law, so as to relieve the Lieutenant-Governor from this onerous duty.

REFORM SCHOOL.

The reports of the Trustees and Superintendent of the Reform School at Marysville, accompany this. The number of youth in that institution at the date of the report was forty-three. The largest number of inmates reported at any time during the two years was fifty-four The appropriations for the support of the Reform School amount to ten thousand dollars per year; the Trustees ask for thirty thousand dollars for the next two years, in order that they may be placed in funds to make improvements in the building, which seem to be indispensably necessary. The affairs of the school have been conducted in a highly creditable manner by those connected with it, and with the greatest possible economy. The school has been in existence long enough to test the practical operation of such an institution and enable a just estimate to be made of the good accomplished, as compared with the expense incurred. The result of my investigation is, that either there are not a sufficient number of youth in the State, whose ill deeds would justly consign them to such an institution, or the several county authorities are derelict in their duty. It is believed the latter is the true cause of the small number of inmates. But whatever be the cause, the facts are, that the benefits heretofore derived have not been commensurate with the outlay.

At the last session a bill was passed the day before adjournment, abolishing the State Reform School and providing for the transfer of the inmates to the Industrial School of San Francisco. It made no provision for the care and sale of the property belonging to the State, and in many other particulars the bill seemed defective for the proper attainment of the object desired. There being no time nor opportunity for modifying the bill, or for the passage of a supplemental one, I felt compelled to withhold my sanction.

It will be the duty of the Legislature to give attention to this subject, and if it shall be decided to abolish the institution, an Act for that purpose should be passed before the end of the session, which should provide for the disposition of property now belonging to the State and used by the school.

MILITIA.

Since the meeting of the last Legislature the entire militia force of the State has been reorganized in accordance with the provisions of the Act of April second, eighteen hundred and sixty-six—the new organization taking the name of the California National Guard.

For particulars in regard to the number, location, and strength of regiments, battalions and companies, I have to refer you to the report of the Adjutant-General, which you will receive herewith. The report contains valuable information and suggestions which commend themselves to your favorable consideration.

COMMON SCHOOLS

As common schools lie at the very foundation of a republican government, their maintenance and care should be found among the first in importance of the varied duties of the representatives of the people. The report of the Superintendent of Public Instruction now transmitted to you, is a document worthy of a careful perusal. The statistical information contained in this report is valuable, and his suggestions and recommendations deserving of your consideration. From his statistics I gather the following:

The whole number of children in the State between the ages of five and fifteen years, is ninety-four thousand two hundred and thirteen (94,213,) of which number, ninety-two thousand two hundred and seventy-three (92.273) are white, seven hundred and nine (709) negro, and twelve hundred and thirty-one (1231) are Indians No Indian children are enumerated except those under the guardianship of white persons. There are in the State. according to this census, fifty-five thousand and ninety-three (55,093) children under five years of age, which makes the total number under fifteen years one hundred and forty-nine thousand three hundred and six (149,306.) Of the number entitled to the privileges of schools, fifty-four thousand seven hundred and twenty six (54,726) have, during the present year, been in attendance upon the public schools, fourteen thousand and twenty-six (14,026) have attended private schools, and twenty-one thousand four hundred and eleven (21,411) have attended no school There are one thousand and eighty-three (1,083) schools, maintained on an average, over seven months in the year, in which one thousand three hundred and eighty-nine (1.389) teachers are employed. The number of school houses in the State, is six hundred and sixteen (616,) of which number one hundred and six (106) have been erected in the year eighteen hundred and sixty-seven. During the present year, one million one hundred and sixty-three thousand three hundred and forty-eight dollars and eighty-one cents ($1,163,348 81) have been expended for the maintenance of schools, of which sum, six hundred and ninety-six thousand one hundred and ten dollars and twenty-eight cents ($696,110 28) were paid for teachers' salaries, and two hundred and thirty-eight thousand and seventy dollars and sixty-four cents ($238,070 64) were expended in the purchase of sites, erection of school houses, repairs, etc.

During the four years just passed, the advancement in the cause of education in California has been exceedingly gratifying. The increase in the number attending public schools now, over those who attended in eighteen hundred and sixty-three, exceeds twenty five thousand, a gain of eighty-six per cent in four years Five thousand have been added to the private schools. a gain of fifty-three per cent. The number attending no school is only one thousand more now than then. a gain of scarcely six per cent It is to be hoped that future years will mark a notable decrease in the number last named. During my term of office, the number of schools have been increased two hundred and twenty-nine (229,) employing four hundred and seventy (470) additional teachers; and the schools have been kept open an average of two additional months each year.

The total expenditures in eighteen hundred and sixty-three, were four hundred and eighty-three thousand four hundred and seven dollars and forty-nine cents, ($483,407 49,) against one million one hundred and sixty-three thousand three hundred and forty-eight dollars and eighty-one cents, ($1,163,348 81,) in eighteen hundred and sixty-seven, a gain

of one hundred and forty per cent. For these satisfactory results we are greatly indebted to the zeal and well directed efforts of the State Superintendent of Public Instruction, and to the wise legislation, that has of late years marked our public councils. Let us hope that the progress already made in this great cause will receive an additional impetus from those to whose care it will be confided, to the end that we may not be called upon to deplore any backward step.

The school law now on our statute books, is believed to be well adapted to the wants of the State, and I trust that no attempt to repeal or modify it, in any essential particular, will be made, and if made, that it will be unsuccessful. Schemes have been projected, which may again be renewed, to destroy practically the excellent system of education which has attained so vigorous a growth in so short a time, and upon its ruins, to build up a new system based upon sectarian beliefs and religious bigotries. The common school system, having for its object the education of the children of the State, in all branches that pertain to the practical affairs of life, and, while inculcating in the minds of the pupils the highest morality, leaving them at liberty to embrace and enjoy any religious belief which may be preferred, has stood the test of experience in the older States, since the formation of the Government. It is too well grounded in the hearts and affections of the people to be lightly considered or tampered with by any legislative body claiming to represent the people

On the first day of November, there were in the State Treasury, bonds of the State amounting to seven hundred and forty-two thousand dollars ($742,000) to the credit of the School Fund, yielding an annual revenue of fifty-one thousand nine hundred and forty dollars ($51,940 ;) this fund has been increased twenty thousand dollars ($20,000) since the report of the Treasurer was made. The public lands donated to the State for school purposes, will, when disposed of, create an endowment for education worthy of the liberal and enlightened age in which we live. To you, the people look to jealously guard and wisely administer this legacy.

NORMAL SCHOOL.

The Normal School, which has proven such an admirable auxiliary in the older States to the cause of education, was four years ago an experiment in California. It is now in the full tide of its usefulness, and the schools are already reaping the advantage of having teachers carefully and thoroughly trained in this school.

While bestowing on it the highest praise for the good already accomplished, I earnestly commend it to you, as deserving of liberal support in the future.

AGRICULTURAL COLLEGE.

The report of the Board of Directors will give you information as to what has been done by them, under the Act of March thirty-first, eighteen hundred and sixty-six, to establish an Agricultural, Mining and Mechanical Arts College.

After a careful review of this whole matter, I am of the opinion that the law providing for the establishment of this institution should be entirely remodelled, and the aim and intent of the Legislature more clearly defined. There can be no doubt, in the mind of any person who has studied this subject, that a great want in California is an institution of learning of a high order, in which the youth of the State can be taught

the higher branches at a moderate cost. It is also apparent that the means accruing from the grant of land to the State for an Agricultural College, and also that for a "Seminary of Learning," will not be sufficient to establish and maintain a school or college, without direct aid from the State, or from individuals, or both. The restrictions contained in the Act of Congress granting lands for an Agricultural College, render it practically impossible to make the proceeds available for some time to come.

Under these circumstances, the advisable course for the State to pursue, is, to organize and put into successful operation at the earliest moment practicable, a State University upon the site selected by the Directors The agricultural department should occupy a prominent place in the general plan of the University, and so should mining and the mechanic arts; but in its general characteristics it should combine all the higher branches usually taught in colleges.

The State University of Michigan, is by far the most successful institution of the kind in the United States. This has, in addition to the undergraduate department, schools of law, medicine, and general science. In eighteen hundred and sixty-six the total number of students was twelve hundred and five, (1,205,) of whom four hundred and sixty-seven (467) were in the medical department, three hundred and eighty-five (385) were in the law department, and three hundred and fifty-three (353) were in the department of general science. In eighteen hundred and sixty-seven the whole number had increased to between thirteen hundred and fourteen hundred. The tuition is free; the only charges being twenty-five dollars as a matriculation fee and an annual charge of ten dollars each for incidental expenses. The expenditures of the University for the year ending June thirtieth, eighteen hundred and sixty-six, were seventy-six thousand four hundred and twenty-two dollars and seventy-three cents, ($76,422 73.) to defray which, seventeen thousand six hundred and sixty dollars ($17,660) were received from students' fees, and the balance came from the State. From these facts and figures it is plain to be seen, how much good can be accomplished with a moderate expenditure of money.

The number of young men in California is increasing rapidly, and ample means should be provided them, for acquiring a liberal education. The State is in a condition to supply this want, and it will be neglect, little less than criminal. if the Legislature fails to do it. I would recommend that action be taken in the premises to the following effect:

First—Remodel the present law or enact an entirely new one, so as to provide for establishing a State University upon the general plan adopted in Michigan, to the support of which the proceeds of the seventy-two sections of land donated to the State for a "Seminary of Learning," and the one hundred and fifty thousand acres donated by Congress for an Agricultural College, shall be applied, according to the tenor of the Acts making the donation.

Second—Select a Board of Directors for its control and management, who live near the site of the proposed institution, so that, a portion of their time can be given without expense; and let them be men of the highest character and standing in the community.

Third—Authorize the Governor, Controller, and Surveyor-General to cause an examination to be made into the accounts of the School Land and Seminary Funds, and adjust them by transferring from the School Fund to the Seminary Fund the amount of money or bonds that may be due the latter by the former.

Fourth—Let the Legislature make a direct appropriation of money sufficient to erect buildings adequate to the wants of such an institution.

DEAF, DUMB AND BLIND.

The institution for the care and education of the deaf, dumb and blind, has performed its mission in the cause of humanity and charity, and creditably filled the place assigned to it in the organization of society. The report of the Directors and the Principal, will be laid before you, and I refer you thereto for detailed information.

Under and by virtue of the Act of March thirty-first, eighteen hundred and sixty-six, the Commissioners named by the Legislature, together with the Directors, have purchased a tract of land in Alameda County, on which a suitable building is in course of erection, which will be, when completed, admirably adapted to the purposes for which it is designed, and a credit to the State.

The location appears to have been made with an eye single to the wants of the institution, and it is a matter of congratulation that one public enterprise is being carried forward without entangling it in geographical disputes or local jealousies; in this regard, it gives hope for improvement in the future.

I commend this noble charity to your fostering care.

STATE HARBOR COMMISSION.

The object sought in the creation of the Board of State Harbor Commissioners, seems to have been clearly kept in view by them, and the net results of their operations thus far greatly exceed the anticipations of the most sanguine. The reports are full and set forth the results accomplished during the last two years in a clear and business like form. From them I condense the following, as the receipts and disbursements of the commission for two years ending November first, eighteen hundred and sixty-seven:

Receipts.	Amounts.
Received from current revenues of various wharves.....	$477,268 91
Received from damages from Pacific, Broadway, Central, and Market street wharves.....	50,000 00
Amount retained in the hands of the Board—it having been paid in under protest.....	3,013 00
Received from Ferry Company for dredging.....	1,368 25
	$531,650 16

Disbursements.	Amounts.
For repairs of wharves	$66,468 37
For current expenses of wharves	42,319 67
For dredging slips	54,406 50
For expense account of office	4,852 70
For office furniture	330 62
For legal counsel	6,000 00
For legal expenses	793 00
For salary of Commissioners and Secretary	22,800 00
For constructing outer half of East street, between Market and Clay streets	13,622 83
For purchase of Oakland and San Antonio Ferry privilege	27,500 00
For plans, etc., for sea wall	3,873 50
	$242,967 19
Net balance	288,682 97
	$531,650 16

Showing the net receipts, over and above all expenses, to have been for the period named, two hundred and eighty-eight thousand six hundred and eighty-two dollars and ninety-seven cents The balances in the State Treasury, November first, eighteen hundred and sixty-seven, as the result of the operations of this Board, were as follows:

To the credit of the Wharf and Dock Fund	$39,383 20
To the credit of the Harbor Protection Fund	334,547 55
	$373,930 75

The Commissioners estimate that the receipts from all sources for the next two years will be four hundred and eighty thousand dollars, of which amount not more than one hundred and sixty thousand dollars will be required to pay all current expenses, repairs of wharves, dredging, etc, leaving a balance of three hundred and twenty thousand dollars to be expended in the construction of the sea wall.

As will be seen by the report, the Commissioners have adopted plans for a sea wall, which it is believed will be substantial as well as economical; and contracts have been entered into for the construction of one section, (seven hundred and forty-three feet,) at a cost of two hundred and six thousand five hundred and fifty-four dollars, ($206,554;) also for the construction of the embankment of another section, (six hundred and fifty feet,) at a cost of seventy-two thousand eight hundred dollars, ($72,800); the contractor agreeing, at the option of the Board, to finish the superstructure for the sum of sixty-eight thousand two hundred and fifty dollars additional. This section, when completed, will cost one hundred and forty-one thousand and fifty dollars, ($141,050.)

If the foregoing statements constitute reliable data upon which to base estimates for the future, the net receipts, after paying all necessary expenses, will build a substantial sea wall along the city front, from the foot of Chestnut street to the foot of Harrison street, within ten years.

GEOLOGICAL SURVEY.

A communication from the State Geologist, transmitted herewith, presents in detail the work he has accomplished during two years.

The following sums have been appropriated for this work since its commencement:

At the passage of the original Act, organizing the survey in in 1860	$20,000 00
By the Legislature in 1861	15,000 00
By the Legislature in 1862	15,000 00
By the Legislature in 1863	20,000 00
By the Legislature in 1864	25,000 00
By the Legislature in 1866	30,000 00
	$125,000 00

The last two amounts being for two years each, and embracing the sum of twenty-one thousand dollars ($21,000) for engraving and publication of reports The amount which will have been expended at the end of the current year, is one hundred and thirty-four thousand and sixty-nine dollars and seventy-seven cents ($134,069 77,) showing a deficiency over and above the amount appropriated of eight thousand four hundred and sixty-nine dollars and seventy-seven cents ($8,469 77.)

Professor Whitney estimates, that should nothing further be done in the field during the next six months, it would require six thousand five hundred dollars ($6,500) to plot and write up the field work already on hand, and he asks that an appropriation of fifteen thousand dollars ($15,000) be inserted in the deficiency bill, that it may be made available at as early a date as possible to keep up the work until June thirtieth, eighteen hundred and sixty-eight, the end of the present fiscal year. The Professor adds: "Should this not be passed, it will be my duty to dismiss all my assistants, and to discontinue the survey at once, a step which I should greatly regret having to do, as there is much valuable matter in my hands, either in process of publication or nearly ready to go to the printer and engraver"

Four volumes of reports have been published, and others are in various stages of advancement. The drawing and engraving for the volumes of birds and fishes are going on steadily, that of the birds being so near completion that the work can go to press immediately. The sheets of the map of Central California are nearly ready for the engraver, and the work on maps of other portions of the State is being pushed forward rapidly.

It will be seen from the statement of the Geologist that a very large amount of work has been performed in the two years with a small expenditure. I trust that the appropriations for the next two years

may be considerably increased, that the work may be hastened as rapidly as possible. The plan adopted for this work is comprehensive, and should, by all means, be carried out. When completed, these reports will contain information which will be of incalculable value to the State, and, at the same time, contribute to the cause of science the results of researches unrivalled by any in the known world.

I earnestly recommend this great work to your consideration, in the confident trust that increased means will be afforded in the future to carry it forward according to the plan heretofore adopted.

YOSEMITE VALLEY AND MARIPOSA BIG TREE GROVE.

The commission appointed to manage and control the Yosemite Valley and Mariposa Big Tree Grove present their report herewith, and I respectfully ask that you will give the matter due consideration, and trust the recommendation of the Commissioners may be favorably entertained and acted upon.

AMENDMENTS TO THE STATE CONSTITUTION.

The Legislature at its sixteenth session passed certain resolutions proposing amendments to the Constitution of this State, in the manner and form provided for in section one, Article X, of the Constitution. These proposed amendments will be found in the volume of statutes of eighteen hundred sixty-five and six. The requisite publication has been made, and they will now come before you for adoption or rejection. If your action should be favorable, the proposed amendments will then be submitted to a popular vote, at such time and in such manner as you may prescribe.

There is evidently an unintentional error in the original draft, or a clerical error in the copy of that portion of the resolutions relating to Article IX. As it now reads, the Superintendent of Public Instruction will be elected at the general election in eighteen hundred and sixty-nine, while it is apparent that the amendment cannot possibly become a part of the Constitution until after that date; nor would it be policy to elect this officer in a year different from that fixed for the election of other State officers.

Experience has demonstrated, I think, that the special judical election is productive of no substantial good. It is an additional burden to the people, and should be done away with.

The additional section proposed to be added to Article I of the Constitution, reads as follows:

"SEC. 22. The Legislature shall have no power to make an appropriation of money for any purpose for a longer period than two years"

This amendment, proper and just in itself, is undoubtedly demanded by a very large majority of the people. The Constitution of the United States contains a similar limitation upon the power of Congress, and the same is true of many States. If this amendment be adopted, the Legislature will, in the future, be relieved from many vexatious questions which would otherwise be brought forward, and the public Treasury will have an additional safeguard. I earnestly commend this matter to your consideration, and trust it may meet favorable action at your hands.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

With this I transmit a certified copy of a joint resolution of Congress, proposing an amendment to the Constitution of the United States, which is in the following words:

"*Joint resolution proposing an amendment to the Constitution of the United States.*

"*Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* (two thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid as part of the Constitution, namely:

"ARTICLE XIV.

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

"SEC. 2 Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

"SEC 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

"SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

"SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

By the first section it is provided that all persons born or naturalized in the United States, and subject to its jurisdiction, are citizens of the United States and of the State wherein they reside. and States are prohibited from abridging the privileges and immunities of citizens, or depriving them of life, liberty, or property, without due process of law. This section declares "equality before the law" for all citizens, in the solemn and binding form of a constitutional enactment, to which no reasonable objection can be urged.

The second section provides a new rule of apportionment of representation, basing representation upon the number of citizens whose males are allowed participation in the elective franchise, to which are added, all unnaturalized foreigners.

The Constitution, as it now is, contains a provision for partial representation for slaves; the cause of this having passed away, this amendment seems proper, to meet the requirements of the new order of things.

The effect of the third section is to deprive the promoters and leaders of the late rebellion—men who have been so far forgetful of their duty to their country as to plan and assist in an attempt to overthrow the government, after having taken, as officers, the solemn oath to support the Constitution of the United States, and of the State in which they held office—from again holding office under the United States or any State, unless relieved of this disability by a vote of two thirds of each House of Congress.

That the only pains and penalties sought to be imposed upon the leaders of the late rebellion, for all the loss of life and calamities which ensued, for the immense expenditure of treasure, and the debt which now is a burden to the nation, should be, the prohibition of such men from holding office, shows the magnanimity of the people who have suffered so much, and demonstrates the fact that a republican government can with safety be more lenient to disloyal subjects, than can monarchies in any form.

The fourth section declares that the validity of the public debt of the United States shall not be questioned; and that no debt incurred in aid of secession and rebellion, or any claim for loss of property in slaves shall ever be paid by the United States or by any State. It is fair to assume that any opposition to this, must proceed from those who desire to repudiate the national debt, or would burden the people with the rebel debt, or both. For the credit of the State, it is to be hoped few such can be found either in the Legislature or among the people.

The fifth section authorizes Congress to pass all needful laws to carry these provisions into effect.

These amendments, so necessary for the protection of individual rights, so just in fixing a basis of representation; so indispensable for the protection of the Government and the people against further attempts at insurrection and rebellion; and at the same time so magnanimous to those who have forfeited every right by their own voluntary acts; and so essential to guard the public credit, have been submitted to the several States for adoption or rejection.

I commend them to your favorable consideration, and, while there is little doubt of their ratification by the requisite number of States, if not already done, I confidently trust that California will not mar the loyal record, heretofore made, by rejecting them.

NATIONAL AFFAIRS.

At the date of the meeting of the last Legislature, an experimental plan of reconstructing and reorganizing the late insurgent States was being tried. I then expressed the hope, in which all good citizens concurred, that the people of those disorganized States, would accept the lenient terms proposed in good faith, and show by their acts that the spirit of secession, rebellion and hatred, had given place to a truly loyal sentiment; that the wicked leaders from whom had sprung all the woes of the late war would be set aside, and the places of honor, trust, and power, be filled by men who earnestly desired peace, good order and justice; and that the lives, liberty, and property of all the inhabitants of those States would receive ample protection from the laws which they would enact. Instead of this, it was found that those who had been most prominent in originating, organizing, and carrying on the rebellion, had been elected to fill all the places of trust and power in those States; unrepentant and unpardoned rebels had almost invariably been elected to the Senate and House of Representatives in Congress; laws were passed by their Legislatures providing for the apprenticing of negroes, which, if carried into effect, would have rendered the condition of the freedmen worse than that from which they had been emancipated by the operations of the war; and all men, whether white or black, who had stood by the Government in the hour of its peril, were proscribed and persecuted. In a word, the spirit of rebellion seemed triumphant, and all loyalty appeared crushed under its iron heel.

In view of this, Congress refused to recognize these States as reorganized, and declined to admit into its counsels the men who, failing to overthrow the Government by the sword, now seemed only too anxious to share in its control and direction. After months of patient investigation, and with an earnest desire that harmony might be restored at the earliest moment consistent with safety and the future well being of the Government, Congress passed a joint resolution, proposing certain amendments to the Constitution of the United States, and submitted them to the several States for adoption or rejection;—it being publicly announced and generally understood, that the ratification of these amendments by the late insurgent States, would entitle them to recognition by the Federal Government.

These amendments, so just and proper in themselves, so mild and lenient to the people of the South, were indignantly, and in some cases indecently rejected by the Legislatures of all these States, except one. Thus matters stood at the close of the session of Congress in eighteen hundred and sixty-six; Congress insisting that the representatives of the people were the sole judges of the whole matter, and the President affirming that reconstruction was complete under his plan, contending that the whole power of Congress over the matter consisted in examining and passing upon the regularity of the credentials of members and Senators who presented themselves and asked for admission.

At the elections held in eighteen hundred and sixty-six for members of the present Congress, the two opposing theories of reconstruction were in effect submitted to and passed upon by a vote of the people. The whole subject was discussed at large, by the ablest men of the nation, and the issues involved in the contest were considered of such moment, that the Chief Magistrate of the nation, felt called upon, to instruct the living concerning these questions, while journeying to do honors to the dead. The verdict of the people was overwhelmingly against the Presi-

dent's plan of reconstruction, and in favor of the power and duty of Congress to insist upon such terms and safeguards in the reorganization of these States, as would guarantee loyal governments, adequate for the protection of all the inhabitants. The congressional plan is now being tried with promise of good results; conventions have been called in nearly or quite all these States; constitutions are being framed, and it is confidently expected that a large majority, if not all, will be in practical and harmonious relations with the Union during the next year. If this happy consummation be realized, the thanks of all loyal men, and all who desire to see this nation continue as one great whole, with a government guaranteeing freedom and equality before the law to all its citizens, and offering an asylum to the oppressed of all nations, will be due to the firmness and integrity of purpose displayed by Congress in the great struggle through which it is now passing. If, contrary to present anticipations, the terms now offered are spurned and rejected by the people of one or more of these States, it cannot be doubted that the rightful authority of the United States will be exercised to protect life, liberty, and property, until new State governments shall be formed, which will contain ample guarantees for individual rights and national security. "Loyalty may wait, but cannot afford to yield."

RETROSPECT.

The four years during which by the blessing of God and the favor of the people I have had the honor to preside over the executive department of this State, have been replete with startling events. During this period, advancement in enlightened public sentiment has been marked, and material prosperity has received a new impetus. The nation, freed from the shackles which bound it to slavery and barbarism, has entered upon a career of unexampled prosperity. The trials through which it passed have demonstrated the inherent strength of a government founded upon the free will of an intelligent people, and challenged the respect if not the admiration of all the nations of the earth.

In these years the largest army has been seen in the field, of which any record can be found in modern history. Its deeds of gallantry and and daring fill all loyal hearts with admiration, and the record of its exploits will be handed down to generations that come after us in story and in song. The sublime spectacle has been presented of a million of men, laying aside the enginery of war, quietly returning to their homes, and clothing themselves in the habiliments of peace, resuming their accustomed vocations, in agriculture, manufactures, commerce and the arts; and all this without the least shock or commotion, and without causing a ripple upon the surface of society.

In the midst of the terrible struggle, when successes and defeats followed each other in rapid succession, and the fate of the nation seemed trembling in the balance, the sovereign people were called upon to indicate by their ballots who should be their executive head for the four years then next ensuing, and at the same time to say in substance whether the war was, or was not, a failure We saw the chosen leader of the people, the man whom the nation loved and delighted to honor—in whose heart were found "malice towards none, and charity for all," and whose actions were marked by purity and singleness of purpose—slain by the hand of an assassin, and the control of the Government quietly pass to another without jar, discord, or debate. And when this new ruler, filled with pride, ambition, and love of power, essayed to set aside

the will of the people, as expressed through their representatives, and substitute instead his own wicked policy, the people through elections, in the usual form, so strengthened the hands of Congress, as to enable it to go forward in the work of reconstruction in accordance with the demands of national justice and national security.

The "area of freedom" has been enlarged by the acquisition of Russian America, and to the indomitable energy of one of our own citizens was the Government indebted for the opportunity of communicating with Russia in regard to the purchase, by means of a telegraph under the Atlantic.

During this eventful period a sister republic has encountered the armed forces of one of the most powerful nations of Europe, aided by large numbers of her own rebellious citizens. She maintained the struggle for years in the face of every discouragement; finally, drove the invaders from her soil, and meted out condign punishment to the cruel leaders. The republic is now re-established, we hope, on a firm foundation, and through the quiet agency of the ballot box, the man who led this people in war has been called with great unanimity to the chief executive position of the republic.

As a State we have kept pace with the spirit of the age in intellectual and moral advancement, and have achieved reasonable success in every branch of domestic industry. Peace and good order have been maintained in all our internal affairs; the laws have been found adequate for the protection of all; the Courts, presided over by honest and capable Judges, have been open to redress the wrongs of rich and poor, of the exalted and the humble alike. No tumultuous or riotous proceedings have taken place, calling for the aid of the military to suppress, except in a single instance, and even then the call was a precautionary measure rather than a case of necessity. Offenders against the laws have been brought to speedy trial, agreeably to established forms, and the punishment adjudged to the guilty has been administered with a firm yet kind hand.

The charities of the State have been honestly dispensed, and have afforded a comfortable home and careful attention for those bereft of reason; aiding, also, in the care of the helpless orphan, and liberally providing for the support and education of the deaf and dumb, and the blind.

The advancement made in the cause of education has been rapid; our common schools and seminaries of learning have multiplied, and the generous support granted them by a willing people, affords just cause for sincere congratulation.

In material resources our advancement has been steady, healthful, and permanent Since eighteen hundred and sixty-three the assessed value of property in the State has increased nearly if not quite forty millions of dollars, and it is estimated that the present actual values largely exceed the amounts put down by the Assessors.

Manufactures, in the various branches, have increased and prospered, affording additional employment to thousands of industrious operatives. Our commercial interests have been developed to meet the requirements of the Pacific coast, and steam communication has been successfully established with the Hawaiian Islands, China, and Japan, which gives promise of an extended trade with those countries.

The breadth of land brought under the plough is rapidly widening from year to year, and abundant crops are the sure reward of judicious cul-

ture. The foreign demand for our surplus products has been regular, and the prices obtained have been remunerative to the farmer.

The apprehension of miners in regard to unwise and unfriendly legislation by Congress touching the mineral lands, has been allayed by the passage of just and generous laws which guarantee the actual possession to those on whom the prosperity of the State so largely depends. While it is true that the placer mines are diminishing in productiveness, the yield of the quartz mines has materially increased.

The marked and gratifying progress made in the construction of the Pacific Railroad up to this time, gives promise of easy and speedy communication with our eastern neighbors at no distant day. The energy displayed by our own citizens in building this great work is worthy of the highest commendation.

CONCLUSION.

The term of office which the people called me to fill, will expire during the present week, by constitutional limitation. With this communication my official connection with the Legislature and the people will cease, and I shall cheerfully retire to private life.

In the conduct of public affairs, during this time, it has been my aim and earnest desire to see the laws faithfully executed; to aid in developing all the resources of the State; to prevent the property of the State from being taken without a just equivalent; to discountenance and check unwise and special legislation; to stop as far as possible wasteful expenditures and extraordinary appropriations, and to see that the money contributed in the way of taxes was judiciously and economically expended. The penal institutions and the public charities, the schools, colleges, and all organizations having for their object the protection, amelioration, education and advancement of the people, have been subjects of my care and solicitude, and have received a due share of my personal attention. In a word, I have endeavored to fulfil, as far as possible, every obligation imposed upon me by the people. How near the object sought has been attained, must be left for others to judge.

For the ability, integrity and zeal displayed by all the State officers in the discharge of their varied duties; for the efficient aid rendered me by all connected with the State Government; for the kindness and courtesy which have marked all official relations; for the generous confidence of the people, and for the gracious favor of a kind Providence, I feel deeply sensible, and desire to return profound thanks.

FRED'K F. LOW.

APPENDIX

TO

GOVERNOR'S MESSAGE.

LIST OF PARDONS FROM STATE PRISON,

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1859.....	John Reynolds.....	Murder in 2d degree.	San Francisco...	Life.

DECISION.—Whereas, it appears from the evidence adduced upon the trial, (a copy of which has been furnished me,) that the grade of the crime was manslaughter, and whereas, a petition signed by a large number of respectable citizens of San Francisco has been presented to me, asking for his pardon, and whereas, the testimony of the officers of the prison goes to show that his conduct since his imprisonment has been exemplary, giving promise of a correct life in the future—now, therefore, let him be pardoned and restored to all the rights and privileges of citizenship. November 4th, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1864	W. J. Linton.....	Assault to commit murder	Sacramento.. ...	Ten years.

DECISION.—Whereas, it has been made to appear by the statement of Hon Robert C. Clark, the Judge who presided at the trial, by eleven of the jurors who tried the case, that great provocation was given for the commission of the crime, which did not appear on trial, and whereas, petitions have been presented to me, signed by the said Judge and jurors, together with two hundred respectable citizens of Sacramento County, praying that said Linton may be pardoned—now, therefore, let him be pardoned, on condition that he leave the State within sixty days from this date, never to return. November 21st, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1858.....	Ramon Orosco.....	Assault with intent to kill.	Tuolumne	Ten years.

DECISION.—Whereas, a petition has been presented to me signed by the Judge before whom he was tried, the District Attorney who prosecuted him, the then Sheriff and County Clerk, and also a number of the most respectable citizens of Tuolumne County, setting forth that the sentence was disproportionate to the offence, and praying that he may be pardoned; and whereas, the officers of the prison certify that the conduct of said Orosco since his confinement therein has een exemplary—now, therefore, let him be pardoned. December 26th, 1865.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1862.....	Alexander Leonard....	Rape.....	Humboldt.....	Five years.

Decision.—Whereas, a petition has been presented to me signed by the Judge who presided at the trial, by all the county officers of Humboldt County, by a majority of the jurors by whom he was tried, and by a large number of respectable citizens of Humboldt County, setting forth that since his trial and sentence circumstances have transpired which go to show that the guilt of the accused is very doubtful, and praying that he may be pardoned, and whereas, it appears from a certificate of the officers of the prison that said Leonard has conducted himself well since his confinement—now, therefore, let him be pardoned. January 3d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	Charles Dwyer.....	Forgery.....	San Francisco..	Two years.

Decision.—Whereas, a letter signed by the Judge before whom he was tried, a petition signed by all the grand jurors who indicted him, the petit jurors who tried him, by the parties whose names he forged, as well as the persons on whom the check was drawn, and a large number of respectable citizens of San Francisco, praying for his pardon, has been presented to me—now, therefore, let him be pardoned, on condition that he leave the State on or before the first of February, never to return. January 10th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865..	August Collier.....	Forgery.....	San Francisco	Two years.

Decision.—Whereas, a letter signed by the Judge before whom he was tried, a petition signed by all the grand jurors who indicted him, the petit jurors who tried him, by the parties whose names he forged, as well as the persons on whom the check was drawn, and a large number of respectable citizens of San Francisco, praying for his pardon, has been presented to me—now, therefore, let him be pardoned. January 11th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1864.....	George F. Morris	Manslaughter	Los Angeles.. .	Three years.

Decision.—Whereas, a petition has been presented to me signed by all the jurors who tried him, and a large number of respectable citizens of Los Angeles County, setting forth that it is doubtful if the homicide was committed with any criminal intent, and praying that a pardon may be granted to him; and whereas, the Judge before whom he was tried strongly recommends that the prisoner may be pardoned—now, therefore, let him be pardoned. February 3d, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1862...	James Daniels.....	Manslaughter.....	Trinity.....	Five years.

Decision.—Whereas, the Judge before whom he was tried, in a letter to me certifies to the uniform good conduct of the prisoner prior to the commission of the offence to which he plead guilty, and expresses his belief that "the killing was looked upon more as the result of accident than of felonious intent;" and whereas, Hon. John P. Jones, Senator from Trinity County, together with most of the county officials, and many prominent citizens, have united in a petition indorsing fully the statements of the Judge, and praying that a pardon may be granted—now, therefore, let him be pardoned. February 14th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	S. Lucas	Assault with intent to murder.	Sierra.....	Seven years.

Decision —Whereas, the Judge before whom he was tried certifies that in his opinion the sentence was excessive, (he having been overruled by his associates,) and that had he been the sole Judge in the case, the sentence would not have exceeded two years; and whereas, Hon. L. E. Pratt, Senator from Sierra County, has filed with me a full statement of the case, from which it appears that the prisoner has already suffered long enough; and whereas, the county officers of Sierra County, and a very large number of citizens, have petitioned for executive clemency in this case—now, therefore, let him be pardoned. February 14th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1864.....	Patricio (Indian).....	Manslaughter.....	Sacramento.....	Five years.

Decision.—Whereas, the Judge before whom he was tried, and the District Attorney who prosecuted him, are of the opinion that for reasons stated by them in a communication to me, it would subserve the ends of justice if executive clemency be exercised in this case—now, therefore, let him be pardoned. March 9th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1861...	James Gallagher	Arson in the second degree.	Shasta.....	Nine years.

Decision.—Whereas, the Judge before whom he was tried, many of the jury who tried him, and a large number of respectable citizens of Shasta, including Hon J. N. Chappell, have united in a petition for the pardon of said Gallagher, and whereas, the officers of the prison testify to the uniform good conduct of the prisoner since he has been confined—now, therefore, let him be pardoned, on condition that he never return to Shasta County. April 5th, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1864...	Patrick Toomey	Grand larceny.....	San Francisco...	Four years.

Decision.—Whereas, at an attempted outbreak at the State Prison in January last, the said Toomey by his brave conduct rescued the Captain of the Guard and rendered efficient service in quelling the disturbance—now, therefore, let him be pardoned. April 5th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1863...	Alonzo H. Dake.....	Murder in 2d degree	Sacramento.....	Eleven years.

Decision.—Whereas, the verified statements of the wife of the party whom Dake killed; her statements to Father Gallagher, the statement of the counsel who assisted in the prosecution of Dake, all go to show that Dake was assaulted by the deceased, rendering it extremely probable that the killing was in self defence: and whereas, the honorable District Judge before whom he was tried has joined with many other respectable citizens of Sacramento in a request that executive clemency be extended, and whereas, the conduct of Dake since his confinement has been exemplary—now, therefore, let him be pardoned. April 24th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1863	Henry Deitzman.....	Murder in 2d degree.	Santa Clara.....	Ten years.

Decision.—Whereas, the Judge before whom he was tried expresses his belief that the prisoner has suffered sufficiently for the crime committed, and joins with many respectable citizens of San José, including the delegation from Santa Clara County in the last Legislature, in the request that Deitzman may be pardoned—now, therefore, let him be pardoned. April 24th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1858...	Thomas Connolly.....	Murder in 2d degree.	Tuolumne.....	Ten years.

Decision.—Whereas, a petition numerously signed by some of the most respectable citizens of Tuolumne County, has been presented to me, asking for his pardon: and whereas, the conduct of the prisoner since his confinement has been good, and the state of his health is such that it is believed he cannot live long if kept in prison, for which reasons his pardon is strongly recommended by the Lieutenant-Governor and all the officers at the prison—now, therefore, let him be pardoned. June 15th, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1865.....	A. Richmond.....	Grand larceny.....	El Dorado.....	One year .....

Decision.—Whereas, a petition signed by the acting District Attorney who prosecuted him, the Sheriff and all the county officers of El Dorado County, and also by all the jurors who tried him, has been presented to me, and whereas, the Judge before whom he was tried indorses said petition, and says: "That believing that others, and not Alexander Richmond, were the real criminals, and that he (Richmond) has been sufficiently punished for his crime"—now, therefore, let him be pardoned. June 18th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1865.....	Edward Ring.....	Manslaughter.....	San Mateo.	Three years.

Decision.—Whereas, a petition has been received, signed by six of the jurors who tried the case, and by a very large number of respectable citizens, including most of the county officers of San Mateo County, asking for his pardon, also a letter from Hon. O. C. Pratt—the Judge before whom he was tried—stating that he is satisfied that Ring's sentence was too severe, and that in his opinion the prisoner has been sufficiently punished for the offence, and should be pardoned—now, therefore, let him be pardoned. June 20th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1865.....	George de Lacy, *alias* McKenzie.	Highway robbery...	Amador.....	Seven years.

Decision.—Whereas, it appears from the statements of the Judge before whom he was tried, the District Attorney who prosecuted him, the affidavit of William E. Riebson, who swore to the identity of the prisoner on the trial, and the sworn statements of the Chief of Police of Sacramento and Chief of Police of the City of Placerville, as well as by the confession of James Driscoll, *alias* De Lacy, now confined in the State Prison, that said McKenzie was innocent of the crime for which he is now undergoing imprisonment, and whereas, the said McKenzie is willing and anxious to leave the State in case he should be released—now, therefore, let him be pardoned on condition that he depart from this State prior to the tenth day of August next, never to return. July 3d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1861	Timothy J. Kiley.....	Murder in 2d degree	Sacramento ...	Fifteen years.

Decision.—Whereas, Hon. J. H. McKune, the Judge before whom he was tried, Hon. C. Cole, the District Attorney who prosecuted him, a large number of the jurors who tried him, and a large number of respectable citizens of Sacramento County who were cognizant of all the facts of the case, all join in saying that in their opinion the prisoner has suffered sufficiently for the offence, and strongly recommend his pardon, and whereas, his conduct since his imprisonment has been exemplary, giving promise of a correct life when released from confinement—now, therefore, let him be pardoned. July 17th, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1864..	John Barrett.....	Murder in 2d degree.	San Francisco...	Ten years.

Decision.—Whereas, from a careful investigation of the case, I am convinced that the offence was committed in the heat of passion, provoked by the abuse and threats of the deceased; and whereas, the prisoner had, prior to the commission of the offence, served faithfully three years as a soldier in the Fourth Infantry, California Volunteers, maintaining an unexceptionable character, both as a man and a soldier. and whereas, a petition signed by all the men of his regiment with whom he had served, strongly indorsed by his Colonel, has been presented to me praying for his pardon, in order that he may accept a situation offered him by Hon. Phineas Banning—now, therefore let him be pardoned. July 18th, 1866.

Date of Sentence	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1858.....	Joseph Ennes	Murder in 2d degree	Calaveras.....	Fifteen years.

Decision.—Whereas, evidence has been presented to me going to show that prior to the commission of this offence the prisoner was a peaceable citizen; that there was great provocation, which led the prisoner to believe that his life was in danger; and whereas, Hon. S. W. Brockway, the present District Judge for Calaveras County, after a full investigation of the case, has strongly recommended the pardon of Ennes—now, therefore, let him be pardoned. August 24th, 1866.

Date of Sentence	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1857...	W. S. Harper.....	Manslaughter.....	Plumas.....	Ten years.

Decision.—Whereas, a petition has been presented to me signed by a large number of respectable citizens of Plumas County, stating that the sentence of the Court was excessive, and that the prisoner had suffered sufficiently for the offence, and whereas, the conduct of the prisoner since his confinement—nearly nine years—has been exemplary, which has induced the officers of the prison to ask for his release—now, therefore, let him be pardoned. August 24th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1865 ...	Charles Schlesinger....	Grand larceny.....	Sacramento.....	Five years.

Decision.—Whereas, a petition signed by the officers of the Howard Benevolent Society—from whom the money was stolen—goes to show that the offence was an indiscretion of youth rather than a felony within the proper meaning of the word. and whereas, the friends of the prisoner are anxious to send him to Europe to his relatives in case he be released—now, therefore, let him be pardoned on condition that he depart from this State prior to the twentieth of October, eighteen hundred and sixty-six, never to return. October 1st, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	James Cruise.....	Arson.....	Sacramento.....	Six years.

Decision.—Whereas, from the evidence in my possession it clearly appears that the prisoner's connection with the crime was as an accessory and not as principal, that at the time the offence was committed he was a boy, and acted in the matter without criminal intent, although not excusable for that reason; and whereas, he has now served four and one half years, deporting himself well and laboring faithfully, giving evidence of an honest and correct life in the future—now, therefore, let him be pardoned. October 1st, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1859.....	H. Y. Lebkisher.....	Grand larceny.....	Butte.....	Ten years.

Decision.—Whereas, Judge Wells, before whom he was tried, the Sheriff and other county officers of Butte County, as well as a large number of respectable citizens of Oroville, have represented that they are convinced that the sentence was disproportionate to the offence, and that the imprisonment already suffered—nearly seven years—is quite enough; and whereas, his conduct since his confinement has been good—now, therefore, let him be pardoned on condition that he depart from this State prior to the fifteenth of November next, never to return. October 27th, 1866.

Date o Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1866.....	Samuel Cohen.....	Grand larceny.....	Sacramento.....	Eighteen months.

Decision.—Whereas, a petition has been presented to me, signed by the County Judge, District Attorney, and a large number of respectable and worthy citizens of Sacramento, in which they state that the evidence was such that the jury could with propriety have brought in a verdict of not guilty, that the prisoner is sixty-four years of age, and prior to this time has borne a good character; that he has a large and helpless family depending upon him for support, who are now being supported by charity; that, in consideration of all these circumstances, executive clemency is asked—now, therefore, let him be pardoned. October 27th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1866.....	Miguel Peralta.....	Grand larceny.....	Alameda	One year.

Decision.—Whereas, from a statement of the case made by ten of the jury who tried him, and by the County Judge, County Clerk, and Sheriff, it appears that the crime was really committed by other persons, and that the prisoner was by reason of his youth and inexperience made a participant and the victim. The Judge states that it was his intention to have sentenced the boy to confinement at the Reform School, and was only prevented from doing so for the reason that the prisoner's age was a few months in excess of the limit—now, therefore, let him be pardoned. November 13th, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	R. B. Schell	Manslaughter.....	San Francisco..	Ten years.

Decision.—Whereas, Dr. Charles Burrill, the surgeon of the State Prison, certifies that the prisoner is subject to attacks of hemorrhage of the lungs; that he is now in the hospital suffering from an attack of this disease, with no possibility of his ever being restored to health, and whereas, it is represented that friends of the prisoner are willing to incur the expense of sending him to his relatives in Indiana in the event that he be released—now, therefore, let him be pardoned upon the condition that he depart from this State prior to the fifteenth of December next, never to return. November 23d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1859	James Mullins.....	Burglary	Sacramento.....	Ten years.

Decision.—Whereas, a certificate signed by Dr. Charles Burrill, the surgeon of the State Prison, has been presented to me, from which it appears that the prisoner is suffering from an incurable disease, and cannot long survive, and it further appearing that the said Mullins is possessed of sufficient means to take him to his friends in the Atlantic States—now, therefore, let him be pardoned on condition that he departs from this State prior to the fifteenth of December next, never to return. November 23d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865. ...	Bernard Gillen.....	Robbery	San Francisco.	Six years.

Decision.—Whereas, since his trial it has been made to appear to the jurors who tried him, that the prosecuting witness—upon whose evidence the verdict was found—was a man of bad character, and the circumstances which have since come to light cast a grave doubt upon the justice of the verdict; and whereas, the jurors in the above case, together with a large number of respectable citizens of San Francisco, have petitioned for executive clemency in behalf of Gillen—now, therefore, let him be pardoned. December 18th, 1866.

Date of Sentence	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1864.....	John McFadden.. . ..	Robbery	San Francisco.	Five years.

Decision.—Whereas, Judge Cowles, before whom McFadden was tried, in a communication to me touching this case, says "I fear that an innocent man is suffering wrongfully," and strongly urges that executive clemency be extended, and whereas, from the evidence presented to me I am convinced that McFadden was the victim of a conspiracy which resulted in his conviction of a crime of which he was innocent—now, therefore, let him be pardoned. December 18th, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1864....	Michael Keefe.....	Murder in 2d degree.	Sacramento..	Eleven years.

Decision.—Whereas, a careful examination of the testimony in this case leads me to believe that the verdict should have been manslaughter, if not justifiable homicide; and whereas, the Judge before whom he was tried, the prosecuting attorney, Chief of Police, and a large number of respectable citizens of Sacramento County, have petitioned for a full and unconditional pardon—now, therefore let him be pardoned. December 18th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1866...	José Castro.....	Assault to do bodily injury.	Sacramento....	Two years.

Decision.—Whereas, it appears by a certificate signed by Dr. Charles Burrill, surgeon of the prison, that the said Castro is suffering from a disease from which he cannot recover, and the probabilities are that he cannot survive the expiration of his term; and whereas, the mother of the prisoner has, through Hon. R Pacheco, asked that he may be released in order that she may have the consolation of administering to his comforts in his last hours—now, therefore, let him be pardoned. January 22d, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1860.....	William K. Lamb.....	Manslaughter.....	San Joaquin....	Nine years.

Decision.—Whereas, petitions numerously signed by respectable citizens of San Joaquin County, praying for the pardon of said Lamb, have been received, and whereas, the presiding Judge, before whom he was tried—Judge Creanor—and the present Judge of that District—Judge Cavis—are of the opinion that the evidence which has come to light since his conviction, warrant them in stating that the sentence was excessive, and that he has suffered sufficiently for the offence—now, therefore let him be pardoned. January 23d, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1860 .	Pedro Valdez.....	Murder in 2d degree	Santa Barbara..	Twelve years.

Decision.—Whereas, it appears from statements made by the Judge before whom Valdez was tried, the District Attorney who prosecuted him, and a large number of the jurors who tried him, that the crime was committed at the instigation of and through the influence of others: and whereas, his character prior to the commission of this crime was exemplary, as certified to by Hons. R. Pacheco, P W. Murphy, and R J. Hill, who strongly urge that executive clemency may be exercised in this case—now, therefore, let him be pardoned. January 23d, 1867.

List of Pardons—Continued.

Date of Sentence	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1863	Hiram Utt	Grand larceny	Los Angeles	Fifteen years.

Decision.—Whereas, the evidence presented to me shows the following facts: that Utt was arrested and tried at a time when great excitement existed in Los Angeles in regard to cattle stealing; that he was convicted upon the unsupported evidence of one witness, a man since proven to be of bad character; that the prisoner's counsel was not present at the trial, and the Court refused a continuance so a defence could be made; and whereas, the foreman of the jury that tried him says that he is satisfied that Utt was innocent and would have been acquitted if any proper defence had been made—now, therefore, let him be pardoned. February 13th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1864	Wm. Hoagland	Murder in 2d degree.	Santa Clara	Twenty-five years.

Decision.—Whereas, Hon. S. B. McKee, the Judge before whom Hoagland was tried, the Sheriff, District Attorney, and other county officers of Santa Clara County, and a number of respectable citizens of the same county, certify that from evidence which has come to light since the trial, it is extremely doubtful whether the wound inflicted by the prisoner was the cause of death, for which reason they strongly urge executive clemency; and whereas, the surgeon of the prison and the Lieutenant-Governor certify to me that the prisoner is suffering from an incurable disease, and cannot long survive—now, therefore, let him be pardoned. February 18th, 1867.

Date of Sentence	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1861	Peter Wittenberg.	Murder in 2d degree	Marin.	Eleven years.

Decision.—Whereas, a petition signed by the District Attorney, county officers, and a large number of respectable citizens of Marin County, represents that from the best authenticated testimony, Wittenberg's crime was only manslaughter, and that he has already suffered six years' imprisonment, a punishment sufficient for the crime, for which reasons the petitioners pray that Wittenberg may be pardoned; and whereas, Hon. O. L. Shafter, Judge of the Supreme Court, indorses the said petition and joins in the request for pardon—now, therefore, let him be pardoned. March 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime	County.	Term of Sentence.
June, 1860	Amariah Kibby	Murder in 2d degree.	Sonoma	Thirty years.

Decision.—Whereas, a transcript of the evidence given at the trial has been furnished me, an examination of which convinces me that the verdict and sentence of Kibby was an outrage upon justice, that Kibby's crime was not greater than manslaughter, with mitigating circumstances, or, possibly, justifiable homicide; and whereas, petitions signed by a large number of respectable citizens of Sonoma County, certify to the prisoner's former good character, and urge the case as one deserving of executive clemency—now, therefore, let him be pardoned. March 4th, 1867.

List of Pardons—Continued.

Date of Sentence	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	John Pelcher.....	Robbery	Butte	Ten years.

Decision.—Whereas, a petition signed by Lieutenant-Governor Machin, and all the officers of the prison, has been received, praying for the pardon of said Pelcher, as a reward for his good behavior while in prison, and particularly for the truthful and timely information given to the officers, by which a "break" was prevented, which "break," if it had been successful, would have imperilled the lives of the officers and permitted the escape of a large number of desperate men to prey upon the community—now, therefore, let him be pardoned. March 22d, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	George Williams.	Assault to rob..... ...	Santa Clara . .	Three years.

Decision.—Whereas, it appears from the statement of Judge Senter, before whom Williams was tried, that had he been cognizant of all the facts of the case the sentence would not have exceeded one year: and whereas, the prisoner Williams is a mere boy, whose parents are anxious to take him, if released, to the Atlantic States—now, therefore, let him be pardoned April 5th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	Titus W. Davis	Murder in 2d degree	El Dorado	Twenty years.

Decision.—Whereas, certain facts have been brought to light since the trial and sentence of Davis which have induced Judge Brockway, before whom he was tried, and all the jurors who tried him, to petition for his pardon, and whereas, Governor Geary, of Pennsylvania, and many other respectable citizens of that State, certify to the former good character of the prisoner, and pray for executive clemency, to the end that he may be restored to his family—now, therefore, let him be pardoned on condition that he depart from this State within sixty days, never to return. April 16th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1865.....	Thomas Edwards..	Manslaughter..	Santa Clara	Four years.

Decision.—Whereas, Hon. S. B. McKee, the Judge before whom he was tried, the District Attorney, Sheriff, nearly or quite all the county officers of Santa Clara County, and a large number of respectable citizens, resident of San José, have petitioned for executive clemency in this case—now, therefore, let him be pardoned. April 26th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1864...	Ah Chung.....	Grand larceny..	San Francisco..	Five years.

Decision.—Whereas, Judge Cowles, before whom he was tried, states that he is satisfied that an erroneous ruling was made by him upon the trial which may have prevented the defendant from introducing evidence going to show his innocence, and for this reason prays that Ah Chung may be pardoned: and whereas, the imprisonment already suffered would seem to be entirely adequate for the offence, if there was a possible doubt as to the prisoner's guilt—now, therefore, let him be pardoned. April 20th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1864....	Charles Williams.....	Robbery	Alameda.....	Ten years.

Decision.—Whereas, evidence has been presented to me going to show that he was led to commit crime by bad associates when he was a mere boy, and that if now removed from such companionship he may become a useful citizen; and whereas, his friends promise that if released he shall leave this State and go to reside with his relations in the Atlantic States—now, therefore, let him be pardoned on condition that he leaves this State prior to June first, eighteen hundred and sixty-seven, never to return. May 15th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1865.....	Frederick Zett.....	Embezzlement.....	San Francisco...	Four years.

Decision.—Whereas, a petition signed by the prosecuting witness, by Hon. A. L. Tubbs, the foreman of the grand jury that found the indictment against the prisoner, and by the jurors who tried him, praying for the pardon of Zett on the ground that the punishment already inflicted is ample for the offence, which application is approved by the Judge before whom he was tried—now, therefore, let him be pardoned. May 16th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1859.....	John Davis.	Murder in 2d degree	Klamath	Ten years.

Decision.—Whereas, it appears from the statement of the Judge before whom he was tried that there were mitigating circumstances connected with the homicide which should properly have reduced the grade of the crime to manslaughter; and whereas, the prisoner has now been confined in the penitentiary eight years, during which time he has conducted himself with propriety, for which reason the officers of the prison unite in a strong recommendation for executive clemency—now, therefore, let him be pardoned. May 16th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1864.....	Epifanio Valdez.....	Rape.....	Los Angeles	Five years.

Decision.—Whereas, a statement signed by the Judge before whom the prisoner was tried, the District Attorney who prosecuted him, by the county officers, and a large number of respectable citizens of Los Angeles, has been presented to me, from which it appears that since the conviction and sentence of Valdez it has been definitely ascertained that another person was the guilty party, and that Valdez is innocent of the crime for which he is undergoing imprisonment—now, therefore, let him be pardoned. May 17th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1867.....	John Faylor.....	Grand larceny.....	Sonoma..	One year.

Decision.—Whereas, a petition for his pardon, signed by the County Judge, District Attorney, all the county officers, and a large number of respectable citizens of Sonoma County, has been presented to me, from which it appears that the prisoner is a boy about nineteen years of age, that he was persuaded by others to do the acts which he believed to be no crime, that he is morally innocent of criminal intent, and if released, would be furnished a situation in which he could reinstate himself in the good opinion of those who know him—now therefore, let him be pardoned. June 10th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	Terrence Miner.....	Grand larceny.....	San Francisco..	One year.

Decision.—Whereas, it appears from a statement made to me by Judge Cowles that the defendant was only technically guilty of the crime: that although the strict letter of the law compelled them to find a verdict of guilty, the jury, before rendering their verdict, agreed to join in a petition for his pardon; and whereas, the good character of the prisoner prior to the commission of this offence is proven, and the jury have united in an appeal for executive clemency—now, therefore, let him be pardoned. June 15th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1866...	Jesus Garcia.....	Manslaughter.....	Contra Costa....	Two years.

Decision.—Whereas, a petition for his pardon has been received, signed by the County Judge and all the county officers, also by a large number of respectable citizens of Contra Costa County; and whereas, Judge Dwinelle, before whom he was tried, has made to me a verbal, and the Mexican Consul a written request that said Garcia be pardoned; and whereas, it appears from the evidence submitted to me that the assault was committed under great provocation, and that it is even doubtful if the death of the person assaulted was not the result of intemperate habits—now, therefore, let him be pardoned. June 15th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	John McCormick.....	Arson in 2d degree..	San Francisco...	Two years.

Decision.—Whereas, a petition for his pardon has been presented to me, signed by many respectable citizens of San Francisco, and whereas it is apparent from the evidence in the case that McCormick considered he was defending his own property, the title to the land having since been decided in his favor, and adversely to the owner of the shanty which was burned, and whereas, since his trial and conviction, while on bail, he has purchased a farm in Napa County, to which he has removed his family, and which at this season requires his immediate attention in order to insure a support for those dependent upon him—now, therefore, let him be pardoned. June 27th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865 ...	Robert McCausland ...	Grand larceny.....	Sacramento.....	Seven years.

Decision.—Whereas, statements have been made to me by Hon. Robert C. Clark, the Judge before whom he was tried, the District Attorney who prosecuted him, and others who were acquainted with the facts in the case, from which it appears that the sentence of the Judge was disproportionate to the offence, and that the imprisonment already undergone is ample, and whereas, the friends of the prisoner desire to send him to his relatives in the Eastern States, if released—now, therefore, let him be pardoned on condition that he depart from this State prior to August first, eighteen hundred and sixty-seven, never to return. July 11th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1862	Robert P. Mills.....	Murder in 2d degree	Humboldt.	Ten years.

Decision.—Whereas, a copy of the evidence given at the trial of the prisoner has been laid before me, from which it appears that the grade of the crime was manslaughter, and whereas, he has already been imprisoned five years—a term fully adequate to the crime—during which time his conduct has been exemplary, and whereas, the Judge before whom he was tried, and the District Attorney who prosecuted him, join in a request for executive clemency in his behalf—now, therefore, let him be pardoned. July 13th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1866.....	John Kavanaugh.....	Grand larceny	Alameda	Two years.

Decision.—Whereas, it appears from the statement of the Judge before whom he was tried, a portion of the jurors who tried him, and other persons fully acquainted with the case, that the evidence was very meagre as well as entirely circumstantial, that even if guilty, as charged, the offence was slight and the punishment already inflicted would appear to be ample—now, therefore, let him be pardoned. July 14th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1856	Daniel S. Potts.....	Murder in 2d degree.	Placer	Life.

Decision.—Whereas, it appears from the statements of Edward H. Parker and many other respectable citizens of San Francisco—in whose emply Potts had been for some years prior to the commission of the offence—that the crime was the result of sudden passion, and not of wicked design; that before that time Potts had been an industrious and good man, that the punishment already suffered—eleven years—has fully vindicated the majesty of the law and public justice, and that if executive clemency be extended, the former employers of Potts will send him to his relatives in the Atlantic States—now, therefore, let him be pardoned on condition that he depart this State prior to August fifteenth, never to return.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865.....	Patrick Hughes...	Arson	San Joaquin.....	Five years.

Decision.—Whereas, representations are made to me by the Judge before whom he was tried, and the District Attorney who prosecuted him, that they are satisfied the punishment already inflicted is ample, and strongly urge executive clemency, which recommendation is indorsed by a large proportion of the respectable citizens of Stockton, among whom are included a portion of the jury who tried the case—now, therefore, let him be pardoned. August 19th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1863.....	Porter Cunningham...	Rape	Sacramento ...	Ten years.

Decision.—Whereas, the Judge before whom he was tried, the Acting District Attorney who prosecuted him, and a majority of the jury by whom he was tried, unite in saying that there is great doubt of the guilt of the accused: that the subsequent course of life of the prosecuting witnesses has been such as to throw discredit upon the testimony given at the trial, that the prisoner is an old man, and they strongly urge that he may be pardoned and restored to his family, now residing in the Atlantic States—now, therefore, let him be pardoned on condition that he depart from this State prior to October fifteenth, eighteen hundred and sixty-seven, never to return. September 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1862...	Albert Snell	Robbery	Nevada.....	Fourteen years.

Decision.—Whereas, a statement has been made by Hon. David Belden—the Judge before whom he was tried—to the effect that, considering all the circumstances of the case, and the reported good conduct of the prisoner, the sentence pronounced was too severe, and that in his judgment the imprisonment already suffered is ample, and whereas, a petition numerously signed by the residents of Nevada County has been presented to me, invoking executive clemency in this case—now, therefore, let him be pardoned on condition that he depart this State prior to October first, eighteen hundred and sixty-seven, never to return. September 12th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1863...	Charles Anderson	Murder in 2d degree.	San Francisco...	Ten years.

Decision.—Whereas, evidence has been presented to me going to show that the offence was not greater than manslaughter, even if it was not justifiable homicide, and whereas, he has already suffered five years' imprisonment, conducting himself peaceably and laboring faithfully, a punishment ample for the offence—now, therefore, let him be pardoned. October 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1859.....	George Lee	Murder in 2d degree.	Mariposa..... ..	Twenty years.

Decision.—Whereas, the Judge before whom he was tried is of the opinion that the murder was not premeditated, and that the imprisonment already suffered is ample, and whereas, the Consul of the Hawaiian Government, and others connected therewith, have petitioned for the pardon of Lee, (said Lee being a native of Honolulu,) that he may return to his native land. They also state that the clemency, if granted, would be highly appreciated by the Hawaiian Government—now, therefore, let him be pardoned October 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1866..	R. Newton Williams...	Grand larceny	El Dorado.....	Two years.

Decision.—Whereas, the Judge before whom he was tried, the District Attorney who prosecuted the case, and the county officers of El Dorado County, strongly urge that the said Williams may be pardoned for the following reasons First—He is a mere boy, and his participation in the crime of which he was convicted was the result of bad influences. Second—This is his first offence against the law, for which the punishment already inflicted is ample—now, therefore, let him be pardoned. October 25th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1864.....	Ira Berry.	Grand larceny.....	Sonoma.....	Six years.

Decision.—Whereas, a statement of the case has been made to me by Judge Laughton, before whom he was tried, from which it appears that Berry's offence was not clearly proven, that the Judge had determined to impose a sentence of two or three years at most: that he was induced by prisoner's counsel to make the sentence six years, instead of two or three, because it was thought the prisoner would be more likely to obtain a pardon with a long sentence than with a short one, and whereas, the prisoner has already suffered a longer imprisonment than was originally intended —now, therefore, let him be pardoned. October 25th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865.....	Benj. Carson	Robbery	San Francisco...	Four years.

Decision.—Whereas, sufficient evidence has been adduced to prove conclusively that the crime was committed by another person, and that the prisoner is innocent; and whereas, Judge Cowles, before whom Carson was tried, is satisfied that great injustice has been done, and strongly urges executive clemency—now, therefore, let him be pardoned. October 25th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1859	Charles D. Ryan.....	Robbery	Stanislaus.....	Twelve years.

Decision.—Whereas, it appears that Ryan was a youth when sentenced; that the sentence was disproportionate to the offence, that he has already suffered nearly nine years' imprisonment, that his conduct while in prison has been exemplary, and that, if released, he promises to leave the State, return to his relatives and friends, and lead an honest and correct life in the future—now, therefore, let him be pardoned on condition that he depart this State prior to December fifteenth, eighteen hundred and sixty-seven, never to return. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1858	Martin Rodriquez.....	Murder.....	Placer	Life.

Decision.—Whereas, it appears from the statement of the Judge before whom he was tried, and the District Attorney who prosecuted him, that the verdict and sentence were unjust and severe, and that the person jointly indicted with the prisoner, and who was equally guilty, was convicted of a lesser offence for which he has suffered the sentence imposed, and is now at liberty; and whereas, the Judge and officers of Placer County, who were acquainted with all the facts, earnestly petition for Rodriquez' pardon—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1865..	Jeremiah McCarthy..	Manslaughter	Sacramento.....	Ten years.

Decision.—Whereas, the District Attorney who prosecuted this case is inclined to the belief that if the actual facts could be ascertained it would be found that the attack was made on McCarthy first, and that the killing was in self defence; and whereas, the Governor of Massachusetts, in a letter to me certifies to McCarthy's former good character, states that if McCarthy can be pardoned the means will be provided for his return to his family, and that the former employer of the prisoner will again give him employment and thus furnish a support for his helpless family—now, therefore, let him be pardoned on condition that he leaves the State prior to December fifteenth, never to return. November 26th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1860	Peter Lombard	Murder in 2d degree.	Sierra	Fifteen years.

Decision —Whereas, a petition signed by the county officers of Sierra County, and a large number of respectable citizens living near the scene of the homicide, has been received, praying for Lombard's pardon, and whereas, the District Attorney who prosecuted at the trial—Hon. Alex. W. Baldwin—in a letter to me states that there were many extenuating circumstances which should have weight in this case; that, in his opinion, justice has been satisfied by the punishment already inflicted, and earnestly prays for executive clemency in this case—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1866.....	John H. Mills	Grand larceny . ..	San Francisco.	Seven years

Decision —Whereas, the facts of this case appear to be that Mills and another party committed a larceny, that the evidence of their guilt was so slight as to warrant the belief that they would be acquitted; that the District Attorney authorized an officer to say to Mill- that if he would confess the crime and return the stolen property, he, as District Attorney, would join in a petition for Mills' pardon, that Mills did confess and return all the stolen property in his possession, that both were convicted, and each sentenced to imprisonment for seven years, and that, in the opinion of the District Attorney and a large number of persons who join in the petition, Mills is entitled to executive clemency—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1864	Frank McCann	Manslaughter	Contra Costa....	Ten years.

Decision —Whereas, the officers of the prison join in an earnest appeal for the pardon of McCann, on the ground of his good behavior while under their charge, and for his valuable aid in detecting and giving information of plots at escape among the prisoners; and whereas, a letter has been received from the Judge before whom he was tried, in which he says "I hope I shall soon hear of McCann's pardon"—now, therefore, let him be pardoned on condition that he depart from this State prior to December fifteenth, eighteen hundred and sixty-seven, never to return. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence
March, 1859	Moses Tate.....	Murder in 2d degree	San Francisco	Life.

Decision —Whereas, the facts in this case appear to be that Tate was induced by another person to assist in the commission of crime; that the other person planned it and prevailed upon the simplicity of the prisoner till he became an actor in it, and that the trials resulted in the acquittal of the guilty one and the conviction of Tate, and whereas, the prisoner's mental perceptions are much below the ordinary standard, he is quiet and inoffensive, and no possible good can result from longer imprisonment, and whereas, a large number of persons have petitioned for his pardon and agree with me in these conclusions—now, therefore, let him be pardoned. November 26th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1866...	Peter D. Hedley.....	Embezzlement.....	San Francisco..	Three years.

Decision.—Whereas, petitions and letters have been received asking for the pardon of Hedley, signed by the Governor of Nevada, Judge Baldwin, and a large number of the most respectable citizens of Virginia, Gold Hill, and other places in Nevada, and by large numbers of persons in San Francisco, Marysville, and Oroville; and whereas, the facts in this case appear to be that Hedley appropriated the money to his use without felonious intent, that he undoubtedly intended to return it, and that his conviction was sought more for an *example* than as a punishment for his particular offence; and whereas, in view of all this, it would seem that the imprisonment already suffered is ample—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1862.....	Alexander G. Flowers	Murder in 2d degree	Tuolumne.....	Twelve years.

Decision.—Whereas, the surgeon of the prison certifies that said Flowers is suffering from a pulmonary disease from which there is no possibility of recovery if retained in prison, and strongly urges his pardon on the score of humanity, in which request the officers of the prison join, and whereas, the conduct of the prisoner has been exemplary since his confinement—nearly six years—giving evidence of reformation and a correct life in the future, if released—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1860....	Henry Wappner.....	Murder in 2d degree	San Francisco..	Life.

Decision.—Whereas, an investigation into the facts in this case satisfies me that the grade of the crime was not greater than manslaughter, for which he has already suffered about eight years' imprisonment, and whereas, a portion of the jurors and many respectable citizens of the City of San Francisco have signed a petition asking for executive clemency in this case—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1865...	William Jocelyn.....	Grand larceny.....	Colusa.....	Six years.

Decision.—Whereas, it is made to appear to me that the prisoner was convicted at a time of great excitement, that the evidence against him was in the main circumstantial, and that at the time of the trial and since, grave doubts have existed in the minds of those best able to judge of the guilt of the accused; and, whereas, a petition, signed by all the officers of the prison has been received, in which they testify to his exemplary conduct, and pray for executive clemency, and the prayer is concurred in by persons who certify to Jocelyn's former good character—now, therefore, let him be pardoned. November 26th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1857 ...	William Miller.....	Murder in 2d degree.	Butte.....	Twenty-one years.

Decision.—Whereas, from an examination into the facts of this case it appears that certain witnesses, who were cognizant of all the circumstances, could not be found at the time of the trial, whose evidence would probably have proven a case of justifiable homicide; and whereas, the statement of evidence given at the trial clearly demonstrates that the offence was not of higher grade than manslaughter, and if a correct verdict had been found, the prisoner, having suffered more than ten years' imprisonment, would be entitled to a discharge—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1860.	Miguel Marquez	Murder in 2d degree	Alameda	Life.

Decision.—Whereas, an examination into this case discloses the following facts: Marquez was convicted of the murder of S. D. Lester; the case was appealed and the verdict was set aside by the Supreme Court, he was again tried and the jury disagreed, standing eight for acquittal and four for conviction Upon the third trial the jury, after twenty-four hours deliberation, found a verdict of murder in the second degree; and this verdict was found in the face of the ante-mortem declaration of the deceased that the prisoner was not the guilty party, and whereas, the people of Oakland testify to the former good character of Marquez, and give it as their opinion that he is suffering punishment unjustly—now, therefore let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1865.....	J. R. Welborn.....	Grand larceny.....	Butte.....	Five years.

Decision.—Whereas, a petition has been received, signed by a large number of respectable citizens, residents of Butte and Yuba Counties, who were well acquainted with the facts in the case, who say that the prisoner is quite young, and that this is his first and only offence; that he was induced by others to take the horse, and that he had no just appreciation of the offence, nor did he commit the act with criminal intent; and whereas, this state of facts being proven, it appears that the prisoner has suffered enough—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1866.....	Refugio Flores	Grand larceny.....	Santa Barbara..	Five years.

Decision.—Whereas, a petition for his pardon has been received, signed by a large number of respectable citizens of Santa Barbara, by which it appears that the evidence upon which the conviction was had was entirely circumstantial, and that in the opinion of petitioners the prisoner is innocent of the crime: and whereas, these statements are indorsed by Hon. R. Pacheco and the Consul of Mexico, Señor José A. Godoy—now, therefore, let him be pardoned. November 26th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1865.....	Richard Kneale.....	Manslaughter.....	Nevada.....	Ten years.

Decision.—Whereas, a statement of the case has been made to me in writing, signed by the Judge before whom he was tried, the District Attorney who prosecuted him, by Hons. David Belden, A. A. Sargent, Judge Niles, and many other respectable citizens of Nevada County, from which it appears that the offence was committed under great provocation, and the prisoner had good reason to believe his own life was in danger when the deed was done: and whereas, the petitioners say the sentence was disproportionate to the offence, and that the punishment already inflicted is ample—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1862.....	Ah On.....	Murder in 2d degree.	San Francisco..	Ten years.

Decision.—Whereas, I am informed in a letter received from Hon. S. F. Reynolds, the Judge who presided at the trial of said Ah On, that the evidence did not warrant a verdict for a higher crime than manslaughter, and that he has already suffered imprisonment for more than five years, a term long enough for the latter crime and whereas, the officers of the prison unite in a certificate setting forth his uniform good conduct while under their charge—now, therefore, let him be pardoned. November 30th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1858.....	Isaac Morris.....	Assault to murder...	Sacramento.....	Fourteen years.

Decision.—Whereas, a petition has been received by me urging the pardon of the said Isaac Morris, on the ground that the ends of justice have been satisfied by the long imprisonment he has already suffered; and whereas, from a personal investigation of the case I am satisfied he should be released without further punishment; and whereas, the prison officers testify to his excellent behavior since he has been under their charge—now, therefore, let him be pardoned. November 30th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1862.....	N. R. Ellis.....	Grand larceny.	Sonoma.....	Nine years.

Decision.—Whereas, a petition signed by the County Judge, District Attorney, and all the county officers of Sonoma County, asking for Ellis' pardon, has been received, from which it appears that the value of property stolen did not exceed seventy-five dollars, and whereas, the prisoner has already suffered over five years' imprisonment, a punishment which seems to be ample for the offence—now, therefore, let him be pardoned on condition that he depart from this State prior to December fifteenth, eighteen hundred and sixty-seven, never to return. November 30th, 1867.

LIST OF PARDONS FROM COUNTY JAIL,

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1865.	Ah Toy.....	Vagrancy.....	San Francisco .	Sixty days.

DECISION.—Whereas, certificates signed by Dr. Wm T. Garwood, County Physician, and other physicians, going to show that the prisoner is partially blind, which fact, if it had been established on the trial, would have relieved him from the charge of vagrancy, and whereas, Hon. P. W. Shepheard, the Police Judge who sentenced him, asks that he may be pardoned—now, therefore, let him be pardoned. November 1st, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1866	John Stewart....	Misdemeanor.....	San Francisco...	Six months.

DECISION —Whereas, it appears from statements made to me by his former employer—Hon. A. L. Tubbs—and also from a petition numerously signed, asking for his pardon, that the prisoner's character has been hitherto unexceptionable, and that there are mitigating circumstances attending the commission of the offence to which he plead guilty; and whereas, the confidence of his former employers appears to be such that they propose to take him into their employ again when released from jail—now, therefore, let him be pardoned. June 15th, 1866.

Date of Sentence	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1865	George Smith.....	Petit larceny (five charges.)	San Francisco ..	Eighteen months.

DECISION.—Whereas, a petition has been presented to me, signed by a large number of respectable citizens of Benicia, (the place where he formerly resided,) certifying to the good conduct of the prisoner prior to these offences, and praying that he may be pardoned; and whereas, the District Attorney of the City and County of San Francisco is of the opinion that this is his first offence, and on account of his youth and heretofore exemplary conduct recommends that executive clemency be granted—now, therefore, let him be pardoned on condition that he depart from this State prior to the twentieth instant, never to return. February 8th, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1866.....	John Atkinson.....	Assault with intent to do bodily injury.	Placer..... ..	One year, or fine of $750.

Decision.—Whereas, a petition has been presented to me, signed by the County Judge, District Attorney, and other county officers, Senator Hale, and many other respectable citizens of Placer County, asking that the said Atkinson may be set at liberty; and whereas, upon a careful investigation of the case I am convinced that the sentence was disproportioned to the offence, and that the punishment he has already suffered is ample—now, therefore, let him be pardoned. July 19th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1866.....	W. J. Pinckney.....	Petit larceny.....	San Francisco...	Six months.

Decision.—Whereas, a petition signed by Captain Paul Shirley, United States Navy; Captain Baldwin, and nearly all the officers at the Navy Yard, has been presented to me, asking for his pardon, for the reason that prior to the present charge the prisoner has borne an irreproachable character, and also that the prisoner has a large and destitute family depending solely upon his labor for their support; and whereas, the cause of justice has been fully vindicated by the punishment already inflicted—now, therefore, let him be pardoned. October 1st, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1866.....	P. H. Howe.....	Petit larceny.....	San Francisco...	Six months.

Decision.—Whereas, a petition has been presented to me for his pardon, signed by numerous highly respectable citizens of San Francisco, setting forth in strong terms the previous good character of the prisoner, and that he is the only support of a widowed mother; and whereas, his pardon is recommended by Judge Alfred Rix, before whom he was tried, and by the officer who arrested him, who certifies that he was in a state of intoxication when the offence was committed—now, therefore, let him be pardoned. October 27th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1866.....	Henry C. Penwell.....	Petit larceny.....	San Francisco..	Six months.

Decision.—Whereas, a petition for his pardon, signed by Judge Rix, before whom the prisoner was tried, General John F. Miller, R. F. Perkins, T. B. Shannon, J. G. McCullough, Col. Edward McGarry, and N. D. Arnot, has been presented to me, from which it appears that Penwell has served faithfully as a soldier during the late war; that the property in question was valued at only twenty dollars, that poverty, and not criminal intent, was what induced the commission of the offence, and that if released, his friends will furnish means for him to leave the State—now, therefore, let him be pardoned. November 23d, 1866.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	Hugh Doran.....	Petit larceny.....	San Francisco..	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said Hugh Doran belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and, whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	George Lee..	Petit larceny.	San Francisco ..	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said George Lee belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination, and, whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867	John McCann.....	Petit larceny.....	San Francisco..	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said John McCann belongs to the Fourteenth Regiment of Infantry, United States Army, that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and, whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867	Edward Kelly.....	Petit larceny.....	San Francisco. .	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said Edward Kelly belongs to the Fourteenth Regiment of Infantry, United States Army, that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination, and whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	John Donnovan..	Petit larceny.....	San Francisco...	Six months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said John Donnovan belongs to the Fourteenth Regiment of Infantry, United States Army, that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination: and whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	John Adams.....	Assault and battery.	San Francisco...	Fourteen days.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said John Adams belongs to the Fourteenth Regiment of Infantry, United States Army that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination and whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1866.....	J. W. Walsh.....	Misdemeanor.....	San Francisco.	Six months.

Decision.—Whereas, a certificate signed by Wm. Garwood, M. D., and J. M. McNulty, M. D, has been received, by which it appears that the prisoner is suffering acute inflammatory rheumatism, which is greatly aggravated by the dampness of the prison; and whereas, Judge Cowles and District Attorney Porter recommend that in view of the foregoing, and on the score of humanity, executive clemency should be extended in this case—now, therefore, let him be pardoned. January 7th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1866.....	Joseph Grabman.....	Petit larceny.....	San Francisco..	Eighteen months.

Decision.—Whereas, the Judge, Clerk, and Prosecuting Attorney of the Court in which he was tried, the prison keepers, the police officers who made the arrest, and others, join in a petition for his pardon, assigning as a reason the length of time he has been in prison—over one year—and his uniform good conduct—now, therefore, let him be pardoned. August 19th, 1867.

List of Pardons—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1867.	Henry Carrington	Gambling	San Francisco	Fifteen months.

Decision.—Whereas, a certificate, signed by respectable physicians, affirms that the said Carrington is suffering from severe illness, and that in the jail he cannot receive such medical and and surgical treatment as his case demands, and whereas, Judge Cowles and District Attorney Porter unite in asking for executive clemency, in which request the Sheriff and officers of the jail and many respectable citizens join—now, therefore, let him be pardoned. October 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1867.....	George Francis	Misdemeanor	San Francisco.	Fifteen months.

Decision.—Whereas, it is made to appear by certificates signed by Drs. L. J. Henry, S. R. Harris, C. W. Moore, and Pyne Dupuytren, that the said Francis is suffering from a disease of the heart, which is greatly aggravated by confinement in the jail; and whereas, in consideration of the above, Judge Cowles and District Attorney Porter recommend executive clemency—now, therefore, let him be pardoned. October 22d, 1867.

RESTORATIONS TO CITIZENSHIP,

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1864..	Thomas Sullivan.....	Grand larceny.....	San Francisco..	One year.

DECISION.—Whereas, since the expiration of his term of imprisonment he enlisted as a soldier, and has served faithfully in the army during the war, and has now received an honorable discharge—now, therefore, let him be restored to citizenship. November 24th, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1861.....	Christian Bliel.....	Robbery	San Francisco.	One year.

DECISION.—Whereas, from the testimony of the District Attorney who prosecuted him, and other evidence, it appears that since the expiration of his term of imprisonment the said Bliel has conducted himself properly, giving evidence of an earnest desire and intention of leading a correct life in the future—now, therefore, let him be restored to all the rights and privileges of citizenship. January 3d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1864.....	M. C. Hughes	Manslaughter.....	Mariposa.....	Six months.

DECISION.—Whereas, it has been represented to me that he has conducted himself in a satisfactory manner since the expiration of his term of imprisonment, and that the people of Mariposa have confidence in him—now, therefore let him be restored to all the rights and privileges of citizenship. January 13th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1856	H. T. Lawrence	Grand larceny.....	San Francisco..	Three years.

DECISION.—Whereas, it is represented to me by a large number of respectable citizens of San Francisco that the said Lawrence has since his discharge become a good citizen, embarked in business and accumulated property—now, therefore, let him be restored to all the rights and privileges of citizenship to which he was entitled before the aforesaid conviction and imprisonment. September 13th, 1866.

COMMUTATIONS OF SENTENCE,

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Sentence.
November, 1865...	Francisco Gonzales.....	Murder in 1st degree	Mariposa.....	Death.

DECISION.—Whereas, at the November term, A. D. eighteen hundred and sixty-five, of the District Court of the Thirteenth Judicial District, held in and for the County of Mariposa, Francisco Gonzales was tried and convicted of murder in the first degree, and sentenced to be hung on the twenty-sixth day of January instant, and whereas, from the statement of the evidence furnished me by the Judge, it does not appear to have been a case of "wilful, deliberate and premeditated" murder, but, on the contrary, the killing seems to have been the result of an altercation; and whereas, the foreman and many of the jurors, after having found the said verdict, have, by a most singular request, petitioned for commutation, which request is sustained by representations from the county officers and other prominent citizens of the county, all of which tend most strongly to show that the verdict is not sustained by the evidence—now, therefore, I, Fred'k F. Low, Governor of the State of California, do by the authority vested in me by the Constitution and laws of this State, commute the sentence of the said Francisco Gonzales, and I do hereby order and direct the Sheriff of Mariposa County, upon the receipt of these presents, to take and deliver the said Francisco Gonzales into the custody of the officers of the State Prison of California, and that he be confined there at hard labor for the term of fifteen years, dating from the day of his entrance into the prison.

SEAL.

In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this seventeenth day of January, A. D. eighteen hundred and sixty-six.

FRED'K F. LOW, Governor.

Attest. B. B. REDDING, Secretary of State.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1866...	Tom (an Indian).....	Murder in 1st degree	El Dorado.....	Death.

DECISION.—Whereas, at the November term, eighteen hundred and sixty-six, of the District Court, held in and for the County of El Dorado, one Tom (an Indian) was convicted of murder in the first degree, and sentenced to be executed on the eleventh day of January instant; and whereas, a petition has been received, signed by the Sheriff, County Judge, and all the county officers of El Dorado County; by a majority of the jurors who tried the case, and a large number of respectable citizens, asking that the sentence of Tom may be commuted to imprisonment in the State Prison, which request is indorsed by Honorable S. W. Brockway, the Judge who presided at the trial, and whereas, it appears from the statement presented to me that the evidence upon which Tom was convicted was the confession of a confederate, (Jim,) who was mainly responsible for the crime—now, therefore, I do by the authority vested in me by the Constitution and laws of this State, commute the sentence of the said Tom to imprisonment in the State Prison of this State, and the Sheriff of El Dorado County is hereby ordered, upon the receipt of these presents, to take and carefully convey the said Tom to the State Prison and deliver him to the officers thereof, there to be securely kept and imprisoned during the term of his natural life.

SEAL.

In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this fifth day of January, A. D. eighteen hundred and sixty seven.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.

COMMUTATIONS OF SENTENCE—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1866...	José Sorano.....	Murder in 1st degree	Sonoma.....	Death.

DECISION.—Whereas, at the February term, eighteen hundred and sixty-seven, of the District Court, held in and for Sonoma County, José Sorano was convicted of the crime of murder in the first degree, and sentenced to be executed on the twenty-ninth day of March, eighteen hundred and sixty-seven; and whereas, a respite has been granted by the Governor, suspending the carrying into effect of the said sentance until the twenty-sixth day of April instant, in order that a proper examination might be made of the evidence adduced upon the trial; and whereas, from an examination of the case it does not appear that there was evidence going to show that the killing was "wilful, deliberate and premeditated," and whereas, the Judge before whom he was tried states that he is in great doubt about the whole matter, and thinks the ends of justice would be subserved by a commutation of the sentence to imprisonment in the penitentiary—now, therefore, I do, by the authority vested in me by the Constitution and laws of this State, commute the sentence of the said José Sorano to imprisonment in the State Prison of this State for the term of thirty years, and order that the Sheriff of the county of Sonoma, upon the receipt of these presents, take and safely convey the said Sorano to the State Prison of this State, there to be confined for the term herein prescribed.

SEAL.

In witness whereof, I have hereunto set my hand, and caused the great seal of State to be affixed, this eighteenth day of April, A. D. eighteen hundred and sixty-seven.

FRED'K F. LOW, Governor.

Attest B. B. REDDING, Secretary of State.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1867.....	José Maria Arceo.....	Murder in 1st degree	Monterey.....	Death.

DECISION.—Whereas, at the October term, eighteen hundred and sixty-seven, of the Third Judicial District Court, held in and for the County of Monterey, José Maria Arceo was convicted of the crime of murder in the first degree, and sentenced to be executed on the twenty-first day of November instant, and whereas, a petition signed by a majority of the jurors who tried the case, by the County Judge, District Attorney, Sheriff, and all the county officers of Monterey County, as well as by a very large number of the most respectable citizens of said county, prays that the sentence may be commuted to imprisonment in the State Prison, and whereas, the evidence given upon the trial, as shown by the statement furnished me by the Judges, appears contradictory, and I find nothing in it that proves the act was "wilful, deliberate and premeditated," on the contrary, the whole evidence goes to show that the homicide was the result of sudden passion, which clearly makes the grade of the crime no higher than murder in the second degree—now, therefore, by the authority vested in me by the Constitution and laws of this State, I do hereby commute the sentence of the said José Maria Arceo to imprisonment in the State Prison of this State for the period of thirty years, and upon the receipt of these presents the Sheriff of Monterey County will cause the said José Maria Arceo to be taken and safely conveyed to the State Prison, and the officers of the said prison will receive and safely keep the said Arceo for the full period of thirty years, dating from the day of his arrival at the prison.

SEAL.

In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this eleventh day of November, eighteen hundred and sixty-seven.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.

Mr. Smith offered a concurrent resolution relative to the appointment of a joint committee to report upon the subject of printing the Governor's message and accompanying documents.

Adopted.

At two o'clock and twenty minutes P. M., the House, on motion of Mr. Crigler, took a recess till two o'clock and fifty minutes P. M.

HOUSE RE-ASSEMBLED.

At two o'clock and fifty minutes P. M., the House re-assembled.

Speaker in the Chair.

Roll called.

Quorum present.

The Speaker announced the following committees:

ON INAUGURATION.

Messrs. Middleton, Marcus, and Lee.

ON ARRANGING SEATS.

Messrs. Coggins, Cureton, and Green.

ON PRINTING GOVERNOR'S MESSAGE.

Messrs. Payne, Smith, and Broderson.

The Speaker presented the following communication.

OFFICE OF THE CENTRAL PACIFIC RAILROAD COMPANY,
Sacramento, December 4th, 1867.

Hon. C. T. Ryland, Speaker of the Assembly:

SIR:—The Central Pacific Railroad Company of California respectfully desire, through you, to invite the members of the Assembly and its officers, to an excursion on the Pacific Railroad over the summit of the Sierra Nevada Mountains, on Saturday next.

Respectfully, etc.,

LELAND STANFORD,
President Central Pacific Railroad Company.

On motion of Mr. Papy, the above invitation was accepted.

On motion of Mr. Cureton, the Clerk was instructed to inform the Senate that the Assembly was ready to meet them in Joint Convention to caucus the returns of the election of Governor and Lieutenant-Governor.

The Speaker announced the following appointments:

Pages—S. Marks, H. Moore, and J. Kenady.
Post Office Clerk.—Henry Keefe.
Paper Folder.—Samuel Hall
Porters.—J. L. Van Prag, W. C. Van Arnam, and M. G. Davis.

IN JOINT CONVENTION.

Proceedings of Joint Convention to canvass the returns of the election for Governor and Lieutenant-Governor.

The President of the Senate and Senators were announced, and received in Joint Convention.

The Convention was called to order by the President of the Senate and Speaker of the House.

The roll of the Senate and that of the Assembly were called, and the following named Senators and Assemblymen were present:

SENATORS—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott.

ASSEMBLYMEN—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Beaver, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochrane, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelly, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spillman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, and Mr. Speaker.

On motion of Mr Lupton, the following committee was appointed to procure returns of the election from the Secretary of State:

On the part of the Senate, Messrs. Mandeville, Lewis, and Belden; on the part of the Assembly, Messrs. Lupton, Mace, and Papy.

Senator Mizner moved that the President appoint four tellers, two from each House.

Carried.

The President appointed Senators Mizner and Hager, and Assemblymen Willets and Westmoreland, as tellers.

The committee appointed to wait on the Secretary of State and procure the election returns, reported that the Secretary of State had delivered the returns to the Speaker of the House.

The tellers made the following report:

Mr. PRESIDENT: The tellers report the number of votes cast for Governor as follows:

FOR GOVERNOR.

Henry H. Haight	49,905
George C. Gorham	40,359
Caleb T. Fay	2,088
John Bidwell	1
Frank M. Pixley	1
Total	92,354

FOR LIEUTENANT-GOVERNOR.

Wm Holden	48,269
J. P. Jones	44,584
Total	92,853

The Speaker thereupon declared that Henry H. Haight was duly elected Governor of the State of California for the ensuing four years, and that Wm. Holden was duly elected Lieutenant-Governor of the State of California

On motion of Senator Hager, the Convention adjourned, and the Senators retired at three o'clock and fifty minutes P. M.

HOUSE RE-ASSEMBLED.

Immediately upon the withdrawal of the honorable Senators, the House re-assembled.

Speaker in the Chair.

Roll called.

Quorum present.

Mr. Watson offered a concurrent resolution providing for the appointment of a joint committe of three from each House to wait upon the Governor elect and inform him of his election.

Adopted.

The Speaker appointed as such committee, Messrs. Watson, Scudder, and Dwinelle.

Mr. Steele moved to reconsider the vote by which Assembly concurrent resolution No 4, providing for the appointment of a joint committee to notify the Governor elect of his election, was adopted.

The resolution having been transmitted to the Senate, the motion was declared out of order.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 4th, 1867.

Mr. SPEAKER:—The Senate this day concurred in Assembly concurrent resolution No 2, relative to the appointment of a committee of three from each House to superintend and consult with the city committee on the inauguration ceremonies;

Also, adopted Senate concurrent resolution No 3, relative to meeting in Joint Convention, at twelve o'clock M on Thursday the fifth instant, to inaugurate the Governor and Lieutenant-Governor elect;

Also, adopted Senate concurrent resolution No 4, relative to appointing a joint committee to wait upon the Governor and Lieutenant-Governor elect to inform them of their election and the time of inauguration.

WILBUR F. HUESTIS,
Assistant Secretary.

The House concurred in Senate resolution No. 3, above reported.

The House concurred in Senate concurrent resolution No. 4, above reported.

In accordance with the resolution above concurred in, the Speaker appointed Messrs. Watson, Scudder, and Dwinelle, a committee on behalf of the Assembly.

At four o'clock and twenty minutes P. M., Mr. Giltner moved to adjourn till to-morrow at ten o'clock A. M.

The House refused.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Tully, the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, December 5th, 1867.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr Middleton, from Joint Committee on Inauguration, made a verbal report, which was adopted.

Mr. Watson made the following report:

Mr. SPEAKER:—The committee of three who were appointed on yesterday to act with a like committee on the part of the Senate, have met and performed the duties assigned them; have waited on his Excellency the Governor elect, and Lieutenant-Governor, and informed them of their election.

His Excellency elect instructed us to tender to this honorable body his sincere thanks, and to inform them that he will be in attendance in this chamber at twelve o'clock M, for the purpose of inauguration.

WATSON, for Committee.

Adopted.

Mr Brown of Tulare offered the following resolution:

Resolved, That the Sergeant-at-Arms be allowed postage stamps to the amount of twenty-five dollars, this being the amount allowed each member.

Adopted.

Mr. Comte offered a concurrent resolution relating to expenses of iuaugural ceremonies.

Adopted.

At eleven o'clock and thirty-five minutes A. M., on motion of Mr. Watson, the House took a recess till eleven o'clock and fifty minutes A. M.

HOUSE RE-ASSEMBLED.

At eleven o'clock and fifty minutes A. M., the House re-assembled.
Speaker in the Chair.
Roll called.
Quorum present.
Mr Papy moved that the Clerk be instructed to send a message to the Senate, informing them of the readiness of the House to receive them.
Adopted.
On motion of Mr. Comte, Mr. Wolleb had leave of absence for one day.

IN JOINT CONVENTION.

The Senate having been informed that the House was ready to receive them in accordance with the concurrent resolution adopted yesterday, the President pro tem of the Senate and the Senators appeared, and were seated
The roll of each House was called, and the following Senators and Assemblymen were present:

SENATORS—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Shaw, Teegarden, Tubbs, Tweed, and Wadsworth.
ASSEMBLYMEN—Messrs Ables, Angney, Ayer, Batchelder, Battelle, Beaver, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Cochrane, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dyer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelly, Lupton, Mace, Mahon, Martin, Mattingly, McElhany, Meagher, Mentzell, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spillman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, and Mr. Speaker.

Senate concurrent resolution No 3, providing for the Joint Convention for the purpose of inauguration of the Governor elect, and Lieutenant-Governor elect, was read.
At one o'clock and thirty minutes P. M, the Sergeant-at-Arms announced the Governor of the State of California, and the Governor elect, H H. Haight; also, the Lieutenant-Governor, and the Lieutenant-Governor elect, William Holden.
Prayer offered by the Chaplain.
The oath of office was then administered to His Excellency, Henry H. Haight, by Justice Lorenzo Sawyer, of the Supreme Court, who also administered the oath of office to the Hon. William Holden, Lieutenant-Governor.
On motion of Senator Mandeville, at one o'clock and thirty-five minutes P M., the Convention withdrew to the portico of the Capitol to hear the inaugural address of the Governor.

INAUGURAL ADDRESS.

FELLOW CITIZENS:

In assuming the office of Chief Magistrate, it becomes my duty, in accordance with usage, to indicate the policy which will govern me in the execution of this great trust.

I should do great injustice to my own feelings, did I not express my grateful sense of the regard and confidence shown me by my fellow citizens in the late election Conscious of many deficiencies, and diffident of being able always to meet the expectations of the people, I shall promise nothing but a faithful endeavor to promote their interests, and ask nothing in return but confidence in the purity of my motives and purposes.

Before alluding to matters of local concern, the posture of national affairs renders it proper that I should express frankly certain views upon the great questions of public policy now pending before the country. They have been formed after much anxious reflection, and seem to me worthy of the consideration of all good citizens, without distinction of party. There is nothing which all of us have more at heart than the prosperity and true glory of our country, and the perpetuity of our free institutions; and those questions which relate most nearly to these great objects, demand our first and most earnest attention. It is not to be disguised that we have arrived at a critical period of our country's history, and that the capacity of the people for maintaining a constitutional government is being subjected to a severer test than ever before.

We ought to approach the consideration of the issues before us with charity for each other's opinions, mindful of our obligations as citizens of a common country; anxious, each and all, to maintain the Federal Constitution inviolate, and to preserve the Federal Union in the spirit of our fathers

Whatever our party relations may be, our interests are inseparable, and our motives and objects should be identical. Political parties will exist in every country that is free; yet party spirit, when carried to excess, is the bane of republican governments and constantly endangers their stability. Blind prejudice for or against party names disqualifies men for the duties of good citizenship, because it paralyzes their judgments upon political questions. All parties, at some period of their career, commit errors, and infallibility cannot be predicated of any man or body of men. No party can justly claim a monopoly of patriotism or intelligence. The mass of all parties are sincere in their convictions, and honestly desire the real welfare of their country. Aspersion of motives and abusive epithets provoke recrimination, produce alienation and bitterness of feeling, and ought to be condemned by all good citizens.

At the time my predecessor was inaugurated, a gigantic civil war was in progress, which taxed the whole energies of the country. The people of the Southern States had rebelled against the authority of the Federal Government, and, instead of relying for redress of alleged grievances upon peaceful means, undertook to assert their independence by force of arms After an arduous struggle of four years, the war was terminated by the complete triumph of the national forces and the suppression of the rebellion. Those in arms against the national authority surrendered without any conditions other than such as were agreed upon by the Generals in the field

The right of secession claimed to exist by a portion of the people of the Southern States, was never recognized by the people of the Northern States, and has been extinguished finally and forever by the result of the war. Indeed, it cannot seem otherwise than strange that any persons could be found to advocate a doctrine so destructive of the ends of a federal government. A right of revolution exists always when oppression is practiced for which there is no other adequate redress; but the right of any member of the Union to withdraw at pleasure, and thereby extinguish federal authority over its citizens, could never be recognized without assenting to the practical repeal of the Constitution and the abolition of the Federal Government No government existing by so frail a tenure could command respect at home or abroad. Such a doctrine needs no discussion before the people of California, for it has been expressly repudiated here by all political parties

Not only has the war put an end to any claim of such right, but slavery also—the great subject of contention between the North and the South—has perished in the struggle. and can never, in any form, be revived. The object of the war upon our part being avowedly the enforcement of the laws and the preservation of the Union, it is a remarkable fact that, although the war was successfully closed two years and a half ago, the Union is, apparently, no nearer restoration to day than in the spring of eighteen hundred and sixty-five The reasons for this fact, and the effect of the policy pursued by Congress, I propose briefly to examine

In order to arrive at correct conclusions on this subject, there must be a disposition to lay aside preconceived opinions, and, in a spirit of candid inquiry, to aim at forming a correct judgment as to what policy will promote the highest good of the whole people. This is the duty of every citizen, for upon the right solution of the questions involved may depend the preservation of the Union and the Government.

The love of country is justly extolled as one of the noblest feelings of the human breast. In the mind of every American this feeling is strengthened not merely by a contemplation of the greatness of his country, its territorial extent and unexampled resources and progress, but by an appreciation of the beneficent system of government framed by the wisdom of our fathers, and which has been for more than three quarters of a century the admiration of the world.

No standard of valuation could express the worth of our free institutions, and language could hardly give an adequate idea of the sacrifices by which these institutions were purchased. Their excellence consists mainly in two elements: first, that they afford to the people the free choice of their rulers; and second, that under our system the powers of government are defined and limited by written Constitutions

The forms of government which prevail in Europe are chiefly monarchical. The defect in such forms frequently consists not merely in lack of popular choice. but in lack of restraint upon the power of the monarch—unlimited power in the hands of a king; in other words, an absolute monarchy is a despotism which may be mild or cruel, according to the qualities and character of the sovereign. There is no intelligent reader of history who is not aware that an unlimited democratic government is more objectionable and dangerous than an absolute monarchy It is a familiar saying, that one tyrant is preferable to a multitude The object of checks and limitations under a republican government is to protect the minority from oppression by the majority.

It is stated by all intelligent writers that there is more danger of the overthrow of free governments by legislative usurpations than by any other cause. The reason is obvious. The very number of the legislative body destroys all sense of individual guilt or responsibility. The temporary majority claim to represent the will of the people, and under the leadership of extreme men, are prone to oppressive measures against the minority. The people are sometimes carried away by excitement and passion, and misled by designing politicians. They rarely fail, however, upon reflection, to see the right and correct their error.

The safety of our institutions consists in the virtue and good sense of the mass of the people, which will prevent them from pursuing any pernicious policy if they have sufficient time for reflection before the mischief becomes irreparable.

One object of constitutional limitation is to secure this time for passion to cool and for reason to prevail over prejudice. If, however, either the Legislature or Executive disregard the limits upon their power fixed by the people in the organic law, the whole virtue of our system is gone, and what we supposed to be a constitutional republic becomes the mere tyranny of a majority. Such a government would be the worst form of despotism, and hence the vital importance of confining the Legislature and Congress within the sphere of their constitutional powers. Upon this depends everything valuable in our institutions—the protection of our lives and property, and the security of our liberties These fundamental principles cannot be too often repeated, or too deeply impressed upon the popular mind and heart.

It has of late been common to deride all appeals to the Constitution, and to speak of the powers of Congress as though Congress were the creator of the Constitution, instead of being its creature Such sentiments tend to the destruction of the Government, for what is the framework of government but the Constitution? It is not the President, nor Congress, nor the Supreme Court, nor all combined. It is the written Constitution, adopted by the people as the organic law. Those who advocate the doctrine that Congress can override the Constitution, or act "outside of the Constitution," or under the plea of necessity exercise powers not granted by that instrument, are aiding to establish a principle that will destroy whatever is sacred and valuable in our free institutions. Legions of armed foes could never accomplish so much to destroy this admirable framework of government which we have inherited from our fathers, and which we hope to transmit as a priceless legacy to our children.

In a strict adherence to the organic law is our only safety There are certain personal rights secured by it for which we have no other guarantee whatever. One is the right to be tried by a jury for alleged criminal offences, which has justly been termed an inestimable right. It has from time immemorial been regarded as the palladium of civil liberty. Without it there is no security for a fair and impartial trial. The privilege of the writ of habeas corpus is another of those rights which affords a security against illegal imprisonment. This has been the boast of every lover of liberty in England and this country for centuries. The security of private dwellings against unreasonable search, the right to be protected against prosecutions for capital or infamous crimes, except upon presentment of a grand jury, the freedom of the press, and the subordination of the military to the civil authority, are also guaranteed by the fundamental law. These rights are as precious as life itself. Without them, life to a freeman would be of little value. Tens of thousands

in all ages have preferred torture and death to a surrender of those personal rights which are so dear to the heart of every American. The only security for them, however, is to be found in the provisions of the Constitution, and in the determination of the people that those provisions shall be respected by their public servants in Congress and in all departments of the Government. It is useful to recur to elementary principles like these, which in times of excited passion are in danger of being lost sight of and undervalued; and no legislation which cannot stand the test of these principles ought to be countenanced for a moment by the people.

It has always been a political and legal axiom that the Federal Government is one of enumerated and delegated powers. It can exercise no powers except those expressly conferred, and such incidental ones as are necessary to the proper exercise of the powers granted. All powers not thus granted are reserved to the States or to the people. The powers delegated to the Federal Government are for certain specific purposes. The State Governments exercise all powers not prohibited to them by the State or Federal Constitution. The result is, that the several States have exclusive control of their local and domestic concerns, while certain enumerated national powers are intrusted to the Federal Government. Upon no other basis could our system permanently exist, for it would be idle to expect a Legislature, in a Capital three thousand miles distant, to legislate intelligently upon the local interests of the people of California. Upon local affairs, exclusive State authority, and upon national affairs, exclusive Federal authority, as defined and expressed in the Constitution, are the only conditions compatible with the perpetuity of the Union A consolidated republic, with legislative power exercised at a distant Capital, would become odious to the people, and would fall to pieces by its own weight. A strict construction of the Federal Constitution, instead of weakening, strengthens the Union. The opposite construction leads to profligate legislation, to interference with the domestic affairs of the States, and tends to alienate the affections of the people.

The late war was waged on our part to enforce the authority of the Federal Government in the Southern States and prevent the disruption of the Union, and not to destroy the liberties of any portion of the people, or create a negro empire on our southern border. At the commencement of the war Congress made a formal declaration of its object in a resolution that "the war was not waged on our part in any spirit of oppression, nor in any spirit of conquest or subjugation, nor for the purpose of overthrowing or interfering with the *rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and preserve the Union, with all the dignity, equality, and rights of the several States unimpaired.*"

This solemn pledge and declaration of the object of the war was repeated by the executive and legislative departments on various occasions, and cannot be violated without a breach of public faith and a stain upon our national honor.

In our diplomatic correspondence with foreign powers, it was declared explicitly that the suppression of the insurrection would leave the insurgent States with all their rights intact. An unvarying series of acts and declarations by the Executive and Congress, from the outbreak of the war to the present time, all proceed upon the hypothesis that the ten Southern States are not out of the Union, but States within the Union and within the pale of the Constitution.

Their separate State existence was recognized in the adoption of the Constitutional Amendment abolishing slavery; in official intercourse with the other States and the General Government; in the appointment and confirmation of judicial and other officers for them, and in the universal admission that they must be counted in determining whether the amendments last proposed have been adopted by a sufficient number of States.

The Acts of Congress admitting such of them as came into the Union subsequently to the adoption of the Federal Constitution stand unrepealed and irrepealable; some of them are of the original thirteen which achieved independence and organized the government.

Part of their sovereignty was delegated to the Federal Government for certain national purposes, but their existence as States cannot be destroyed by any lawful or constitutional authority.

We fought throughout the war on the side of the Government for the principle that their ordinances of secession were void, and that they were still subject to the Constitution and laws, and we establish our doctrine by the success of our arms.

If our doctrine was correct, and our declarations were true, we were not waging a war of conquest, but one for the maintenance of the Constitution and the enforcement of the laws.

Either they were and are in the Union as States, and their citizens bound to obey the Constitution, and entitled to protection under it, or they were and are out of the Union, and their people not bound to obey the Constitution, and not entitled to protection under it. If we admit this latter proposition, we admit that we have been waging a war of conquest for dominion, and not a war to *maintain the Constitution and preserve the Union.* Such an admission would dishonor us in our estimation and in that of the civilized world. The very acts of Congress which seek to ignore and extinguish the State Governments, recognize their existence by authorizing, in certain contingencies, Department Commanders to remove executive, legislative, and judicial officers of those States, and detail military officers to assume the functions of the persons so removed.

The reconstruction policy of Congress is embodied in several distinct measures, the principal ones of which are what are termed the Military Reconstruction Bills, one passed March second, eighteen hundred and sixty-seven, one passed March twenty-third, eighteen hundred and sixty-seven, and one passed July, eighteen hundred and sixty-seven, two years after the war had ended

These enactments assume that ten of the Southern States are conquered territory, and proceed to divide them into five military districts, each under the command of a military officer not below the grade of Brigadier-General. They abolish in effect the right of trial by jury, and make the accused subject to trial by military commissions; they prohibit any interference by the State authorities, thereby abolishing the writ of habeas corpus; they ignore presentment by grand juries; they tacitly permit the suppression of public journals by military orders, and allow no appeal from military sentence except in capital cases, to the clemency of the President. They assume the control of the elective franchise, which the Constitution vests exclusively in the States; and after disfranchising a large class of the white population, confer the right of suffrage upon all negroes over twenty-one, without regard to qualifications for its intelligent exercise.

This is briefly the nature of the reconstruction policy of Congress. It

takes from the white people of ten States their constitutional rights, and leaves them subject to military rule ; and disfranchises enough white men to give the political control to a mass of negroes just emancipated and almost as ignorant of political duties as the beasts of the field.

In these measures Congress commits the solecism of legislating martial law ; that is, under a constitutional government, in a period of profound peace, the national legislature enacts that in ten States of the Union there shall be no law but the will of the Department Commander, and that the political power in those States shall be given to the negroes, who can thereby control their domestic administration and send to Congress negro senators and representatives, to assist in making laws to govern the white people of the North. Thus, the reconstruction policy of Congress is the subversion of all civil government under military rule, the abolition of those personal rights guaranteed by the Constitution and held sacred since the Government was formed, the subjection of the white population of the Southern States, men, women, and children, to the domination of a mass of ignorant negroes just freed from slavery.

This policy sweeps away in ten States all safeguards of personal liberty, trial by jury, writ of habeas corpus, and security of private dwellings, and leaves every civil officer, executive, legislative, and judicial, to hold his position at the pleasure of the military.

It then confers the elective franchise on the blacks, and provides a system which gives them (though actually a minority) a voting majority over the whites, making those States, negro States; introducing the negro into federal office, and giving him power to participate in federal legislation That any white man could be found on this continent to sanction a policy so subversive of rational liberty, and in the end so fatal to the Union and the Government, is a subject of unceasing astonishment.

These measures are a violation of the fundamental principles of the Constitution and of liberty; of every dictate of sound policy; of every sentiment of humanity and of christianity; and are a disgrace to our country and to the age in which we live. In using this strong condemnatory language I am not insensible to the fact that thousands of good men appear to approve of the measures of Congress, nor do I presume to sit in judgment on their motives. Many of them, doubtless, are unconsciously influenced by the passions and resentments of the war, and in their anxiety to guard against an imaginary danger, sanction principles the tendency of which is subversive of republican institutions.

Others have accepted the representations of partizan leaders and presses without examining and judging for themselves

I entreat all such to pause and ask themselves what good can possibly result from this policy, and where will it end? Do we indeed wish to enslave and degrade our fellow citizens of the southern States? Was it for this that we expended so lavishly our blood and treasure to preserve the Union? Neither our gallant soldiers nor the northern people ever cherished any design to oppress the southern people, nor to erect another St Domingo on our southern border. A policy which has led the white population of ten States of the Union to consider the necessity of exiling themselves from the soil in which sleeps the dust of their kindred for generations, and which is hallowed by the patriotic deeds of an heroic ancestry and the associations of childhood and youth, is not a policy which ought to be adopted by a magnanimous and christian people; and this is proposed not against aliens, but against our own countrymen, bone of our bone, and flesh of our flesh, sons of sires who fought side by side with our own in the revolution, sons of patriots and statesmen

who assisted to establish the foundations of the Government, and to whom we are in part indebted for the very liberties we now enjoy.

It is insisted by those who argue in favor of the reconstruction measures, that the southern people rebelled, and that rebels ought not to possess political rights or franchises; that the disloyal whites cannot be trusted, and that, therefore, the control should be given to the blacks.

The answer to this is plain. No man or class of men, under our form of government, can be deprived of rights or punished for crime except after a fair trial and conviction. We cannot overthrow republican government and civil liberty at the South without inflicting a fatal wound on our own liberties. We must trust the white people of those States with the right of self-government, unless we mean to abandon republican institutions altogether. Besides, it is not true that there is any disposition among the people of those States to repeat the experiment of secession. Their young men have been slaughtered, their country laid waste, and they left destitute of most of the comforts, and in some localities, of the very necessaries of life. The cry for bread has come to us from their famishing households. They have in good faith submitted to the results of the war, and disclaim all idea of secession or of resistance to federal authority. Their right to be represented in Congress is an absolute right, guaranteed to them by the Constitution.

Citizens can be legally tried and punished for treason or for any other crime, but States cannot be deprived of representation without revolutionizing the Government. We have fought against the principle of secession, and have established the doctrine that no State can withdraw from the Union. These States are not out of the Union, unless we falsify all our professions during the war; and if they are in the Union, their representatives are entitled to admission to Congress. A congressional majority may choose to think their political opponents disloyal, and, on that ground, attempt to exclude them from Congress, but it is evident that the Government could never long be administered in such a spirit or upon such principles.

One man may think every one a traitor who is opposed to permitting negroes or Chinamen to hold office or sit on juries. Another may think every man disloyal who is opposed to forcing negro suffrage upon all the States, in defiance of the Constitution. The late proceedings of Congress in the case of the representatives from Kentucky, illustrate the principle involved. The people of a State which has never seceded or rebelled, which furnished about as large a proportion of soldiers, and performed as much service, and suffered more loss for the Government than any northern State of equal population, by a decisive majority elected representatives to Congress who were refused seats by the dominant party, though no contestants appeared.

This proceeding was both an indignity and a wrong to the people of Kentucky, and a precedent full of evil import to every other State It is not the right of a majority in Congress to dictate to the people of a State what representatives the latter shall elect, so long as those chosen have the qualifications prescribed in the Constitution. Beyond these, the people who elect are the exclusive judges; otherwise, the right of representation would be of little worth. Democratic representatives might be excluded this year, and republican representatives the next. Vermont and Massachusetts have no more right to prescribe tests of loyalty for representatives from Kentucky and California, than Kentucky and California have for Vermont and Massachusetts.

If, during the war of eighteen hundred and twelve, the representatives

from Massachusetts had been denied admission to Congress for opposition to the war, or at a later period, on account of legislation nullifying the fugitive slave law, that State would have had just ground of complaint.

The fear of southern representatives is groundless. What is there in the crushed and subdued people of the southern States, with their slaves emancipated, which should excite any fear on the part of a powerful and victorious Government? It is inconceivable that any person should seriously apprehend resistance to federal authority for a generation to come, if the people of those States are not goaded to desperation by wanton persecution and oppression.

Had their representatives been admitted to Congress in December, eighteen hundred and sixty-five, quiet and harmony would have been restored long before this time, and industry would have revived there. Population and capital would have flowed in from the North and Europe, but neither population nor capital will trust themselves where civil rights exist only at the pleasure of the military, and the negro has political control.

The policy of Congress adds to the burdens of taxation by keeping on foot a large military force at the South, with the expensive machinery of Freedmen's Bureaus, and impairs public and private credit by creating a feeling of insecurity and apprehension for the future.

The policy or propriety of admitting the blacks to the right of suffrage belongs to each State to determine for itself. Had Congress been able to control this subject, both negro and Chinese suffrage would probably have been forced upon the people of California against the will of the vast majority. Ignorance of the effects of such legislation would have inflicted upon us evils absolutely intolerable.

So far as California is concerned, the people of this State have expressed their opposition both to negro and Chinese suffrage. It is a question not of inalienable right, but simply of expediency. The question is, whether it will be for the greatest good of the greatest number to confine the elective franchise to the whites, or to extend it to the negroes and Chinese. A portion of those persons in this State who favor negro suffrage hesitate to advocate Chinese suffrage, but the congressional policy makes no distinction.

On the contrary, that policy proposes to ignore all discrimination in political privileges, founded on race or color. Indeed, there is no line that can be drawn, unless suffrage is confined to the white population. If it is a question of justice, as some assert, and justice requires the ballot to be given to the negro, then it equally requires the ballot to be given to the Chinaman. If the negro requires the ballot to protect himself, as others assert, then the Asiatic needs it to protect himself. There is, however, no truth in either statement. No principle of justice is involved any more than in the case of females or minors, or foreigners not naturalized. Nor does the negro need the ballot to protect himself any more than either of the other classes referred to; on the contrary, it is for the good of both of those races that the elective franchise should be confined to the whites. The aid of Africans and Asiatics would be an evil, and not a benefit. It would introduce the antipathy of race into our political contests, and lead to strife and bloodshed The opposition to giving the negro and Asiatic the ballot is not based upon prejudice or ill will against those races, but upon a conviction of the evils which would result to the whole country from corrupting the source of political power with elements so impure.

It is not a sound reason for conferring the elective franchise upon negroes if it were true that they need more protection. Upon this theory, the more helpless and ignorant the negro is the more propriety there would be in admitting him to the ballot box and making him a legislator and a sovereign. Our free institutions rest upon the virtue and intelligence of the people, and upon these qualities is based the only hope of their preservation; but this doctrine of negro suffrage, so persistently advocated by senators and representatives in Congress, proposes as a basis for republican institutions, brutal ignorance and barbarism. So far from the ballot protecting the negroes, it would eventuate in their destruction. The effort to give it to them by military force has already created a feeling of hostility between them and the white population of the South. These inferior races have their civil rights, as all good men desire they should have They can sue and defend in the courts; acquire and possess property; they have entire freedom of person, and can pursue any lawful occupation for a livelihood; but they will never, with the consent of the people of this State, either vote or hold office.

The foregoing views upon national affairs will, I trust, be received in the spirit by which they are prompted The lives of individuals are brief when compared with those of nations like ours But a few years, and we who are now bearing the responsibilities of American citizenship will have passed away, leaving to our successors a legacy of constitutional freedom, or a spirit of lawlessness and disregard of constitutional obligations which will lead to revolution and anarchy. We have a common country, whose past glories are our joint heritage, and whose destiny in the future, whether of glory or of shame, is the destiny of ourselves and of our children.

Let us treat our southern countrymen with that spirit of charity and kindness which is our especial duty, considering that we are fully as liable to err as any other of our fellow men.

The subject of immigration and labor has engaged much attention in this State since the first organization of a State Government Our distance from the sources of emigration, and the expense and difficulty of reaching California from the East and Europe, have prevented the increase of our laboring population as rapidly as was anticipated and desired, but while the increase of population will expedite the development of the resources of the State, it would not be wise statesmanship, in my judgment, to invite an immigration of Chinese or any other Asiatic race. Those races are confessedly inferior in all high and noble qualities to the American and European It is the dictate of wisdom to seek the best material to populate a country. This course is for the highest good of the present and future generations.

No man is worthy of the name of patriot or statesman who countenances a policy which is opposed to the interests of the free white laboring and industrial classes They constitute the body of the people; they sustain our free institutions; they carry forward our great public enterprises; they dig our canals, they build our railroads, cultivate our fields, explore the recesses of the earth in search of the precious metals; they fight our battles in war It was their stubborn valor and self-sacrificing patriotism which in the late war saved the Government from destruction.

Their welfare ought to be guarded with jealous care by statesmen and legislators, for it is upon them that we must rely for the preservation of the Government. An additional influx of Chinese to compete with white laboring men in all industrial departments, ought to be discouraged by

all lawful means. For the sake of some supposed advantage of cheap labor, such influx would inflict a curse upon posterity for all time. It would tend to discourage that immigration of white laborers from Europe and the Eastern States which is our great need and desire. It would be a short-sighted and selfish policy on the part of men of capital.

The completion of the Pacific Railroad will afford the laboring people of Europe and the Eastern States an opportunity to remove to this coast expeditiously, at a moderate cost, and they will flock hither if the avenues of labor are not filled by Mongolians. The lack of labor will then cease to be seriously felt. What we desire for the permanent benefit of California is a population of white men, who will make this State their home, bring up families here, and meet the responsibilities and discharge the duties of freemen. We ought not to desire an effete population of Asiatics for a free State like ours.

It is urged that this class of immigration should be permitted upon philanthropic grounds; but history and experience show that it is not the dictate of true philanthrophy, or of sound policy, to locate together in one community races so radically dissimilar in phyiscal, mental, and moral constitution, as the Caucasian and African, or Mongolian.

The attempt to mix these races is in contravention of natural laws. For mutual good, they should be allowed to remain separated in location. Observation proves that neither social virtue nor public order, neither christian civilization nor true progress is promoted by mingling these races in one community. Commercial intercourse will be mutually beneficial, but all attempts to make a national composite of such elements will be disastrous.

The passage of a law making eight hours a legal day's labor, in the absence of special contract, has been demanded with great unanimity by the working classes, and a distinct pledge was given by both parties in the late canvass that such a law should be enacted. This pledge will doubtless be redeemed without delay.

The present Registry Law contains some unjust discriminations against naturalized citizens, confers too much power upon Boards of Registration, and is obscure in some of its provisions. No means should be neglected to insure the purity of the ballot-box, for that is the fountain of all political power; and, therefore, a Registry Law, just and simple in its provisions—one which would not disfranchise legal voters—would be acceptable to all classes. The objectionable features of the present law can doubtless be obviated by amendment.

The party which came into power in the late election gave to the people pledges of economy and retrenchment in public expenditure. The burdens of taxation press heavily upon the shoulders of the industrial classes. That those burdens have been unnecessarily increased by a vicious financial system adopted during the war, and by an unwise and oppressive revenue system, there is little doubt; but as these matters appertain to federal legislation, I shall not now discuss the defects of our present financial and revenue systems Indeed, the large national debt contracted during the war, with our State, county, and municipal indebtedness, would make taxation burdensome with any revenue system that might be devised, and render it imperatively necessary that those entrusted with executive and legislative authority should steadfastly oppose any addition to our State indebtedness and any increase of the public burdens. No measure tending to add to the burdens of the tax-

payers ought to receive the sanction of the Executive or Legislature. On the contrary, it is to be hoped that the Legislature will, by a short and economical session, make a large reduction in the public expenditure during the current fiscal year.

It is very certain, also, that if it were ever proper to donate public funds to corporations or to individuals, the present would be no time for such generosity. The public revenues should be sacredly devoted to the necessary expenses of the Government and to the reduction of the State debt. If the Executive or Legislature choose to make donations out of their private funds, they have a right to do so; but they are the mere agents of the people, and have no moral right to give away the money of their constituents, except in aid of certain great charities, which are the proper objects of public benefaction. Even in reference to these, when the State is largely in debt, the maxim of being just before being generous, ought to suggest prudence in giving.

On this subject I may be allowed to express my regret that the amendments to section twenty-six of Article IV of the Constitution, which were passed in eighteen hundred and sixty-two, restricting in certain particulars the powers of the Legislature, failed to obtain the requisite number of votes in the Legislature of eighteen hundred and sixty-three. Those amendments, in substance, if adopted, would be a step in advance toward a more sound and rational theory of legislation. The danger now and always is, not that we shall have too many checks upon legislative power, but that we shall have too few. The necessary objects of legislation are not numerous. It will be evident to any person, upon inspection of our volumes of session laws, that three fourths of those volumes, and more than three fourths of the time consumed at each session, have been occupied by special legislation not conducive to the public interests. Franchises instead of being granted by the Legislature, should be controlled by the local authorities under such provisions in reference to public competition, and such limitation as to duration, as would subserve the interests of the public. All other objects aimed at by special enactment should be attained by general laws.

The general statutes of the State are in great need of revision, and a commission for this purpose would not involve burdensome expenditure, and would, if properly constituted, be of great service to the State. Such a commission, however, to be useful, should be composed of able lawyers, selected without reference to political opinions, or to any consideration except their fitness for this responsible duty.

Frequent official changes, in many instances, especially in judicial offices, have been found by experience to be detrimental to the public interests.

The opinion has been gaining ground that the desirable quality of independence in the judiciary will be best secured by substituting for the present system that which formerly existed, of appointing Judges to hold office during good behavior. Experience has satisfied most intelligent observers that the election of Judges by popular vote, for even so long a period as ten years, renders the judiciary too subject to be influenced by partisan clamor, and tends to destroy that firmness and independence so desirable upon the bench. The present system has the further effect of rendering the ablest lawyers indisposed to surrender their professional business for a judicial office, when the latter position is subject to expiration after a few years, and then to the contingencies of nominating conventions and political contests.

The reformation of our present defective State Prison system, and the organization of a State University, are objects of great public impor-

tance, the attainment of which I should be glad to facilitate in any way within my power.

In conclusion, I have only to add, that in the discharge of my official duties I shall hope for the aid and support of all good citizens, trusting for guidance and direction to that Divine Providence who holds the destinies of nations as of individuals in His sovereign control. It is only by obedience to His laws, and reverence for His authority, that private citizens and public officers can expect permanent happiness and success in either public or private life.

H. H. HAIGHT.

At two o'clock and thirty-five minutes P. M. the Convention re-assembled, and on motion of Senator Hager adjourned.

HOUSE RE-ASSEMBLED.

The President pro tem of the Senate and Senators withdrew, and the House was called to order.

The Speaker in the chair.

Roll called.

Quorum present.

The Speaker announced the following committees:

ON MILEAGE.

Messrs. Wand, Gregory, Newell, Jones, and Church.

ON STANDING RULES.

Messrs. O'Malley, Brown of Tulare, Tully, Brown of Contra Costa, and Lupton.

Mr. Comte offered a concurrent resolution relating to printing the Governor's Inaugural Address, which, under a suspension of rules, was adopted.

Mr. Green moved to take from the table the resolution to allow a Clerk to the Sergeant-at-Arms.

Upon motion of Mr. O'Malley, at two o'clock and forty-five minutes P. M. the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, December 6th, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Bird, Mr. Spillman was granted leave of absence for two days.

Mr. Smith moved to take from the table the resolution relating to the appointment by the Sergeant-at-Arms of an assistant clerk.

Carried.

And then the question being upon the adoption of the resolution, Messrs. Moore, O'Malley, and Angney demanded the ayes and noes, and the resolution was adopted by the following vote:

AYES—Messrs. Ables. Ayer, Batchelder, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Comte, Connelly, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Giltner, Gregory, Green. Hayes, James. Jones, Kelly, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher. Mentzell, Middleton, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spillman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, and Westmoreland—70.

NOES—Messrs. Angney, Battelle, Coggins, Crigler, Cureton, Farish, Moore, Ryland, and Watson—8.

RESOLUTIONS.

Mr. Warfield offered the following resolution:

Resolved, That the Chief Clerk be authorized to appoint an Assistant Journal Clerk at such times as may be deemed necessary, at the same per diem as is allowed the Journal Clerk.

Which, on motion of Mr. Rector, was laid upon the table.

Mr. Mace offered the following resolution:

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

Adopted.

Mr. Lee offered the following resolution:

Resolved, That S. W. Perry be and is hereby appointed fireman of this House for the ensuing session, at a per diem of four dollars, to be paid out of the Contingent Fund of the Assembly.

Mr. Meagher moved to amend by authorizing the Speaker to appoint a fireman.

Amendment accepted, and then the resolution as amended adopted.

Mr. Biggs offered a resolution, providing for the appointment of Ham Whittaker, privy tender, which, on motion of Mr. Lupton, was laid on the table.

Mr. Wand, of the Committee on Mileage, had leave to report progress and have further time.

NOTICES OF INTRODUCTION OF BILLS.

Notices of introduction of bills were given as follows:

By Mr. Green, for an Act repealing all laws requiring political or other test oaths.

By Mr. Ayer, 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, and to repeal certain provisions of the Revenue Acts of this State, approved April second, eighteen hundred and sixty-six.

INTRODUCTION OF BILL.

Mr. Steele had leave to introduce a bill for an Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature at its seventeenth session, which was read the first and second time and considered in Committee of the Whole.

IN ASSEMBLY.

Reported with amendments and passage recommended—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Steele, Rule No. 32 was suspended and the Clerk ordered to immediately transmit the bill to the Senate.

On motion of Mr. Warfield, Mr. Frisbee had four days leave of absence.

Mr. Westmoreland had leave to introduce an Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt county, and other matters.

Which was read the first and second time and ordered on file.

Mr. Russ asked leave of the House to introduce a bill without notice and the House refused.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, December 6th, 1867.

To the Hon. the Assembly of California:

I have this day appointed Edward R. Taylor Private Secretary to the Governor. All communications from this department will be presented to your honorable body through him.

H. H. HAIGHT,
Governor.

Mr. Biggs offered the following resolution:

Resolved, That when this House adjourn for more than two days at any one time, the members of this House shall receive no per diem.

Which, on motion of Mr. Warfield, was indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 6th, 1867.

Mr. SPEAKER :—The Senate this day adopted Senate Concurrent Resolution No. 5, relative to an adjournment to Tuesday next.

JOHN WHITE,
Secretary of the Senate.

The House refused to concur in Senate Concurrent Resolution No. 5 above reported.

The Speaker announced the following committees:

COMMITTEE ON ELECTIONS.

Messrs. Farish, Tully, Westmoreland, Middleton, Comte, Days, and Hayes.

COMMITTEE ON INAUGURATION EXPENSES.

Messrs. Comte, Batchelder, and Meagher.

Mr. Bird moved that the House take a recess until two o'clock P. M.
Lost.

At twelve o'clock and thirty-five minutes, P. M., on motion of Mr. Mace, the House adjourned to Monday, at eleven o'clock A. M.

C. T. RYLAND,
Speaker.

J. A. EAGAN, Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Monday, December 9th, 1867.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Prayer by the Rev. T. H. B. Anderson.
Journal of Friday read and approved.

Messrs. Dornin, Jones, Papy and Waldron had leave of absence granted for one day each.

Mr. Downer had leave of absence for two days.

The Speaker announced his appointment of S. W. Perry as Fireman; also, the following Standing Committees :

ON CORPORATIONS.

Messrs. Moore, Scudder, Steele, Brown of Contra Costa, Rollins, Newell, and Dornin.

ON PUBLIC PRINTING.

Messrs. Mahon, Payne, Bever, Connely, Dryer, Gildea, and Davies.

ON CLAIMS.

Messrs. Connely, Lee, Batchelder, Moore, and Meagher.

ON WAYS AND MEANS.

Messrs. Angney, Farish, Ellis, Willets, Wand, Ayer, Church, Scudder, and Frisbie.

ON JUDICIARY.

Messrs. Steele, Papy, Moore, Brown of Contra Costa, Cureton, Comte, Dwinelle, Lupton, Hayes, Tuttle, and Buckbee.

ON MILITARY AFFAIRS.

Messrs. Wolleb, Ord, Canavan, White, and Giltner.

ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Meagher, Mattingly, Pardee, Green, Buckbee, Downer, and Fairchild.

ON COMMERCE AND NAVIGATION.

Messrs Middleton, Mace, Watson, O'Malley, and Dornin.

ON EDUCATION.

Messrs. Green, Cochran, Battelle, Waldron, and Angney.

ON AGRICULTURE.

Messrs. Kelly, Ellis, Newsom, Martin, and Morrow.

ON INTERNAL IMPROVEMENTS.

Messrs. Newell, Russ, Smith, Cochran, and Biggs.

ON PUBLIC BUILDINGS AND GROUNDS.

Messrs. Canavan, James, Biggs, Batchelder, and O'Malley.

ON PUBLIC EXPENDITURES AND ACCOUNTS.

Messrs. Brown of Tulare, Bird, Coggins, Clark, and Pardee.

ON MINES AND MINING INTERESTS.

Messrs. Clark, Gildea, Giltner, Dryer, Gregory, White, and Bever.

ON PUBLIC LANDS.

Messrs. Tully, Ellis, Gregory, Jones, Caldwell, Newsom, and Coggins.

ON FEDERAL RELATIONS.

Messrs. Lupton, Hayes, Brown of Tulare, Bird, Westmoreland, Tully, and Downer.

ON ENGROSSMENT.

Messrs. Lee, Mahon, Batchelder, Rector, and Days.

ON ENROLLMENT.

Messrs. Payne, Cureton, and Ayer.

ON STATE PRISON.

Messrs. Crigler, Spillman, Ables, Broderson, Fairchild, Ord, and Davies.

ON PUBLIC MORALS.

Messrs. Spillman, Watson, Oliver, Mentzell, and Broderson.

ON STATE HOSPITALS.

Messrs. Warfield, Spencer, Mardis, Mattingly, and Oliver.

ON INDIAN AFFAIRS.

Messrs. Rector, Papy, James, Mardis, and Rollins.

ON SWAMP AND OVERFLOWED LANDS.

Messrs. Mace, Mentzell, Kelly, Brown of Tulare, Green, Russ, Warfield, Frisbie, Spencer, Morrow, and Spillman.

ON ROADS AND HIGHWAYS.

Messrs. Ord, Willets, Caldwell, White, and McElhany.

ON CULTURE OF THE GRAPE.

Messrs. Watson, Martin, Crigler, Smith, and Waldron.

ON STATE LIBRARY.

Messrs. Scudder, Steele, and Tuttle.

JOINT COMMITTEE ON PRINTING.

Messrs. Payne, Mahon, and Ables.

PETITIONS.

Mr. Steele presented a petition from sundry citizens and miners of this State, praying for the passage of an Act prohibiting Chinamen or Mongolians from holding mining ground by location, which was referred to the Committee on Mines and Mining Interests.

Mr. Westmoreland also presented a petition from citizens of Humboldt county, praying for the repeal of an Act to protect sheep and Cashmere and Angora goats from the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six, so far as it affects Humboldt county, which was referred to Committee on Agriculture.

Mr. Wand presented the following report:

Mr. SPEAKER:—The committee to whom was referred the subject of mileage due the members of the Assembly, beg leave to make the following report:

Names.	Miles.	Amount.
Ables	371	$74 20
Angney	300	60 00
Ayer	120	24 00
Batchelder	100	20 00
Battelle	290	58 00
Bever	150	30 00
Biggs	.....	.....
Bird	70	14 00
Broderson	234	46 80
Brown of Contra Costa	180	36 00
Brown of Tulare	500	100 00
Buckbee	290	58 00
Caldwell	228	65 60
Canavan	234	46 80
Church	270	54 00
Clark	136	27 20
Cochran	200	40 00
Coggins	.....	.....
Comte	.....	.....
Connely	234	46 80
Crigler	278	55 60
Cureton	434	86 80
Davies	290	58 00
Days	130	26 00
Dornin	130	26 00
Downer	225	45 00
Dryer	370	74 00
Dwinelle	270	54 00
Ellis	1,124	224 80
Fairchild	700	140 00
Farish	234	46 80
Frisbie	190	38 00
Gildea	100	20 00
Giltner	290	58 00
Gregory	110	22 00
Green	150	30 00
Hayes	1,352	270 40
James	1,200	240 00
Jones	522	104 40

Names.	Miles.	Amount.
Kelly	50	10 00
Lee	40	8 00
Lupton	234	46 80
Mace	400	80 00
Mahon	234	46 80
Mardis	290	58 00
Martin	260	52 00
Mattingly	280	56 00
McElhany	870	174 00
Meagher	1,050	210 00
Mentzell	180	36 00
Middleton	234	46 80
Moore	300	60 00
Morrow	126	25 00
Newell	100	20 00
Newsom	230	46 00
Oliver	99	19 80
O'Malley	234	46 80
Ord	176	25 20
Papy	234	46 80
Pardee	490	98 00
Payne	326	65 20
Rector	1,030	206 00
Rollins	210	42 00
Russ	234	46 80
Ryland	300	60 00
Scudder	234	46 80
Smith	136	27 20
Spencer	114	22 80
Spillman	164	32 80
Steele	700	140 00
Tully	490	98 00
Tuttle	70	14 00
Waldron	56	11 20
Wand	234	46 80
Warfield	286	57 20
Watson	1,130	226 00
Westmoreland	780	156 00
White	180	36 00
Willets	100	20 00
Wolleb	.....	.....

WAND, Chairman.
GREGORY,
CHURCH,
NEWELL.

Mr. Angney moved to amend, by striking out opposite his name "three hundred miles and seventy-five dollars," and inserting "three hundred and sixty miles and seventy-two dollars."

Mr. Tully moved to amend, by striking out opposite his name "four hundred and ninety miles and fifty-eight dollars," and inserting "five hundred and fifty miles and one hundred and ten dollars."

Adopted.

Mr. Ayer moved to amend, by striking out "one hundred and twenty miles and twenty-four dollars," opposite his name, and inserting "one hundred and ninety miles and thirty-eight dollars."

Carried.

Mr. Brown of Tulare moved to strike out "five hundred miles and one hundred dollars," opposite his name, and insert "five hundred and ninety-six miles and one hundred and nineteen dollars and twenty cents."

Carried.

Mr. Batchelder moved to strike out opposite his name "one hundred miles and twenty dollars," and insert "one hundred and sixty-eight miles and thirty-three dollars and sixty cents."

Carried.

Mr. Tully moved to strike out opposite his name "fifty-eight dollars," and insert "ninety-eight dollars."

Carried.

Mr. Spillman moved to strike out opposite his name "one hundred and sixty-four miles and thirty-two dollars and eighty cents," and insert one hundred and thirty-two miles and twenty-six dollars and forty cents."

Carried.

Mr. Warfield moved to recommit the report, and the House refused, on a division.

Mr. Warfield moved to amend the report, so as to allow the members from Sonoma County mileage for three hundred and forty-six miles, instead of two hundred and eighty-six miles.

Mr. Watson moved to recommit, with special instructions, to wit: to investigate all disputed claims of members.

Mr. Dwinelle moved to lay the report on the table.

The House refused.

On the motion to recommit with special instructions, Messrs. Coggins, Scudder and Cureton demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Angney, Battelle, Bird, Broderson, Caldwell, Clark, Cochran, Coggins, Connely, Crigler, Dyer, Fairchild, Farish, Kelly, Lupton, Martin, Mattingly, Meagher, Middleton, Moore, Ord, Rector, Scudder, Tully, Warfield, Watson, Willets—27.

NOES—Messrs. Ables, Ayer, Batchelder, Bever, Biggs, Brown of Contra Costa, Brown of Tulare, Buckbee, Canavan, Church, Comte, Cureton, Davies, Days, Dwinelle, Ellis, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Mace, Mahon, McElhany, Mentzell, Morrow, Newell, Newsom, Oliver, O'Malley, Pardee, Payne, Rollins, Russ, Smith, Spencer, Spillman, Steele, Wand, Westmoreland, White, Wolleb, and Mr. Speaker—45.

And then the report was adopted.

CLAIMS OF TEMPORARY OFFICERS.

Mr. Brown of Tulare presented the following report and resolution:

MR. SPEAKER:—The Committee on Claims of Temporary Officers, having examined the claims, find the following amounts due them, and beg leave to report as follows:

To whom due.	Amount.
M. D. Boruck, Chief Clerk	$134 00
J. H. Roberts, Assistant Clerk	100 00
J. D. Wickes, Assistant Clerk	24 00
J M. Wood, Minute Clerk	102 80
Thomas Meredith, Page	21 00
Franklin Drake, Page	21 00
Benjamin Dore, Sergeant-at-Arms	80 00
J. H. Hathaway, Watchman	28 00
Bartley Cavanaugh, Fireman	28 00
Lewis Callisch, Porter	12 00
J. J. Thomas, Porter	12 00
Alexander Selkirk, Post Office Page	21 00

And recommend the adoption of the accompanying 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 following persons, to wit:

M. D. Boruck, for the sum of one hundred and thirty-four dollars.
J. H. Roberts, one hundred dollars.
J. D. Wickes, twenty-four dollars.
J. M. Wood, one hundred and two dollars and eighty cents.
Thomas Meredith, twenty-one dollars.
Franklin Drake, twenty-one dollars.
Benjamin Dore, eighty dollars.
J. H. Hathaway, twenty-eight dollars.
Bartley Cavanaugh, twenty-eight dollars.
Lewis Callisch, twelve dollars.
J. J. Thomas, twelve dollars.
Alexander Selkirk, twenty-one dollars.

BROWN,
MACE,
AYER.

Adopted.

RESOLUTIONS.

Mr. Farish offered the following resolution:

Resolved, That the Committee on Elections be and are hereby authorized and empowered to employ a clerk and appoint commissioners to send for persons and papers, administer oaths and take evidence in the case of any contested elections properly coming before said committee for investigation.

Mr. Brown of Contra Costa moved to amend by striking out the words "appoint commissioners."

Adopted.

Mr. Farish moved to amend by limiting time of the employment of the clerk during the pending of contested cases.

Adopted.

Mr. Watson moved to amend by fixing the per diem of the clerk at five dollars

Mr. Connely moved to amend by making his per diem payable out of the Contingent Fund.

Carried.

Mr. Coggins offered the following substitute:

Resolved, That a committee of five be appointed by the Chair to inquire into the necessity of the appointment of any additional officers, assistant clerks, or attachés, or clerks of committees of the Assembly, and that no additional appointments be made until said committee shall report.

On motion of Mr. Moore, the resolution was laid upon the table.

Mr. Mace offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby authorized to procure suitable rooms for the use of the different committees that have already been or may hereafter be appointed by the Speaker of this House, which was adopted.

Mr. Giltner offered the following resolution:

Resolved, That that portion of ex-Governor Frederick F. Low's last biennial message which refers to the Yosemite Valley and the Big Tree Grove, situated in the County of Mariposa, be referred to a special committee, consisting of five members.

Mr. Lupton offered the following amendment:

Resolved, That a committee of five be appointed for the purpose of reporting upon the proper distribution to committees of the various portions of Governor Low's last biennial message, according to the subjects treated of therein, which was adopted, and the resolution as amended was adopted.

Mr. Smith offered a resolution providing for the printing of two hundred and forty copies of the names of the standing committees, which, on motion of Mr. Brown of Contra Costa, was laid on the table.

Mr. Westmoreland offered a resolution relative to the compilation by the Committee on Counties and County Boundaries of a statement of the amounts of the debts of the several counties and incorporated towns in the State, and the amounts of salaries paid to county and State officers, with a list of the same.

Mr. Coggins moved to strike out "Committee on Counties and County Boundaries" and insert "special committee of five."

On motion of Mr. Wolleb, it was amended so as to make it a concurrent resolution.

Mr. Meagher moved to lay the resolution on the table, and the House refused, on a division.

The resolution as amended was adopted.

Mr. Tully offered a concurrent resolution providing for the appointment of a joint committee to select proposals for translating into Spanish the laws passed by the present session.

Mr. Giltner moved to amend by inserting "and German" after the word "Spanish."

Mr. Giltner withdrew his amendment, whereupon it was renewed by Mr. Westmoreland.

Mr. Lupton moved to lay the resolution on the table, and the House refused; and then the amendment of Mr. Westmoreland was rejected.

Mr. Moore offered an amendment providing that the contract be awarded to the lowest responsible and competent bidder, which was adopted.

Then the resolution as amended was adopted.

Mr. Fairchild offered a resolution authorizing the Committee on Judiciary to employ a clerk, which, on motion of Mr. Moore, was laid on the table.

Mr. Clark offered a resolution providing for the appointment of a committee of five to decide what committees may have clerks, and their per diem.

Which, on motion of Mr. Watson, was laid on the table.

Mr. Westmoreland presented a concurrent resolution in relation to bounty for members of the First Battalion of Mountaineers of California Infantry Volunteers.

On motion of Mr. Watson, the resolution was referred to the Committee on Federal Relations.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 9th, 1867.

Mr. SPEAKER:—The Senate of Friday last adopted Senate concurrent resolution No. 7, relating to the printing of the general file.

WILBUR F. HUESTIS,
Assistant Secretary.

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

NOTICES.

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

By Mr. O'Malley, for a bill to amend an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three.

By Mr. Meagher, for an Act to amend an Act entitled an Act to create the county of Inyo, to define its boundaries, and to provide for its organization, approved March twenty-second, eighteen hundred and sixty-six.

Also, for an Act to provide for the payment of the debt of Inyo county, and for other purposes.

By Mr. Giltner, for an Act amendatory of an Act fixing the salary of the County Judge of Mariposa county, approved May thirteenth, eighteen hundred and sixty-one.

By Mr. Broderson, for an Act for the purpose of repealing the respective Sunday Laws, namely:

An Act passed March sixteenth, eighteen hundred and fifty-five.

An Act passed April tenth, eighteen hundred and fifty-eight.

An Act passed May twentieth, eighteen hundred and sixty-one.

An Act passed March twenty-seventh, eighteen hundred and sixty-two.

By Mr. Mentzell, for an Act abolishing the office of Township Tax Collector and Assessor in Calaveras county.

Also, for an Act re-establishing the office of County Assessor of Calaveras county.

By Mr. Steele, for an Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

By Mr. Rollins, for an Act for the encouragement of mining.

Also, for an Act repealing an Act entitled an Act to incorporate the Town of Meadow Lake, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, for an Act relative to roads and highways in the county of Nevada.

Also, for an Act making eight hours a legal day's labor in the absence of a special contract.

By Mr. Dwinelle, for an Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

By Mr. McElhany, for an Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara in the county of Santa Barbara.

By Mr. Westmoreland, for an Act concerning tax on dogs in counties or townships in this State, conferring certain power on the Boards of Supervisors of the respective counties, and to repeal a certain Act therein named.

Also, for an Act concerning roads and highways in the County of Humboldt, and to provide for the election of Road Overseers, and the appointment of a Road Superintendent in that county, with other matters connected therewith.

Also, for an Act in relation to the indigent sick in the County of Humboldt.

Also, an Act to authorize certain counties therein named to receive grants of land from the United States for the purpose of constructing public roads therein.

Also, for an Act regulating the fees of officers in Humboldt County, and concerning Courts of justice therein.

Also, for an Act changing the name of the County of Humboldt to the County of Humboldt Bay.

Also, for an Act concerning criminals and others confined in the county jail of Humboldt County.

Also, for an Act for the relief of John Ribber and William H. Pratt.

Also, for an Act more strictly defining the duties of the Board of Supervisors and other officers of Humboldt County, to place the affairs of that county on a cash basis, and reduce public expenditures and taxation therein.

Also, for an Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of Road Funds in that county.

By Mr. Moore, for an Act to authorize Bernard S. Fox, guardian of Catherine Foley, a minor, to sell real estate of said minor.

Also, for an Act to fix the salary of the County Judge of the County of Santa Clara.

Also, an Act to amend an Act entitled an Act to abolish the Board of Commissioners of the Funded Debt of the City of San Jose, approved January seventeenth, eighteen hundred and sixty-six.

Also, for an Act to repeal an Act entitled an Act to protect sheep, and Cashmere and Angora goats, against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts.

By Mr. Brown of Contra Costa, an Act regulating the opening and maintaining of public roads and highways in the County of Contra Costa.

Also, for an Act to amend sections six hundred and twenty-four, six hundred and twenty-five, six hundred and twenty-seven and six hundred and twenty-eight of the Acts to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and fifty-eight.

Also, for an Act prescribing the compensation of jurors in the trial of criminal actions in the County of Contra Costa.

Also, for an Act to amend section twenty-three of an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, for an Act to amend an Act concerning County Recorder, passed May, eighteen hundred and fifty-one.

Also, for an Act defining the rights, privileges, and duties of coparceners, joint tenants, and tenants in common in the occupation of lands and tenements held in common.

By Mr. Hayes, for an Act providing for the correction of the delinquent tax lists of San Diego County, and for other purposes

Also, for an Act relating to the herding of sheep in San Diego County.

By Mr. Batchelder, for an Act to amend an Act entitled an Act concerning the assessment of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

By Mr. Russ, for an Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

By Mr. Cureton, for an Act defining the legal distances from the county seat of Mendocino County to the State Capital, Lunatic Asylum and State Prison.

By Mr. Steele, for an Act to create a commission to revise the laws of the State of California.

INTRODUCTION OF BILLS.

Mr. Green introduced an Act to repeal all laws requiring political or other oaths.

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

GENERAL FILE.

Assembly bill No. 2, an Act to legalize and confirm the election of certain officers in the town of Eureka, Humboldt county, and other matters, was referred to the Committee on Elections.

At one o'clock and fifteen minutes P. M., the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 10th, 1867.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Minutes of yesterday read and approved.
Mr. Tuttle was granted leave of absence for two days.
Mr. Spilman had leave of absence for one day.
Mr. Papy had indefinite leave of absence.
The Speaker announced the following Committee in reference to distribution of Governor's biennial message to appropriate committees:
Messrs. Giltner, Lupton, Rollins, Willetts, and Ayer.

RESOLUTIONS.

Mr. Smith, upon leave, offered the following resolution:

Resolved, That all matters pertaining to printing that have been referred to special committees be referred to the Joint Standing Committee on Printing.

Adopted.
Mr. Brown of Tulare offered a concurrent resolution relative to employing a rear Porter during this session of the Legislature.
Adopted.
Mr. Green offered the following resolution:

Resolved, That the Judiciary Committee be and are hereby requested to report to this House whether in their opinion the Act supplemental to and amendatory of an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh and tide land, donated to the State of California by an Act of Congress, approved March thirteenth, eighteen hundred and sixty-one, and all Acts amendatory thereof, approved April second, eighteen hundred and sixty-six,

has the effect of granting the swamp and overflowed lands, in fee, to the counties in which the lands are situated; or whether the Legislature has the right to repeal said Act and take complete control of the subject matter.

Adopted.

Mr. Farish moved that all papers on the Clerk's desk concerning contested election cases be transferred to the Committee on Elections.

Carried.

Mr. Westmoreland offered a concurrent resolution relative to making a survey of the mouth of Eel River.

Referred to the Committee on Commerce and Navigation.

SENATE MESSAGES.

SENATE CHAMBER,
December 9th, 1867.

MR. SPEAKER: I have to inform your honorable body that the Senate, on the sixth instant, concurred in Assembly concurrent resolution No. 3, relative to Joint Committee on Printing the Governor's Message.

Also, concurred in Assembly concurrent resolution No. 4, relating to Joint Committee to wait on the Governor elect and inform him of his election.

Also, concurred in Assembly concurrent resolution No. 5, relative to inaugural expenses.

Also, concurred in Assembly concurrent resolution No. 6, relative to printing the Governor's inaugural address.

Also, on same day passed Senate bill No. 1, entitled an Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature.

And, on the ninth instant, adopted Senate concurrent resolution No. 8, providing for printing in Spanish the laws of the present session, and ask the concurrence of the Assembly therein.

WILBUR F. HUESTIS,
Assistant Secretary.

The House concurred in Senate concurrent resolution No. 8, above reported.

Senate bill No. 1, above reported, read the first and second time and ordered on file.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Morrow, for an Act regulating fees of the Probate Court of San Joaquin County.

Also, for an Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same.

Also, for an Act in relation to the levying of taxes in the County of San Joaquin.

By Mr. Farish, an Act in relation to the office of Assessor of the City and County of San Francisco.

By Mr. Cureton, for an Act to authorize L. F. and J. F. Long to con-

struct and maintain a public toll road from Cloverdale, through Russian River cañon, to the town of Sanel in Mendocino County.

Also, for an Act to regulate the county finances, to curtail the expenses and to pay the officers in the County of Mendocino.

Also, for an Act requiring Sheriffs, after having delivered prisoners at the State Prison, to make a return thereof to the Clerk of the county where the prisoner was convicted.

By Mr Warfield, for an Act to authorize the county of Sonoma to donate bonds to the Sonoma County and Vallejo Railroad Company and provide for the payment of the same.

By Mr. Middleton, for an Act to reduce the rates of legal interest to seven per cent.

Also, for an Act to abolish the tax on mortgages on real estate.

Also, for an Act relating to the management of savings banks for the protection of depositors.

By Mr. Mardis, for an Act concerning Justices of the Peace and Constables in the county of Tuolumne.

By Mr Steele, for an Act to authorize T. A. Schwatka, of Siskiyou County, to take charge of State Prison convicts to a number not exceeding one hundred, as he shall elect and select, and apply their labor in constructing roads on the mountains of Siskiyou, Klamath, Humboldt and Del Norte counties, and to appropriate the foreign miners' tax collected in said counties to aid in their support and maintenance.

By Mr. Crigler, for an Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano county, to Knoxville, in Lake county, running through the counties of Solano, Napa, and Lake, approved March thirty-first, eighteen hundred and sixty-six.

By Mr Dwinelle, for an Act to create and organize the University of California.

Also, for an Act to amend section thirty of the Civil Practice Act in reference to orders of publication of summons.

Also, for an Act to amend sections four hundred and thirty-seven to four hundred and forty-two, both inclusive, of the Civil Practice Act, in relation to the preparation of testimony.

Also, for an Act to amend section twenty-seven of the Civil Practice Act in relation to filing notices of pendency of actions.

Also, for an Act to amend section two hundred and three of the Civil Practice Act in relation to judgment rolls.

Also, for an Act to amend section three hundred and thirty-seven of the Civil Practice Act in relation to the mode of making appeals.

Also, for an Act to simplify the mode of reference to certain general statutes of this State.

Also, for an Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee

Also, for an Act to provide for the adoption of children and of heirs.

Also, for an Act to provide against certain technical defects in certain affidavits.

Also, for an Act to amend section two hundred and fifty-four of the Civil Practice Act.

By Mr. Comte, for an Act to repeal an Act entitled an Act to appropriate money for the relief of General John A. Sutter and his heirs, approved April fourth, eighteen hundred and sixty-four.

By Mr. Smith, for an Act to pay trial jurors and witnesses in criminal cases in Yuba County.

By Mr. Hayes, for an Act to grant and confirm to the heirs of Miguel Pedrorena, deceased, all the right of the State of California in certain lots of land being on the water-front of the Town of New San Diego.

Also, for an Act to define the police powers of the Trustees of the Town (late City) of San Diego

Also, for an Act concerning the boundary of the Counties of San Diego and San Bernardino.

By Mr. McElhany, for an Act granting a road franchise to Arza Porter and others in Santa Barbara County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Steele, for an Act to repeal an Act entitled an Act to provide for the registration of the citizens of the State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

Read the first time.

Mr. Westmoreland objected to the second reading of the bill, when the question was put upon the rejection of the bill, and the House refused to reject.

Bill read the second time, and referred to the Judiciary Committee.

By Mr. Meagher, for an Act to amend an Act entitled an Act to create the county of Inyo, and to define its boundaries, and to provide for its organization, approved March twenty-second, eighteen hundred and sixty-six.

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

Also, an Act to provide for the payment of the debt of Inyo county, and for other purposes

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

By Mr. Broderson, for an Act to repeal an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, passed March sixteenth, eighteen hundred and sixty-five.

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

By Mr. Dwinelle, for an Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

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

By Mr. Broderson, for an Act to repeal an Act entitled an Act for the better observance of the Sabbath, passed April tenth, eighteen hundred and fifty-eight.

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

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

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

Also, for an Act to repeal an Act entitled an Act to prohibit the keeping open of markets, and the vending of meat, game, vegetables, or other market products, in the city of San Francisco on the Sabbath day, passed March twenty-seventh, eighteen hundred and sixty-two.

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

By Mr. Angney, an Act making appropriations for the seventeenth session of the Legislature.

Read first and second times, and ordered on file.

By Mr. Westmoreland, an Act to appropriate money to pay the claim of John Keleher, Register, and William H. Piatt, Receiver of the United States Land Office at Humboldt, for official services in locating certain State lines.

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

By Mr. Moore, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-seven, as amended by subsequent Acts.

By Mr. Moore, an Act to authorize Bernard S. Fox, guardian of Catherine Foley, a minor, to sell the real estate of said minor.

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

By Mr. McElhany, an Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara

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

By Mr. Westmoreland, an Act concerning roads and highways in the County of Humboldt, and to provide for the election of road overseers, and the appointment of a road superintendent in that County, with other matters connected therewith.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Hayes, an act concerning assessment rolls and other official proceedings, to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors, and defects therein in the County of San Diego

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

By Mr. Brown of Contra Costa, an Act to define the rights, privileges, and duties of coparceners, joint tenants, and tenants in common in the occupation of lands and tenements held in common

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

By Mr. Westmoreland, an Act concerning the tax on dogs in counties or townships of this State, conferring certain powers on the Boards of Supervisors of the respective counties, and to repeal a certain Act therein named.

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

Mr. Farish moved that the resolution concerning the Committee on Elections be taken from the table.

Carried.

Mr. Farish moved to amend by striking out all in reference to employing Clerks

The resolution as amended was then adopted.

Mr Clark moved to take from the table the resolution offered on yesterday in reference to Committee Clerks and their per diem.

The motion was agreed to and the resolution was rejected.

Upon motion of Mr. Smith, at twelve o'clock and twenty-five minutes P. M. the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A EAGAN, Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 11th, 1867.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Mr. O'Malley, Mr. Broderson and Mr. Spilman had one day's leave of absence.
The Speaker announced the following committee:

SPECIAL COMMITTEE ON COMPILATION OF STATISTICS.

Messrs. Westmoreland, Meagher, Brown of Tulare, Angney and Coggins.

PETITION.

Mr. Angney presented a petition from Thomas Thompson.
Referred to Committee on Claims.

REPORTS OF COMMITTEES.

Mr. Payne presented the following report:

MR. SPEAKER: The Joint Committee on Printing have considered the subject of printing the Governor's Biennial Message and accompanying documents, and the Governor's Inaugural Address, and respectfully report the following as the number of each that, in our judgment, should be ordered printed, to wit:

Of the Governor's Biennial Message, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Governor's Inaugural Address, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Controller's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Surveyor-General's Report, nineteen hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the State Treasurer's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Superintendent of Public Instruction's Report, four thousand three hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Adjutant-General's Report, one thousand nine hundred and twenty copies in English.

Of the Report of the Secretary of State, nine hundred and sixty copies.

Of the Report of the Attorney General, nine hundred sixty and copies.

Of the Report of the State Librarian, four hundred and eighty copies.

Of the Report of the State Geologist, two thousand four hundred copies.

Of the Report of the Secretary of the Agricultural and Mining College, one thousand nine hundred and twenty copies.

Of the Reports of the Directors and Resident Physicians of the Insane Asylum, three thousand one hundred and twenty copies.

Of the Report of the State Prison Directors, four thousand three hundred and twenty copies.

Of the Report of the Trustees of the Reform School, nine hundred and sixty copies.

Of the Report of the State Harbor Commissioners, nine hundred and sixty copies.

Of the Report of the State Capital Commissioners, four hundred and eighty copies.

Of the Report of the Yosemite Valley Commissioners, nine hundred and sixty copies.

Of the Amendments proposed to the Constitution of the United States, two hundred and forty copies

Your Committee would recommend that the State Printer be and is hereby directed to furnish, out of the number above ordered, to the Adjutant General five hundred copies of his report, for distribution officially.

And to the Superintendent of Public Instruction two thousand copies of his report, for distribution to the teachers and School Trustees throughout the State and for exchange with other States.

And to the Surveyor General five hundred copies of his report, for distribution to the County Surveyors, Assessors and County Clerks of this State.

And to the Attorney General one hundred copies of his report, for distribution to the District Attorneys of the State.

And to the Directors of the Insane Asylum two hundred and forty copies, and to the Resident Physician two hundred and forty copies of their report, for distribution at their discretion.

And deliver the remainder, as soon as printed, to the Sergeants-at-Arms of the two Houses, to be distributed *pro rata* among the members of the Legislature.

All of which is respectfully submitted,

GEO. M. PAYNE,
for Assembly Committee.
E. W. ROBERTS,
for Senate Committee.

Mr Payne moved that the report be adopted.

Mr. Westmoreland moved to strike out after Surveyor-General "nineteen hundred and twenty" and insert "three thousand eight hundred and forty."

Lost.

The report was adopted.

Mr. Farish submitted the following report from the Committee on Elections:

Mr. SPEAKER: Your Committee on Elections, to whom was referred Assembly bill entitled an Act to legalize and confirm the election of certain officers in the town of Eureka, Humboldt County, and other matters, beg leave to report that they have had the same under consideration and report the same back and recommend its passage.

T. E. FARISH,
Chairman of the Committee on Elections.

MOTIONS AND RESOLUTIONS.

Mr Rector moved that the resolution retaining Mr. Boruck at the Clerk's desk be rescinded.

Mr. Steele moved to indefinitely postpone the motion to rescind.

Agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 11th, 1867.

Mr SPEAKER: The Senate on the tenth instant adopted Senate concurrent resolution No. 9, appointing a Porter for the rear of the Capitol building.

WILBUR F. HUESTIS,
Assistant Secretary.

On motion of Mr. Lee, the above resolution was laid upon the table.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Rollins, for an Act to regulate the salary of the Superintendent of Public Schools in the County of Nevada.

By Mr Cureton, for an Act to authorize Alfred Higgins, Sr., to construct and maintain a turnpike road in Mendocino County and to charge and collect toll thereon.

Also, for an Act to authorize B. J. McManus to construct a chute and landing at Cuffee's Cove, in Mendocino County, and collect toll for the use thereof.

By Mr. Church, for an Act to legalize the location of the San Francisco and Alameda Railroad from Hayward's to Washington Corners, in the County of Alameda.

By Mr. Willetts, for an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado.

By Mr. Russ, for an Act to provide for the payment of the company fund allowance to the companies comprising the regiment formerly known as the Sixth Regiment of Infantry, Second Brigade, California State Militia.

By Mr Gregory, concurrent resolution to amend section eight of Article I of the Constitution of the State of California, by striking therefrom the clause requiring presentment or indictment by Grand Juries for capital or otherwise infamous crimes, and providing in place thereof for examination before a judicial officer, as authorizing a holding to answer of any person so charged.

By Mr. Ellis, for an Act to make stealing of animals of less value than fifty dollars grand larceny.

Also, an Act to regulate the fees of office and the compensation of county officers in the County of Los Angeles.

Also, for an Act to provide for the compensation of witnesses and jurors in criminal cases in the County of Los Angeles.

Also, for an Act to regulate estrays in the County of Los Angeles.

By Mr. Ables, for an Act allowing jurymen mileage in the County of Marin.

Also, for an Act concerning the office of Public Administrator in said county.

By Mr. Buckbee, for an Act to amend an Act concerning roads and highways in the County of Plumas, passed April twenty-fifth, eighteen hundred and sixty-three, and the Act amendatory thereof, passed January twenty-fifth, eighteen hundred and sixty-six.

Also, for an Act for the relief of James H. Yeates.

Also, an Act concerning fences in the county of Lassen.

By Mr. Caldwell, for an Act granting to certain parties the right to construct and maintain a wagon road within the counties of Sonoma and Mendocino, and charge and collect tolls thereon.

By Mr. Meagher, an Act authorizing the Board of Supervisors of Inyo County to create a Building Fund.

By Mr. Jones, an Act granting to J. W. Smith and his assigns the right to maintain a bridge across Trinity River, in Trinity County.

By Mr. Steele, an Act to remodel the system of town and county government for the State of California.

By Mr Moore, for a joint resolution to instruct our Senators in Congress and request our Representatives to use their influence and vote for the repeal of the law providing revenue from income tax.

By Mr. Days, an Act for the protection of Greenwood Cemetery, situated in Grass Valley Township, Nevada County.

By Mr. Battelle, an Act to repeal an Act to reorganize the County of Plumas out of a portion of the territory of Butte County, approved March thirty-first, eighteen hundred and sixty-six.

By Mr. Comte, an Act to repeal an Act relating to criminal prosecutions, approved April second, eighteen hundred and sixty-four.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cureton, an Act defining the legal distances from the county seat of Mendocino County to the State Capital, Lunatic Asylum and State Prison.

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

By Mr. Brown of Contra Costa, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty one; approved April twenty-second, eighteen hundred and fifty-eight.

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

By Mr Farish, an Act in relation to the office of Assessor of the City and County of San Francisco.

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

By Mr. Giltner, an Act amendatory to an Act fixing the salary of the County Judge of Mariposa County, approved May thirteenth, eighteen hundred and sixty-one.

Read first and second times, and ordered at head of general file.

By Mr. Warfield, an Act to authorize the County of Sonoma to donate bonds to the Sonoma Valley and Vallejo Railroad Company, and provide for the payment of the same.

Read first and second times, and referred to the Sonoma delegation, and ordered printed.

By Mr. Moore, an Act to repeal an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

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

By Mr. Moore, an Act fixing the salary of the County Judge of Santa Clara County.

Read first and second times, and referred to the Judiciary Committee, with request to report at an early day.

By Mr. Mardis, an Act concerning Justices of the Peace and Constables in the County of Tuolumne.

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

By Mr. Westmoreland, an Act in relation to the indigent sick in the County of Humboldt.

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

By Mr. McElhany, an Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

Read first and second times, and referred to Committee on Roads and Highways.

GENERAL FILE.

Senate bill No. 1, an Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature.

On motion of Mr. Lupton, returned to the general file.

Assembly bill No. 12, an Act making appropriation for the seventeenth session of the Legislature.

Considered in Committee of the Whole. Reported back and passage recommended.

Rules suspended, bill considered engrossed, read third time and passed.

Title amended so as to read, "To transfer money from the General to the Contingent Fund for the purposes therein named."

Mr. Westmoreland moved to take up Assembly bill No. 2, concerning elections in Humboldt county.

Carried.

Upon motion of Mr. Lupton, the above mentioned bill was referred to the Judiciary Committee, with instructions to report the same back at an early day.

Upon motion of Mr. Batchelder, at twelve o'clock and thirty minutes P. M., the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
December 12th, 1867.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Indefinite leave of absence was granted to Mr. Spilman.
The Speaker announced the following committee:

COMMITTEE ON TRANSLATION OF LAWS, ETC.

Messrs. Tully, Moore and Brown of Contra Costa.

REPORTS OF COMMITTEES.

Mr. O'Malley, Chairman of Committee on Standing Rules, made a report and recommended its adoption.

Mr. Watson moved that the report be made the special order for to-morrow at twelve oclock.

Carried.

Mr. Giltner, Chairman of Special Committee, made the following report:

Mr. SPEAKER: The committee appointed on reference of the various portions of Governor Low's last Biennial Message to appropriate committees, respectfully report that they recommend reference of said message as follows:

So much thereof as refers to the State finances, to be referred to the Committee on Ways and Means.

So much as refers to the amendments to the State Constitution, and to the recommendations of Secretary of State and Attorney-General, be referred to the Committee on Judiciary.

So much as refers to State lands, be referred to the Committee on Public Lands.

So much as refers to swamp and overflowed land, to the Committee on Swamp and Overflowed Lands.

So much as refers to the Agricultural College, and the grant of land therefor, be referred to either a special or standing committee to be appointed upon that subject.

So much as refers to salt marsh and tide lands, and to the State Harbor Commission, be referred to the Committee on Navigation.

So much as refers to the State Capital, to the Committee on Public Buildings and Grounds.

So much as refers to the Insane Asylum, to the Committee on State Hospitals.

So much as refers to the State Prison, to the Committee on State Prison.

So much as refers to the Reform School, to the Committee on Public Morals.

So much as refers to the Militia, to the Committee on Military Affairs.

So much as refers to Common Schools, the Normal School, the Deaf and Dumb and Blind Institution. to the Committee on Education.

So much as refers to the geological survey, to the Committee on Mines and Mining Interests.

So much as refers to the Yosemite Valley, and to the Mariposa Big Tree Grove, be referred to a special committee of five, to be appointed by the Speaker.

So much as refers to the amendments of the Constitution of the United States, and to national affairs, to the Committee on Federal Relations.

All of which is respectfully submitted.

FRANCIS GILTNER,
Chairman.
S. WILLETS,
ISAAC AYER,
H. G. ROLLINS.

Adopted.

MOTIONS AND RESOLUTIONS.

Mr. Moore offered a joint resolution relative to instructing our delegation in Congress in respect to the internal revenue laws.

Read first and second times, and referred to Committee on Federal Relations and the usual number of copies ordered printed.

Mr. Angney offered a concurrent resolution relative to a proposed amendment to the Constitution of the State of California.

Mr Brown of Contra Costa moved that the reading be dispensed with and said resolution be referred to the Judiciary Committee.

So referred

Mr. Payne offered the following resolution:

Resolved, That the various committees appointed by the Assembly do by concurrent resolution appoint a Porter and Assistant Porter for the Committee rooms and Clerks' rooms, at same per diem as allowed Porters of the Assembly.

To which Mr. O'Malley offered the following substitute:

Resolved, That Bernard Steinman be and is hereby appointed Porter for the Committee rooms of the Assembly at the usual per diem paid Porters, out of the Contingent Fund of the Assembly.

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

Mr Russ offered the following resolution:

Resolved by the Assembly, the Senate concurring, That the Governor's Message and documents connected therewith be translated into the German language and printed.

On motion of Mr. Smith, the resolution was indefinitely postponed.

Mr. White offered the following resolutions:

Resolved, That, the power to regulate foreign immigration being vested in Congress, it is the duty of that body to protect the Pacific States and

Territories from an undue influx of Chinese and Mongolians, and it is the duty of the Legislature of this State to petition Congress to endeavor to obtain the adoption of such regulations as shall accomplish this object, and the Legislature should use all its powers to prevent the introduction of Mongolian laborers.

Resolved, That the above resolution be referred to the Committee on Federal Relations, who are instructed to give this subject mature consideration, and to report to this House at as early a day as possible, by recommendation, by bill, by instructions, by petition, or otherwise, such action as is proper and right to effectually secure the purposes of the resolution.

On motion of Mr. Dwinelle, referred to the Committee on Federal Relations.

Mr. Jones offered the following resolution:

Resolved, That the sum of sixteen dollars additional mileage be allowed Perry Dryer, Representative from Shasta County, being the amount due on eighty miles travel from his residence beyond the county seat of Shasta County.

Referred to the Committee on Mileage.

MESSAGES FROM THE SENATE.

SENATE CHAMBER,
December 12th, 1867.

MR. SPEAKER: The Senate, on the eleventh instant, amended and concurred in Assembly concurrent resolution No. 9, relative to appointing Porter for rear of Capitol building.

W. F. HUESTIS,
Assistant Secretary.

Mr. Angney moved a Committee of Conference.

Mr. Westmoreland moved the previous question, which was not sustained.

Mr. Steele arose to a point of order, relative to the matter having passed out of the hands of the House for the day.

The Speaker ruled the point of order not well taken.

Upon a division vote, the house refused to concur in Senate amendment to Assembly concurrent resolution No 9, above reported.

The motion for a Committee of Conference prevailed

The Speaker appointed Messrs. Cureton, Cochran and White as such Committee.

MESSAGE FROM THE SENATE.

The following resolution was received from the Senate:

SENATE CHAMBER,
December 12th, 1867.

MR. SPEAKER: I am directed by the Senate to transmit to your Honorable body the accompanying documents to the Governor's Message.

WILBUR F. HUESTIS,
Assistant Secretary.

On motion of Mr Mace, the reading of the documents above transmitted was dispensed with.

NOTICE OF INTRODUCTION OF BILLS.

By Mr. Oliver, for an Act to create a State Board for the equalization of taxes in the State of California.

By Mr. Wand, for an Act in relation to the per diem and mileage of the members of the Legislature of the State of California, and the per diem of attachés thereof.

By Mr. Bird, for an Act amendatory of an Act entitled an Act concerning corporations.

By Mr. Gregory, for an Act to reduce the tax on real estate the amount of mortgages thereon.

Also, for an Act to make the wages of laboring men payable in gold or silver coin without specifying the same in writing.

By Mr. Payne, for an Act to amend an Act entitled an Act to provide revenue for the support of the government of the State of California, approved May seventeenth, eighteen hundred and sixty-one.

By Mr. Connely, for an Act for the repeal of an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

By Mr. Coggins, for an Act to provide for the erection of a County Hospital in Sacramento County.

Also, for an Act to amend the Registry Law.

Also, for a concurrent resolution proposing an amendment to section twenty-one of article eleven of the Constitution of the State of California.

By Mr. Tully, for an Act relative to test oaths.

By Mr. Farish, for an Act to protect the wages of labor.

INTRODUCTION OF BILLS.

By Mr. Days, an Act for the protection of Greenwood Cemetery, and other cemeteries in the vicinity of Grass Valley, Nevada County.

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

By Mr. Broderson, an Act to authorize Leopold Miller, Charles Lux, and others, to establish and maintain slaughter houses within certain limits of the City and County of San Francisco.

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

By Mr. Caldwell, an Act granting parties therein named a right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's House, in Mendocino County, and collect toll for travel thereon.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Rollins, an Act for the encouragement of mining.

Read first and second times, placed on file, and usual number of copies ordered printed.

By Mr. Willets, an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge, and District Attorney, and fixing their compensation, for the County of El Dorado.

Read first and second times, and referred to El Dorado delegation.

By Mr. Westmoreland, an Act changing the name of the County of Humboldt to the County of Humboldt Bay.

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

By Mr. Church, an Act to legalize the location of the San Francisco and Alameda Railroad from Hayward's to Washington Corners, in the County of Alameda.

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

By Mr. Ables, for an Act to give grand and trial jurors mileage in the county of Marin.

Read first and second times, and ordered on General File.

By Mr. Brown of Contra Costa, 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, and all Acts supplemental thereto and amendatory thereof.

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

Also, for an Act amendatory of and supplemental to an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one.

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

By Mr Ayer, for 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 seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State, approved April second, eighteen hundred and sixty-six.

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

The usual number of copies were ordered printed.

By Mr. Morrow, for an Act regulating fees for the Probate Court of San Joaquin County.

Read first and second times, and ordered on General File.

At twelve o'clock and ten minutes, on motion of Mr. Farish, the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, December 13th, 1867.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PRESENTATION OF PETITIONS.

Mr. Bird presented a petition from citizens of El Dorado County, praying the Senate and Assembly for the passage of a law reducing and fixing the rates of fare and freight on the Central Pacific Railroad to one-third the present tariff rates now charged.

Referred to the Committee on Corporations.

Mr. Cureton presented a petition from citizens of Mendocino county, relative to the destruction of wild animals and the changing of the present dog law.

Referred to the Judiciary Committee.

REPORTS.

Mr. Days made the following report:

The Nevada delegation, to whom was referred the bill entitled an Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County, report the same back with amendment, and recommend its passage.

MOTIONS AND RESOLUTIONS.

Mr. Brown of Contra Costa offered a concurrent resolution in relation to supplying the State Librarian with all documents printed by either House.

Adopted.

Mr. Bird offered the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report a bill to organize and regulate the whole military power of the State in one Act.

Adopted.

Mr. Cureton offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be, and he is hereby authorized to procure for the use of the Assembly, ten copies of Hittell's Digest, and pay for the same out of the Contingent Fund of the Assembly.

Upon motion of Mr. Dwinelle, the resolution was amended so as to read:

"And at the close of the session they shall be deposited in the State Library."

The resolution as amended was adopted.

Mr. Farish offered the following resolution:

Resolved, That J. G. Lawton, of Vallejo, be appointed a Commissioner to take evidence in the contested election cases now before the Committee on Elections for investigation.

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

Lost.

The resolution was adopted.

Mr. Coggins offered a concurrent resolution relative to proposed amendments to the Constitution of the State of California.

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

Mr. Steele offered the following resolution:

Resolved, That the pay of the officers of this House shall commence on the first day of the session.

On motion of Mr. Bachelder, indefinitely postponed.

Mr. Biggs offered the following resolution:

Resolved, That the Sergeant-at-Arms be, and he is hereby authorized to appoint Porters to attend the committee rooms at four dollars per day.

Mr. Coggins moved to amend by inserting "twenty-one."

Lost.

Mr. Cochran moved to indefinitely postpone.

Lost.

Mr. Wolleb moved to amend by inserting "three."

Lost.

Mr Steele moved to take from the table the resolution of yesterday relative to Porters.

Ruled out of order.

Mr. Brown of Contra Costa moved to amend by inserting "two."

Mr. Green moved, as an amendment, that the whole matter be referred to the Committee on Public Expenditures and Accounts.

Carried.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
December 13th, 1867.

Mr. SPEAKER: The Senate, on the eleventh instant, passed Senate bill No. 4, an Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of the County of Mariposa.

W. F. HUESTIS,
Assistant Secretary.

Senate bill No. 4 was read first and second times, and placed on file.

SENATE CHAMBER,
December 13th, 1867.

Mr. SPEAKER: The Senate, on this day, passed (under a suspension of the rules) Assembly joint resolution No. 1, in relation to having the mouth of Eel River, in Humboldt County, California, surveyed by the General Government.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
December 13th, 1867.

Mr. SPEAKER: The Senate, on this day, receded from its amendment to the Assembly concurrent resolution No. 9, in regard to Porter for rear of Capitol building.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER.
December 13th, 1867.

Mr. SPEAKER: I am directed by the Senate to transmit to your honorable body the accompanying State Prison Report.

W. F. HUESTIS,
Assistant Secretary.

NOTICES OF BILLS.

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

By Mr. Rollins, for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management thereof and other matters relative thereto, approved May twentieth, eighteen hundred and sixty-one.

By Mr. Cureton, for an Act to pay to Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses in Sacramento County.

By Mr. Canovan, for an Act to provide an efficient mechanics' lien law and for the repeal of all existing laws relative thereto.

By Mr. Mentzell, for an Act supplemental to an Act entitled an Act for securing liens to mechanics and others, creating a miners' lien.

By Mr. Tully, for an Act for a franchise to construct a railroad or tramway from the City of Monterey to a point on the Salinas River in the County of Monterey, California.

Also, for an Act asking the right to construct a wharf in the City and Bay of Monterey.

By Mr. Moore, for an Act concerning corporations.

By Mr. Cochran, for an Act authorizing the Controller of State to issue a duplicate warrant on the Soldiers' Relief Fund for one hundred and eighty-five dollars in favor of Justus Brook, of Butte County.

By Mr. Jones, 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.

SPECIAL ORDER.

The hour of twelve o'clock having arrived, the Speaker announced the special order of the day, which was the report of the Standing Committee on Rules.

Mr. Tully moved that the further reading of the report be dispensed with and that the usual number of copies be printed.

Lost.

Mr. Brown of Contra Costa moved that the reading of the report, except the changes from the rules of last year, be dispensed with.

Carried.

Mr. Ayer moved as an amendment that the Committee on Agricultural, Mining and Mechanic Arts College consist of five members.

Adopted.

Mr. Westmoreland offered as a substitute for the forty-sixth rule, the following:

"A motion to adjourn shall always be in order, and shall be decided without debate; but a motion to fix the time to which the House will adjourn shall take precedence, and may be debated like other questions."

Lost.

Mr. Dwinelle moved that the rules be adopted as a whole.

Carried.

Mr. Brown of Contra Costa offered the following resolution:

Resolved, That two hundred and forty copies of the Standing Rules of the Assembly, with the names of the Standing Committees of the Assembly, be printed.

Mr. Coggins offered the following as a substitute:

Resolved, That the rules as reported by the Committee, and amended, be printed, but that the State Printer be requested to furnish the House with one hundred copies, and await the further order of the Assembly before printing a larger number.

Lost.

The resolution of Mr. Brown of Contra Costa was adopted.

The following are the rules adopted:

STANDING RULES OF THE ASSEMBLY.

MEETING.

1.

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

ORDER OF BUSINESS.

2.

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Motions and Resolutions.
9. Messages from the Senate.
10. Notices.
11. Second Reading and Reference of Bills.
12. Introduction and First Reading of Bills.
13. Business on General File, and Third Reading of Bills.

14. Unfinished Business of the Preceding Day.
15. Special Orders of the Day.

3.

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

4.

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

PETITIONS.

5.

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

BILLS.

6.

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.

7.

Every bill shall receive three readings previous to its passage. The first and second readings shall be on the same day. unless objection be made to the bill. The third reading shall be on a subsequent day. The Speaker shall give notice at each reading whether it be the first, second, or third reading. The first reading of a bill shall be for information, and if any opposition be made to it, the question shall be, "Shall this bill be rejected?" If the question to reject be negatived, the bill shall then take the usual course.

8.

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

9.

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.

10.

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

DUTIES OF THE SPEAKER.

11.

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.

12.

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.

13.

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.

14.

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.

15.

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.

SERGEANT-AT-ARMS AND DOORKEEPER.

16.

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.

17.

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.

18.

The Doorkeeper shall be sworn to keep the secrets of the House.

19.

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 Enrollment, to consist of five 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.
27. A Committee on the Culture and Improvement of the Grape Vine, to consist of seven members.
28. A Committee on State Library, to consist of three members.
29. A Committee on Agricultural, Mining and Mechanic Arts College, to consist of five members.

20.

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

21.

It shall be the duty of the Committee on Elections to examine and report upon the certificate of election or other credentials of the mem-

bers 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.

22.

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.

23.

It shall be the duty of the Committee on Claims to take into consideration all such petitions, and matters or things touching claims or 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.

24.

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.

25.

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.

26.

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.

27.

It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defense, 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.

28.

It shall be the duty of the Committee on Internal Improvements to take into consideration all such petitions, and matters and things re-

lating 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.

29.

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.

30.

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

31.

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.

32.

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House, with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with the exception of correction in grammar, orthography, and punctuation.

33.

It shall be the duty of the Committee on Agricultural, Mining and Mechanic Arts College to consider and report upon all matters which will be referred to or come before them.

34.

No committee shall be permitted to employ a Clerk at the expense of the State, without first obtaining leave of the House for that purpose.

35.

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.

36.

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.

37.

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.

38.

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

DECORUM AND DEBATE.

39.

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.

40.

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

41.

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.

42.

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.

43.

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.

44.

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

MOTIONS, ETC.

45.

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.

46.

A motion to adjourn shall always be in order. 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.

47.

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.

48.

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.

49.

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.

50.

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

51.

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

52.

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.

53.

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.

54.

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.

55.

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.

56.

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

57.

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

58.

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

59.

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.

60.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such

final vote was taken; said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. But there shall be no reconsideration of a vote on a motion to indefinitely postpone.

61.

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

62.

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.

63.

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.

64.

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

65.

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

66.

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.

CALL OF THE HOUSE.

67.

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.

MISCELLANEOUS.

68.

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.

69.

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.

70.

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.

71.

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

72.

The rules of parliamentary practice contained in Cushing's Law and Practice of Legislative Assemblies 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.

73.

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

74.

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.

75.

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.

76.

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; but engrossed bills shall be placed at the head of the file in the order in which they are received. 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.

77.

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

78.

When a member shall ask leave to have a bill taken up out of its regular order, he shall, in making the motion, give the number and title of the bill.

79.

No increase of the pay of any officer or attaché of the Assembly shall be made by resolution, except by unanimous consent.

On motion of Mr. Batchelder, the rules were suspended.

Senate bill No. 1, an Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature, was taken up, and considered in Committee of the Whole.

IN ASSEMBLY.

Speaker in the chair.

The bill was reported back without amendment, read the third time and passed.

Senate bill No. 4, an Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of the county of Mariposa.

Read first and second times, and ordered on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Meagher, for an Act to authorize the Board of Supervisors of Inyo county to levy a special tax for building purposes.

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

By Mr. O'Malley, for an Act to amend an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three.

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

By Mr. Russ, for an Act to provide for the payment of the company fund allowance to the companies comprising the regiment formerly

known as the Sixth Regiment of Infantry, Second Brigade, California State Militia.

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

By Mr. Crigler, for an Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the counties of Solano, Napa and Lake, so far as the same relates to Lake County.

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

By Mr. Smith, for an Act to pay trial jurors and witnesses in criminal cases in the county of Yuba.

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

By Mr. Jones, for an Act granting the right to John W. Smith, or his assigns, to maintain a bridge across Trinity river, on the wagon road from Hay Fork Valley to Weaverville, in Trinity County.

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

By Mr. Westmoreland, for an Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties.

Read first and second times, and referred to Committee on Roads and Highways.

On motion of Mr. Connely, at five minutes to one o'clock P. M., the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, December 14th, 1867.

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

PRESENTATION OF PETITIONS.

Mr. Mardis presented a petition from citizens of the City of Sonora asking the Legislature to pass a law curing any informality in the conduct of the last charter election for city officers, which came off on the fourth of March, eighteen hundred and sixty-seven, etc.

REPORTS OF STANDING COMMITTEES.

Mr Steele, Chairman of the Judiciary Committee, made the following report:

ASSEMBLY CHAMBER,
December 14th, 1867.

The Judiciary Committee, to whom was referred Assembly Bill No. 27, entitled an Act fixing the salary of the County Judge of Santa Clara County, have had the same under advisement and report the same back to the Assembly with an amendment to section three, by adding thereto the words "but shall not affect the salary of the present County Judge of Santa Clara County," and recommend the passage of the bill with the amendment.

STEELE, Chairman.

On motion of Mr. Moore, the rules were suspended and the bill above reported placed upon its final passage.

Mr. Westmoreland moved that the amendment to section three be concurred in.

Agreed to.

Mr. Coggins moved an amendment by striking out section two, prohibiting the County Judge from practicing in the Courts.

Lost.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Westmoreland, Batchelder and Coggins, with the following result:

AYES—Messrs. Ables, Angney, Ayer, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Comte, Connely, Crigler, Cureton, Davies, Dryer, Dwinelle, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, O'Malley, Papy, Pardee, Payne, Rollins, Russ, Scudder, Spencer, Tully, Tuttle, Wand, Watson, Willets, and Wolleb—56.

NOES—Messrs. Batchelder, Clark, Cochran, Coggins, Days, Ellis, Fairchild, James, Newsom, Ord, Rector, Smith, Waldron, Warfield, Westmoreland, White, and Mr. Speaker—17.

And the bill as amended was passed.

On account of indisposition Mr. Steele was excused from attendance for the balance of the day.

Mr. Brown of Tulare presented the following report:

Mr. SPEAKER: The Committee on Public Expenditures, to whom was referred House Resolution relative to appointment of Porters for the committee rooms of this House, for the purpose of taking care of books, papers, and other property; also, keeping said rooms in order, have carefully considered the same, and report it back with the recommendation that the Speaker appoint two (2) porters at four dollars per day each, subject to his removal.

BROWN, Chairman.

Mr. Frisbie arose to a question of privilege relative to the appointment of J. G. Lawton as a Commissioner to take testimony in the contested election case of Aspenall vs. Frisbie.

Mr. Biggs offered the following amendment to Mr. Brown's report:

Resolved, That the Sergeant-at-Arms be, and he is hereby authorized to appoint Porters to attend the committee rooms at four dollars per day each.

Adopted.

The following amendment was offered by Mr. Giltner: "to be paid out of the Contingent Fund of the Assembly."

Adopted.

The resolution as amended was adopted.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Warfield that portion of the resolution introduced by Mr. Farish on yesterday, relative to the appointment of a Commissioner to take testimony in the contested election case, was rescinded, and the name of J. G. Lawton stricken out, and that of L. P. Marshall of Fairfield, Solano County, was inserted.

PROTEST.

Mr. Tuttle arose to a question of privilege, and presented the following protest, which was read:

To the Hon. the Assembly of the State of California:

The undersigned now occupying the seat in the Assembly as a representative from the County of Placer, claimed by J. E. Mason in his petition contesting the same, respectfully protests against the Assembly or its Committee on Elections taking any action concerning said contest.

First—Because it is not claimed that the contestant received a majority or a plurality of the votes cast, but it is admitted in the petition that the undersigned received such majority.

Second—A contest can only be made when a question of fact arises as to which candidate voted for received the greater number of votes.

Third—The Assembly has no constitutional power to award a seat in its body to one who received a minority of votes cast.

Fourth—The trial of the question as to whether the undersigned when he was elected possessed the constitutional qualifications to become a member of the Assembly, cannot be had upon the petition contesting his seat.

Fifth—Such trial, if it can be had at all after the undersigned has been sworn in, must be based upon a resolution introduced by a member of the Assembly declaring the seat vacant.

Sixth—The question as to whether the undersigned possessed the constitutional qualifications to become a member of the Assembly should have been raised when he presented himself to be sworn in.

Seventh—No notice was given by the contestant of his intention to contest the seat, as required by the Act concerning the contesting of elections of members of the Legislature.

Respectfully, etc.,

CHAS. A. TUTTLE.

December 13th, 1866.

On motion of Mr. Tuttle, the protest was ordered spread upon the Journals.

RESOLUTIONS.

Mr. Farish presented the following resolution:

Resolved, That the Committee on Elections be authorized to employ a clerk during the pendency of the contested cases now before them, at a per diem of five dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Smith offered the following resolution:

Resolved, That all resolutions appropriating money out of the Contingent Fund of the Assemby for pay of postage stamps for members and attachés be and the same are hereby rescinded.

Lost.

REPORT OF COMMITTEE.

Mr. Batchelder made the following report from the Committee on Engrossment:

Mr. SPEAKER: Your Committee on Engrossment have examined, and find correctly engrossed, Assembly bill No. 12:

An Act making appropriations for the seventeenth session of the Legislature.

BATCHELDER, for Committee.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
December 14th, 1867.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate concurrent resolution No. 14, in relation to raising the National Flag over the Capitol building.

W. F. HUESTIS,
Assistant Secretary.

Senate concurrent resolution No. 14, above reported, was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 14th, 1867.

MR. SPEAKER: The Senate, on the thirteenth instant, passed Senate bill No. 11, an Act to repeal an Act concerning teachers of common schools in this State, approved April twenty-seventh, eighteen hundred and sixty-three, amended March eighteenth, eighteen hundred and sixty-four.

Also, passed Senate bill No. 21, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved July twenty sixth, eighteen hundred and sixty-six.

WILBUR F. HUESTIS,
Assistant Secretary.

Senate bill No. 11, above reported, was read the first and second times and referred to the Committee on Education.

Senate bill No. 21, above reported, was read the first and second times and placed on General File.

NOTICES.

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

By Mr. Farish, for an Act fixing the time when laws and joint resolutions shall take effect.

By. Mr. Wand, for an Act to amend an Act entitled an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-seventh, eighteen hundred and sixty-three.

By Mr. Days, for an Act to provide for the amendment of the Constitution to change the years of holding general elections in this State.

By Mr. Mardis, for an Act confirming the election of town officers for the city of Sonora, Tuolumne County.

By Mr. Spencer, for an Act to amend the twenty-first section of the Act of May sixteenth, eighteen hundred and sixty-one, concerning roads and highways, and to repeal all special Acts concerning roads and highways, relating to Placer County.

Also, for an Act to give laborers in mining claims a lien on the claim for labor.

Also, for an Act to amend section five hundred and thirty-five of the Civil Practice Act so as to give Justices of the Peace jurisdiction over persons residing in adjoining townships for the collection of certain debts.

By Mr. Hayes, for an Act to fix the salary of the County Judge of San Diego County.

INTRODUCTION OF BILLS.

Bills were introduced as follows.

By Mr. Middleton, an Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

By Mr. Cureton, for an Act to pay Robert H Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento County.

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

By Mr Tully, for an Act to authorize Titus Hale, Austin Malrath, William McCall and Richard P. Lenney, their associates and assigns, to construct a railroad from the town of Monterey to the Rancho Natividad, and to construct a wharf at the town of Monterey.

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

By Mr. Moore, for an Act concerning corporations.

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

By Mr. Farish, for an Act to protect the wages of labor.

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

Motion to print the usual number was lost.

Mr. Lupton, under suspension of the rules, introduced an Act concerning the office of County Clerk of the City and County of San Francisco.

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

GENERAL FILE.

Assembly bill No. 24, an Act amendatory to an Act fixing the salary of the County Judge of Mariposa County, approved May thirteenth, eighteen hundred and sixty-one.

An amendment adopted, and the bill as amended was ordered to engrossment.

At twelve o'clock and forty minutes P. M., Mr. Cureton moved to adjourn to three o'clock P. M.

Lost.

Mr. Meagher moved to adjourn.

Lost.

Assembly bill No. 34, an Act for the encouragement of mining, was taken from the file and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 42, an Act regulating fees for the Probate Court of San Joaquin County—was read the third time.

Rules suspended, bill considered engrossed, and passed.

At twelve o'clock and forty-five minutes P. M. Mr. Cureton moved to adjourn.

Lost.

Assembly bill No. 38, an Act to give to grand and trial jurors mileage in the County of Marin—was taken from the file and referred to the Judiciary Committee

Assembly bill No. 31, an Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County—was taken from the file and referred to the Committee on Public Morals, with instructions to report a general bill for the protection of cemeteries.

Senate bill No. 4, an Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of the County of Mariposa—was read the third time and passed.

Mr. Church offered a resolution instructing the Judiciary Committee to prepare and report a general fee bill.

During the pendency of which, on motion of Mr. Mace, at one o'clock P. M. the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, December 16th, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Messrs. Frisbie, Dwinelle, Brown of Contra Costa, Kelley, Tuttle and Ayer were granted one day's leave of absence.

REPORTS.

Mr. Smith made the following report:

Mr SPEAKER: The Yuba delegation, to whom was referred Assembly bill No. 47, an Act to pay trial jurors and witnesses in Yuba county, report the same back and recommend that it be referred to the Judiciary Committee.

SMITH, for delegation.

Referred to the Judiciary Committee.

Mr. Clark made the following report:

Mr. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred a petition from citizens of Siskiyou County relative to sales of large tracts of mining ground to Chinamen, report the same back and recommend it be referred to the Judiciary Committee, and recommend them to report a bill in accordance with the prayer of the petition.

CLARK, Chairman.

Referred to the Judiciary Committee.

MOTIONS AND RESOLUTIONS.

Mr. Westmoreland arose to a question of privilege, impeaching Judge William R. Turner, Judge of the Eighth Judicial District, of high crimes and misdemeanors in office, and offered a resolution calling for a committee of five, to be appointed by the Speaker, to inquire whether articles of impeachment shall be presented by the Assembly of the State of California against the said Judge William R. Turner—said committee to have power to send for persons and papers.

Mr. Westmoreland asked leave to read some *ex parte* testimony in support of his charges, to which Mr. Buckbee objected, and his objection was sustained.

Mr. Brown of Tulare moved an amendment to the resolution, that the same be referred to the Judiciary Committee.

Mr. Rector moved to postpone further action until the sixth of January next.

Mr. Lupton moved to make the whole matter the special order for Thursday next at one o'clock P. M.

Mr. Mace moved the previous question, which was sustained.

The question being on the amendment of Mr. Lupton, making it the special order for Thursday, the ayes and noes were demanded by Messrs. Westmoreland, Rollins and Dornin, with the following result:

AYES—Messrs. Angney, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Ellis, Gildea, Giltner, Gregory, Green, Hayes, James, Lee, Lupton, Mace, Mahon, Mattingly, Meagher, Mentzell, Middleton, Newsom, O'Malley, Ord, Papy, Russ, Scudder, Spilman, Watson, Wolleb—33.

NOES—Messrs. Ables, Batchelder, Battelle, Bever, Biggs, Buckbee, Church, Coggins, Connelly, Crigler, Davies, Days, Dornin, Dryer, Fair-

child, Jones, Mardis, Martin, McElhany, Moore, Morrow, Newell, Oliver' Pardee, Rector, Rollins, Ryland, Smith, Spencer, Steele, Tully, Waldron, Wand, Warfield, Westmoreland, White, Willets—37.

So the amendment was lost.

The question recurring on the motion to postpone to the sixth of January, the ayes and noes were demanded, by Messrs. Westmoreland, Spencer and Dornin, with the following result:

AYES—Messrs. Biggs, Bird, Broderson, Comte, Fairchild, Gildea, Green, Lupton, Mace, Mahon, Mardis, Newsom, Oliver, Rector, Scudder, Steele, Tully, and Wolleb—18.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Connely, Crigler, Davies, Days, Dornin, Dryer, Ellis, Giltner, Gregory, Hayes, James, Jones, Lee, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, O'Malley, Ord, Papy, Pardee, Rollins, Ryland, Russ, Smith, Spencer, Spilman, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets—52.

So the motion was lost

The question was then taken on referring the whole matter to the Judiciary Committee, upon which the ayes and noes were demanded by Messrs. Westmoreland, Rollins and Coggins, with the following result:

AYES—Messrs. Biggs, Bird, Broderson, Brown of Tulare, Canavan, Cochran, Gildea, Gregory, Lupton, Mace, Mahon, Mardis, Meagher, Newsom, O'Malley, Ord, Ryland, Waldron, Watson—19.

NOES—Messrs Ables, Angney, Batchelder, Battelle, Bever, Buckbee, Caldwell, Church, Clark, Coggins, Comte, Connely, Crigler, Davies, Days, Dornin, Dryer, Ellis, Fairchild, Giltner, Green, Hayes, James, Jones, Lee, Martin, Mattingly, McElhany, Mentzell, Middleton, Moore, Morrow, Newell, Oliver, Papy, Pardee, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Wand, Warfield, Westmoreland, White, Willets, Wolleb—51.

So it was lost.

The question then recurred on the original resolution as offered by Mr. Westmoreland, upon which the ayes and noes were demanded by Messrs. Westmoreland, Dryer and Buckbee, with the following result:

AYES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Broderson, Buckbee, Caldwell, Canavan, Church, Clark, Coggins, Comte, Connely, Crigler, Davies, Days, Dornin, Dryer, Ellis, Fairchild, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Lee, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Oliver, O'Malley, Ord, Papy, Pardee, Rollins, Russ, Ryland, Scudder, Smith, Spencer, Spilman, Steele, Tully, Waldron, Wand, Warfield, Westmoreland, White, Willets—61.

NOES—Messrs. Biggs, Bird, Brown of Tulare, Cochran, Lupton, Newsom, Rector, Watson, Wolleb—9.

So the resolution was adopted.

Mr. Giltner moved that section three of Assembly bill No. 24, which had been ordered engrossed, be amended so as to read as follows:

SEC. 3. This Act shall take effect and be in force from and after its passage; *provided*, nothing in this Act contained shall apply to the present incumbent of said office.

Ruled out of order.

RESOLUTIONS.

Mr. Hayes introduced a joint resolution relative to asking an appropriation of fifty thousand dollars from the General Government for the improvement of San Diego river and the harbor of San Diego

Read first and second times and referred to the Committee on Federal Relations.

Mr. Hayes introduced the following resolution:

Resolved by the Assembly, That the Attorney-General is requested to communicate to the Assembly all petitions or other papers on file in his office concerning any dispute as to boundary between the Territory of Arizona and the State of California, in the vicinity of Fort Yuma.

Adopted.

Mr. James introduced a joint resolution in regard to instructing our Representatives in Congress to use all honorable means to restore the ten Southern States, now governed by the military, to the same and equal constitutional rights with all the other States.

Read first and second times, and referred to the Committee on Federal Relations

Mr Green offered a concurrent resolution relative to the condition of the ten Southern States, now under military rule, and giving the right of enfranchising to the negro.

Read first and second times, and referred to the Committee on Federal Relations

Mr. Green introduced a concurrent resolution relative to printing nineteen hundred and twenty copies of the report of the engineers of the Sacramento Valley Canal.

Laid over, under the rule.

MESSAGE FROM THE SENATE.

SENATE CHAMBER.
December 14th, 1867.

Mr. SPEAKER: I am authorized to inform your honorable body that the Senate has this day concurred in Assembly concurrent resolution No. 12, relative to supplying the State Librarian with copies of all bills printed.

W. F. HUESTIS,
Assistant Secretary.

NOTICES.

Notices were given of the introduction of bills as follows:

By Mr. Watson, for an Act for the relief of James P. McFarland and his assigns.

Also, for an Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino and to define their

duties, approved February eighteenth, eighteen hundred and sixty-four, and to make the same applicable to San Antonio Creek, in the County of Los Angeles.

Also, for an Act to authorize Thos D. Mott, S. Haley, A. J. King, Geo. Carson and associates, to build a wharf or wharves at the port of San Pedro, in the County of Los Angeles.

By Mr. Comte, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eghteen hundred and fifty-one.

By Mr. Hayes, for an Act to encourage the business of whaling on the coast of California.

Also, for an Act in aid of the San Diego and Gila Railroad Company.

Also, for an Act to fix the salaries of certain county officers of San Diego County.

Also, an Act for the relief of the County Treasurer of San Diego County.

Also, for an Act for the preservation of fish in the waters of San Diego County.

By Mr. Ellis, for an Act to create the Seventeenth Judicial District out of the counties now composing the First Judicial District.

Also, for an Act to fix the salary of the Judge of the First Judicial District.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mentzell, an Act to reduce the salary of the County Judge of Calaveras County.

Read first and second times and referred to the Calaveras delegation.

By Mr. Connely, an Act to repeal an Act to declare and regulate the power of the Board of Supervisors of the County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved March fourth, eighteen hundred and sixty-four.

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

By Mr. Ellis, an Act to regulate the salary of the County Judge of Los Angeles County.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Hayes, an Act to fix the salary of the County Judge of San Diego County.

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

By Mr. Hayes, an Act to restrict the herding of sheep and goats in the County of San Diego.

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

By Mr. Morrow, an Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same.

Read first and second times and referred to the San Joaquin delegation.

GENERAL FILE.

Senate bill No 21, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county

purposes, approved February twenty-sixth, eighteen hundred and sixty-six.

Referred to the Colusa and Tehama delegation.

RESOLUTION.

Mr. Church offered the following resolution:

Resolved, That the Judiciary Committee be and they are hereby instructed to prepare and report to this House a general Fee bill for all counties in the State.

Adopted.

At twelve o'clock and forty-five minutes P. M., upon motion of Mr. Meagher, the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 17th, 1867.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Messrs. Smith and Downer were granted indefinite leave of absence.
Mr. Tuttle had leave of absence for one day.

PETITIONS.

Mr. Middleton presented a statement from the San Francisco Ladies' Protection and Relief Society.

Referred to the Committee on Ways and Means.

SELECT COMMITTEES.

Mr. Green submitted the following report:

Mr. SPEAKER: The Colusa and Tehama delegation, to whom was referred Senate Bill No. 21—An Act to amend an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six—report the same back and recommend its passage.

Mr. Bird offered the following resolution:

Resolved, That this day, December the seventeenth, at twelve o'clock M., the Assembly do proceed, in accordance with an Act of Congress, entitled an Act to regulate the time and manner of holding elections for Senators in Congress, approved July the twenty-fifth, eighteen hundred and sixty-six, to elect a person to represent the State of California in the Senate of the United States for the term of six years from and after the expiration of the term of office of John Conness, present incumbent.

Adopted.

Mr Steele offered the following resolution:

Resolved, That the Committee on Judiciary are hereby authorized and empowered to employ a clerk at the per diem allowed by law.

Adopted.

Mr. Westmoreland introduced a concurrent resolution relative to the effect of the late Democratic victories.

On motion of Mr. Cureton the resolution was laid on the table.

Mr. Ellis offered the following resolution:

Resolved, That the Committee on Agriculture be instructed to inquire how far the Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six, may involve the State expenditures; the probable amount of premiums that may be claimed; and whether any legislation may be necessary to protect the State against extraordinary and unforeseen claims that may arise; and also to report, if necessary, an Act explanatory of the first section of said law.

Adopted.

Mr. Rollins offered the following resolution:

Resolved, That the Committee on Roads and Highways be and are hereby instructed to prepare and report to this House a general Road bill for all the counties in the State.

Adopted.

Mr Westmoreland presented a memorial to Congress, accompanied by a concurrent resolution, relative to instructing our Senators and Representatives in Congress to ask the United States Government to grant lands to certain counties therein named, for the purpose of constructing roads.

Read first and second times and referred to Committee on Roads and Highways.

On motion of Mr. Jones the usual number of copies were ordered printed.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Moore, for an Act authorizing the Common Council of the City of San José to extend Market street in said city, upon certain conditions.

Mr. Moore presented a petition from the citizens of San José upon the same subject.

QUESTIONS OF PRIVILEGE.

Mr. Morrow arose to a question of privilege in regard to the vote upon the bill concering the salary of the County Judge of Santa Clara County, stating that he did not vote for the bill.

Mr. Oliver also arose to a question of privilege upon the same subject, stating that he voted against the bill, and asked correction to be made.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Watson, an Act for the relief of James P. McFarland and his assigns.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Watson, an Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February eighteenth, eighteen hundred and sixty-four, and to make the same applicable to San Antonio Creek, in Los Angeles County.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Watson, an Act to authorize Thomas D. Mott, S. Haley, A. J. King. George Casson and associates to build a wharf or wharves at the port of San Pedro, in the County of Los Angeles.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Cureton. an Act to authorize L F. Long and L. H Long to construct and maintain a turnpike road from Cloverdale, in Sonoma County, to intersect with the county road at or above Sanel, on Russian River, in Mendocino County, and charge and collect toll thereon.

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

By Mr. Hayes, an Act for the relief of the County Treasurer of San Diego County.

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

UNFINISHED BUSINESS.

Mr. Green moved that the concurrent resolution offered by him yesterday, relative to an appropriation for printing nineteen hundred and twenty copies of the Report of the Engineers of the Sacramento Valley Canal, be adopted.

Agreed to.

At twelve minutes to twelve o'clock A. M., upon motion of Mr. Ayer, the House took a recess until five minutes to twelve A. M.

HOUSE REASSEMBLED.

Five minutes before twelve o'clock A. M., House reassembled.

Speaker in the Chair.

Roll called.

Quorum present.

UNITED STATES SENATOR.

At twelve o'clock M., the resolution under which the House proceeded to act was read;

Also, section first of an Act entitled an Act to regulate the times and manner of holding elections for Senators in Congress, passed by the Congress of the United States July twenty-fifth, eighteen hundred and sixty-six.

Nominations for United States Senator being in order—

Mr. Dwinelle nominated Thomas A. Brown, of Contra Costa County.

Mr. Papy nominated Eugene Casserly.

Mr. Giltner nominated Joseph A. Stearn.

On motion of Mr. Steele, further formal nominations were dispensed with, and the nominations of Messrs. Casserly and Stearn were withdrawn.

The roll was then called, with the following result:

Assemblymen.	Voted for.
Ables	Brown.
Angney	Biggs.
Ayer	Brown.
Batchelder	Brown.
Battelle	Brown.
Bever	Brown.
Biggs	Angney.
Bird	Newell.
Broderson	Scudder.
Brown of Contra Costa	Dwinelle.
Brown of Tulare	Freeman.
Buckbee	Brown.
Caldwell	Henley.
Canavan	Caldwell.
Church	Brown
Clark	Pendegast.
Cochran	B. F. Washington.
Coggins	Brown.
Comte	B. B. Lee.
Connely	J. Middleton.
Crigler	J. Boggs.
Cureton	Crigler.
Davies	Brown.
Days	Brown.
Dornin	Brown.
Dryer	Brown.
Dwinelle	Brown.
Ellis	J. Watson.
Fairchild	T. N. Wand.
Farish	B. A. Mardis.
Gildea	Kincaid.
Giltner	J. A. Stearn.
Gregory	Geo. Payne.
Green	C. Haymond.

Assemblymen.	Voted for.
Hayes	J. Sloan.
James	J. H. Saunders.
Jones	Brown.
Kelley	Meagher.
Lee	A. Comte.
Mace	C. M Hitchcock.
Mahon	D. J. Oullahan.
Mardis	Farish.
Martin	J. B. Warfield.
Mattingly	Ryland.
McElhany	Brown.
Meagher	T. P. Slade.
Mentzell	A. C. Adams.
Middleton	D. Connely.
Moore	John Bigler.
Morrow	Brown
Newell	A. P. Bird.
Newsom	A. J. Gibson.
Oliver	Brown.
O'Malley	S. H. Rector.
Ord	J. E N. Lewis.
Papy	Dan Gelwicks.
Pardee	Brown.
Payne	J. B. Gregory.
Rector	J. J. O'Malley.
Rollins	Brown.
Russ	J. Papy.
Scudder	J. B. Broderson.
Smith	Brown.
Spencer	Brown
Spilman	P. W. Kiser
Steele	John Nugent.
Tully	Ellis.
Tuttle	Brown.
Waldron	Brown.
Wand	Fairchild.
Warfield	S. M. Martin.
Watson	Tully.
Westmoreland	Brown.
White	Brown.
Willets	G. R Carpenter.
Wolleb	A. Russ.
Mr. Speaker	H. H. Haight.

Whole number of votes cast..... 75
Necessary to a choice.....38

Of which Mr. Thomas A. Brown received twenty-three votes;

And Messrs. Biggs, Angney, Newell, Scudder, Dwinelle, Freeman, Henley, Caldwell, Pendegast, B. F. Washington, B. B. Lee, J. Middleton, J.

Boggs, Crigler, J. Watson, T. N. Wand, B. A. Mardis, Kincaid, J A. Stearn, Geo. Payne, C. Haymond, J. Sloan. J. H. Sanders, Meagher, A. Comte, C. M. Hitchcock, D. J. Oullahan, Farish, J. B. Warfield, Ryland, T. P. Slade, A. C. Adams, D. Connely, John Bigler, A. P. Bird, A. J. Gibson, S. H. Rector, J. E. N. Lewis, Dan Gelwicks, J. B. Gregory, J. J. O'Malley, J. Papy, J. B. Broderson, P. W. Kiser, John Nugent, Ellis, Fairchild, S. M. Martin, Tully, G. R. Carpenter, A. Russ and H. H. Haight one vote each.

No person having received a majority of all the votes cast, the Speaker so declared the result of the ballot.

On motion of Mr. Days, at twelve o'clock and fifteen minutes the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 18th, 1867.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

QUESTION OF PRIVILEGE.

Mr. Jones rose to a question of privilege, stating that his vote should have been recorded against the bill relating to the County Judge of Santa Clara County.

COMMUNICATION.

Mr. Westmoreland presented a communication from Charles R. Story, Tax Collector of San Francisco, relative to the Dog Tax law, which was referred to the Committee on Agriculture.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 18th, 1867.

Mr. SPEAKER: The Senate yesterday adopted a resolution directing its Secretary to respectfully inform the Assembly that the Senate will be ready at twelve o'clock meridian this day, to meet the Assembly in Joint Convention, pursuant to the provisions of an Act of Congress entitled an Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six.

W. F. HUESTIS,
Assistant Secretary.

REPORTS OF STANDING COMMITTEES.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

ASSEMBLY CHAMBER,
December 18th, 1867.

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled Assembly Joint Resolution No. 1, in relation to the survey of the mouth of Eel River, Humboldt County, California, by the General Government, and at twenty-five minutes past twelve o'clock M., December seventeenth, presented the same to the Governor for his approval.

PAYNE, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Mentzell, from the Calaveras delegation, made the following report:

Mr Mentzell, from the Calaveras delegation, begs leave to make the following report in regard to Assembly Bill No. 56—An Act to reduce the salary of the County Judge of Calaveras county:

Having been unable to agree with the other members of the Calaveras delegation in regard to the bill, he hereby reports the same back with an amendment and recommends its early passage as amended.

MOTIONS AND RESOLUTIONS.

Mr. Ayer moved that the bill just reported by Mr. Mentzell, be referred back to the Calaveras delegation.

Carried.

Mr. Comte made the following report:

Mr. SPEAKER: The Committee on Inauguration Expenses beg leave to report that the expenses incurred by the Committee heretofore appointed to superintend the inauguration ceremonies amount to the sum of six hundred and fifty dollars, and recommend the adoption of the accompanying resolution.

COMTE, Chairman.

The concurrent resolution accompanying the above report was adopted.

Mr. Dwinelle presented the following resolution:

Resolved, That the resolution heretofore adopted, requiring the Sergeant-at-Arms to construct a hand rail outside of the bar of the House, be rescinded.

Adopted.

Mr. Westmoreland moved to take from the table the resolution introduced by him yesterday.

Mr. O'Malley (Speaker pro tem.) in the chair.

Mr. Watson moved that the whole matter be indefinitely postponed.

Mr. Farish rose to a point of order, that there was nothing before the House.

The Chair sustained the point of order.

Upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Coggins, Cureton and Westmoreland, with the following result:

AYES—Messrs. Batchelder, Bever, Biggs, Broderson, Caldwell, Canavan, Comte, Connely, Crigler, Cureton, Dwinelle, Kelley, Lee, Lupton, Mardis, Moore, Newsom, O'Malley, Papy, Payne, Russ, Spencer, Steele, Waldron, Wand, Warfield, Watson, Wolleb—28.

NOES—Messrs. Ables, Angney, Ayer, Battelle, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Davies, Days, Dornin, Dryer, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Mace, Mahon, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Oliver, Ord, Pardee, Rector, Rollins, Scudder, Smith, Spilman, Tully, Tuttle, White, Willets, Mr. Speaker—49.

So the House refused to indefinitely postpone.

At ten minutes to twelve o'clock A. M., upon motion of Mr. Biggs, the House took a recess for five minutes.

REASSEMBLED.

At five minutes before twelve o'clock the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Lupton moved that the Clerk of the House be directed to notify the Senate that the Assembly was ready to receive them for the purpose of going into Joint Convention for the election of a United States Senator.

Adopted.

IN JOINT CONVENTION.

At twelve o'clock M., the Senate joined the Assembly.

UNITED STATES SENATOR.

The following were the proceedings of the Joint Convention to elect a United States Senator to succeed Hon. John Conness, whose term of office will expire on the third day of March, eighteen hundred and sixty-nine:

The Convention was called to order by the President of the Senate, in conjunction with the Speaker of the House.

The roll of the Senate and also of the Assembly was called, and one hundred and sixteen members were present.

The President of the Senate and Speaker of the House severally directed that portion of the Journals of the Senate and the House of yesterday relative to the election of a United States Senator to be read.

The President of the Senate directed the Secretary of the Senate to read the Act of Congress providing for the times and manner of electing a United States Senator, as follows:

AN ACT to regulate the times and manner of holding elections for Senators in Congress.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress, shall on the second Tuesday after the meeting and organization thereof proceed to elect a Senator in Congress in place of such Senator going out of office, in the following manner: Each house shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for who shall have a majority of the whole number of votes cast in each house shall be entered on the journal of each house by the Clerk or Secretary thereof; but if either house shall fail to give such majority to any person on said day, that fact shall be entered on the journals. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the House shall convene in joint assembly and the journal of each house shall then be read, and if the same person shall have received a majority of all the votes in each house, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each house, or if either house shall have failed to take proceedings as required by this Act, the joint assembly shall then proceed to choose by a *viva voce* vote of each member present a person for the purpose aforesaid, and the person having a majority of all the votes of the said joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected, and in case no person shall receive such majority on the first day, the joint assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature and take at least one vote until a Senator shall be elected.

SEC. 2. And be it further enacted, That whenever, on the meeting of the Legislature of any State, a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of the session, to elect a person to fill such vacancy in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have organized and shall have notice of such vacancy.

SEC. 3. And be it further enacted, That it shall be the duty of the Governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election under the seal of the State to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of State of the State.

Approved July twenty-fifth, eighteen hundred and sixty-six.

The roll was then called, with the following result:

Senators.	Voted for.
Banning	Thomas A. Brown.
Beach	Thomas A. Brown.
Belden	Thomas A. Brown.
Bradley	Thomas A. Brown.
Chappell	Thomas A. Brown.
Conly	Thomas A. Brown.
Conn	Henry Hamilton.
Curtis	James Johnson.
Ewer	Thomas A. Brown.
Freeman	J. C. Brown, of Tulare.
Green	Thomas A. Brown.
Hager	John H. Saunders.
Hardy	Thomes A. Brown.
Heacock	Thomas A. Brown.
Hunter	John S. Hager.
Johnson	Greene Curtis.
Kincaid	James W. Coffroth.
Lawrence	James W. Mandeville.
Lewis	J. D. Hambleton.
Mandeville	James H. Lawrence.
McDougall	Patrick W. Murphy.
Mizner	Thomas A. Brown.
Morrill	Allen P. Dudley.
Murch	Thomas A. Brown.
Murphy	F. McDougall.
Pearce	W. J. Shaw.
Pendegast	E. T. Wilkins.
Perley	Thomas A. Brown.
Roberts	Thomas A. Brown.
Robinson	Thomas A. Brown.
Rose	Robert Cosner.
Shaw	George Pearce.
Teegarden	Thomas A. Brown.
Tubbs	Thomas A. Brown.
Tweed	Thomas A. Brown.
Wadsworth	Thomas A. Brown.
Wolcott	Thomas A. Brown.

Assemblymen.	Voted for.
Ables	Brown.
Angney	Biggs.
Ayer	Brown.
Batchelder	Brown.
Battelle	Brown.
Bever	Brown.
Biggs	Angney.
Bird	Newell.
Broderson	Scudder.
Brown of Contra Costa	Dwinelle.
Brown of Tulare	Freeman.
Caldwell	Henley.
Canavan	Caldwell.
Church	Brown.
Clark	Pendegast.
Cochran	B. F. Washington.
Coggins	Brown.
Comte	B. B. Lee.
Connely	J. Middleton.
Crigler	J. Boggs.
Cureton	E. E. Curtis.
Davies	Brown.
Days	Brown.
Dornin	Brown.
Dryer	Brown.
Dwinelle	Brown.
Ellis	J. Watson.
Fairchild	T. N. Wand.
Farish	B. A. Mardis.
Frisbie	Brown.
Gildea	Kincaid.
Giltner	J. A. Stearn.
Gregory	Geo. Payne.
Green	C. Haymond.
Hayes	J. Sloan.
James	J. J. Curry.
Jones	Brown.
Kelly	Meagher.
Lee	A. Comte.
Lupton	Robert Watt.
Mace	C. M. Hitchcock.
Mahon	D. J. Oullahan.
Mardis	Farish.
Martin	J. B. Warfield.
Mattingly	Ryland.
McElhany	Brown.
Meagher	J. M. Kelly.
Mentzell	A. C. Adams.
Middleton	D. Connely.
Moore	John Bigler.
Morrow	Brown.

Assemblymen.	Voted for.
Newell	A. P. Bird.
Newsom	A. J. Gibson.
Oliver	Brown.
O'Malley	S H. Rector.
Ord	J. E. N. Lewis.
Papy	S. L Lupton.
Pardee	Brown.
Payne	J. B. Gregory.
Rector	J. J. O'Malley.
Rollins	Brown
Russ	J. Papy.
Scudder	J. B. Broderson.
Spencer	Brown
Spilman	P. W. Kiser.
Steele	John Nugent.
Tully	Ellis.
Tuttle	Brown.
Waldron	Brown.
Wand	Fairchild.
Warfield	S. M Martin.
Watson	Tully
Westmoreland	Brown.
White	Brown.
Willets	G. E. Williams.
Wolleb	A. Russ.
Mr. Speaker	H. H. Haight.

Whole number of votes cast.....116
Necessary to a choice..... 59

Of which Thomas A. Brown received 44 votes;

And Messrs. Hambleton, Johnson, Brown of Tulare, Saunders, Hager, Curtis, Coffroth, Mandeville, J. D. Hambleton, Lawrence, Murphy, Dudley, McDougall, Shaw, Wilkins, Cosner, Pearce, Biggs, Angney, Newell, Scudder, Dwinelle, Freeman, Henley, Caldwell, Pendegast, Washington, Lee, Middleton, Boggs, Curtis, Watson, Wand, Mardis, Kincaid, Stearn, Payne, Haymond, Sloan, Curry, Meagher, Comte, Watt, Hitchcock, Oullahan, Farish, Warfield, Ryland, Kelly, Adams, Connely, Bigler, Bird, Gibson, Rector, Lewis, Lupton, Gregory, O'Malley, Papy, Broderson, Kiser, Nugent, Ellis, Fairchild, Martin, Tully, Williams, Russ, Haight, received one vote each.

The President declared that, no person having received a majority of all the votes cast, the Convention had failed to elect a United States Senator.

Mr. Coggins offered the following resolution:

Resolved, That we proceed to ballot for a United States Senator, and that all candidates receiving but one vote be dropped from the list after each ballot.

Ruled out of order.

At twelve o'clock and forty-five minutes P. M. Mr. Mandeville moved that the Convention adjourn.

The ayes and noes were demanded by Messrs. Mizner, Johnson and Murch, with the following result:

AYES—Senators Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Pearce, Pendegast, Rose, Saunders, Shaw; Assemblymen Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Russ, Scudder, Spilman, Steele, Tully, Tuttle, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—69.

NOES—Senators Banning, Beach, Belden, Bever, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott; Assemblymen Ables, Ayer, Batchelder, Battelle, Beaver, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Dryer, Dwinelle, Frisbie, Jones, McElhany, Moore, Morrow, Oliver, Pardee, Rollins, Spencer, Waldron, Westmoreland, White—46.

So the Convention adjourned.

IN ASSEMBLY.

After the withdrawal of the President and members of the Senate from the Assembly Chamber, the House was called to order.

Speaker in the chair.

Roll called.

Quorum present.

RESOLUTIONS.

The question was then put on taking from the table the resolution offered by Mr. Westmoreland on yesterday, which was carried.

Mr. Wand offered a resolution relative to the disposition of resolutions in relation to national affairs; which, under the rule, was laid over one day.

Mr. Farish offered the following as an amendment to the resolution offered by Mr. Westmoreland:

Resolved by the Assembly of the State of California, the Senate concurring, That the recent elections in California and the other States, resulting as they did in victories to the Democratic party in some of the said States, and in an increase of the party vote in nearly all, is not in any way to be regarded as an indorsement of the doctrine of military reconstruction, Chinese and negro suffrage, nor as a rebuke to the conduct or result of the late civil war; but that, on the contrary, the said doctrine of military reconstruction, Chinese and negro suffrage, is a pernicious heresy, unfounded in law, and the civil war named was maintained by the adhering or loyal States and people, in strict response to the duties and instinct of patriotism.

On motion of Mr. Moore, the resolution and the amendment was referred to the Committee on Federal Relations.

Mr. Canavan offered the following resolution:

Resolved, That the Calaveras delegation be instructed to report back the bill relative to the salary of the County Judge of Calaveras County on to-morrow.

Mr. Ayer moved to lay the resolution on the table.
Lost.
The resolution was adopted.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Tully—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

By Mr. Ayer—An Act to fund the indebtedness of Calaveras County.

Also, an Act to amend an Act entitled an Act in relation to public roads in the County of Calaveras and to the Road Fund of said county, approved April tenth, eighteen hundred and sixty-two, approved April sixth, eighteen hundred and sixty-three.

By Mr. Giltner—An Act to repeal a part of an Act entitled an Act to amend an Act entitled an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, approved April seventeenth, eighteen hundred and sixty-one.

By Mr Hayes—An Act to define the powers and duties of the Trustees of the Town (late City) of San Diego, concerning sales and donations of lands and the disposal of moneys of their trust.

Also, an Act to grant and confirm to the heirs of José Antonio Aguirre, deceased, and the heirs of Miguel Pedrorena, deceased, all the title of the State of California in certain lots of land lying in the water front of the Town of New San Diego.

By Mr. Moore—An Act to amend an Act entitled an Act to secure liens of mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, and Acts amendatory thereof.

Also, an Act concerning chattel mortgages.

Also, an Act for a general Road law.

By Mr. Westmoreland—An Act to authorize W. B. Campbell and D. E. Sykes, with their associates, to improve the navigation of Truckee River.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tully—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

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

By Mr. Brown of Contra Costa—An Act to extend the time for finishing the construction of a wharf under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at

or near the Town of Antioch, and on the southerly bank of the San Joaquin river, approved April second, eighteen hundred and sixty-six.

Read first and second times, and placed on file.

By Mr. Middleton—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved April twenty-ninth, eighteen hundred and fifty-seven, and of an Act amendatory of and supplementary to said Act, approved April nineteenth, eighteen hundred and fifty-nine, approved March eighteenth, eighteen hundred and sixty-two.

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

By Mr. Buckbee—An Act for the relief of James H. Yates.

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

By Mr. Mardis—An Act to legalize and confirm the election of certain officers in the town of Sonora, Tuolumne County, and other matters.

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

By Mr. Comte—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one

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

GENERAL FILE.

Senate Bill No. 21—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six.

Read a third time and passed.

At one o'clock and thirty minutes P. M., on motion of Mr. Bird, the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Thursday, December 19th, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Payne was granted one day's leave of absence.

Mr. Warfield was granted indefinite leave of absence, on account of sickness in his family.

QUESTION OF PRIVILEGE.

Mr. Frisbie arose to a question of privilege regarding delay by the

Committee on Contested Elections, and asked in his case such action by the Committee as will give an impartial investigation.

RESOLUTION.

Mr. Dwinelle offered the following resolution:

Resolved, That all testimony taken upon commission in the contested election cases now before the House, be taken upon reasonable notice to the contestant and the sitting member in the respective cases, and that no testimony taken upon commission without such notice shall be used.

Under the suspension of the rules the resolution was adopted.

COMMITTEE ON IMPEACHMENT.

The Speaker announced the following Committee on Impeachment: Messrs. Steele, Westmoreland, Rector, Cureton, and Jones.

REPORTS OF STANDING COMMITTEES.

Mr. Lee presented the following report:

ASSEMBLY CHAMBER,
December 18th, 1867.

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bills Nos. 24, 27 and 42.

LEE, Chairman.

Mr. Steele made the following report:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 59—An Act to fix the salary of the County Judge of San Diego County—have had said bill under consideration and report the same back with the following amendments, and recommend its passage as so amended:

Amend section one by adding after the word "dollars" the words "per annum."

Also, amend section three by substituting in place thereof the following:

Section 3. This Act shall take effect immediately, but shall not affect the salary of the present term of the County Judge of said county.

STEELE, Chairman.

Mr. Hayes moved that Assembly Bill No. 59 be taken up.

Mr. Giltner moved, as an amendment, that Assembly Bill No. 24 be included.

Agreed to.

Assembly Bill No. 59—An Act to fix the salary of the County Judge of San Diego County—was taken up.

Under a suspension of the rules, the bill was amended and the amendments adopted.

Under the operation of the previous question the bill was considered engrossed, read a third time and passed.

Rule thirty-two was suspended and the bill transmitted immediately to the Senate.

Assembly Bill No. 24—An Act amendatory to an Act fixing the salary of the County Judge of Mariposa County, approved May thirteenth, eighteen hundred and sixty-one—was taken up.

Mr. Days moved to strike out "twenty-five hundred" and insert "two thousand" in section first.

Lost.

At eleven o'clock and fifty-five minutes, on motion of Mr. Biggs, the House took a recess for five minutes.

REASSEMBLED.

At twelve o'clock M. Assembly reassembled.

Speaker in the chair.

Roll called.

Quorum present.

On motion of Mr. Lupton, the Clerk was directed to inform the Senate that the Assembly was ready to meet them in Joint Convention for the purpose of balloting for a United States Senator.

IN JOINT CONVENTION.

The following are the proceedings of the Joint Convention to elect a United States Senator to succeed the Hon. John Conness, whose term of office will expire the third day of March, eighteen hundred and sixty-nine.

The hour of twelve o'clock M. having arrived,

The Joint Convention was called to order by the President of the Senate in conjunction with the Speaker of the House.

The roll of the Senate was called by the Secretary of the Senate, and the following Senators responded:

Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Rose, Shaw, Teegarden, Tubbs, Tweed, Wadsworth and Wolcott—37.

The roll of the Assembly was called by the Clerk of the Assembly, and the following members responded:

Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Ryland, Russ, Scudder, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb and Mr. Speaker—78.

The said Senators and members of the Assembly, being a majority of all the members elected to both Houses, were present and voting.

The President of the Senate directed the journals of yesterday, referring to the proceedings in Joint Convention, to be read.

The rolls were then called with the following result:

Senators.	Voted for.
Banning	Brown.
Beach	Brown.
Belden	Brown.
Bradley	Brown.
Chappell	Brown.
Conly	Brown.
Conn	H. O Hamilton.
Curtis	James Johnson.
Ewer	Brown.
Freeman	J. C. Brown, of Tulare
Green	Brown.
Hager	Saunders.
Hardy	J. W. Freeman.
Heacock	Brown.
Hunter	J. S Hager.
Johnson	N. G. Curtis.
Kincaid	J. W. Coffroth.
Lawrence	J. W. Mandeville.
Lewis	J. D. Hambleton.
Mandeville	J. H Lawrence.
McDougall	P. W. Murphy.
Mizner	Brown.
Morrill	A. P. Dudley.
Murch	Brown.
Murphy	McDougall.
Pearce	W. J. Shaw.
Pendegast	E. T. Wilkins.
Perley	Brown.
Roberts	Brown.
Robinson	Brown.
Rose	R. Casnor.
Shaw	George Pearce.
Teegarden	Brown.
Tubbs	Brown.
Tweed	Brown.
Wadsworth	Brown.
Wolcott	Brown.

Assemblymen.	Voted for.
Ables	Brown.
Angney	Biggs.
Ayer	Brown.
Batchelder	Brown.
Battelle	Brown.
Bever	Brown.
Biggs	Angney.
Bird	T. Dawson.
Broderson	Scudder.
Brown of Contra Costa	T. Oliver.
Brown of Tulare	Freeman.
Buckbee	Brown.
Caldwell	Henley.
Canavan	Caldwell.
Church	Brown.
Clark	Pendegast.
Cochran	B. F. Washington.
Coggins	Brown.
Comte	C. L. Weller.
Connely	J. Middleton.
Crigler	J. Boggs.
Cureton	E. Curtis.
Davies	Brown.
Days	Brown.
Dornin	Brown.
Dryer	Brown.
Dwinelle	Brown.
Ellis	J. Watson.
Fairchild	T. N. Wand.
Farish	B. A. Mardis.
Frisbie	Brown.
Gildea	Kincaid.
Giltner	J. A. Stearn.
Gregory	R F. Stevens.
Green	C. Haymond.
Hayes	J. Sloan.
James	J. J. Curry.
Jones	Brown.
Kelley	Meagher.
Lee	W. Holden.
Lupton	Bowie.
Mace	C. M. Hitchcock.
Mahon.	D. J. Oullahan.
Mardis	Farish.
Martin	J. B. Warfield.
Mattingly	Ryland.
McElhany	Brown.
Meagher	T. P. Slade.
Mentzell	A. C. Adams.
Middleton	D. Connely.
Moore	John Bigler.

Assemblymen.	Voted for.
Morrow	Brown.
Newell	W. A. January.
Newsom	A. J. Gibson.
Oliver	Brown.
O'Malley	S. H. Rector.
Ord	J. E. N. Lewis.
Papy	S. L Lupton.
Pardee	Brown.
Payne	J. B. Gregory.
Rector	J. J. O'Malley.
Rollins	Brown.
Russ	J. Papy.
Scudder	J. B. Broderson.
Spencer	Brown.
Spilman	P. W. Kiser.
Steele	W. S. Byrne.
Tully	Ellis.
Tuttle	Brown.
Waldron	Brown.
Wand	Fairchild.
Warfield	W. A. Johnson.
Watson	Tully.
Westmoreland	Brown.
White	Brown.
Willets	T. R. Patten.
Wolleb	A. G. Russ.
Mr. Speaker	H. H. Haight.

Whole number of votes cast.....115
Necessary to a choice.....58

Of which Thomas A. Brown received forty-three;

And H. O. Hamilton, James Johnson, J. C. Brown, J. Hunter, J. W. Freeman, J. S. Hager, N. G. Curtis, J. W. Coffroth, J. W. Mandeville, J. D. Hambleton, J. H. Lawrence, P. W. Murphy, A. P. Dudley, McDougall, W. J. Shaw, E. T. Wilkins, R. Casnor, George Pearce, Biggs, T. Dawson, T. Oliver, Freeman, Henley, Caldwell, Pendegast, B. F. Washington, C. L. Weller, J. Middleton, J. Boggs, E. Curtis, J. Watson, T. N. Wand, B. A. Mardis, J. A. Stearn, J. Kincaid, R. F. Stevens, J. J. Curry, C. Haymond, J Sloan, Meagher, W. Holden, T. R. Wyse, Farish, J. B. Warfield, Ryland, T. P. Slade, A. C. Adams, D. Connely, John Bigler, W. A. January, A. J. Gibson, S. H. Rector, J. E. N. Lewis, S. L. Lupton, J. B. Gregory, J. J. O'Malley, J. Papy, J. B. Broderson, P. W. Kiser, W. S. Byrne, Ellis, Fairchild, W. A. Johnson, Tully, T. R. Patten, A. G. Russ, and H. H. Haight received one vote each.

The President declared that, no person having received a majority of all the votes cast, the Joint Convention had failed to elect a United States Senator.

At twelve o'clock and thirty-five minutes P. M., Mr. Pendegast moved that the Joint Convention adjourn.

The ayes and noes were demanded by Messrs. Roberts, Coggins and Heacock, with the following result:

AYES—Senators Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Shaw; Assemblymen Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Papy, Rector, Russ, Scudder, Spilman, Steele, Tully, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—67.

NOES—Senators Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott; Assemblymen Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Dryer, Dwinelle, Jones, McElhany, Moore, Morrow, Oliver, Pardee, Rollins, Spencer, Tuttle, Waldron, Westmoreland, White—46.

So the Joint Convention adjourned.

IN ASSEMBLY.

At twelve o'clock and forty-five minutes, the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

The House resumed consideration of Assembly Bill No 24.

Mr. Days moved to amend by striking out "twenty-five hundred" and inserting "twenty-one hundred."

Lost.

On motion, the rules were suspended.

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

Rule No. 32 was suspended, and the bill ordered transmitted to the Senate.

REPORTS.

Mr. Tully made the following report from the Monterey delegation:

Mr. SPEAKER: The Monterey delegation, to whom was referred an Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County, and make the County Clerk ex officio Recorder, approved March 31st, 1866, have had the same under consideration, and report the same back, and recommend its passage.

TULLY.

On motion of Mr. Tully the rules were suspended, the bill was considered engrossed, read a third time and passed, and sent to the Senate.

Mr. Mentzell presented the following report:

The Calaveras delegation, to whom was yesterday referred Assembly

Bill No. 56—relating to the reduction of the salary of the County Judge of Calaveras County—hereby report the same back, recommending its early passage as amended.

On motion, the rules were suspended, bill considered engrossed, read a third time and passed, and sent to the Senate.

Mr. Buckbee made the following report:

Mr. Speaker: The Plumas delegation, to whom was referred Assembly Bill No. 70—An Act for the relief of James H. Yeates—beg leave to report the same back without amendment, and recommend its passage.

BUCKBEE, of Committee.

On motion the bill was placed on file.

MOTIONS AND RESOLUTIONS.

Mr. Steele offered the following:

Whereas, Benjamin A. Dewes has from the commencement of the session to the present moment been actually serving this Assembly as Page thereof; and whereas, the number heretofore appointed are inadequate to the requirements of the business of this House; and whereas, four Pages is the usual complement, and three only have hitherto been appointed, therefore

Resolved, That said Dewes be, and he is hereby appointed Page of this Assembly with same pay as allowed other Pages, to commence with the commencement of the session.

Adopted.

Mr. Rector offered a concurrent resolution, that our Senators and Representatives in Congress be requested to obtain an appropriation from the General Government for the erection of a light-house on the headland near the town of Trinidad.

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

Mr. Days presented amendments to the Constitution of the State of California, which were read the first and second times.

On motion of Mr. Brown of Contra Costa, referred to the Judiciary Committee.

SENATE MESSAGES.

Messages were received from the Senate as follows:

Senate Chamber,
December 19th, 1867.

Mr. Speaker: The Senate yesterday passed Senate Bill No. 27, entitled an Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations, approved March 31st, 1866.

And I am directed to inform the Assembly that the Senate on yesterday amended and adopted the report of the Joint Committee on Printing. The same is herewith transmitted.

Also, adopted Senate concurrent resolution relative to printing reports of State institutions.

W. F. HUESTIS,
Assistant Secretary.

Senate Bill No. 27, above reported, was read first and second times, and referred to the Committee on Corporations.

The House concurred in Senate Concurrent Resolution No. 17, relative to printing reports of State institutions;

Also, concurred in supplementary report of the Joint Committee on Printing the Governor's Message and accompanying documents.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 19th, 1867.

Mr. SPEAKER: The Senate this day adopted Senate Concurrent Resolution No. 16, appointing joint committee to inquire into and investigate the proceedings of the State Harbor Commissioners, etc.

W. F. HUESTIS,
Assistant Secretary.

The Assembly concurred in Senate Concurrent Resolution No. 16, above reported.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Scudder—An Act to amend an Act entitled an Act to establish a Paid Fire Department in the City and County of San Francisco, approved March second, eighteen hundred and sixty-six, and all Acts supplementary and amendatory thereto.

By Mr. Giltner—An Act to authorize the Attorney-General to dismiss certain ejectment suits, brought in behalf of the State of California, in the Thirteenth Judicial District Court, in the County of Mariposa.

By Mr. Papy—An Act to provide for the relief of Drury P. Baldwin;

Also, an Act to authorize an appropriation of eight hundred dollars to pay J. M. Sharkey, M. D., for medicines supplied and medical attendance upon the Hon. Thomas Campbell, deceased, during his last illness.

By Mr. Rollins—An Act to regulate the amount of toll to be collected for travel over toll roads and bridges, the same being a certain per cent. on the cost of constructing said roads and bridges and on the expense of keeping the same in repair.

By Mr. Spilman—An Act to authorize the County Judges of this State to hold terms of the County Court and Probate Court in other counties than those for which they were respectively elected;

Also, an Act to provide for the payment of the State's proportionate part of the County Auditor's salary in the County of Sutter.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wand—An Act to amend an Act entitled an Act to amend an

Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-seventh, eighteen hundred and sixty-three.

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

By Mr. Gregory—An Act to legalize the acts of the Board of Supervisors of Amador County, whilst sitting as a Board of Equalization, for the year eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Read first and second times, and referred to the Amador and Alpine delegation

By Mr. Gregory—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times, and referred to the Amador and Alpine delegation.

By Mr. Gregory—An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

Read first and second times, and referred to Amador and Alpine delegation.

GENERAL FILE.

Assembly Bill No. 68—An Act to extend the time for finishing the construction of a wharf, under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six.

The rules were suspended, bill considered engrossed, read a third time, and passed.

UNFINISHED BUSINESS.

Mr. Wand moved to take up the following resolution, introduced by him yesterday, and which was laid over, under the rules:

Resolved, That all resolutions having reference to national affairs be referred, without debate, to the Committee on Federal Relations.

Mr. Dornin offered the following amendment:

Resolved, That all motions and resolutions pertaining to the policy of the Federal Government toward the late so-called Confederate States and the people thereof, to theories of reconstruction and suffrage therein, shall be referred to the Committee on Federal Relations without debate.

Mr. Dornin moved the adoption of the resolution.

Mr. O'Malley (Speaker pro tem.) in the chair.

At two o'clock and thirty minutes Mr. Oliver moved to adjourn.

Lost.

Messrs. Wolleb, Steele and Mace demanded the previous question, which was sustained.

The main question was put and carried.

The question then recurring upon the adoption of the original resolution, the ayes and noes were demanded by Messrs. Jones, Waldron and Tuttle, with the following result:

AYES—Messrs. Ables, Angney, Batchelder, Biggs, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Clark, Cochran, Comte, Connely, Crigler, Davies, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Gregory, Green, Hayes, James, Kelley, Lupton, Mahon, Mardis, Martin, Mattingly, Meagher, Middleton, Newsom, O'Malley, Papy, Pardee, Rector, Ryland, Russ, Spencer, Spilman, Steele, Wand, Westmoreland, White, Willets, Wolleb—47.

NOES—Messrs. Ayer, Coggins, Jones, Lee, Mace, Moore, Morrow, Newell, Oliver, Rollins, Scudder, Smith, Tully, Tuttle, Waldron—15.

So the resolution as amended was adopted.

At two o'clock and forty minutes, upon motion of Mr. Brown of Tulare, the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, December 20th, 1867.

House met pursuant to adjournment.
Speaker in the chair.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
The Speaker announced the following committees:

TO EXAMINE INTO THE AFFAIRS OF STATE HARBOR COMMISSIONERS.

Messrs. Brown of Tulare, Moore, Scudder, Rollins.

ON AGRICULTURAL COLLEGE.

Messrs. O'Malley, Dwinelle, Green, Ayer, Angney.

REPORTS.

Mr. Scudder presented a report from the Industrial School Department.

Referred to the Committee on Ways and Means.

Mr. Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. SPEAKER: The committee to whom was referred Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel

thereon—report it back with amendments and recommend its passage as amended;

Also, Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's House in Mendocino County, and collect tolls for travel thereon—respectfully report that they have had the same under consideration, and report it back with the recommendation that it pass.

ORD, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

ASSEMBLY CHAMBER,
December 28th, 1867.

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed Assembly Bill No. 68—An Act to extend the time for finishing the construction of a wharf under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six.

BATCHELDER, for Committee.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 37—An Act entitled an Act to legalize the location of the San Francisco and Alameda Railroad from Hayward to Washington Corners in the County of Alameda—have had the same under consideration and respectfully report the bill back to the Assembly, and recommend its passage.

MOORE, Chairman.

On motion of Mr. Church, the rules were suspended, bill considered engrossed, read third time and passed.

MOTIONS AND RESOLUTIONS.

Mr. Angney offered the following resolution:

Resolved, That the Committee on Public Accounts and Expenditures be instructed to investigate the question of salaries and expenditures of the several State Departments, to ascertain how far (if any) reductions may be made; what offices (if any) ought to be abolished; how far the special contingent funds may be reduced; how far the expenditures for fuel, stationery, rents, etc may be retrenched; how far the discretion of officers over contingent funds should be limited; how far rigid accountability in the use of contingent funds may be effected, and how far duties devolved on two or more persons may be devolved on one; and also to report a bill to carry out the purpose of this resolution so as to reduce the expenditures to the minimum point compatible with the efficient administration of the Government.

Adopted.

Mr. Coggins offered the following resolutions:

WHEREAS, the agricultural and commercial interests of California have suffered seriously during the past year on account of the scarcity of vessels at the Port of San Francisco to meet the demands of trade resulting from the increased exportation of wheat, flour, etc.; and whereas, it is evident that grain culture must in the future constitute one of the principal, if not the most important interest in the State; and whereas, it is believed that the shipping charges now enforced at San Francisco are higher than those of any other American port; therefore,

Resolved, That the Committee on Commerce and Navigation be requested to report to the Assembly, at an early day, whether the agricultural interests of the State and the commercial interests of San Francisco do not require a substantial reduction of the present rates of wharfage, Harbor Master dues, pilotage, etc.

Resolved, That the committee be also requested to furnish the Assembly with a complete statement, so far as practicable, of the shipping charges of San Francisco and those of New York, with such additional information as they may deem appropriate.

Adopted.

Mr. Tully offered the following resolution:

Resolved, That Joseph R. Beard be and is hereby appointed Assistant to the Chief Clerk of the Assembly, to take the place now occupied by M. D. Boruck, to which he was appointed by the following resolution:

"*Resolved*, That Marcus D. Boruck, late Chief Clerk of the Assembly, be requested to remain at the desk until such time as deemed necessary by the House, at the same per diem as is allowed the Chief Clerk of the House, payable out of the Contingent Fund of the Assembly." [Adopted December fourth, eighteen hundred and sixty-seven.]

Mr. Westmoreland arose to a point of order, stating that upon the action taken a few days since, this matter was indefinitely postponed, and could not again be acted on during the session.

The Speaker decided that the House had control of its officers, and overruled the point of order.

Mr. Angney offered the following amendment:

Resolved, That the House, after to-morrow, will dispense with the services of Mr. Boruck as Assistant Clerk.

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

Carried.

At eleven o'clock and forty-five minutes A. M., upon motion of Mr. Papy, the House adjourned until twelve o'clock M.

REASSEMBLED.

At twelve o'clock M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Upon motion of Mr. Lupton the Clerk was directed to inform the Senate that the Assembly was ready to meet them in joint assembly for the purpose of balloting for a United States Senator.

IN JOINT CONVENTION.

The following are the proceedings of the Joint Convention to elect a United States Senator to succeed the Hon. John Conness, whose term of office expires on the third day of March, eighteen hundred and sixty-nine:

The hour of twelve o'clock M. having arrived, the Joint Convention was called to order by L. B. Mizner, the President pro tem. of the Senate, in conjunction with the Speaker of the House.

The roll of the Senate was called by the Secretary of the Senate, and the following Senators responded:

Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott.

The roll of the Assembly was then called by the Clerk, and the following members responded:

Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connelly, Crigler, Cureton, Davies, Days, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea. Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker.

The President pro tem. of the Senate then directed the journals of yesterday referring to the proceedings in Joint Convention to be read.

The President announced that no choice was made on yesterday and requested members of the Joint Convention to now proceed to vote for United States Senator.

Mr. Shaw placed in nomination Eugene Casserly of San Francisco.

Thomas A. Brown of Contra Costa was also placed in nomination.

The rolls were then called with the following result:

Senators.	Casserly.	Brown.
Banning	.....	1
Beach	.....	1
Belden	.....	1
Bradley	.....	1
Chappell	.....	1
Conly	.....	1
Conn	1	.....
Curtis	1	.....
Ewer	.....	1
Freeman	1	.....
Green	.....	1
Hager	1	.....
Hardy	.....	1
Heacock	.....	1
Hunter	1	.....
Johnson	1	.....
Kincaid	1	.....
Lawrence	1	.....
Lewis	1	.....
Mandeville	1	.....
McDougall	1	.....
Mizner	.....	1
Morrill	1	.....
Murch	.....	1
Murphy	1	.....
Pearce	1	.....
Pendegast	1	.....
Perley	.....	1
Roberts	.....	1
Robinson	.....	1
Rose	1	.....
Saunders	1	.....
Shaw	1	.....
Teegarden	.....	1
Tubbs	.....	1
Tweed	.....	1
Wadsworth	.....	1
Wolcott	.....	1
Total	18	20

Assemblymen.	Casserly.	Brown.
Ables	.....	1
Angney	1	.....
Ayer	.....	1
Batchelder	.....	1
Battelle	.....	1
Bever	.....	1
Biggs	1	.....
Bird	1	.....
Broderson	1	.....
Brown of Contra Costa*	.....	.....
Brown of Tulare	1	.....
Buckbee	.....	1
Caldwell	1	.....
Canavan	1	.....
Church	.....	1
Clark	1	.....
Cochran	1	.....
Coggins	.....	1
Comte	1	.....
Connely	1	.....
Crigler	1	.....
Cureton	1	.....
Davies	.....	1
Days	.....	1
Dornin	.....	1
Dryer	.....	1
Dwinelle	.....	1
Ellis	1	.....
Fairchild	1	.....
Farish	1	.....
Frisbie	.....	1
Gildea	1	.....
Giltner	1	.....
Gregory	1	.....
Green	1	.....
Hayes	1	.....
James	1	.....
Jones	.....	1
Kelley	1	.....
Lee	1	.....
Lupton	1	.....
Mace	1	.....
Mahon	1	.....
Mardis	1	.....
Martin	1	.....
Mattingly	1	.....
Meagher	1	.....
Mentzell	1	.....
Middleton	1	.....

* Mr. Brown of Contra Costa voted for Oliver Wolcott.

Assemblymen.	Casserly.	Brown.
Moore	1	.....
Morrow	.....	1
Newell	1	.....
Newsom	1	.....
Oliver	.....	1
O'Malley	1	.....
Ord	1	.....
Papy	1	.....
Pardee	.....	1
Payne	1	.....
Rector	1	.....
Rollins	.....	1
Russ	1	.....
Scudder	1	.....
Smith	.....	1
Spencer	.....	1
Spilman	1	.....
Steele	1	.....
Tully	1	.....
Tuttle	.....	1
Waldron	.....	1
Wand	1	.....
Watson	1	.....
Westmoreland	.....	1
White	.....	1
Willets	1	.....
Wolleb	1	.....
Mr. Speaker	1	.....
Total	51	25

Whole number of votes cast.....115
Necessary to a choice..... 58
Eugene Casserly received..... 69
Thos A Brown. 45
Oliver Wolcott..... 1

Whereupon the President pro tem. announced that Eugene Casserly, having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, was duly elected United States Senator from the State of California to the Congress of the United States, to hold the office for six years from the fourth of March, A D. eighteen hundred and sixty-nine.

Mr. Biggs moved that a committee of five be appointed to wait upon Mr. Casserly and inform him of his election, which was carried, and the following were appointed :

COMMITTEE.

Messrs. Biggs, Rose, Belden, Brown of Contra Costa and Frisbie.

At twelve o'clock and forty-five minutes P. M., upon motion of Mr. Pearce, the Joint Convention adjourned and the Senators retired.

IN ASSEMBLY.

At a quarter before one o'clock P. M., House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

RESOLUTION.

Mr. Angney offered the following resolution:

Resolved, That a special committee of five be appointed to take into consideration the expediency of reporting a bill to regulate and (so far as practicable) to equalize the salaries of the several county officers, to fix salaries in cases in which salaries should be substituted for fees, to examine the propriety of consolidating such offices as may be united with benefit to the public, and to report a Fee bill which shall, as far as practicable, apply equally to the different counties.

Adopted.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
December 20th, 1867.

Mr. SPEAKER: The Senate this day adopted Senate Concurrent Resolution No. 19, for adjourning over during the holidays.

W. F. HUESTIS,
Assistant Secretary.

Mr. Mace moved to amend by striking out the seventh day of January, eighteen hundred sixty-eight, and inserting the second day of January, eighteen hundred and sixty-eight.
Lost.
Mr. Green moved to amend by inserting Friday, the twenty-seventh day of December, eighteen hundred and sixty-seven, instead of January seventh, eighteen hundred and sixty-eight.
Lost.
Mr. Bird moved to strike out the twentieth day of December and the seventh day of January, and insert the twenty-first day of December and the fourth day of January.
Lost.
The question was then taken on concurring in the Senate resolution.
The ayes and noes were demanded by Messrs. White, Coggins and Brown of Tulare, with the following result:

AYES—Messrs. Ables, Bever, Broderson, Brown of Contra Costa, Buckbee, Caldwell, Clark, Cochran, Cureton, Days, Dornin, Dryer, Dwinelle, Fairchild, James, Kelley, Mace, Martin, Meagher, Mentzell, Middleton, Morrow, Pardee, Rector, Steele, Tully, Tuttle, Watson, Wolleb—29.

NOES—Angney, Ayer, Batchelder, Battelle, Biggs, Bird, Brown of Tulare, Church, Coggins, Comte, Connely, Crigler, Davies, Ellis, Farish, Gildea, Giltner, Gregory, Green, Jones, Lee, Lupton, Mahon, Mardis, Mattingly, Moore, Newell, Newsom, Oliver, O'Malley, Papy, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Waldron, Westmoreland, White, Willets, Mr. Speaker—42.

Mr. Brown of Contra Costa offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That when the two Houses adjourn on Saturday, December twenty-first, eighteen hundred and sixty-seven, they adjourn to meet on Tuesday, January seventh, eighteen hundred and sixty-eight.

Mr. Moore offered the following amendment:

Amend by striking out "Saturday, December twenty-first," and "Tuesday, January seventh," and insert therein Friday, December twentieth, and Friday, January third, eighteen hundred and sixty-eight.

The amendment was adopted, upon a division, and then the original resolution was carried.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Giltner—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty one, to amend an Act entitled an Act for the protection of game.

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

By Mr. Spilman—An Act to provide for the payment of the State's proportionate part of the County Auditor's salary in the County of Sutter.

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

By Mr. Spilman—An Act to authorize the County Judges of this State to hold terms of the County Court in counties other than those for which they were respectively elected.

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

By Mr. Papy—An Act to authorize an appropriation of eight hundred dollars to pay J M. Sharkey, M. D., for medicine supplied and medical attendance upon the Hon. Thomas Campbell, deceased, during his last illness.

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

Also, an Act to provide for the relief of Drury P. Baldwin.

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

By Mr. Spilman (on leave)—An Act for the relief of Jonas Spect.

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

GENERAL FILE.

Assembly Bill No. 70—An Act for the relief of James H. Yeates.

Rules suspended, bill considered engrossed, read third time and passed.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
December 20th, 1867.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate this day concurred in Assembly Concurrent Resolution No. 18, relative to adjourning over during the holidays.

W. F. HUESTIS,
Assistant Secretary.

At one o'clock and forty-five minutes P. M., on motion of Mr. Westmoreland, the House adjourned to Friday, January third, A. D. eighteen hundred and sixty-eight.

J. J. O'MALLEY,
Speaker pro tem.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 3d, 1868.

House met pursuant to adjournment.
Mr. O'Malley (Speaker pro tem.) in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of Friday, December 20th, 1867, read and approved.

LEAVE OF ABSENCE.

Mr. Russ was granted leave of absence until Wednesday next.
Mr. Waldron had indefinite leave of absence granted
Messrs. Church and Ables were granted leave of absence for one day.
Mr. Papy moved that all absentees be granted leave of absence until Tuesday next.
The ayes and noes were demanded by Messrs. Steele, Battelle and Angney, with the following result:

AYES—Bever, Biggs, Broderson, Brown of Contra Costa, Buckbee, Canavan, Comte, Connely, Days, Downer, Dryer, Dwinelle, Gildea, James, Jones, Mahon, McElhany, Oliver, O'Malley, Papy, Rollins, Scudder, Smith, Tuttle, Waldron, Westmoreland, Willets—27.
NOES—Angney, Batchelder, Battelle, Bird, Clark, Cochran, Coggins, Crigler, Cureton, Davies, Ellis, Fairchild, Giltner, Green, Mardis, Mentzell, Moore, Newell, Steele, Wand, Warfield—22.

So the motion was agreed to.

PRESENTATION OF PETITIONS.

Mr Jones presented a petition from certain citizens and taxpayers of Trinity County, praying that Joseph Craig, County Treasurer of said county, be held blameless for depositing moneys with the firm of Greenhood & Neubauer, which firm failed and suspended, and said moneys were lost.

On motion of Mr. Dwinelle, the petition was referred to the Committee on Claims, with instructions to report at an early day.

REPORTS OF STANDING COMMITTEES.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 15—An Act to authorize Bernard S. Fox, guardian of Catharine Foley, a minor, to sell the real estate of said minor—report that they have had the bill under advisement and are of the opinion that special legislation of the character desired in this bill is extremely hazardous to the rights of minors, who can only look to general and uniform laws for their protection and the care of their estates during their minority; that the general laws of the State of California now provide ample and safe rules to govern the sale by guardians of the estates of their wards, whereby the guardian is held responsible for a legal and equitable accounting for his stewardship.

It is true that there may be some extreme and unusual cases where the general laws would not be applicable or equal to the relief that the peculiar circumstances may demand, and an especial enactment be required to meet the contingency; but in that case your Committee opine that the legislative interference should only extend to the granting of jurisdiction to the Courts to investigate the merits of the case, with authority to issue an order of sale if the facts should warrant such a conclusion.

Your Committee are not advised that this case presents any unusual features, or that the existing laws would not be equal to the relief desired if the application is meritorious, and therefore would recommend that the parties be left to the judiciary for the relief and authority ordered by this bill, and that the bill do not pass.

All of which is respectfully submitted.

STEELE, Chairman.

The same Committee further reported:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 21—An Act to define the legal distances from the county seat of Mendocino County to the State Capital, Lunatic Asylum and State Prison—respectfully report that they have had the same under advisement, and report the same back with amendment in form to section two, and recommend the passage of the bill with the amendments.

STEELE, Chairman.

Also reported as follows:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred

Assembly Bill No. 38—An Act to give grand and trial jurors mileage in the County of Marin—respectfully report that they have had the same under advisement, and recommend the passage of the bill.

STEELE, Chairman.

Also reported:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 50, respectfully report that they have had the bill and the subject matter thereof under advisement, and are of opinion that the existing state of affairs in the State of California demand a radical reduction of the rates of interest in all cases not especially provided for by special contracts; that necessities of trade should regulate the rates of interest, the amount being left open to stipulation between the contracting parties; but that in all cases when the parties in interest neglect to fix the rate by contract, the law should intervene to fix the rate at a point that would give full and ample encouragement to the commercial, mercantile, and the various industrial pursuits of the country.

Your Committee think this bill fixes a rate in accordance with the present wants of the State at large, and therefore recommend its passage.

STEELE, Chairman.

Also reported:

Mr. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 51, would respectfully report that they have had said bill under advisement, and recommend that section one of said bill be amended by striking out the words "and required to," and inserting in place thereof, after the word "authorized," the words "to audit and," and that said bill do pass with said amendment.

STEELE, Chairman.

Also reported:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 47—An Act to pay trial jurors and witnesses in criminal cases in the County of Yuba—respectfully report that they had the bill and the subject matter thereof under advisement, and recommend the amendment of section one by adding thereto the words "of said county," and that the bill as so amended do pass.

STEELE, Chairman.

Also reported:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred petition of S. Tompkins and others, for the passage of an Act prohibiting the locating of mining claims for sale to Chinese, together with the favorable report of Committee on Mines and Mining and asking reference to the Judiciary Committee to draft a bill, respectfully report the annexed bill, authorizing the miners of the several townships wherein mines are worked to enact local laws for the government of their particular districts.

The Committee adopt this method from the known fact that no general law could be passed governing and restricting mining to certain

uniform rules that would not work a greater hardship in some, and in fact many localities, equal at least to the advantages to other districts.

The several miming districts at an early day of the history of California realized the necesity of local mining laws, fixing the extent and tenor of mining claims, and assumed the right to meet the necessities of the case by district laws. For a time the system worked well; but in contests between owners of large claims presented to the Supreme Court, the force and validity of the laws so enacted was seriously questioned in some cases and totally disregarded in others, until the mining population were thrown upon a sea of doubt and their claims held under a very uncertain title. The records and laws, being considered invalid, were in most cases lost or destroyed, and anarchy and confusion took the place of law and order.

Capital was driven from placer mining from the uncertainty of the possessions, and thus, in a measure, was paralized one of the richest resources of wealth in the State; and speculators who never have devoted, or will expend a day's labor to actual practicable mining, took up large tracts of mineral country and held the same under the fostering care of the possessory laws of the State as expounded by the judiciary.

This state of things continued until a change in the Supreme Bench, where a ruling was had more in consonance with the interests, wants and feelings of the mining population, recognizing local laws and the right of the mining community to enact local regulations.

This determination came too late to save many of the mining districts from the loss of their records and laws, and from the devastating effects of previous unfriendly judicial decisions.

Without the law as now proposed by your Committee, under the present favorable rulings of the Court, it is conceived that laws might be enacted by the several mining districts of the State that would be equal to the necessities of the case. But as the present ruling cannot, from the fluctuations in the determinations of the question by the variously organized Benches, be considered *stare decisis*, your Committee deem it advisable for the general good to give the right of local mining regulations the sanction and authority of legislative enactment.

Added to the character of authority, which is offered by this system, is also that of certainty, by defining distinctly the method by which the right can be exercised and providing a lasting record of the enactments, and of the boundaries and extent of claims and rights which, it is thought, will recommend it to that portion of our population interested therein, as also to the favorable consideration of the Legislature.

STEELE, Chairman.

Also reported:

Mr. Speaker: The Committee on Judiciary, to whom was referred Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, respectfully report that they have had said bill under consideration, and herewith report the same back with the following amendments, and recommend its passage as amended:

Amend section three by inserting after the word "city," in second line, the words "in which the action is brought and service of summons is had in said township;"

Also amend section three, by striking out the words "not exceeding

thirty days," and inserting in place thereof the words "as is provided by law for continuance in other cases;"

Also amend section three, by striking out the words "the provisions of sections five hundred and eighty-three, and four hundred and eighty-four shall not apply to the continuances provided for in this clause."

STEELE, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Connely offered a resolution to authorize the Committee on Claims to appoint a clerk.

On motion of Mr. Smith, laid upon the table.

Mr. Steele offered the following:

WHEREAS, the Committee on Impeachment of Judge Turner found it necessary to have a clerk, and did on the thirty-first day of December, eighteen hundred and sixty-seven, in compliance with said necessity, employ a clerk to aid them in the investigation, therefore

Resolved, That the act of said Committee in the premises is hereby approved, the clerk to have same pay as allowed clerks for other committees.

Adopted.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
January 3d, 1868.

Mr. SPEAKER: The Senate on December eighteenth, eighteen hundred and sixty-seven, passed Senate Bill No 39—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March sixteenth, eighteen hundred and sixty-six.

Also, on the twentieth of December, eighteen hundred and sixty-one, passed an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of $150,000 to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, on same day, passed Senate Bill No. 34—An Act to authorize the Mayor and Common Council of the city of Los Angeles to take and subscribe $75,000 to the capital stock of the Los Angeles and San Pedro Railroad, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, on the twentieth of December, eighteen hundred and sixty-seven, adopted Senate Concurrent Resolution No. 12, relative to the construction of a breakwater in the harbor of Wilmington.

And, on the nineteenth of December, eighteen hundred and sixty-

seven, refused to pass Assembly Bill No. 59—An Act to fix the salary of the County Judge of San Diego County.

W. F. HUESTIS,
Assistant Secretary.

Senate Bill No. 39, above reported, was read the first and second times, and ordered placed on the general file.

Senate Bill No. 33, above reported, was read the first and second times, and referred to the Los Angeles delegation.

Senate Bill No 34, above reported, was read the first and second times, and referred to the Los Angeles delegation.

Senate Concurrent Resolution No. 12, above reported, was read first and second times, and referred to the Committee on Commerce and Navigation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Giltner—An Act for the removal and permanent location of the State Capital.

By Mr. Scudder—An Act to establish a Board of Health for the City and County of San Francisco.

By Mr. Bird—An Act to have the county debt of El Dorado County funded.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Steele—An Act to provide for reviewing, revising, amending, codifying and compiling the laws of the State of California.

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

Also, an Act to authorize and empower E. A. Schwatka, of Siskiyou County, California, to take from the State Prison at San Quentin a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads over the mountains of Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support.

Read first and second times, and referred to Committee on State Prison.

Also (without notice), an Act to amend an Act entitled an Act concerning Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-eight.

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

By Mr. Jones (on leave)—An Act for the relief of Joseph Craig, County Treasurer of Trinity County.

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

By Mr. Dwinelle (without notice)—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to Committee on Commerce and Navigation.

GENERAL FILE.

Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

An amendment was adopted, and the bill ordered engrossed.

Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and to collect tolls for travel thereon—was, in the absence of the author, Mr. Caldwell, returned to the file.

On motion of Mr. Green, at twelve o'clock and five minutes P. M., the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 4th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read.

LEAVE OF ABSENCE.

Mr. Church moved to amend the Journal in respect to that portion which states that the motion by Mr. Papy to grant leave of absence was agreed to, by striking out the words—"so the motion was agreed to" and insert instead, the words—"so the motion was not agreed to, less than two-thirds of the members having voted in the affirmative."

The Speaker directed that the minutes be so corrected, for the reason that the rules require a two-thirds vote.

The Journal was approved as amended.

Messrs. Bird and Brown of Contra Costa, were granted one day's leave of absence.

Messrs. Spencer, Hayes, Wolleb, Middleton, Gregory, Meagher, Oliver and Morrow had leave of absence for two days.

Mr. Mace was granted indefinite leave of absence.

On motion of Mr. Smith, leave of absence was granted all the absent members until Tuesday next.

Mr. Lupton gave notice of a motion to reconsider the vote by which the House approved the Journal of yesterday.

PRESENTATION OF PETITION.

Mr. Steele presented a petition from citizens of Siskiyou County requesting action by the Legislature to induce the General Post Office Department to establish postal facilities on the post route from Red Bluff to Yreka and establish Post Offices at various points.

Referred to the Committee on Federal Relations.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 79—An Act to authorize the County Judges of this State to hold terms of the County Court and Probate Court in counties other than those for which they were respectively elected—respectfully report that they have had said bill under consideration and report the same back with the following amendments and recommend its passage as amended:

Amend section one by inserting after the words "County Judge," in line five, the words "or Probate Judge."

Also, amend section one, by inserting after the words "County Judge," in line eight, the words "or Probate Judge."

Also, in line nine, same section, strike out the word "he" and insert in lieu thereof the words "such Judge."

Also, in line nine, same section, strike out the word "another" and insert in place thereof the word "some."

STEELE, Chairman.

The same Committee also reported:

Mr. SPEAKER: The Committee on Judiciary to whom was referred Assembly Bill No. 28—An Act concerning Justices of the Peace and Constables in the County of Tuolumne—respectfully report that they have had the same under advisement and report the same back with a substitute therefor, and recommend the passage of the substitute.

STEELE, Chairman.

The Committee also reported:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 3—An Act to repeal all laws requiring political or other test oaths; and Assembly Bill No. 8—An Act to repeal an Act to exclude traitors and alien enemies from Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three—respectfully report that they have had said bills under consideration, and herewith report the same back with a substitute for both bills and recommend the passage of the substitute.

STEELE, Chairman.

The Committee further reported:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 54—An Act to protect the wages of labor—respectfully report that they have had said bill and the subject matter thereof under advisement, and report the same back with the following amendments:

First—Amend section one, by inserting after the word "company," in fourth line, the words "or corporation"

Second—Also, in twelfth line, after the word "company" insert the words "or corporation."

Third—And also, by adding to said section the words "and the ser-

vices shall have been rendered or labor performed, within forty days next preceding said assignment."

Fourth—Amend section two, by striking out the word "employed," in fourth line, and inserting in place thereof the words "for services rendered within forty days next preceding the death of the employer."

Fifth—Also, by adding after the words "funeral expenses," in seventh line, the following words, "expenses of the last sickness, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children."

Sixth—Also, by inserting after the words "paid in," same line, the words "pro rata."

Seventh—Also, by adding the following words to the end of said section, viz: "*provided*, this Act shall in no way affect the homestead or other property exempt by law from forced sale in payment of debts."

Eighth—Amend section three, by inserting after the word "company" the words "or corporation."

Ninth—Also, by inserting after the words "duly certified," in the eighth line, the words "and sworn to by the creditor or creditors making the claim."

Tenth—Also, by inserting after the word "receive," in the third line from the bottom, the words "for services rendered within the forty days next preceding the levy of the writ of execution, attachment or other writ."

Eleventh—Also, by adding at the close of said section three, as follows, viz: "*Provided*, if any one or all of the claims so presented and claiming preference under this section, shall be dispossessed by either the debtor or the creditor, the miner, mechanic, salesman, servant, clerk or laborer presenting the same shall commence an action within ten days for the recovery thereof, and shall prosecute his action with due diligence or be forever barred from any claim or priority of payment thereof; but in case action is rendered necessary by the act as aforesaid of either debtor or creditor, and judgment shall be had for said claim or any part thereof, carrying costs, the costs legally taxable therein shall likewise be a preferred claim with the same rank as the original claim; and *provided*, further, if the amount of assets, after deducting costs of levy and sale, shall not be adequate to the payment of all of the preferred claims of this class, they shall be paid pro rata out of the fund hereby made applicable thereto."

And recommend the passage of the bill with the amendments.

STEELE, Chairman.

Mr. Cureton moved that the rules be suspended and the usual number of copies of Assembly Bill No. 54 be printed.

Mr. Lupton moved an amendment, that all the bills just reported from the Judiciary Committee be printed.

Amendment adopted.

The motion as amended was agreed to.

The Speaker announced the following committee:

SPECIAL COMMITTEE ON SALARIES.

Messrs. Angney, Church, Willets, Davies and Steele.

Mr. Steele moved that five hundred copies of Assembly Bill No. 88 be

printed, and action on the bill be made the special order for four weeks from next Wednesday at twelve o'clock.

Mr. Smith moved to amend by printing the usual number of copies.

Lost.

The Speaker stated that the motion, being to print an unusual number, must lay over, under the rules, unless by unanimous consent.

Objection being made, the motion laid over.

RESOLUTIONS.

Mr. Westmoreland offered the following:

Resolved, That the printed copies of the Assembly general file hereafter furnished this House shall state what committee, if any, the several bills therein named are reported from, the recommendation of such committee, and whether the committee report amendments or a substitute.

Adopted.

Mr. Dwinelle offered the following:

Resolved, That the Judiciary Committee be instructed to report upon the expediency of enacting a general Revenue Law, prescribing a uniform mode for levying all State, county and municipal taxes throughout the State, leaving the time of collection to be determined by special legislation in each respective case.

Adopted.

Mr. Dwinelle offered a concurrent resolution providing for the appointment of a Joint Committee of the Senate and Assembly on the State Agricultural, Mining and Mechanic Arts College.

Adopted.

The Speaker said he should appoint the same members that now compose the Standing Committee.

Mr. Broderson moved that Assembly Bills Nos. 7, 9, 10 and 11, introduced by him for the repeal of the Sunday laws; also Bill No. 32—concerning slaughter houses in San Francisco—be printed.

Carried.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Canavan—An Act relative to the militia of the State.

By Mr. Dwinelle—An Act to amend an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon, approved March third, eighteen hundred and sixty-six.

By Mr. Green—An Act to pay for services rendered in the State Land Department.

By Mr. Mattingly—An Act for the relief of the indigent sick of San Mateo County.

Also, an Act fixing the boundary between the Counties of San Mateo and Santa Cruz.

By Mr. Mentzell—An Act repealing all Acts exempting certain properties from taxation.

By Mr. Coggins—An Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District No. 2.

By Mr. Buckbee—An Act to encourage immigration.

By Mr. Comte—An Act to regulate the disposition of unclaimed property and deposits in the custody of bankers and others.

Also, an Act for the relief of Lieutenant John H. Hammond.

BILLS INTRODUCED.

Bills were introduced as follows:

By Mr. Steele—An Act to regulate the taking up and holding of mining claims in the State of California.

Read first and second times, and ordered on file.

By Mr. Dwinelle—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee.

Read first and second times and referred to Judiciary Committee.

By Mr. Jones—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. Rollins—An Act to amend 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 first and second times and referred to Committee on Corporations and ordered printed.

By Mr. Scudder—An Act to establish a Board of Health in the City and County of San Francisco.

Read first and second times and referred to San Francisco delegation and ordered printed.

By Mr. Cochran—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks.

Read first and second times and referred to the Committee on Military Affairs.

GENERAL FILE.

Assembly Bill No. 15—An Act to authorize Bernard S. Fox, guardian of Catharine Foley, a minor, to sell the real estate of said minor.

Returned to general file.

Assembly Bill No. 21—An Act defining the legal distance from the county seat of Mendocino County to the State Capital, Lunatic Asylum and State Prison.

Mr. Lupton moved to refer to the Committee on Mileage.

Mr. Batchelder moved to amend by instructing the committee to report a bill fixing the legal distances of all the county seats from the State Capital, the State Prison and the State Lunatic Asylum.

The amendment was adopted.

The motion as amended was agreed to

Assembly Bill No. 38—An Act to give grand and trial jurors mileage in the County of Marin.

Mr. Cureton moved to amend by including Mendocino County.

Mr. Moore moved to refer to Special Committee on Salaries.

Lost.

The amendment was adopted, title amended, and bill as amended ordered engrossed.

Assembly Bill No. 50—An Act to amend section one of an Act entitled

an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Returned to general file.

Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt Burris their expenses in attending a criminal case as witnesses in Sacramento County.

An amendment was adopted and the bill referred to the Sacramento delegation.

Assembly Bill No. 47—An Act to pay trial jurors and witnesses in criminal cases in the County of Yuba.

The bill was amended to include the Counties of Plumas, Lassen and Lake.

Upon motion of Mr. Green, the bill was referred to the Committee on Salaries with special instructions to report a general bill.

Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Mr. O'Malley (Speaker pro tem.) in the chair.

On motion of Mr. Ryland, the usual number of copies were ordered printed, and the bill was returned to the general file.

Senate Bill No. 39—An Act to amend an Act entitled an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

On motion of Mr. Cochran, the bill was made the special order for Thursday, January ninth, at twelve o'clock M.

Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and collect tolls for travel thereon.

Returned to general file.

NOTICE.

Mr. Dwinelle (on leave) gave the following notice of a bill—An Act for the relief of Henry A. Morse, Sheriff of the County of Alameda.

INTRODUCTION OF BILL.

Mr. Scudder (on leave) introduced an Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

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

On motion of Mr. Lee, at one o'clock and five minutes P. M., the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 6th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by Rev. Mr. McDonald.
Journal read and approved.

PETITIONS.

Mr. Steele presented a petition from citizens of Shasta County requesting legislative action, by resolution, asking the General Post Office Department to furnish postal facilities on the post route from Red Bluff, in Tehama County, to Yreka, etc.

Received, and referred to the Committee on Federal Relations.

Mr. Steele presented a communication from the Mechanics' State Council of San Francisco, embodying a preamble and resolution in respect to a bill introduced by Mr. Farish, for the protection of wages of labor.

Mr. Middleton presented a communication from the Board of Supervisors of San Francisco, relative to an alteration in the law compelling the city to pay the Fund Commissioners fifty thousand dollars annually.

Referred to the San Francisco delegation.

Mr. Brown of Contra Costa presented a petition from citizens of Pablo Valley, Contra Costa County, praying to be set off to Alameda County, for reasons therein set forth.

Received and referred to the Contra Costa delegation.

Mr. Hayes presented a petition from William H. Davis, praying for the passage of an Act granting and confirming to him all the right and title of this State in lots numbered from one to twenty-one, in block number twenty, at the town of New San Diego, in San Diego County.

Received, ordered printed, and referred to the Committee on Public Lands.

REPORTS.

Mr. Middleton, from the Committee on Commerce and Navigation, submitted a report in regard to port charges, pilotage, wharfage, etc, in San Francisco.

[For report see appendix.]

The report was accepted and ordered to be printed.

Mr. Warfield, Chairman of the Committee on Hospitals, made the following report:

Mr. SPEAKER: The Committee on State Hospitals, to whom was referred Assembly Bill No. 29—An Act in relation to the indigent sick of the County of Humboldt—have had the same under consideration, and report it back with amendments and recommend its passage.

WARFIELD, Chairman.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

ASSEMBLY CHAMBER,
January 6th, 1868.

Mr. SPEAKER: The Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll thereon.

Also, Assembly Bill No. 37—An Act to legalize the location of the San Francisco and Alameda Railroad from Hayward to Washington Corners, in the County of Alameda.

Also, Assembly Bill No. 70—An Act for the relief of James H. Yeates.

Also, Assembly Bill No. 38—An Act to give to grand and trial jurors mileage in the Counties of Marin and Mendocino.

LEE, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 81—An Act to provide for the relief of Drury P. Baldwin—have had the same under consideration, and beg leave to make the following report:

The petition of Mr. Baldwin asking for relief, verified by the affidavit of the petitioner, represents that on the first day of May, eighteen hundred and fifty-one, he had issued to him for services as representative in the Legislature of the State, by the Controller, a warrant for one hundred and thirty-six dollars, numbered 2,979; that afterwards, to wit, in July of the same year, he lost the same; that the same was unindorsed; that he gave notice of its loss and gave orders to the Treasurer of the State to stop its payment; that the same has never been paid or funded; that he never recovered the same after its loss; that the property in the said warrant is yet in the petitioner; and that the services for which the same was issued to him yet remains due and unpaid unto him by the State.

Upon an examination of the books in the Controller's office, your committee find that on the first day of May, eighteen hundred and fifty-one, two warrants, Nos. 2,978 and 2,979, were issued to Drury P. Baldwin, for the aggregate amount of three hundred and thirty-six dollars, for services as a Representative in the Legislature; and upon an examination of the books in the Treasurer's office, they find that Warrant No. 2,978, for the sum of two hundred dollars, has been funded; after deducting this amount from the aggregate amount of the two warrants, leaves a balance of one hundred and thirty-six dollars for Warrant No. 2,979, thereby corresponding with the amount claimed by the petitioner.

There does not appear to be any evidence in the Treasurer's books to show that Warrant No. 2,979 has ever been either paid or funded.

In view of all the evidence at their command, your committee are of the opinion that the claim is a just one and that it should be paid. They have therefore instructed me to report the bill back to the House with an additional section as an amendment, and recommend its passage as amended.

CONNELY, Chairman.

Mr. Scudder offered the following resolution:

Resolved, That the position now held by Marcus D. Boruck, as Assistant Clerk of the Assembly, be and the same is hereby declared vacant.

Mr. Lupton offered an amendment, that the same read "on and after the eighth day of January."

Amendment accepted.

Upon the passage of the resolution as amended, the ayes and noes were demanded by Messrs. Warfield, Lupton and Crigler, with the following result:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Caldwell, Canavan, Cochran, Crigler, Cureton, Ellis, Farish, Giltner, Gregory, Green, James, Kelley, Lee. Lupton, Mahon, Mardis, Martin, Mattingly, Meagher, Moore, Newell, Newsom, Ord, Papy, Payne, Spilman, Warfield, Willets—32.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Clark, Coggins, Connely, Davies, Days, Downer, Dryer, Dwinelle, Fairchild, Hayes, Jones, McElhany, Mentzell, Middleton, Oliver, Pardee, Rector, Rollins, Scudder, Smith, Spencer, Steele, Tuttle, Waldron, Westmoreland, White, Mr. Speaker—35.

Previous to the announcement of the result, Mr. Scudder changed his vote from aye to no, for the purpose of giving notice of a reconsideration.

The resolution was declared lost.

Mr. Scudder gave notice that on to-morrow he would move to reconsider the vote just taken, whereby the above resolution was lost.

Mr. Lupton moved to reconsider the vote whereby the minutes of the Journal of Friday last were corrected.

Mr. O'Malley (Speaker pro tem.) in the chair.

Action being taken upon Mr. Lupton's motion, it was lost.

The Speaker in the chair.

Mr. Westmoreland offered the following resolution:

Resolved, That the Secretary of State be and he is hereby requested to furnish to the Assembly a list of the county officers of the State of California who have complied with section two of an Act to provide for ascertaining the amount of fees paid to certain officers, approved April first, eighteen hundred and sixty-four;

Also, a list of all local officers, resident and officiating therein under the State laws, who have complied with the said section of said Act;

Also, what Clerks of Boards of Supervisors or County Clerks have filed in his office the abstracts mentioned in the first and second sections of this Act.

Adopted.

Mr. White offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That two hundred copies of the letter of the State Geologist on the progress of the geological survey ordered printed be furnished to the State Geologist for his use and distribution.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 6th, 1868.

Mr. SPEAKER: The Senate has this day passed Senate Bill No. 58—An Act amendatory of and supplementary to 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.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 6th, 1868.

Mr. SPEAKER: The Senate, on December nineteenth, eighteen hundred and sixty-seven, passed substitute for Senate Bill No. 47—An Act to restore and protect the fund for current expenses in San Luis Obispo County.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 58, above reported, was read the first and second times and ordered on general file.

Senate Bill No. 47, above reported, was read first and second times and referred to the San Luis Obispo delegation.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Westmoreland—An Act amendatory and supplementary to an Act entitled an Act to provide for ascertaining the amount of fees paid to certain officers, approved April first, eighteen hundred and sixty-four.

By Mr. Willets—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. Rollins—An Act for the better protection of fish in the lakes and rivers of California.

By Mr. Warfield—An Act for the protection of grain fields and vineyards in the County of Sonoma.

By Mr. Canavan—An Act granting S. H. Baird and others the right to construct and maintain a railroad in the City of San Francisco.

By Mr. Lupton—An Act for the relief of T. A. Brady.

By Mr. Papy—An Act to authorize and empower the Sheriff of the City and County of San Francisco to appoint not more than three Porters to take care of and attend to all duties pertaining to Porters, and to repeal all Acts conflicting therewith.

By Mr. Dwinelle—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland, in the County of Alameda, and to repeal former Acts regulating the same.

Also, an Act to legalize two certain conveyances of real estate heretofore executed by Gretta C. Rombson.

By Mr. Battelle—An Act to amend an Act defining the time for commencing civil actions, approved April eighteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four.

By Mr. Hayes—An Act to provide for a railroad within the City of San Diego.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mentzell—An Act repealing all Acts heretofore passed exempting certain property from taxation.

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

By Mr. Oliver—An Act to fix the terms of the District Court in the Fifth Judicial District.

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

By Mr. Batchelder (on leave)—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to admission into the Union, approved April fifteenth, eighteen hundred and fifty-two.

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

By Mr. Westmoreland—An Act to continue in force in Humboldt County a certain Act therein named and to regulate the disbursement of certain moneys in said county.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Mentzell—An Act relative to the duties of the Supervisors of all the counties of the State of California

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

Also, an Act for the relief of Calaveras County and all other mining counties.

Read first and second times and referred to Committee on Mines and Mining Interests.

By Mr. Hayes—An Act authorizing the construction of a wharf in New San Diego, in San Diego County, by Stephen Culverwell and others.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to define the boundaries of San Diego County.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Canavan—An Act in relation to the militia of this State.

Read first and second times and referred to the Committee on Military Affairs.

Mr. Martin was granted leave of absence for the remainder of the day.

GENERAL FILE.

Assembly Bill No. 96 (substitute for Assembly Bill No. 28)—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

On motion of Mr. Brown of Contra Costa, the bill was ordered printed.

Assembly Bill No. 88—An Act to regulate the taking up and holding of mining claims in the State of California.

Mr. Steele called up the motion of Saturday, that five hundred copies of the bill be printed and that the bill be made the special order for four weeks from to-morrow at twelve o'clock.

Carried.

Assembly Bill No. 94 (substitute for Assembly Bills Nos 3 and 8)—An Act to repeal certain statutes requiring political or other test oaths.

On motion of Mr. Steele, the bill was made the special order for to-morrow at twelve o'clock.

Assembly Bill No. 79—An Act to authorize the County Judges of this State to hold terms of the County Court in counties other than those for which they are respectively elected.

On motion of Mr. Brown of Contra Costa, the bill was laid on the table until printed.

Assembly Bill No. 15—An Act to authorize Bernard S. Fox, guardian of Catharine Foley, a minor, to sell the real estate of said minor.

On motion of Mr. Waldron, the bill was indefinitely postponed.

Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Mr. Biggs moved the indefinite postponement of the bill.

Messrs. Coggins, Spilman and Middleton demanded the ayes and noes.

The motion was lost by the following vote :

AYES—Messrs. Biggs, Comte, Gregory, Mardis, Newsom, Rector, Scudder—7.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Bird, Broderson, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Connely, Crigler, Cureton, Davies, Days, Downer, Dryer, Dwinelle, Ellis, Farish, Gildea, Giltner, Hayes, James, Jones, Kelley, Lupton, Mahon, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Oliver, O'Malley, Ord, Papy, Pardee, Rollins, Smith, Spencer, Spilman, Steele, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Mr. Speaker—60.

The bill was ordered engrossed.

Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and collect tolls for travel thereon.

On motion of Mr. Cureton, the bill was referred back to the Sonoma and Mendocino delegations.

Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Returned to the general file

Assembly Bill No. 54—An Act to protect the wages of labor.

Made the special order for Thursday, January ninth, at twelve o'clock, M.

On motion of Mr. Scudder, at two o'clock and five minutes P. M. the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Tuesday, January 7th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by Rev. O. P. Fitzgerald.
Journal of yesterday read and approved.
Mr. Russ was granted leave of absence for one week.
Mr. Frisbie had leave of absence for one day.
Mr. Morrow was granted indefinite leave of absence.

PRESENTATION OF PETITION.

Mr. Dwinelle presented a petition from Henry N. Morse, Sheriff of Alameda County, praying he be allowed the amount of reward offered by the Governor of this State for the arrest and conviction of one Narrato Peuce, a desperado and murderer, who was killed while attempting to arrest him.

Received and referred to the Committee on Claims.

REPORTS.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 85—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—respectfully report that they have had said bill under consideration and herewith report the same back and recommend that it be indefinitely postponed.

STEELE, Chairman.

Also reported as follows:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 98—An Act to fix the terms of the District Court in the Fifth Judicial District—respectfully report that the committee have had said bill under consideration and herewith report the same back with a substitute amending section six of an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and recommend the passage of the substitute.

STEELE, Chairman.

Also further reported:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred

and fifty-two—respectfully report that they have had said bill under advisement, and report the same back and recommend its passage.

STEELE, Chairman.

Mr. O'Malley made the following report:

Mr. Speaker: The committee appointed to report joint rules have performed the duties assigned them and recommend the adoption of the following joint rules.

BELDEN,
Chairman Senate Committee.
O'MALLEY,
Chairman Assembly Committee.

The report was received.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. Speaker: The Committee on Claims, to whom was referred Assembly Bill No 86—An Act for the relief of Joseph Craig, Treasurer of Trinity County—have had the same under consideration and beg leave to make the following report:

A petition referred with this bill, signed by a large number of citizens and taxpayers of Trinity County, represents, among other matters not necessary to mention here, that there being no safe or secure place to deposit the moneys that came into his possession as Treasurer, he, the said Joseph Craig, as was usual and customary with his predecessors, deposited the public moneys coming into his hands for safe keeping, on special deposit in the banking house of Greenhood & Newbauer; that the said banking house was considered and believed by the people of Trinity County to be perfectly solvent; but that, contrary to general expectation, said firm of Greenhood & Newbauer failed and suspended in the month of August, eighteen hundred and sixty-seven; that the said firm at that time had on special deposit, of the moneys of the State of California and of the County of Trinity, the sum of two thousand two hundred and twenty-one dollars and sixty-five cents; that the said Treasurer and some of his sureties on his bond, believing in the stability of the house, had deposited with said banking firm five thousand eight hundred and ten dollars and thirty-nine cents of their own private money, thus proving the solvent reputation of the house; that, by reason of the failure and suspension of said firm, the said amount deposited with them has been lost, and will have to be paid by the sureties on the bond of said Joseph Craig, unless relieved by an Act of the Legislature; that the said County Treasurer and his sureties have used all reasonable and legal means to recover the amount of the deposit aforesaid, but have failed to recover the same or any part thereof.

Your committee, after a full investigation of the merits of this claim, have come to the conclusion that it is not one for which the Legislature should be called on for relief. The manner in which the money in question was lost is one of the risks against which County Treasurers are required to give bonds, and no doubt the sureties of Treasurer Craig were fully advised of the fact that there was no safe or secure place belonging to the county in which the public moneys could be deposited when they signed his bond as surety for the safe keeping of the public moneys, and your committee believe that it is only in cases of extreme

hardship wherein the Legislature is warranted in granting relief of the character asked for in this case. However much they may sympathize with the principal and sureties in this case, they are unwilling to grant the relief sought for, believing that it would be establishing a bad precedent, to be followed probably hereafter by granting relief in cases possessing even less merit than this case presents. They have therefore instructed me to report the bill back to the House and recommend that it do not pass.

CONNELY, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Senate Bill No. 27—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six—have had the same under consideration, and report the bill back to the Assembly and recommend its passage.

Also, Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara. The committee have proposed amendments, and report the bill back to the Assembly and recommend its passage with amendments.

MOORE, Chairman.

The Speaker presented a communication from the Secretary of State's office, in response to a resolution passed yesterday.

On motion of Mr. Angney, the communication was referred to the Committee on Fees and Salaries.

Mr. Gregory, from the Amador and Alpine delegation, made the following report:

Mr. SPEAKER: The Amador and Alpine delegation respectfully report that they have examined Assembly Bill No. 75—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six—and recommend its passage.

GREGORY, of Amador.
PAYNE, of Alpine.

MOTIONS AND RESOLUTIONS.

Mr. Scudder moved to reconsider the vote of yesterday taken upon a resolution offered by him relative to M. D. Boruck, Assistant Clerk.

Mr. Boruck tendered his resignation as Assistant Clerk, to take effect on and after Saturday next.

On motion of Mr. Lupton, Mr. Boruck's resignation was accepted as tendered.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 7th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25, providing for meeting in joint assembly.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate concurrent resolution above reported, providing for a joint assembly to approve the Journals of the Joint Convention for the election of a United States Senator, to convene at twelve o'clock to-day, was concurred in.

At five minutes to twelve o'clock A. M., on motion of Mr. Biggs, the House took a recess for five minutes.

REASSEMBLED.

At twelve o'clock M., the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.
On motion of Mr. Lupton, the Clerk was directed to inform the Senate that the House was ready to meet them in joint assembly.

IN JOINT CONVENTION.

The President of the Senate and Senators appeared and were seated.

The President of the Senate, in conjunction with the Speaker of the House, called the Joint Convention to order.

The President of the Senate directed the Secretary to call the roll of the Senate, and the following Senators responded:

Messrs. Bradley, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Perley, Roberts, Rose, Saunders, Tubbs, Tweed, Wadsworth, Wolcott.

The Speaker directed the Clerk to call the roll of the Assembly, and the following members responded:

Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa. Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Wolleb, Mr. Speaker.

By direction of the President of the Senate, the joint resolution setting forth the purpose of the Joint Convention was read.

Mr. Lewis moved to dispense with the reading of the Joint Convention Journals, except those of December twentieth, eighteen hundred and sixty-seven.

Carried.

The Secretary of the Senate read the Senate Journal of the Joint Convention of December twentieth, eighteen hundred and sixty-seven.

The Clerk of the House then read the Assembly Journal of the Joint Convention of December twentieth, eighteen hundred and sixty-seven.

Mr. Pearce moved to correct the Senate Journal by striking out "fifty-four," as being the number of votes received by Thomas A. Brown, and insert "forty-four."

Carried.

Mr. Johnson moved to strike out "whole number of votes cast, one hundred and fourteen," and insert "total number of votes cast being one hundred and fifteen."

Carried.

On motion of Mr. Pearce, the vote was reconsidered whereby the Senate Journal was corrected.

On motion of Mr. Pearce, the Senate Journal was corrected to read that Mr. Brown received forty-five votes instead of fifty-four, and the total number of votes cast to be one hundred and fifteen.

Mr. Dwinelle moved that on page one hundred and fifty-six of Assembly Journal, after the names of the members of the Assembly reported present, add, "the said Senators and members of Assembly, being a majority of all the members elected to both Houses, being present and voting"

Mr. Lupton moved to amend as follows: Add to the amendment the words "and being also a majority of the Senators and of the House of Assembly."

Amendment lost.

Mr. Dwinelle's motion was carried.

Mr. Dwinelle moved that after the words "Eugene Casserly," at the top of page one hundred and seventy-seven, Assembly Journal, insert: "Having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting."

Agreed to.

On motion of Mr. Curtis, the Journals were approved as corrected.

At one o'clock P. M., on motion of Mr. Mandeville, the Joint Convention adjourned.

IN ASSEMBLY.

Speaker in the chair.

Roll called.

Quorum present.

RESOLUTIONS.

On motion of Mr. Warfield, the following resolution was adopted:

WHEREAS, the eighth day of January is the anniversary of the battle of New Orleans, which great event in our history crowned the American arms with imperishable glory; therefore be it

Resolved, That when this House adjourns to-day, it shall adjourn to Thursday, the ninth instant, in honor of the battle of New Orleans and the great General and statesman, Andrew Jackson, whose valor and genius enabled the American army to achieve that great victory.

Mr. Payne offered the following resolution:

Resolved, That the Committee on Enrolment be and they are hereby authorized to employ an Assistant Clerk whenever they deem it necessary, at the usual per diem allowed the Enrolling Clerk.

On motion of Mr. Moore, the resolution was laid on the table.

Mr. Steele moved that the resolution now in the hands of the Judiciary Committee relative to a general Fee bill be withdrawn from said committee and referred to the Special Committee on Salaries and Fees.

Carried.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 7th, 1868.

Mr. SPEAKER: The Senate, on the sixth instant, passed Senate Bill No 13—An Act to exempt certain property from execution.

Also, Senate Bill No. 14—An Act to provide for the distribution of the Reports of the Supreme Court.

Also, Senate Bill No. 37—An Act to authorize Richard Abbey, administrator of the estate of R. H. Farquhar, deceased, to sell certain lands and real estate.

Also, Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Acts supplemental thereto and amendatory thereof.

Also, adopted Senate Concurrent Resolution No. 20, extending an invitation to Professor J. D. Whitney, State Geologist, to address the members of the Legislature.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 13, above reported, was read first and second times and referred to the Committee on Judiciary.

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

Senate Bill No. 37, above reported, was read first and second times and referred to Judiciary Committee.

Senate Bill No. 3, above reported, was read first and second times and referred to Judiciary Committee.

Senate Concurrent Resolution No. 20, extending an invitation to Professor Whitney, State Geologist, to lecture on the State Geological Survey, was concurred in.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Church—An Act to separate the office of County Recorder

from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder in and for said county, at the next general election for county officers therein.

Also, an Act to make the Sheriff ex officio Tax Collector of the County of Alameda.

By Mr. Angney—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.

By Mr. Ellis—An Act to authorize Charles M. Benbrook, Samuel Maburn and Marcus D. Brundage to construct and maintain a turnpike road from Elizabeth Lake to Searle's Stand, in the County of Los Angeles.

By Mr. Tuttle—An Act to amend the Civil Practice Act.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Green—An Act to pay for services rendered in the State Land Department.

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

By Mr. Tully—An Act to incorporate the City of Monterey.

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

By Mr. Lupton—An Act for the relief of T. A. Brady.

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

Mr. Warfield (on leave) offered the following resolution:

Resolved, That the Superintendent of the Deaf, Dumb and Blind Asylum be and he is hereby invited to visit the Legislature with the scholars of said institution at such time as to him may seem proper.

Adopted.

By Mr. Dwinelle—An Act to legalize two certain conveyances of real estate heretofore executed by Gretta C. Thompson.

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

Also, an Act for the relief of Henry N. Morse, Sheriff of Alameda.

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

REPORT.

Mr. Lee (on leave) made the following report:

Mr. Speaker: The Sacramento delegation, to whom was referred Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento County—beg leave to report as follows:

We find, by consultation with our District Attorney and by reference to the Criminal Practice Act (Hittell's Digest, Article 2,143, Sec. 556), the following:

"When a person shall attend before a magistrate, Grand Jury or Court, as a witness on behalf of the people, upon a subpœna or by virtue of a recognizance, and it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial by an order upon its minutes, or on any other

case, the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses."

The witnesses in question originally presented their bill to the Board of Supervisors of Sacramento County without obtaining any such order above referred to from the County Judge The Board of Supervisors, by reference to section thirty-three of an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, decided that they could not allow the claim. The section in question reads as follows:

"No jury or witness fees shall be allowed in any criminal case; but every juror in any criminal case, residing more than three miles from the Court-house, shall be allowed mileage at the rate of twenty cents per mile," etc

The bill has never been presented to the Board of Supervisors under section five hundred and fifty-six of the Criminal Practice Act above quoted, and we are informed by our District Attorney, James C. Goods, Esq., that the bill for a reasonable and just amount will be allowed by the Board and paid by the County Treasurer when properly presented.

We therefore report against the passage of the Bill No. 51, on the ground that it would be useless and superfluous legislation.

LEE, for delegation.

INTRODUCTION OF BILLS.

By Mr. Payne—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. Warfield—An Act for the protection of grain fields and vineyards in the County of Sonoma.

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

By Mr. Dwinelle—An Act to amend section seven of an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County and to run horse cars thereon, approved March third, eighteen hundred and sixty-two.

Also, an Act to establish and define the powers and duties of the Board of Education of the City of Oakland, in the County of Alameda, and to repeal former Acts regulating the same.

Read first and second times, and laid on the table.

By Mr. Willets—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. Coggins—An Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District No. 2.

Read first and second times and referred to Sacramento delegation.

By Mr. Ord (on leave)—An Act to authorize the Board of Supervisors of Butte County to grant relief to William S. Reese, of said county, on account of certain lost warrants owned by him.

Read first and second times and referred to Butte County delegation.

GENERAL FILE.

Assembly Bill No. 38—An Act to give to grand and trial jurors mileage in the Counties of Marin and Mendocino.

On motion of Mr. Ables, ordered placed at the head of general file for Tuesday, January twenty-first.

Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

Read a third time and passed.

Assembly Bill No 81—An Act for the relief of Drury P. Baldwin.

Considered in Committee of the Whole.

Speaker in the chair.

The bill was reported back with amendments, amendments adopted, passage recommended, and bill ordered engrossed.

Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt.

Mr. Meagher moved to recommit to the Committee on Hospitals.

Lost.

The bill was amended, amendments adopted, and bill ordered engrossed.

Assembly Bill No. 54—An Act to protect the wages of labor.

On motion of Mr. Farish, made the special order for Thursday at one o'clock.

Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

On motion of Mr. Brown of Contra Costa, referred to the Judiciary Committee.

Senate Bill No. 58—An Act amendatory of and supplementary to 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 a third time and passed.

Assemby Bill No. 94 (substitute for Assembly Bills Nos. 3 and 8)—An Act to repeal certain statutes requiring political or other test oaths.

Mr. Meagher moved to make the bill the special order for Friday at twelve o'clock.

Carried

Mr. Brown of Contra Costa moved to reconsider the vote just taken on Assembly Bill No. 94.

Carried.

On motion of Mr. Brown of Contra Costa, the bill was referred to the Judiciary Committee.

On motion of Mr. White, the bills omitted to be placed on file to-day were ordered placed at top of the file for Thursday.

REPORT.

On motion of Mr. Brown, of Contra Costa, the House took up the report of the Joint Committee on Joint Rules as follows:

JOINT RULES OF THE SENATE AND ASSEMBLY.

1.

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 committee 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.

2.

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.

3.

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.

4.

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.

5.

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.

6.

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, stating by whom such bill was examined.

7.

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.

8.

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.

9.

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.

10.

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.

11.

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.

12.

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.

13.

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

14.

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

15.

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.

16.

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

17.

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.

18.

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.

19.

No spirituous 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.

20.

No increase of the pay of any officer or attaché of the Senate or Assembly shall be made by resolution, except by unanimous consent.

21.

All concurrent or joint resolutions, which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

On motion of Mr. Brown of Contra Costa, the rules were adopted and ordered printed.

STANDING COMMITTEE.

Mr. Batchelder moved to print a correct list of the Standing Committees of the House, together with the joint rules.

Carried.

The Speaker appointed the following joint committee on the part of the House:

ON STATE AGRICULTURAL, MINING AND MECHANIC ARTS COLLEGE.

Messrs. O'Malley, Dwinelle, Green, Ayer and Angney.

On motion of Mr. Batchelder, at three o'clock P. M., the House adjourned to meet on Thursday, the ninth of January.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Thursday, January 9th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.
Prayer by the Chaplain.
Journal of Tuesday read and approved.
Mr. Green was granted leave of absence for the remainder of the day.

PETITION.

Mr. Mattingly presented a petition from certain citizens and taxpayers of Santa Cruz County praying that a portion of said county be annexed to San Mateo County.

Received and referred to the Committee on Counties and County Boundaries.

REPORTS.

Mr. Angney, Chairman of the Committee on Ways and Means, made the following report:

Mr. SPEAKER: The Committee on Ways and Means have had under consideration Assembly Bill No. 116—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 report the same back with a recommendation for its passage.

ANGNEY, Chairman.

Mr. Angney, from the same committee, also reported:

Mr. SPEAKER: The Committee on Ways and Means, to whom was referred Assembly Bill No. 41, have had the same under consideration, and, because of the late decision of the Supreme Court, in the case of the State vs. McCreery, feel compelled to report the same back to the Assembly with a recommendation for its rejection.

ANGNEY, Chairman.

The committee also reported:

Mr. SPEAKER: The Committee on Ways and Means, have had under consideration Assembly Bill No. 66—An Act for the relief of the County Treasurer of San Diego County—and report the same back to the Assembly and recommend its reference to the Special Committee on Fees and Salaries.

ANGNEY, Chairman.

The same committee also reported:

Mr. SPEAKER: The Committee on Ways and Means, to whom was referred Assembly Bill No. 97, report a substitute for said bill and recommend the passage of the substitute.

ANGNEY, Chairman.

Mr. Meagher, Chairman of 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. 5—An Act to amend an Act en-

titled an Act to create the County of Inyo, and to define its boundaries and to provide for its organization, approved March twenty-second, eighteen hundred and sixty-six;

Also, Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County and for other purposes;

Also, Assembly Bill No. 43—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes;

Beg leave to report that they have had the same under consideration, and report the same back without amendment and recommend their passage.

MEAGHER, Chairman.

Mr. Ord made the following report:

Mr. SPEAKER: The committee to whom was referred Assembly Bill No. 17—An Act concerning roads and highways in the County of Humboldt and to provide for the election of Road Overseers, and the appointment of a Road Superintendent in that county, with other matters connected therewith—respectfully report that they have had the same under consideration and report it back with a recommendation that it pass.

ORD, Chairman.

Mr. Coggins made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures beg leave to report that there is now due to C. T. Raney the sum of fifty-five dollars and twelve cents for furnishing members of this House with copies of the *Golden City* newspaper, and recommend the adoption of the accompanying resolution.

BIRD,
CLARK,
COGGINS.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 44—An Act to amend an Act entitled an Act to limit the hours of labor, approved May seventeeth, eighteen hundred and fifty-three—respectfully report that they have had the said bill and the subject matter thereof under advisement, and herewith report said bill with a substitute and recommend the passage of the substitute.

STEELE (Chairman),
BUCKBEE,
PAPY,
DWINELLE,
BROWN of Contra Costa,
HAYES,
COMTE,
MOORE.

The same committee also reported:

Mr. SPEAKER: The Committee on Judiciary, to whom was referred

Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth. eighteen hundred and fifty-one—respectfully report that they have had said bill under consideration, and herewith report the same back with the following amendments, namely:

Amend section two, paragraph sixth (line twenty-one, page two, of printed bill), by inserting after the word "city" where it first occurs in said paragraph, the words "of the same county."

Also, amend section two by striking out paragraph eight (printed bill, page two, lines twenty-nine to thirty-five, both inclusive)

Also, amend the title of said bill so as to read as follows: An Act to amend sections seven, five hundred and thirty-five and five hundred forty-one of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

And recommend the passage of said bill with the above amendments and the amendments heretofore recommended by this Committee to section three.

STEELE, Chairman.

The same committee also reported:

Mr. Speaker: The Committee on the Judiciary, to whom was referred Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Acts supplemental thereto and amendatory thereof—respectfully report that they have had said bill under consideration, in connection with Assembly Bills Nos. 3, 8 and 94, relating to the same subject. The committee, after considering the whole subject matter of said bills, concluded to recommend the passage of said Senate Bill No. 3, above entitled, and also to recommend the passage of the accompanying substitute for said Assembly Bills Nos. 3, 8 and 94.

The substitute herewith reported for said Assembly bills repeals the Act concerning teachers of common schools in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and the Act amendatory thereof, approved March eighteenth, eighteen hundred and sixty-four; also, sections twenty-eighth and twenty-ninth of the Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three.

The repeal of the above named Acts and sections not being provided for and included in the provisions of the Senate bill, the Committee deemed it more advisable to provide for their repeal by a separate Act rather than by amendment to the bill passed by the Senate.

The Committee, therefore, recommend the passage of said Senate Bill No. 3, and also the accompanying substitute for said Assembly Bills Nos. 3, 8 and 94.

STEELE, Chairman.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. Speaker: The Committee on Agriculture, to whom was referred a resolution to inquire "whether an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six,

was not likely to lead to lavish expenditures and expose the State to great and unexpected expenses and losses," report that they have had the same under consideration, and find from an examination of the statute, and also from inquiry and investigation,

First—That the statute is open to a double construction, and may be so interpreted as to enable claimants for premiums to demand of the State rewards never contemplated by the Legislature, and to allow enterprising and ingenious planters to make claim for more premiums than was foreseen or intended in offering encouragement to silk culture.

Second—The great facility in multiplying the mulberry plant, and the little labor and experience attending the cultivation of plantations, would quickly enable the growers to demand from the treasury sums of money which, in the aggregate, would amount to many thousands of dollars, and bear no proportion to any possible benefit that could result to the State.

The committee are informed that the mulberry is cultivated in some of the counties with simple reference to the receipt of the premiums, and without any regard to the use of the plant for silk culture. They are further informed that some individuals expect, by way of premiums, to realize as much as forty thousand dollars, and are pursuing the occupation simply for speculative purposes.

They regard it as highly hazardous to continue the present enactment on the statute book, and believe that, if not repealed, the State will not only run the risk, but be unavoidably compelled to incur very heavy costs and charges.

They would, for these reasons, recommend the repeal of the law on this subject; and that the State may keep faith with all her citizens, and not deprive any meritorious mulberry planters of their just claims, urge upon the Legislature the passage of a law to explain the intent of the enactment on this subject, and to that end present a bill which they ask the Assembly to adopt.

KELLEY, Chairman.

Mr. Morrow made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 61—An Act entitled an Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of the said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same—have had the same under consideration, and beg leave to report the bill back to the House, and recommend its passage.

MORROW,
OLIVER.

Mr. Ellis made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 64, have had the matter under consideration, and report the bill back and respectfully recommend its passage.

ELLIS, for Delegation.

Mr. Warfield made the following report:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 112—An Act for the protection of grain fields and vineyards in

the County of Sonoma—having had the same under consideration, report it back with an amendment and recommend its passage.

WARFIELD, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Jones moved that Assembly Bill No. 86, reported back from the Committee on Claims, be taken from the file, and, together with the petitions of certain citizens of Trinity County, be referred back to the committee.

Carried.

On motion of Mr. Brown of Contra Costa, Assembly Bill No. 44, limiting the hours of labor, was laid on the table and ordered printed.

On motion of Mr. O'Malley, the usual number of copies of the original bill was ordered printed.

Mr. Coggins offered the following resolution:

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 C. T. Raney, for the sum of fifty-five dollars and twelve cents.

Adopted.

Mr. Rollins offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be instructed to furnish the reporters and correspondents of the daily press, having seats on this floor, with two copies each of all printed documents.

Adopted.

Mr. Cochran offered the following resolution:

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and empowered to appoint two Copying Clerks, at the same per diem as allowed by law; said Clerks to be subject to his removal whenever he may deem necessary.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 7th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on yesterday, concurred in Assembly Concurrent Resolution No. 19, relative to the appointment of a Joint Committee of the Senate and Assembly on the State Agricultural, Mining and Mechanic Arts College, and have appointed on the part of the Senate, Messrs. Hager, Pearce, Morrill, Robertson and Heacock;

Also, this day passed, under a suspension of the rules, Senate Bill No. 70—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 9th, 1868.

Mr. SPEAKER: I have to inform your honorable body that the Senate, on the seventh instant, concurred in Assembly Concurrent Resolution No. 20, relative to printing the letter of the State Geologist on the progress of the geological survey;

Also, adopted Senate Concurrent Resolution No. 27, instructing our Senators and Representatives in Congress to urge the establishment of a mail line between Oroville and Laporte;

Also, adopted Senate Concurrent Resolution No. 28, instructing our Senators and requesting our Representatives in Congress to urge the establishment of a daily mail line between Oroville, via Humbug Valley and Taylorville, and Susanville, in the County of Lassen;

Also, on the sixth instant, passed Senate Bill No. 57—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 70, above reported, was read first and second times and placed on the general file.

Senate Concurrent Resolution No. 27, above reported, was read the first and second times and concurred in.

Senate Concurrent Resolution No. 28, above reported, was read the first and second times and concurred in.

Senate Bill No. 57, above reported, was read the first and second times and placed on general file.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Buckbee—An Act directing certain funds in Plumas County to be applied to the payment of the cost of building the Quincy and Laporte Wagon Road.

By Mr. Warfield—An Act to amend an Act to provide for the appointment of Guager for the port of San Francisco, approved March thirtieth, eighteen hundred and fifty-two.

By Mr. Mardis—An Act in relation to salaries and fees of office in Tuolumne County.

By Mr. Martin—An Act to more clearly define the northern boundary of Sonoma County, and also to repeal certain portions of Acts in relation thereto.

By Mr. Newsom—An Act to define the boundary line between the Counties of Stanislaus and Merced.

Bills were introduced as follows:

By Mr. Buckbee (on leave)—An Act to amend the one hundred and fifty-sixth section of an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to Judiciary Committee.

By Mr. Tuttle—An Act to amend section four hundred and forty-eight of 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 placed on file.

By Mr. Tuttle (on leave)—An Act to amend an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

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

By Mr. Papy—An Act to authorize the Sheriff of the City and County of San Francisco to appoint Porters for the City Hall in said city and county.

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

By Mr. Mattingly—An Act to fix and establish the boundaries of the County of San Mateo.

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

By Mr. Canavan—An Act authorizing J. H. Bird and others to lay down and maintain a railroad in the City and County of San Francisco.

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

By Mr. Farish—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

Read first and second times, laid on the table and ordered printed.

By Mr. Bird—An Act to fund the debt of El Dorado County.

Read first and second times and referred to the El Dorado delegation.

Also, an Act to amend an Act entitled an Act to provide for incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-six.

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

By Mr. Crigler (on leave)—An Act to fix the salary of the Superintendent of Public Instruction of Lake County.

Read first and second times and referred to the Committee on Salaries.

By Mr. Angney—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. Battelle—An Act in relation to the county officers of Sierra County.

Read first and second times and referred to the Sierra delegation.

SPECIAL ORDER.

Assembly Bill No. 54—An Act to protect the wages of labor.

The bill was amended and the amendments adopted.

Ordered placed at top of file for to-morrow, and usual number of copies printed.

MEMORIAL.

Mr. Cochran presented a memorial from the citizens of Butte County, relative to the funding of the debt of said county.

Senate Bill No. 39—An Act to amend an Act entitled an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six—was taken up.

On motion of Mr. Westmoreland, the bill was referred to the Special Committee on Salaries, together with the memorial.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wand (for Mr. Ellis)—An Act to authorize Charles M. Benbrook, Samuel Mayburn and Marcus D. Brundige to construct and maintain a turnpike road from Elizabeth Lake to Searle's Stand, in the County of Los Angeles.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Moore—An Act concerning roads and highways in the State of California.

Read first and second times and referred to the Committee on Roads and Highways.

GENERAL FILE.

Assembly Bill No. 96 (substitute for Assembly Bill No. 28)—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Ordered back to the file.

Mr. Angney in the chair.

Assembly Bill No. 85—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three

On motion of Mr. Dwinelle, the bill was indefinitely postponed.

Assembly Bill No. 118 (substitute for Assembly Bill No 98)—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

The rules were suspended.

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

On motion the title was amended.

The Speaker in the chair.

Assembly Bill No. 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two.

The rules were suspended.

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

Assembly Bill No. 76—An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

The rules were suspended

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

Assembly Bill No. 75—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six.

The rules were suspended.

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

Assembly Bill No. 74—An Act to legalize the acts of the Board of Supervisors of Amador County whilst sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Ordered engrossed.

Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

Ordered engrossed.

Senate Bill No. 27—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanics' Institutes and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

Read third time and passed.

Assembly Bill No. 113—An Act to amend section seven of an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, approved March third, eighteen hundred and sixty-six.

Mr. O'Malley (Speaker pro tem.) in the chair.

The rules were suspended.

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

On motion of Mr. Brown of Contra Costa, the vote taken on Assembly Bill No. 96 was reconsidered.

The bill was taken up and amended.

The amendments were adopted and the bill ordered engrossed.

The Speaker in the chair.

RESOLUTION.

Mr. Westmoreland offered the following resolution:

Resolved, That no bills proposing to amend, by section, any Act now in force, shall be entertained unless such bill discloses the number or numbers of the section proposed to amend.

Laid over one day, under the rules.

On motion of Mr. Buckbee, at two o'clock and fifteen minutes P. M. the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 10th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORTS.

Mr. Middleton made the following report:

Mr. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 87, have had the same under consideration, and report bill back and recommend its passage.

Also, Assembly Bill No. 103, which they have had under consideration, and report the same back and recommend its passage.

Also, Senate Resolution No. 12, which they have had under consideration, and report the same back with amendment, and recommend the adoption as amended.

MIDDLETON, Chairman,

Mr. Kelley made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred the petitions of sundry citizens of the Counties of Humboldt and Mendocino, asking the repeal of an Act of the last Legislature, entitled an Act to protect sheep and Cashmere and Angora goats from the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six;

And to whom was also referred Assembly Bill No. 20—An Act concerning dogs in counties or townships of this State, conferring certain powers on the Board of Supervisors of the respective counties and to repeal a certain Act therein named;

And to whom also was referred Assembly Bill No. 25—An Act to repeal an Act to protect sheep and Cashmere and Angora goats from the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six;

Beg leave to report that they have had said petitions and bills under consideration, and report the same herewith back to the Assembly with the following recommendations, viz:

That said Bill No. 20, above referred to, be indefinitely postponed;

That Bill No. 25, above referred to, entitled an Act to repeal an Act entitled an Act to protect sheep and Cashmere and Angora goats from the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six, do pass.

Your committee are satisfied that the law in question should be repealed; it is vexatious, burdensome and oppressive on many citizens, and

it is not believed that any particular benefit results to the people from its provisions. The common law, as well as the statute law of the State, seems to afford all needful protection to the classes of property mentioned in the title of the Act alluded to. We deem it as a piece of hasty legislation, not necessary by any evil at the time of its passage in view.

All of which is respectfully submitted.

KELLEY, Chairman.

Mr. Lee made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty;

Also, Assembly Bill No. 81—An Act to provide for the relief of Drury P. Baldwin.

LEE, Chairman.

Mr. Ord made the following report:

Mr. SPEAKER: The committee to whom was referred Joint Resolution No. 7—Memorial concerning lands to be granted to certain counties therein named, for the purpose of constructing roads—respectfully report that they have had the same under consideration and report it back with amendments and recommend its passage as amended.

Also, Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties—report the same back and recommend its passage.

ORD, Chairman.

Mr. Ord made the following report:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 100—An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursements of road moneys of said county—have had the same under consideration, and report it back and recommend its passage.

ORD, Chairman.

Mr. Cochran made the following report:

Mr. SPEAKER: The delegation to whom was referred Assembly Bill No. 117—An Act to authorize the Board of Supervisors of Butte County to grant relief to S. Reese, of said county, on account of a certain lost warrant owned by him—report the same back and recommend its passage.

COCHRAN, for Delegation.

Mr. Willets made the following report:

Mr. SPEAKER: The El Dorado delegation, to whom was referred Assembly Bill No. 35—An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District

Attorney, and fixing their compensation, for the County of El Dorado—have had the same under consideration and report the same back and recommend its indefinite postponement.

WILLETS, for Delegation

MOTIONS AND RESOLUTIONS.

Mr. Giltner offered the following resolutions:

Resolved, That the Committee on Public Buildings and Grounds are hereby instructed to examine into the condition of the State Capitol building, located in the City of Sacramento, and into the manner of its construction and everything relative thereto, the expenditure and the probable cost for its completion; and the committee are hereby empowered to send for experts and witnesses and to administer oaths to the same; also, into the probable cost to secure the same against the overflow of the American and Sacramento Rivers and the cost of grading the ground around said Capitol building; also the cost of ventilating and lighting the building after its completion, and to report as soon as possible. And be it further

Resolved, That the committee be and are hereby instructed, to inquire into the condition of all other State buildings and report accordingly.

Mr. Comte moved the indefinite postponement of the resolution.

On leave, Mr. Comte withdrew his motion to indefinitely postpone and offered the following amendment:

Resolved by the Assembly, the Senate concurring, That the Committee on Public Buildings of the Assembly and Senate be and are hereby instructed to examine into the condition and progress of the Capitol building now in progress of erection; the manner in which the materials have been procured, and the business done in connection therewith, and report to this House as soon as possible.

Resolved, That the committee be instructed to proceed to Alameda County and examine into the progress and condition of the building now in course of erection for the deaf, dumb and blind, and report to this House.

Mr. Meagher moved to amend by striking out all relative to the deaf, dumb and blind building at Alameda.

Adopted.

The question being on the adoption of Mr. Comte's amendment, the ayes and noes were demanded by Messrs. Lee, Cureton and Coggins.

The vote was as follows:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Biggs, Bird, Broderson, Brown of Contra Costa, Buckbee, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Gildea, Jones, Lee, Mace, Mahon, Mattingly, McElhany, Meagher, Mentzell, Morrow, Oliver, Papy, Pardee, Rollins, Smith, Spencer, Waldron, Wand, White, Wolleb—42.

NOES—Messrs. Angney, Bever, Caldwell, Canavan, Cureton, Ellis, Fairchild, Farish, Frisbie, Giltner, Gregory, Hayes, James, Kelley, Mardis, Martin, Middleton, Moore, Newell, Newsom, O'Malley, Ord,

Payne, Rector, Spilman, Steele, Tully, Tuttle, Warfield, Westmoreland, Willets, Mr. Speaker—32.

So the amendment was adopted.

The resolution as amended was then adopted.
Mr. Rector moved to take from the table the following resolution:

Resolved, That the Chief Clerk be authorized to appoint an Assistant Journal Clerk, at such time as may be deemed necessary, at the same per diem as is allowed the Journal Clerk.

Carried.
On motion of Mr. Brown of Contra Costa the resolution was adopted.
Mr Canavan moved to take from the table the resolution empowering the Enrolling Committee to appoint an Assistant Clerk.
Carried.
Mr. Warfield moved to amend by striking out "Committee on Enrollment" and inserting "Enrolling Clerk."
Mr. Dornin moved a substitute as follows:

Resolved, That the Committee on Enrollment shall employ an Assistant Enrolling Clerk, at the same pay as the Enrolling Clerk, whenever in their judgment such assistant be necessary.

On motion of Mr. Gildea, the whole subject was laid on the table.
Mr. Rector offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into and report whether or not there are any changes necessary to be made in the judicial districts of this State, whereby the ends of justice will not be interfered with and the public be benefited.

Lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 10th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate, on the seventh instant, passed, under a suspension of the rules, Senate Bill No. 59—An Act to fix the terms of the Probate Court in and for the County of Tuolumne;
Also, Senate Bill No. 63—An Act to authorize the Board of Supervisors of Solano County pay a certain claim.
And on the ninth instant adopted Senate Concurrent Resolution No. 30, instructing the Joint Committee on the Agricultural, Mining and Mechanic Arts College to examine certain books in the State Land Office.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 59, above reported, was read first and second times and placed on general file.

Senate Bill No. 63, above reported, was read first and second times and placed on general file

Senate Concurrent Resolution No. 30 was read first and second times and concurred in.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Mahon—An Act for the relief of Thomas Sawyer, Joseph D. Butler and William McDermott.

By Mr Tully—An Act granting to Matt. Tarpy and others the right to construct a toll road from Elk Horn Slough to Castroville, Monterey County.

By Mr. Spilman—An Act to change the boundary line between the Counties of Sutter and Butte.

By Mr Papy—An Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco and to run horse cars thereon.

By Mr. Ables—An Act to provide for the collection of delinquent taxes and legalizing assessments and school elections held in school districts in the County of Marin.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Buckbee—An Act to amend section twenty-one of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six.

Read first and second times and referred to Judiciary Committee.

By Mr. Willets—An Act to amend an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Ellis—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

Read first and second times and referred to Judiciary Committee.

By Mr. Ellis—An Act to provide for the payment of per diem and mileage of witnesses, petit and grand jurors in the County of Los Angeles.

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

RESOLUTION.

On motion of Mr. Westmoreland, the following resolution, offered by him on yesterday, was taken up.

Resolved, That no bills proposing to amend by sections any Act now in force shall be entertained unless such bill disclose the number of the section proposed to be amended.

Mr. Meagher proposed to refer to the Standing Committee on Rules.
Lost.
On motion of Mr. Batchelder, the resolution was referred to the Joint Committee of the two houses on Joint Rules.

GENERAL FILE.

Assembly Bill No. 54—An Act to protect the wages of labor.
On motion of Mr. Dwinelle, laid over and placed at head of the general file for to-morrow.
Assembly Bill No. 41—An Act amendatory of and supplementary to 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 to repeal certain provisions of the Revenue Act of this State, approved April second, eighteen hundred and sixty-six.
On leave, Mr. Ayer, the author, withdrew the bill.
Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.
Mr. O'Malley in the chair.
Mr. Westmoreland moved to strike out section two.
The ayes and noes were demanded by Messrs. Westmoreland, Jones and Waldron.
The vote was as follows:

AYES—Messrs. Angney, Caldwell, Downer, Jones, Waldron, Westmoreland—6.
NOES—Messrs. Ables, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Buckbee, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Dwinelle, Ellis, Fairchild, Frisbie, Gildea, Giltner, Gregory, James, Kelley, Lee, Mace, Mahon, Martin, Mattingly, McElhany, Meagher, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Scudder, Spencer, Spilman, Steele, Tully, Tuttle, Wand, Warfield, White, Willets, Wolleb, Mr. Speaker—62.

So the motion was lost.
The bill was amended, the amendments adopted, and bill ordered engrossed.
Assembly Bill No. 5—An Act to amend an Act entitled an Act to create the County of Inyo and to define its boundaries and to provide for its organization, approved March twelfth, eighteen hundred and sixty-six.
The rules were suspended, bill considered engrossed, read a third time and passed.
Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes.
The rules were suspended, bill considered engrossed, read a third time and passed.
Assembly Bill No. 43—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes.

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 116—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 Speaker in the chair.

The bill was made the special order for Tuesday, the fourteenth, at one o'clock P. M., and ordered printed.

MESSAGES FROM THE SENATE.

On motion of Mr. Papy, the following Senate messages were taken up:

SENATE CHAMBER,
January 10th, 1868.

Mr. SPEAKER: The Senate on this day passed, under a suspension of the rules, Assembly Bill No. 118, substitute for Assembly Bill No. 98—An Act to amend an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 10th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 31, authoring the Joint Committee of the Senate and Assembly appointed to inquire into and investigate the affairs of the State Harbor Commissioners, to employ a Clerk, Sergeant-at-Arms, and such other assistants as they may deem necessary.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 31, above reported, was read first and second times and concurred in.

GENERAL FILE RESUMED.

Assembly Bill No. 119 (substitute for Assembly Bill No. 97)—An Act to repeal an Act entitled an Act concerning assessment rolls and returns to be made of property exempt from taxation, and also an Act entitled 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 to repeal certain provisions of the Revenue Acts of this State.

Ordered to the head of the general file for Tuesday next.

On motion of Mr. Tuttle, Assembly Bill No. 79 was taken up, amended, and amendment adopted.

On motion of Mr. Dwinelle, on a division, the bill was referred to the Judiciary Committee with special instructions to report a bill which

shall provide that the Governor shall in all cases select the substituted Judge, and such other amendments as they may deem advisable.

At three o'clock P. M., Mr. Wand moved to adjourn.

Lost.

On motion of Mr. Mardis, Assembly Bill No. 81 was taken up.

The bill was read a third time and passed.

At three o'clock and ten minutes, on motion of Mr. Scudder, the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 11th. 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Messrs. Crigler, Spilman, Ables, Broderson and Fairchild, being the State Prison Committee, were granted leave of absence.

Messrs. Tully, Brown of Contra Costa, Rector, Middleton and Giltner were granted leave of absence from one o'clock to-day until Tuesday next.

Mr. Tuttle had leave of absence for one day.

Messrs. Moore, Brown of Tulare, Scudder and Rollins, being the Committee on State Harbor Commissioners, were granted indefinite leave of absence.

REPORTS.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was a second time referred Assembly Bill No 86—An Act for the relief of Joseph Craig, County Treasurer of Trinity County—have again had the same under consideration, and have heard additional evidence bearing upon the claim; but the committee are unable to come to any different conclusion from that which they arrived at when the same was under consideration on its first reference.

The committee have, therefore, instructed me to report the bill back to the House and recommend that it be indefinitely postponed.

CONNELY, Chairman.

Mr. Connely, from the Committee on Claims, also reported:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 110—An Act for the relief of N. Morse, Sheriff of the County of Alameda—have had the same under consideration, and the committee have instructed me to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Connely also reported:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 80—An Act to authorize an appropriation of eight hundred dollars to pay J. M. Sharkey for medicines supplied and medical attendance upon Honorable Thomas Campbell, deceased, during his last illness—have had the same under consideration, and beg leave to report that the committee have maturely considered the merits of this claim, and they believe that there would be as much propriety in paying claims of this character in connection with any other citizen of this State as the one in question.

This claim has heretofore been presented to two separate Legislatures of this State and was rejected in both instances.

The committee have instructed me to report the bill back to the House and recommend that it be indefinitely postponed.

CONNELY, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 13—An Act to exempt certain property from execution—respectfully report that they have had said bill under consideration and herewith report the same back with a substitute, and recommend the passage of the substitute

The Senate bill being in its nature, but not in form, an amendment to Section 219 of the Civil Practice Act, and several enactments similar in character to the Senate bill having been passed within the past three or four years and since said section of the Practice Act last amended, the committee have deemed it proper to embody all of such Acts, with the provisions of the Senate bill, in an amendment to the above mentioned section of the Practice Act.

The substitute exempts from execution all property now exempt by law, with the additional exemption proposed by the Senate bill.

The committee also propose, by the substitute, a further exemption of two hundred fowls.

STEELE, Chairman.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 60—An Act to restrict the herding of sheep and goats in the County of San Diego; also Assembly Bill No. 77—An Act to repeal part of an Act approved April seventeenth, eighteen hundred and

sixty-one, to amend an Act entitled an Act for the protection of game—beg leave to report that they have had said bills under consideration, and report them back and recommend their passage.

KELLEY, Chairman.

Mr Spilman, Chairman of the Committee on Public Morals, made the following report:

Mr. SPEAKER: The Committee on Public Morals, to whom was referred Assembly Bill No. 31—An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County—have had the same under consideration, and report the same back, with amendments, and recommend its passage as amended.

SPILMAN, Chairman.

Mr. Caldwell, from the Sonoma delegation, made the following report:

Mr. SPEAKER: The Sonoma and Mendocino delegation, to whom was referred Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and to collect toll for travel thereon—having had the same under consideration, report it back, with amendments, and recommend its passage as amended.

CALDWELL, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Middleton offered the following resolution:

Resolved, That the thanks of the Assembly are eminently due and are hereby tendered Marcus D. Boruck, late Assistant Clerk of the Assembly, for the able, impartial and courteous manner in which he has discharged the duties of the position, and that the Assembly recognize in him a gentleman in whom their confidence has not been misplaced.

Resolved, That this resolution be spread upon the Journals, and a copy, duly attested by the officers of the Assembly, be presented to Mr. Boruck.

On motion of Mr. Warfield, the resolution was adopted.

Mr. Willets (on leave), for the El Dorado delegation, made the following special report:

Mr. SPEAKER: The El Dorado delegation, to whom was referred Assembly Bill No. 138—An Act to amend an Act entitled an Act concerning the office of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February eighteenth, eighteen hundred and sixty-six—report the same back and recommend its passage.

WILLETS, for Delegation.

MEMORIAL.

Mr. Meagher presented a memorial from the Mechanics' Institute of the City of San Francisco, in relation to granting a subsidy in the way of annual appropriations to aid new enterprises which have for their object the production of some article in general use which was never before produced in this State, and asking assistance from the State for the sixth exhibition of said Institute.

Referred to the Committee on Ways and Means.

Mr. O'Malley, Speaker pro tem., in the chair.

ASSISTANT CLERK.

Mr. Warfield offered the following resolution:

Resolved, That Robert Ferrell, of Sonoma County, be and is hereby appointed assistant at the Clerk's desk, at the same per diem as is allowed other clerks, to commence on Monday next.

Mr Papy moved to amend by striking out the name of Robert Ferrell and inserting that of Joseph R. Beard.

Mr. Mahon moved the indefinite postponement of the resolution.

The ayes and noes were demanded by Messrs. Cureton, Waldron and Warfield.

The vote was as follows:

AYES—Messrs Angney, Batchelder, Battelle, Biggs, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Days, Downer, Dryer, Farish, Gildea, Jones, Lee, Mahon, Mentzell, Middleton, Newell, O'Malley, Papy, Payne, Rector, Scudder, Wand, White, Willets—29.

NOES—Messrs. Ables, Ayer, Bird, Caldwell, Canavan, Clark, Cochran, Comte, Crigler, Cureton, Davies. Dornin, Frisbie, Gregory, Green, Kelley, Mace, Mardis, Martin, Mattingly, Meagher, Moore, Morrow, Newsom, Ord, Pardee, Rollins, Smith, Spencer, Spilman, Tully, Waldron, Warfield, Westmoreland, Wolleb—35.

So the motion was lost.

Mr. Brown of Contra Costa moved to postpone further action on the resolution until the first Tuesday in February.

Mr. Papy moved to postpone until Wednesday next.

The previous question was moved and carried.

The main question was then put, and on a division was declared lost.

The motion to lay over until the first Tuesday in February was lost.

On the motion to amend by striking out the name of Ferrell and inserting Beard, the ayes and noes were demanded by Messrs. Cureton, Warfield and Meagher.

The vote was as follows:

AYES—Messrs. Canavan, Clark, Comte, Connely, Crigler, Days, Dornin, Dwinelle, Fairchild, Farish, Gildea, Gregory, James, Lee, Lupton, Mahon, Mattingly, Mentzell, Middleton, Newell, O'Malley, Papy, Rollins, Scudder, Wand, White, Wolleb—27.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Biggs, Bird, Brown of Contra Costa, Buckbee, Caldwell, Church, Cochran, Coggins, Cureton, Davies, Downer, Dryer, Frisbie, Green, Jones, Kelley, Mace,

Mardis, Martin, McElhany, Meagher, Moore, Morrow, Newsom, Ord, Pardee, Payne, Rector, Smith, Spencer, Spilman, Tully, Waldron, Warfield, Willets, Mr. Speaker—41.

So the motion was lost.

The Speaker in the chair.

Upon the passage of the resolution, as offered by Mr. Warfield, the ayes and noes were demanded by Messrs. Lee, Caldwell and Cureton.

The vote was as follows:

AYES—Messrs. Ables, Caldwell, Cochran, Crigler, Cureton, Davies, Frisbie, Green, Kelley, Mace, Mardis, Martin, McElhany, Meagher, Moore, Morrow, Newsom, Ord, Pardee, Rector, Spilman, Tully, Waldron, Wand, Warfield, Mr Speaker—26.

NOES—Messrs. Angney, Ayer, Batchelder, Battelle, Biggs, Bird, Buckbee, Canavan, Church, Clark, Coggins, Comte, Connely, Days, Dornin, Downer, Dryer, Dwinelle, Farish, Gildea, Gregory, Hayes, James, Jones, Lee, Lupton, Mahon, Mattingly, Mentzell, Middleton, Newell, O'Malley, Papy, Rollins, Scudder, Smith, Spencer, White, Willets, Wolleb—40.

So the resolution was declared lost.

REPORT.

Mr. Ayer (on leave), made the following report:

Mr. SPEAKER: The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill No. 118—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—and at eleven o'clock and ten minutes, January eleventh, eighteen hundred and sixty-eight, presented the same to the Governor for his approval.

AYER, for Committee.

RESOLUTIONS.

Mr. Dornin offered the following resolution:

Resolved, That the House, on each and every day, take a recess of one hour, from one o'clock until two o'clock P. M.

On a division, the resolution was adopted.

Mr. Crigler offered the following resolution:

Resolved, That the Committee on State Prison Affairs be allowed to appoint a clerk when the same shall be necessary.

Lost.

On motion of Mr. Westmoreland, Assembly Bill No. 17 was taken from the file of to-day and ordered on the general file for the twentieth of January.

Mr. Green offered the following:

WHEREAS, most of the available public lands in the State of Califor-

nia have been reserved by the United States on account of railroad grants; and whereas, the State of California has made provision for the establishment of a Mining College, in connection with the Agricultural College, which the General Government should foster and encourage; therefore,

Resolved by the Assembly, the Senate concurring, That our representatives in Congress be instructed to procure, if possible, the passage of a law authorizing the State to select, acre for acre, any portion of the one hundred and fifty thousand acres of land granted to the State for the benefit of an agricultural college, from the even numbered sections within any of said railroad reservations.

On motion of Mr. Westmoreland, referred to the Committee on Public Lands.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Canavan—An Act for the relief of James Brannan.

Also, an Act granting the Hayes Valley Hose Company the right to Exempt Firemen's certificates.

By Mr. Jones—An Act to legalize the registration of certain names in the Great Register of Trinity County

By Mr. Farish—An Act to provide for the construction of a plank or macadamized road in the City and County of San Francisco, and for the collection of toll thereon.

By Mr. Bird—An Act to repeal an Act entitled an Act concerning hogs found running at large in El Dorado County.

By Mr. Cureton—An Act to enable the County of Mendocino to redeem its bonds.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. Tully—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pisehon, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

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

By Mr. Coggins—An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses.

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

By Mr. Spilman—An Act to change the boundary line between the Counties of Sutter and Butte.

Read first and second times and referred to the Committee on Counties and County Boundaries.

REPORT.

Mr. Lee, from the Committee on Engrossment, made the following report:

Mr. Speaker: The Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 72—An Act to amend an Act

entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt.

Also, Assembly Bill No 74—An Act to legalize the acts of the Board of Supervisors of Amador County, whilst sitting as a Board of Equalization, for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

LEE, Chairman.

GENERAL FILE.

Assembly Bill No. 54—An Act to protect the wages of labor.

Mr. O'Malley, Speaker pro tem., in the chair.

On motion of Mr. Dwinelle, section three was amended.

Mr. Farish moved the previous question.

The ayes and noes were demanded by Messrs. Farish, Smith and Buckbee.

The vote was as follows:

AYES—Messrs. Angney, Batchelder, Bird, Canavan, Clark, Comte, Connely, Dryer, Dwinelle, Farish, Lee, Mattingly, Meagher, Newell, Newsom, O'Malley, Papy, Smith, Spencer, Tully, Waldron, Wand, Westmoreland, Willets, Wolleb, Mr. Speaker—27

NOES—Messrs. Ables, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Cochran, Coggins, Cureton, Days, Downer, Frisbie, Gildea, Gregory, Green, James, Lupton, Mace, Martin, Morrow, Oliver, Payne, White—23.

So the main question was ordered.

The bill was then ordered engrossed.

At twelve o'clock and forty minutes P. M., Mr. Papy moved to adjourn.

On a division, the motion was lost.

SENATE MESSAGE.

The Speaker in the chair.

On motion of Mr. Dwinelle, the following Senate message was taken up:

SENATE CHAMBER,
January 11th, 1868.

Mr. SPEAKER: The Senate on this day adopted, and ordered transmitted immediately to the Assembly, Senate Concurrent Resolution No. 33, granting leave of absence to Joint Committee on Agricultural College and State University.

W. F. HUESTIS,
Assistant Secretary.

Senate Concurrent Resolution No. 33, above reported, was concurred in.

Mr. Russ was granted indefinite leave of absence on account of sickness.

GENERAL FILE RESUMED.

Assembly Bill No. 121 (substitute for Assembly Bills Nos 3, 8 and 94)—An Act to repeal certain statutes requiring political or other test oaths.

On motion of Mr. Green, placed at the head of the file for Tuesday next.

On motion of Mr. Green, at one o'clock P M., the House adjourned to Monday next.

C. T. RYLAND, Speaker.

JOHN H. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Monday, January 13th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by Rev. O P. Fitzgerald.
Journal of Saturday read and approved.
Messrs Mentzell, McElhany, Tuttle, Connely, Kelley, Frisbie, Ellis and Lupton were granted leave of absence for one day.

REPORTS.

Mr Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 101—An Act relative to the duties of the Supervisors of all the counties of the State of California—respectfully report that they have had said bill, and the subject matter thereof, under advisement, and herewith report back said bill with a substitute, and recommend the passage of the substitute.

STEELE, Chairman.

Mr. Meagher, of the Committee on Claims, made the following minority report:

Mr. SPEAKER: The undersigned, a member of the Committee on Claims, to whom was referred the petition of Jos. Craig, County Treasurer of Trinity County; also Assembly Bill No. 86—An Act for the relief of Joseph Craig, County Treasurer of Trinity County—finds:

That the said Craig was County Treasurer of Trinity County during the year eighteen hundred and sixty-seven;

That under Section 101 of the Revenue Law of this State he deposited from time to time with the firm of Greenhood & Newbauer public money;

That on the thirteenth of August, eighteen hundred and sixty-seven, said firm failed and this petitioner lost thereby two thousand two hundred and twenty-one dollars and sixty-five cents of public money;

That said firm up to the time of their failure had a very high reputation for reliability in this State, and in Trinity County especially, as shown by the fact of their habilities at the time of such failure being about three hundred and fifty thousand dollars;

That taxpayers, representing three-fourths of the property in said county, have signed the prayer of this petitioner;

That sixteen hundred and thirty-six dollars and forty-eight cents of said money belongs to said county, and that it is almost the unanimous wish of the people and taxpayers of said county that the prayer of said petitioner should be heard and the bill for his relief should pass, as no criminal intention on his part was ever shown.

All of which is respectfully submitted.

MEAGHER, of Committee.

Mr. Jones, of the Trinity County delegation, made the following report:

Mr. SPEAKER: The Trinity delegation, to whom was referred Assembly Bill No. 48, would respectfully report that they have had the same under consideration, and report the same back without amendment, with a recommendation that it pass.

JONES, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Steele offered a concurrent resolution relative to postal facilities from Red Bluff, in Tehama County, via the Pitt River, Upper Sacramento and Shasta Valley route, to Yreka, Siskiyou County.

Read first and second times and referred to Committee on Federal Relations.

Mr. Westmoreland offered a concurrent resolution concerning a daily mail to Arcata, in Humboldt County, via Hydesville, Rhonesville and Eureka, from Petalama.

Also, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County.

Read first and second times and referred to Committee on Federal Relations.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Watson—An Act concerning the county records of Los Angeles County.

Also, an Act for the relief of J. A. Sanchez and José Redona.

By Mr. Church—An Act to provide for the payment of the State's portion of the salary of the County Auditor of the County of Alameda.

INTRODUCTION OF BILLS.

By Mr. Gregory (on leave)—An Act to amend sections seven and eleven of an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend sections six, ten and thirteen of an Act entitled an Act concerning jurors in certain counties, approved April fourteenth, eighteen hundred and sixty-four.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend sections one hundred and ninety-seven, two hundred and one, two hundred and twenty, two hundred and twenty-nine and two hundred and thirty, of an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and an Act amendatory thereof, passed April eighth, eighteen hundred and fifty-nine.

Read first and second times and referred to Judiciary Committee.

By Mr. Farish—An Act to provide for the construction of a plank or macadamized road in the City and County of San Francisco, and for the collection of tolls thereon.

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

By Mr Papy (by request)—An Act to grant to certain persons the right of way for a railroad track within the corporate 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. Canavan—An Act for the relief of James Brannan.

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

Also. an Act granting the Hayes Valley Hose Company the right to exempt firemen's certificates.

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

By Mr. Westmoreland—An Act to amend section four of an Act entitled an Act for the amount of fees paid to certain officers, approved April first, eighteen hundred and sixty-four, and supplemental to said Act.

Read first and second times and referred to the Special Committee on Salaries and Fees.

By Mr. Dryer (on leave)—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr Jones—An Act to legalize the registration of certain names in the Great Register of Trinity County.

Read first and second times and referred to Judiciary Committee.

GENERAL FILE.

Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Act supplemental thereto and amendatory thereof.

On motion of Mr. Dwinelle, ordered placed second on file for tomorrow.

Assembly Bill No. 112—An Act for the protection of grainfields and vineyards in the County of Sonoma.

Amended, amendment adopted and bill ordered engrossed.

Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt.

Burris their expenses in attending a criminal case as witnesses in Sacramento County.

On motion of Mr. Coggins, the consideration of the bill was postponed until Wednesday next.

Assembly Bill No. 61—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson and W. H. Peterson and associates, to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles.

Mr. Watson moved to amend the bill by striking out the name of W. H. Peterson.

The ayes and noes were demanded by Messrs Canavan, Mahon and Caldwell.

The vote was as follows.

AYES—Messrs. Ayer, Battelle, Biggs, Bird, Buckbee, Caldwell, Canavan, Cochran, Coggins, Comte, Cureton, Days, Dornin, Downer, Dryer, Dwinelle, Gildea, Gregory, Hayes, James, Lee, Mace, Mahon, Mardis, Martin, Meagher, Newell, Papy, Pardee, Payne, Smith, Spencer, Steele, Wand, Warfield, Watson, Westmoreland, Willets, Wolleb and Mr. Speaker—41.

NOES—Messrs. Angney, Batchelder, Church, Clark, Farish, Morrow, Newsom, Oliver, and Waldron—9.

So the amendment was agreed to.

On motion of Mr. Farish, the bill was ordered at head of file for Thursday.

Senate Bill No. 57—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six

Read a third time and passed.

Senate Bill No. 70—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Read a third time and passed.

Assembly Bill No. 125—An Act to amend section four hundred and forty-eight of 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.

Referred to the Judiciary Committee.

Assembly Bill No. 103, authorizing the construction of a wharf at New San Diego, in San Diego County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 87—An Act to amend an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 12, relative to the construction of a breakwater in the Harbor of Wilmington.

An amendment was adopted. The resolution was read a third time and concurred in.

Assembly Bill No. 26—An Act to repeal an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

On motion Mr. Steele, ordered to the head of file for the twentieth of January.

Assembly Bill No 20—An Act concerning tax on dogs in counties or townships of this State, conferring certain powers on the Boards of Supervisors of the respective counties, and to repeal a certain Act therein named.

On motion of Mr. Westmoreland, ordered placed second on file for the twentieth of January.

Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Read a third time and passed.

Mr. Watson in the chair.

Assembly Bill No. 117—An Act to authorize the Board of Supervisors of Butte County to grant relief to Wm S. Reese, of said county, on account of certain lost warrants owned by him.

Ordered engrossed.

Subsequently, on motion of Mr Cochran, the rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 100—An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of road moneys of said county.

An amendment was adopted. The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government, for the purposes of constructing public roads in said county.

The Speaker in the chair.

An amendment was adopted, and the bill referred to the Committee on Roads and Highways.

Assembly Joint Resolution No. 7—Memorial concerning lands to be granted to certain counties therein named for the purpose of constructing roads.

During the pendency of the resolution, on motion of Mr. Church, the House, at one o'clock P. M., took a recess for one hour.

REASSEMBLED.

At two o'clock P. M., the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

GENERAL FILE RESUMED.

Assembly Joint Resolution No. 7 was taken up and an amendment adopted.

The rules were suspended, the resolution considered engrossed, read a third time and passed.

Senate Bill No. 63—An Act to authorize the Board of Supervisors of Solano County to pay a certain claim.

Read a third time and passed.

Senate Bill No. 59—An Act to fix the terms of the Probate Court in and for the County of Tuolumne.

An amendment was adopted. The rules were suspended, bill read a third time and passed.

Assembly Bill No. 35—An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado.

On motion of Mr. Willetts, the bill was indefinitely postponed.

Assembly Bill No. 120 (substitute for Assembly Bill No. 44)—An Act to limit the hours of labor

Ordered on file for next Thursday.

Assembly Bill No. 66—An Act for the relief of the County Treasurer of San Diego County.

Referred to the San Diego delegation

Assembly Bill No. 86—An Act for the relief of Joseph Craig, County Treasurer of Trinity County.

Placed third on file for to-morrow.

Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of the County of Alameda.

Considered in Committee of the Whole.

Speaker in the chair.

The bill was reported back and its passage recommended.

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 141 (substitute for Senate Bill No. 13)—An Act to amend section two hundred and nineteen 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, as amended by subsequent enactments.

An amendment was adopted.

Mr. Dwinelle moved to amend by exempting one piano or melodeon used in the family, or used by the wife for the purpose of a livelihood.

Mr. Mattingly moved to make the bill the special order for Friday at twelve o'clock, and to print.

The previous question was moved and sustained.

The motion to make the bill the special order for Friday, and print, was lost.

On Mr. Dwinelle's motion to amend, the ayes and noes were demanded by Messrs Gildea, Watson and Caldwell.

The vote was as follows:

Ayes—Messrs. Battelle, Bever, Bird, Buckbee, Church, Cochran, Dryer, Dwinelle, Farish, Hayes, James, Jones, Mace, Mardis. Martin, Oliver, Papy, Pardee, Payne, Spencer, Steele, Waldron, Wand, Watson and Westmoreland—26.

Noes—Messrs. Angney, Ayer, Batchelder, Biggs, Caldwell. Canayan, Clark, Coggins, Comte, Cureton, Days, Dornin, Downer, Gildea, Gregory, Green, Kelley, Mahon, Meagher, Morrow, Newell, Newsom, Smith, Warfield, White, Willets, Wolleb and Mr. Speaker—28.

So the motion was lost.

The question being on the engrossment of the bill, the ayes and noes were demanded by Messrs. Steele, Biggs and Cureton.

The vote was as follows:

AYES—Messrs Angney, Ayer, Batchelder, Battelle, Buckbee, Caldwell, Church, Cochran, Cureton, Days, Dornin, Downer, Dryer, Dwinelle, Farish, Gildea, Gregory, Green, Hayes, James, Jones, Kelley, Mardis, Martin, Mattingly, Morrow, Newsom, Oliver, Smith, Steele, Wand, Warfield, Wolleb—33.

NOES—Messrs. Bever. Biggs, Bird, Canavan, Clark, Coggins, Comte, Mahon, Meagher, Newell, Spencer, Waldron, Watson, Westmoreland, White, Willets, Mr. Speaker—17.

So the bill was ordered engrossed.

Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and collect toll for travel thereon.

An amendment was adopted, and the bill ordered engrossed.

On motion of Mr. Dwinelle, the rules were suspended, the bill was considered engrossed. read a third time and passed.

Assembly Bill No. 60—An Act to restrict the herding of sheep and goats in the County of San Diego

The rules were suspended, the bill considered engrossed, read a third time and passed

Assembly Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

Returned to the file.

Assembly Bill No. 31—An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County.

An amendment was adopted

The rules were suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No 80—An Act to authorize the appropriation of eight hundred dollars, to pay J M Sharkey, M. D., for medicines supplied to and medical attendance on the Honorable Thomas Campbell, deceased, during his last illness.

On motion of Mr. Warfield, the bill was indefinitely postponed.

Assembly Bill No 138—An Act to amend an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt.

Read a third time and passed.

Assembly Bill No. 72—An Act to amend sections seven, five hundred and thirty-five and five hundred and forty-one of an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read a third time and passed.

Assembly Bill No. 74—An Act to legalize the acts of the Board of Supervisors of Amador County whilst sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Read a third time and passed.

On motion of Mr. Steele, Assembly Bill No. 129 was taken from the table.

Mr. Steele moved that Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California—be referred to a Special Committee of five, with full power to investigate the whole subject, either by personal examination or by examination of witnesses, or both, at their option, and with full power to subpœna witnesses, should they deem it necessary.

Mr. Dornin moved to amend by referring the bill to the Committee on Commerce and Navigation.

Lost.

Mr. Steele's motion then prevailed.

At four o'clock and five minutes P. M., on motion of Mr. Buckbee, the House adjourned.

C. T. RYLAND, Speaker.

JOHN H. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Tuesday, January 14th, 1868.

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. McElhany, Tuttle, Giltner, Lee and O'Malley were granted leave of absence for one day, and Mr. Caldwell for two days.

REPORTS OF COMMITTEES.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 122—An Act to explain and repeal an Act for the encouragement of silk culture in California—respectfully report that they have had said bill and the Act of April second, eighteen hundred and sixty-six, under consideration, and herewith report the bill back with a substitute, repealing the Act of eighteen hundred and sixty-six only.

Upon an examination of the Act referred to, as now standing upon the statute books, your Committee find that it is liable to a construction foreign to the evident intention of the Legislature, as expressed in the title of the Act. The purpose evidently was to stimulate the culture of silk in the State, and to induce the experiment by a remunerative reward, for tests of the capacity of the soil and geniality of the climate for that enterprise; and not, as this Act is understood to do, to grant a fortune to one or more persons who should plant a great number of small plantations of five thousand trees each.

By the literal rendition of the Act of eighteen hundred and sixty-six, the State might, in the course of the four years of limitation therein expressed, be mulct in a claim for premiums of hundreds of thousands of dollars by parties who have only tested the fact that mulberry trees will live in this climate for two consecutive years; and the purpose of the reward, the development of the capacity of the State in that branch of industry, be as far from a practical test as before the enactment.

The bill referred to the consideration of your Committee proposes to interpret the language of that Act, which is beyond the jurisdiction of the legislative body, that authority by the Constitution of the State being devolved upon the Judiciary, as the sole judges of legislative enactments.

The Legislature may repeal the Act before any vested rights are acquired by a compliance with the conditions precedent of the donation; and this is the course recommended by the substitute for the original bill, leaving parties, should there be any claiming rewards beyond the evident object and purpose of the Act of eighteen hundred and sixty-six, to apply to the tribunal constitutionally vested with the authority to construe legislative language for their remedy, and at the same time, by this timely repeal, to prevent the possibility of a growing evil.

Your Committee therefore recommend the passage of the substitute.

STEELE, Chairman.

Mr. Steele also reported as follows:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No 18—An Act concerning assessment rolls and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein, in the County of San Diego—respectfully report that they have had the same under advisement and report the same back with a substitute, making the first, second, fourth and fifth sections thereof applicable to the State at large, and leaving the subject matter of the third section to be provided for by the committee having in charge the subject of uniform fees and salaries throughout the State of California.

Your Committee would recommend the passage of the substitute bill.

STEELE, Chairman.

Mr. Steele also reported as follows:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 133—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—respectfully report that they have had said bill under consideration and report the same back and recommend the passage of the bill.

The Committee recommend that the title be amended so as to read as follows: "An Act to amend section two hundred and seventy-eight 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, as amended by section eighteen of an Act entitled an Act to amend 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, approved April second, eighteen hundred and sixty-six."

STEELE, Chairman.

Mr. Clark, for the Committee on Public Expenditures, in the absence of Mr. Brown of Tulare, made the following report:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts have examined and found correct the following accounts, and beg leave to report the same and recommend the adoption of the acompanying resolution:

To whom due.	Amount.
Robert Nixon	$ 34 00
Humboldt Publishing Company	21 00
Sonoma Democrat	120 00
Folsom Telegraph	24 00
Red Bluff Sentinel	48 00
Santa Cruz Times	9 00
Amador Dispatch	12 00
Vallejo Chronicle	3 00
Christian Advocate	12 00
Plumas County National	6 00
Grass Valley Union	36 00
Locke & Lavenson	111 29
Gillig & Mott	47 00
F. J. Moore	2 00
Mr. Mason	8 00
J. K. Luttrell (for Hittell's Digest)	200 00
Mr. Hopley	38 00
L. Kellogg	14 50
Total	$714 79

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 Robert Nixon, for thirty-three dollars.
In favor of Humboldt Publishing Company, for twenty-one dollars.
In favor of Sonoma Democrat, for one hundred and twenty dollars.
In favor of Folsom Telegraph, for twenty-four dollars.
In favor of Red Bluff Sentinel, for forty-eight dollars.
In favor of Santa Cruz Times, for nine dollars.
In favor of Amador Dispatch, for twelve dollars.
In favor of Vallejo Chronicle, for three dollars.
In favor of Christian Advocate, for twelve dollars.
In favor of Plumas County National, for six dollars.
In favor of Grass Valley Union, for thirty-six dollars.
In favor of Locke & Lavenson, for one hundred and eleven dollars and twenty-nine cents.

In favor of Gillig & Mott, for forty-seven dollars.
In favor of F. J. Moore, for two dollars.
In favor of Mr. Mason, for eight dollars.
In favor of J. K. Luttrell, for two hundred dollars.
In favor of Mr. Hopley for thirty-eight dollars.
In favor of L. Kellogg, for fourteen dollars and fifty cents.

CLARK, for Committee.

On motion of Mr Bird, the resolution was adopted.
The Committee on Engrossment made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 112—An Act for the protection of grain fields and vineyards in Sonoma and other counties.
Also, Assembly Bill No. 54—An Act to protect the wages of labor.
Also, Assembly Bill No. 117—An Act to authorize the Board of Supervisors of Butte County to grant relief to William S. Reese, of said county, on account of certain lost warrants owned by him.

DAYS, for Committee.

MOTIONS AND RESOLUTIONS.

Mr. Westmoreland offered the following resolution:

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a mail twice a week from Weaverville, in Trinity County, to Hydesville, in Humboldt County, via Douglas City and Hayfork, in Trinity County.
Resolved, That his Excellency Governor H. H. Haight be requested to forward a copy of this resolution to each of our Representatives and Senators in Congress.

Read first and second times and referred to the Committee on Federal Relations.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 13th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate, on the eleventh instant, passed substitute for Senate Bill No 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.
Also, Assembly Bill No. 37—An Act to legalize the location of the San Francisco and Alameda Railroad from Hayward's to Washington Corners, in the County of Alameda.
Also, Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools.
Also, Assembly Bill No. 81—An Act to provide for the relief of Drury P. Baldwin.

Also, adopted substitute for Assembly Concurrent Resolution No. 14, providing for appropriation for printing one thousand nine hundred and twenty copies of the report of the Engineers of the Sacramento Valley Canal, and ask the concurrence of the Assembly therein.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 22, above reported, was read first and second times and placed on file.

Senate Bill No. 9, above reported, was read first and second times and placed on file.

Senate concurrent resolution above reported, substitute for Assembly concurrent resolution, was read first and second times and concurred in.

NOTICES OF BILLS.

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

By Mr. Kelley—An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first. eighteen hundred and sixty-four.

By Mr. Jones—An Act to amend section twelve of an Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplemental thereto.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Watson—An Act for the relief of José Sanchez and José Redora.

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

Also, an Act concerning county records of Los Angeles County.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Bird (on leave)—An Act to amend an Act to exempt homesteads and other property from forced sales in certain cases.

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

By Mr. Westmoreland—An Act to authorize E. J. Brickell, George Geisenthorfer, and their associates and assigns, to improve the channel of Truckee River from its source to the Town of Truckee and to erect floodgates therein and to collect tolls.

Read first and second times and referred to the Placer and Nevada delegations.

By Mr. Buckbee (on leave)—An Act to amend section ten of the Act entitled an Act concerning the office of County Treasurer, passed March twenty-seven, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

By Mr. Middleton (on leave)—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of Spring Valley Water Works.

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

By Mr. Mattingly (on leave)—An Act to authorize J. E. Skidmore and others to construct and maintain, own and work a line or lines of telegraph in this State between the towns of San Mateo, in San Mateo County, and the town of Pescadero, Santa Cruz County.

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

By Mr. Green (on leave)—An Act to amend an Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in Courts of justice in this State.

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

By Mr. Mahon—An Act for the relief of Thomas Sawyer, Joseph D. Butler and William McDermott.

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

By Mr. Dwinelle (on leave)—An Act to authorize Z B. Heywood and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Newsom—An Act to define the boundary line between Merced and Stanislaus Counties.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Battelle—An Act to amend an Act supplementary to an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four.

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

By Mr. Comte (on leave)—An Act to authorize the State Controller to draw his warrant on the State Treasurer in favor of the Treasurer of Sacramento County for three thousand and twenty-one dollars and forty cents, on account of money overpaid to the State at the special settlement in December, eighteen hundred and sixty-seven.

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

GENERAL FILE.

Assembly Bill No. 121 (substitute for Assembly Bills Nos. 3, 8 and 94) An Act to repeal certain statutes requiring political or other test oaths.

Mr. Green offered an amendment.

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Coggins, White and Papy.

The vote was as follows:

AYES—Messrs. Angney, Biggs, Bird, Canavan, Clark, Cochran, Comte, Connely, Cureton, Dwinelle, Farish, Gildea, Gregory, Green, James, Kelley, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, Oliver, Papy, Payne, Spencer, Tully, Warfield, Watson, Willets, Wolleb, Mr. Speaker—37.

NOES—Messrs. Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Days, Dornin, Downer, Dryer, Jones, Morrow, Pardee, Smith, Steele, Waldron, Westmoreland, White—20.

So the amendment was adopted.

The bill was ordered engrossed.

Assembly Bill No. 119 (substitute for Assembly Bill No. 97)—An Act to repeal an Act entitled an Act concerning assessment rolls and returns to be made of property exempt from taxation, and also an Act entitled 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 to repeal certain provisions of the Revenue Acts of this State.

The rules were suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Act supplemental thereto and amendatory thereof.

On motion of Mr. Angney the rules were suspended, the bill considered engrossed and put on its passage.

The bill was then read a third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Steele, Coggins and Buckbee.

The vote was as follows:

AYES—Messrs. Angney, Ayer, Batchelder, Biggs, Bird, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Church, Cochran, Comte, Connely, Cureton, Days, Dornin, Downer, Dryer, Dwinelle, Farish, Gildea, Gregory, Green, James, Jones, Kelley, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Morrow, Newell, Newsom, Oliver, Papy, Pardee, Payne, Smith, Spencer, Steele, Tully, Waldron, Wand, Warfield, Watson, White, Willets, Wolleb, Mr. Speaker—54.

NOES—Messrs. Battelle, Coggins, Westmoreland—3.

Mr. Oliver gave notice that on to-morrow he should move to reconsider the vote by which Assembly Bill No. 121 was ordered engrossed.

Assembly Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

Placed at head of the file for Thursday next.

Assembly Bill No. 48—An Act granting the right to John W. Smith or his assigns to maintain a bridge across Trinity River, on the wagon road from Hay-fork Valley to Weaverville, in Trinity County.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No. 153 (substitute for Assembly Bill No. 101)—An Act to provide for obtaining correct statements of the financial condition of the several counties of this State.

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 86—An Act for the relief of Joseph Craig, County Treasurer of Trinity County.

Mr. Church moved to indefinitely postpone the bill.

Mr. Watson in the chair.

One o'clock P. M., Assembly Bill No. 116 being the special order for the day, Mr. Meagher moved to postpone action until two o'clock P. M., which was agreed to.

The House took a recess for one hour.

REASSEMBLED.

At two o'clock P M. House reassembled.
Speaker in the chair.
Roll called
Quorum present.

SPECIAL ORDER.

On motion of Mr. Watson, action on the special order was postponed for twenty minutes.

Mr. Watson in the chair.

On motion of Mr. Biggs, the special order was postponed until three o'clock.

Speaker in the chair.

Mr. Jones was granted leave to withdraw Assembly Bill No. 86.

On motion of Mr Days, the special order was taken up

Assembly Bill No. 116—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.

An amendment was adopted and the bill ordered engrossed.

On motion of Mr. Farish, at three o'clock and thirty minutes the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 15th, 1868

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Mr. Hayes was granted leave of absence for one day.

PETITION.

Mr. Brown of Contra Costa presented a petition from citizens of Contra Costa County, praying that John Taylor be granted the right to improve the present wagon road on the telegraph route from Lafayette to the summit of San Antonio Mountains, being the west line of Contra Costa County, and collect tolls for travel thereon.

Referred to the Contra Costa delegation.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 49—An Act to legalize the registration of certain names in the Great Register of Trinity County—respectfully report that they have had said bill under consideration and recommend its indefinite postponement.

The object of the bill seems to be to legalize the entries upon the Great Register of Trinity County of certain names which have been improperly entered therein, and to confer upon the persons whose names are so entered the rights and privileges of citizens. These persons may be, for aught that appears, aliens, negroes or Chinamen. The laws of Congress made in conformity with the Constitution of the United States prescribe the qualifications requisite and the mode of acquiring citizenship, and the Registry Law of this State provides the means of securing the rights of an elector. While our Registry Act remains the law of this State in regard to the manner of acquiring or retaining the elective franchise, its provisions, where practicable, should be enforced; and unless good reason appears therefor, remedial Acts of the nature of this bill should not be passed. No reason has been given the Committee for asking it, and they are unable to perceive any public necessity or other sufficient cause for its passage.

The Committee therefore recommend that the bill be indefinitely postponed.

STEELE, Chairman.

Mr. Steele, from the Judiciary Committee, also reported as follows:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 137—An Act to amend section twenty-one of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six—respectfully report that they have had said bill under consideration, and herewith report the same back and recommend its passage.

STEELE, Chairman.

Mr. Steele, from the Judiciary Committee, also reported as follows:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six—respectfully report that they have had said bill under advisement, and report the same back and recommend its passage.

STEELE, Chairman.

Mr. Steele, from the Judiciary Committee, also reported as follows:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 22—An Act to amend an Act entitled an Act amend-

atory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight—respectfully report that they had said bill under consideration, and report the same back and recommend its passage.

STEELE, Chairman.

Mr. Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment beg leave to report correctly engrossed Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

LEE, Chairman.

REPORTS.

Mr. McElhany made the following report:

Mr. SPEAKER: The San Luis Obispo delegation, to whom was referred the substitute for Senate Bill No. 47, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

McELHANY, for Delegation.

Mr. Ellis, for the Los Angeles delegation, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bills Nos 33 and 34, report them back and recommend their immediate passage as amended.

ELLIS, for Delegation.

Mr Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 164—An Act to authorize the City and County of San Francisco to exchange certain lands of the Spring Valley Water Works—have had the same under consideration, and they have instructed me to report it back to the House and recommend its passage.

They have also had under consideration Assembly Bill No. 163—An Act for the relief of Thomas Sawyer, Joseph D. Butler and William McDermott—and have instructed me to report it back to the House and recommend that it be indefinitely postponed.

CONNELY, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 14th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly

Bill No. 118—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Green offered a concurrent resolution relative to mail facilities, and instructing our Senators and Representatives in Congress to use their influence to have the Sacramento River, between the City of Sacramento and the town of Princeton, in Colusa County, declared a United States Mail route, and to have Post Offices established at various points thereon, etc.

Read first and second times and placed on file.

Mr. Jones offered the following resolution:

Resolved, That no bill shall be passed to engrossment by this House until its purposes and object shall have been explained by the author; if to amend an existing law, stating in what respect the law is changed.

Laid over one day, under the rules.

Mr. Waldron offered the following:

Resolved, That the Copying Clerks of the Assembly be instructed to furnish a copy of the Journals to the State Printer each day of the session.

Mr. Waldron moved the adoption of the resoluiion.

The ayes and noes were demanded by Messrs. Watson, Giltner and Gregory.

The vote was as follows:

AYES—Messrs. Ayer, Bever, Brown of Contra Costa, Buckbee, Coggins, Comte. Cureton, Days, Dornin, Dryer, Gildea, Jones, Newell, Tuttle, Waldron, Warfield, Westmoreland, White, Willets, Wolleb, Mr. Speaker—21.

NOES—Messrs. Angney, Batchelder, Battelle, Biggs, Bird, Canavan, Church, Clark, Cochran, Connely, Downer, Dwinelle, Ellis, Farish, Frisbie, Giltner, Gregory, Green, James, Kelley, Lee, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Morrow, Newsom, Oliver, O'Malley, Papy, Pardee, Payne, Rector, Smith, Spencer, Tully, Wand, Watson—41.

So the resolution was lost.

Mr. Dwinelle offered the following:

Resolved, if the Senate concur, That the printed Journal of the previous legislative day be laid upon the desks of the members and officers of each House on the morning of each day.

Mr Coggins moved the following amendment:

"*Provided*, that the same can be furnished without additional cost for composition."

Mr. Dwinelle offered the following:

Resolved, That the resolution be referred to the Joint Committee on Printing, with instructions to report what extra expense would be incurred by the passage of the resolution.

Adopted.

Mr. Cureton offered the following concurrent resolution:

Resolved by the Assembly of the State of California, the Senate concurring, That when this House adjourn on February fifteenth, eighteen hundred and sixty-eight, it adjourn *sine die*.

On motion of Mr. Smith, the resolution was laid on the table.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 14th, 1868.

Mr. SPEAKER: I am instructed to inform the Assembly that the Senate on the eleventh instant passed Senate substitute for Assembly Bill No. 12—An Act to appropriate money for the contingent expenses of the Legislature.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 15th, 1868.

Mr. SPEAKER: The Senate, on the fourteenth instant, passed Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

Also, this day adopted, and ordered transmitted to the Assembly immediately, Senate Concurrent Resolution No. 37, authorizing the Enrolling Clerk of the Senate to insert an enacting clause in Senate Bill No. 70.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate substitute for Assembly Bill No. 12, above reported, was read first and second times and ordered on file.

Senate Concurrent Resolution No. 37, above reported, was read first and second times and concurred in.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. O'Malley—An Act regulating the Police Department of San Francisco.

By Mr. Green—An Act fixing the times for holding the District Court in the County of Colusa.

By Mr. Wand—An Act to have made a copy or transcript of the field notes of the United States surveys executed within the limits of the several counties, and now on file in the United States Surveyor-General's office, and transmitted to the county seats of the respective counties of the State, with a view of being made official county land records.

By Mr. Mardis—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Warfield (on leave)—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County.

Read first and second times and referred to Judiciary Committee.

By Mr. Jones (on leave)—An Act to authorize the Board of Supervisors of the County of Trinity to release the Treasurer of said county from the payment of certain moneys.

Read first and second times and ordered to general file.

By Mr. Papy (on leave)—An Act to appropriate money to pay the claim of W. D. Harriman and William G. Wood.

Read first and second times and referred to Judiciary Committee.

By Mr. Ellis—An Act to create the Seventeenth Judicial District.

Read first and second times and referred to Judiciary Committee.

By Mr. Brown of Contra Costa—An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County, and to collect toll thereon.

Read first and second times and referred to the Contra Costa delegation.

By Mr. Kelley—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to an Act concerning crimes and punishments.

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

GENERAL FILE.

Assembly Bill No. 156 (substitute for Assembly Bill No. 18)—An Act concerning assessment rolls and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein.

Ordered engrossed.

Assembly Bill No. 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six.

Made the special order for Friday next at two o'clock P. M.

Assembly Bill No. 133—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 150—An Act to amend an Act entitled an Act to

amend an Act to prevent stallions running at large in the County of Sacramento, approved March twentieth, eighteen hundred and sixty-six.

Amendments were adopted, and the bill referred to the Committee on Agriculture.

Assembly Bill No. 153 (substitute for Assembly Bill No. 101)—An Act to provide for obtaining correct statements of the financial condition of the several counties of this State.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools.

Referred to the Tuolumne and Inyo delegation.

Senate Bill No. 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.

Read third time and passed.

Assembly Bill No. 112—An Act for the protection of grain fields and vineyards in the County of Sonoma and other counties.

Amendments were adopted, and the bill was read a third time and passed. The title was amended.

Assembly Bill No. 117—An Act to authorize the Board of Supervisors of Butte County to grant relief to William S. Reese, of said county, on account of certain lost warrants owned by him.

Returned to the file.

The Speaker announced the following committee:

ON YOSEMITE GRANT AND MATTERS PERTAINING THERETO.

Messrs. Giltner, Gildea, Battelle, Mattingly and Dornin.

Assembly Bill No. 54—An Act to protect the wages of labor.

Mr. Brown of Contra Costa moved to recommit to the Judiciary Committee, with special instructions.

Mr. Watson in the chair.

The Speaker was granted leave of absence for a short time, to attend to business at the Governor's office.

The hour of one o'clock having arrived, the House took a recess for one hour.

REASSEMBLED.

At two o'clock P. M. House reassembled.

Mr Watson in the chair.

Roll called

Quorum present.

Mr. Dwinelle offered a concurrent resolution respecting a proposed Act of Congress for the establishment of a National School of Mines.

Read first and second times.

On motion of Mr. Dwinelle, the resolution was made the special order for to-morrow, at two o'clock P. M., and the usual number of copies ordered printed.

GENERAL FILE.

Action on Assembly Bill No. 54 was resumed

The previous question was demanded and sustained.

The motion to recommit to the Judiciary Committee was lost.

The bill was read a third time and passed.

On motion of Mr. Dwinelle, Senate Bills Nos. 33 and 34 were taken up.

Senate Bill No. 33—An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Read a third time and passed.

Senate Bill No. 34—An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Read a third time and passed.

Mr. Batchelder moved to reconsider the vote of the House on yesterday, whereby Assembly Bill No. 121 was ordered engrossed.

Mr. Warfield moved to indefinitely postpone the reconsideration of the vote.

The previous question was demanded and sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Coggins, Days and Oliver.

The vote was as follows:

AYES—Messrs. Angney, Biggs, Canavan, Clark, Cochran, Comte, Cureton, Dwinelle, Gildea, Giltner, Gregory, Hayes, James, Kelley, Lee, Lupton, Mace, Mahon, Martin, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Papy, Payne, Rector, Wand, Warfield, Watson, Wolleb—32.

NOES—Messrs. Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Days, Dornin, Downer, Dryer, Frisbie, Green, Jones, Mattingly, Morrow, Oliver, Pardee, Smith, Spencer, Tully, Tuttle, Waldron, Westmoreland, White, Willets—27.

So the motion was carried.

On motion of Mr. Cureton, Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento County—was taken up.

At three o'clock and ten minutes P. M., Mr. Papy moved to adjourn.

Lost.

The Speaker in the chair.

On motion of Mr. Cureton, the rules were suspended and Assembly Bill No. 51 was considered engrossed, read a third time and passed.

MESSAGE FROM THE SENATE.

On motion of Mr. Papy, Senate messages were taken up.

The following message was received from the Senate:

SENATE CHAMBER,
January 15th, 1868.

Mr. SPEAKER: The Senate this day adopted Senate Concurrent Resolution No. 24, providing for the appointment of a joint committee to compile and arrange the laws of the State.

Also, Senate Concurrent Resolution No. 32, appointing Joint Commit-

tee of the Senate and Assembly to prepare and report a bill amending and codifying the laws of this State.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 32, above reported, was read first and second times and concurred in.

Senate Concurrent Resolution No 24, above reported, was read first and second times and referred to the Judiciary Committee.

The Speaker appointed the following as the committee on the part of the Assembly:

JOINT COMMITTEE ON CODIFYING REVENUE LAWS.

Messrs. Steele, Moore, Dwinelle and Hays.

REPORT.

Mr. Ayer (on leave) made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled Assembly Bill No. 37—An Act to legalize the location of the San Francisco and Alameda Railroad from Haywards to Washington Corners, in the County of Alameda;

Also, Assembly Bill No. 81—An Act to provide for the relief of Drury P. Baldwin;

And, at three o'clock P. M. this day, presented the same to the Governor for his approval.

AYER, for Committee.

On motion of Mr. Tully, Senate Bill No. 47 was taken up.

Senate Bill No. 47—An Act to repeal an Act supplemental to an Act to provide for the funding of the outstanding indebtedness of the County of San Luis Obispo.

Read a third time and passed.

At three o'clock and forty-five minutes P. M., on motion of Mr. Connely, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 16th, 1868.

House met pursuant to adjournment.
The Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. White moved to strike out so much of the Journal of yesterday as relates to the action taken on Senate Bills Nos. 33 and 34.

On leave, the motion was withdrawn.

CHARGES WITHDRAWN.

Mr. Westmoreland asked leave of the House to withdraw from the consideration of this House charges made by him against Judge William R. Turner, of the Eighth Judicial District.

Unanimous leave was granted.

COMMUNICATION FROM THE ATTORNEY-GENERAL.

The Speaker presented the following communication from the Attorney-General:

ATTORNEY-GENERAL'S OFFICE,
Sacramento, January 16th, 1868.

To the Honorable the Assembly of the State of California:

In reply to the resolution of the Assembly of the State of California, of this date, requiring the Attorney-General to communicate to you all petitions and other papers on file in his office concerning any dispute as to the boundary between the Territory of Arizona and the State of California, in the vicinity of Fort Yuma, I have the honor herewith to submit copies of all the papers on file in this office upon the subject mentioned in your resolution.

I am, very respectfully, your obedient servant,

JO HAMILTON,
Attorney-General.

On motion of Mr. Smith, reading of the accompanying documents was dispensed with, and they were referred to the Committee on Federal Relations.

PETITIONS.

Mr. Oliver presented a petition of members of the theatrical profession, praying that no change be made in the law whereby Sunday performances would be permitted.

Referred to the Committee on Public Morals.

Mr. Tuttle presented a petition of citizens of Placer, El Dorado, and Nevada Counties, praying that a law may be passed reducing and fixing the rates of fare and freight on the Central Pacific Railroad to one third the present tariff rates charged.

Referred to the Committee on Corporations.

REPORTS.

Mr. Willets made the following report:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 49, for the purpose of incorporating into said Act certain amendments agreed upon by the House, making said law

apply to all the counties of the State, have complied with the instructions, and report the bill back as amended.

WILLETS, for Committee.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee, respectfully report that they have had said bill under consideration, and report the same back and recommend its passage.

STEELE,
TUTTLE,
PAPY.

Mr. Watson, from the Los Angeles delegation, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 157—An Act concerning county records of Los Angeles County—have had the same under consideration, and report the bill back to the House and respectfully recommend its passage.

WATSON, for Delegation.

Mr. Watson, from the Los Angeles delegation, also reported as follows:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No 62—An Act for the relief of James P. McFarland and his assigns—have had the same under consideration and report it back to the House with passage recommended.

WATSON, for Delegation.

Mr. Watson, from the Los Angeles delegation, also reported as follows:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 63—An Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino and to define their duties, approved February eighteenth, eighteen hundred and sixty-four, and to make the same applicable to San Antonio Creek, in the County of Los Angeles—have had the same under consideration, report it back to the House and recommend its passage.

WATSON, for Delegation.

Messrs. Rector and Steele were granted leave of absence until two o'clock.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 16th, 1868. }

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 37—An Act to legalize the location of the San Francisco and Alameda Railroad from Haywards to Washington Corners, in the County of Alameda.

Also, Assembly Bill No. 81—An Act to provide for the relief of Drury P. Baldwin.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Oliver offered a concurrent resolution relative to the acquisition of Russian America and extending our territory, requesting our Senators and Representatives in Congress to urge upon Congress the necessity of annexing to our domain British Columbia.

Read first and second times and referred to the Committee on Federal Relations.

Mr. Jones moved to take up the resolution offered by him on yesterday, providing that no bill pass to engrossment until its purposes and objects shall have been explained, etc.

Lost.

Mr. Tuttle offered a concurrent resolution requesting the Attorney-General to examine the plats of survey in the office of the United States Surveyor-General at San Francisco, of lands bordering on the Sacramento and Feather Rivers, in Sacramento, Sutter and Placer Counties, etc.

Read first and second times and adopted.

Mr. Battelle offered the following concurrent resolutions:

Resolved by the Assembly, the Senate concurring, That our Senators are instructed and our Representatives in Congress requested to procure the establishment of a weekly mail route from Crystal Peak, in Nevada, by way of Sardine Valley, Sierraville and Loyalton, in Sierra County, to Summit Post Office, in Plumas County.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above to each of our members in Congress.

Read first and second times and referred to the Committee on Federal Relations.

Mr. White offered the following resolutions:

Resolved, That a committee of three be appointed by the Speaker to investigate the legality of the passage of Senate Bills Nos. 33 and 34, and the amendments, if any, attached thereto, together with the history of legislation with regard to the same, and that they be requested to report at an early day.

Resolved, That his Excellency the Governor be requested to withhold his approval of Senate Bills Nos. 33 and 34, pending this investigation and the final determination of this House.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
January 16th, 1868.

Mr. SPEAKER: The Senate, on the eleventh instant, passed Senate Bill No 50—An Act supplementary to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point in the Antelope Valley, and the right to collect toll for travel thereon, approved February ninth, eighteen hundred and sixty-six.

Also, on the fifteenth instant. passed Senate Bill No 81—An Act to prevent the destruction of fish in the waters of Napa River.

W. F. HUESTIS,
Assistant Secretary.

Senate Bill No. 50, above reported, was read first and second times and placed on file.

Senate Bill No. 81, above reported, was read first and second times and placed on file.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. O'Malley—An Act for the relief of Charles Carvalho.

Also, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

By Mr. Tuttle—An Act to amend sections two hundred and sixty-four and two hundred and sixty-five of the Civil Practice Act, approved April twenty-ninth, eighteen hundred and fifty-one.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cureton—An Act to enable Mendocino County to redeem its bonds.

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

Also, on leave, an Act to regulate the payment of the salary of the County Judge of Mendocino County.

Read first and second times and referred to the Special Committee on Fees and Salaries.

Also, an Act to grant to W. C. Jones and his assigns the right to maintain a turnpike road, and to charge and collect toll thereon.

Read first and second times and referred to the Committee on Roads and Highways.

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

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Westmoreland (on leave)—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County.

Read first and second times and referred to Judiciary Committee.

By Mr. Wand—An Act to furnish the counties of the State with official plats and field notes of the United States surveys made therein.

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

By Mr. Green—An Act fixing the times of holding the District Courts in the County of Colusa.

Placed on file.

By Mr. Angney (on leave)—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-ninth, eighteen hundred and fifty.

Read first and second times and placed on file.

By Mr. Wolleb (on leave)—An Act to provide for the issue of duplicates for lost warrants.

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

By Mr Buckbee—An Act to amend section one hundred and sixty-nine of the Act entitled an Act to regulate proceedings in civil cases in 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.

GENERAL FILE.

Assembly Bill No. 64—An Act to authorize Thomas D. Mott. S. Haley, A. J. King, George Carson and associates, to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles.

Amended, and amendment adopted.

Mr. White moved to amend by striking out the word "exclusive."

The ayes and noes were demanded by Messrs. Coggins, Mace and Batchelder.

The vote was as follows:

AYES—Messrs. Angney, Ayer, Batchelder, Battelle, Bever, Buckbee, Church, Clark, Coggins, Connely, Days, Downer, Martin, Mentzell, Oliver, Papy, Pardee, Smith, Spencer, Tuttle, Waldron, Westmoreland, White, Willets—24.

NOES—Messrs. Biggs, Bird, Canavan, Cochran, Comte, Cureton, Dryer, Ellis, Frisbie, Gildea, Giltner, Gregory, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Mattingly, McElhany, Meagher, Middleton, Morrow, Newell, Newsom, O'Malley, Payne, Wand, Watson, Wolleb—31.

So the motion was lost.

On motion of Mr. Watson, the rules were suspended, and the bill considered engrossed and read a third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Buckbee, Batchelder and Oliver.

The vote was as follows:

AYES—Messrs. Ayer, Biggs, Bird, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Cureton, Dryer, Ellis, Farish, Frisbie, Gildea, Giltner, Gregory Green, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Newsom, O'Malley, Papy, Payne, Spencer, Tully, Wand, Warfield, Watson, Willets—41.

NOES—Messrs. Angney, Batchelder, Battelle, Bever, Buckbee, Days,

Downer, Moore, Morrow, Oliver, Smith, Tuttle, Waldron, Westmoreland, White—15.

So the bill was passed.

Assembly Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, and to amend an Act entitled an Act for the protection of game.

Amended, and amendment adopted. Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 120 (substitute for Assembly Bill No. 44)—An Act to limit the hours of labor.

On motion of Mr. O'Malley, the substitute and original bill were made the special order for to-morrow at twelve o'clock.

Assembly Bill No. 161—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

Read a third time and passed.

Assembly Bill No. 171—An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys.

Mr. Lupton moved the following amendment:

"This Act shall take effect when ratified by the people of Trinity County at the next general election held in that county."

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Ellis was granted leave of absence.

Mr. Mattingly was granted leave of absence for the remainder of the day.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 29, respecting a proposed Act of Congress for the establishment of a National School of Mines.

On motion of Mr. Westmoreland, the special order was postponed for twenty minutes.

GENERAL FILE.

Action on Assembly Bill No. 171 was resumed.

The previous question was demanded and sustained.

Mr. Lupton's motion to amend was lost, and the bill was ordered engrossed.

The rules were suspended, the bill considered engrossed, read a third time and passed.

On motion of Mr. Biggs, John Kennedy, a Page, was granted indefinate leave of absence, on account of meeting with an accident.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 29 was taken up.

Mr. Dwinelle moved its adoption.

Mr. Days moved an amendment.

Lost.

Mr. Meagher moved to postpone further action, and to make the resolution the special order for Tuesday next, at two o'clock.

Lost.

Mr. Coggins moved to amend by adding "either as a substitute for the said bill or" in section five, lines thirty-five and thirty-six.

Lost.

The previous question was demanded and sustained.

The question being upon the adoption of the resolution, it was carried.

Mr. White gave notice that on to-morrow he would move to reconsider the vote just taken.

GENERAL FILE RESUMED.

Assembly Bill No. 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works.

Ordered engrossed.

Assembly Concurrent Resolution No. 28, relative to applying to Congress for mail facilities between Sacramento and Princeton.

Read third time and passed.

Mr. O'Malley in the chair.

Assembly Bill No. 163—An Act for the relief of Thomas D. Sawyer, Joseph D. Butler and William McDermott.

On motion of Mr. Mahon, the bill was indefinitely postponed.

Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen and fifty-six.

Returned to file.

Assembly Bill No. 149—An Act to legalize the registration of certain names on the Great Register of Trinity County

Indefinitely postponed.

Assembly Bill No. 137—An Act to amend section twenty-one of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six.

Made the special order for to-morrow at two o'clock P. M.

Mr. White had leave to withdraw his notice to reconsider the vote taken to-day on Assembly Concurrent Resolution No. 29.

On motion of Mr. Lupton, the rules were suspended and the vote taken on Assembly Concurrent Resolution No. 29, whereby the same was adopted, was reconsidered.

An amendment was offered by Mr. Days, and also by Mr. Dwinelle, as follows:

"*Provided*, none shall be excluded who possess only a thorough common school education."

Adopted.

Mr. Cureton moved to amend section three by inserting the words "male white" before the word "citizen," in said section.

The ayes and noes were demanded by Messrs. Cureton, Buckbee and Oliver, and the vote was taken.

Mr. Lee moved a call of the House, previous to the announcement of the vote.

Mr. Brown of Contra Costa rose to a point of order, that the ayes and noes had been demanded, and the result of the vote must be announced before any other motion could be entertained.

Mr. Westmoreland also rose to a point of order to the same effect, and said that absentees could not now be brought in to vote.

The Speaker pro tem. overruled the point of order.

The previous question was demanded and sustained.

The question being upon Mr. Lee's motion for a call of the House, the ayes and noes were demanded by Messrs. Westmoreland, Smith and Spencer.

The vote was as follows:

AYES—Messrs. Angney, Biggs, Bird, Cochran, Comte, Cureton, Giltner, Gregory, Kelley, Lee, Lupton, Mace, Mahon, Martin, Meagher, Mentzell, Middleton, Newell, Newsom, Payne, Wand, Warfield, Willets, Wolleb—24.

NOES—Messrs. Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Clark, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Jones, Morrow, Oliver, Papy, Pardee, Smith, Spencer, Steele, Tully, Waldron, Westmoreland, White—27.

So the House refused to order a call.

The Speaker pro tem. then declared the motion of Mr. Cureton, to amend, lost by a tie vote, as follows:

AYES—Messrs Biggs, Bird, Cochran, Comte, Cureton, Gildea, Giltner, Green, Kelley, Lee, Lupton, Mace, Mahon, Martin, Meagher, Newell, Newsom, O'Malley, Papy, Payne, Tully, Wand, Warfield, Westmoreland, Willets, Wolleb—27.

NOES—Messrs. Angney, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Clark, Coggins, Days, Dornin, Downer, Dryer, Dwinelle, Gregory, Jones, Mentzell, Morrow, Oliver, Smith, Spencer, Steele, Tuttle, Waldron, White—27.

At four o'clock P. M., on motion of Mr. Bird, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 17th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by Rev. Mr. Fisher.
Journal of yesterday read and approved.
Messrs. Caldwell, Ellis and Jones were granted leave of absence for two days, Mr. Dwinelle for one week on account of sickness, and Mr. Payne until Monday next.

PETITIONS.

Mr. Spilman presented a petition of taxpayers and residents of Hamilton Township, Butte County, praying that a law may be passed detaching a portion of Hamilton Township from Butte County and attaching the same to Sutter County.
Received and referred to the Committee on Counties and County Boundaries.
Mr. Middleton presented a petition of the County Recorder of San Francisco, praying that an additional deputy be allowed him.
Received and referred to the San Francisco delegation.

COMMITTEES.

The Speaker appointed the following as the committee to investigate the legality of the passage of Senate Bills Nos. 33 and 34:
Messrs. White, Connely and Bird.
Mr. Steele was excused from serving on the Committee for codifying the Revenue Laws.
The Speaker appointed Mr. Angney a member of said committee to take the place of Mr. Steele.

REPORTS.

Mr. Wolleb, Chairman of the Committee on Military Affairs, made the following report:

Mr SPEAKER: The Committee on Military Affairs, to whom was referred Assembly Bill No. 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks—hereby report the same with the recommendation that it be referred to the Committee on Claims.

WOLLEB, Chairman.

So referred.
Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 143—An Act to authorize the Controller of State to

credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses—have had the same under consideration, and beg leave to make the following report:

The affidavit of Edward Christy, which was presented to the Committee, represents that he accidentally lost on the road between Folsom and Mormon Island, on the twenty-eighth day of August, eighteen hundred and sixty-six, one fifth class broker's license, for fifteen dollars, also thirty-one foreign miners' licenses for four dollars each, and that they were not signed by him, and consequently the State cannot sustain any loss, he being the collector of said licenses, and they being of no value without his signature.

The Committee believe that the claim possesses sufficient merit to justify its allowance, and they have therefore instructed me to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Brown of Contra Costa made the following report:

Mr. SPEAKER: The Contra Costa delegation, to whom was referred Assembly Bill No. 175—An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County, and to collect toll thereon—having had the said bill under consideration, respectfully report the same with the petition back to the Assembly, with a substitute for said bill, and recommend the adoption of the substitute.

BROWN, for Delegation.

Mr. Willets, from the Committee on Roads and Highways, made the following report:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 136, report the same back and recommend its reference to the Los Angeles delegation.

WILLETS, for Committee.

The bill was so referred.

MOTIONS AND RESOLUTIONS.

Mr. Bird offered the following resolution:

Resolved, That the Clerk of the Assembly is hereby required to report to the House the names of all clerks appointed by him, and the date of their appointment.

Adopted.

Mr. Meagher offered the following resolution:

Resolved, That this House do now rescind the resolution by which it agreed to take a recess from one to two o'clock every session day.

Laid over one day, under the rules.

Mr. Hayes offered the following resolution:

Resolved, That the Committee on Indian Affairs are hereby instructed to take into consideration the condition of the Mission and Pueblo Indians within this State, and report what measures are necessary to be adopted for their better protection and improvement.

Adopted.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
January 16th, 1868.

Mr. SPEAKER: The Senate on this day passed, under a suspension of the rules, Senate Bill No. 120—An Act amendatory of and supplementary to an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 100—An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of road moneys of said county.

Also, adopted Senate Concurrent Resolution No. 38, relative to the engrossment of all bills.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 16th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on this day appointed Messrs. Shaw, Tubbs and Heacock as the committee on the part of the Senate to amend and codify the Revenue Laws, as per Senate Concurrent Resolution No. 32, heretofore adopted by the Senate and concurred in by the Assembly.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 120, above reported, was read first and second times and placed on file.

Senate Concurrent Resolution No. 38 was read and, under suspension of the rules, adopted.

NOTICES OF BILLS.

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

By Mr. Bird—An Act for the protection of hotel and boarding-house keepers.

By Mr. Gildea—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, passed April first, eighteen hundred and sixty-four.

By Mr. Tully—An Act asking the State of California to donate to the City of Monterey all the water front of said city, in the Bay of Monterey.

By Mr. Mattingly—An Act amending sections three and four of an

Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three.

By Mr Jones—An Act to provide for the payment of the State's portion of County Auditor's salary in the County of Trinity.

By Mr. Lee—An Act amendatory of and supplementary to an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property—said Act to apply only to Sacramento County.

By Mr. Scudder—An Act for the relief of the Roman Catholic Orphan Asylum and Foundling House of San Francisco.

Also, an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Also, an Act to provide for the appointment of an inspector of butchers' meats for the City and County of San Francisco.

Also, an Act to exempt exempt firemen from the payment of State poll tax.

By Mr. Hayes—An Act to regulate conveyances by Indian pueblos for public purposes.

REPORT.

Mr. Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 116—An Act to amend an Act entitled an Act to provide for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 156 (substitute for Assembly Bill No. 18)—An Act concerning assessment rolls, and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein.

Also, Assembly Bill No. 121 (substitute for Assembly Bills Nos. 3, 8 and 94)—An Act to repeal certain statutes requiring political or other test oaths.

Also, Assembly Bill No. 141 (substitute for Senate Bill No. 13)—An Act to amend section two hundred and nineteen 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, as amended by subsequent enactments.

LEE, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to amend sections two hundred and sixty-four and two hundred and sixty-five of an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Read first and second times and referred to Judiciary Committee.

By Mr O'Malley—An Act for the relief of Charles Carvalho.

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

By Mr Cureton—An Act to remove the disability of minority and to declare Henry Clay Lafever of lawful age.

Read first and second times and referred to Judiciary Committee.

By Mr. Ayer (on leave)—An Act defining the legal distances from each county seat to the Capital, Lunatic Asylum and State Prison.

Read first and second times and referred to Committee on Mileage.

By Mr. Pardee (on leave)—An Act granting William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

Read first and second times and referred to Santa Cruz delegation.

By Mr. Battelle (on leave)—An Act supplemental to 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, laid on table, and usual number of copies ordered printed.

By Mr. Papy (on leave)—An Act to provide for paving the streets in the City and County of San Francisco.

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

By Mr. Mardis—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

Read first and second times and referred to Judiciary Committee.

By Mr. Moore—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

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

GENERAL FILE.

Assembly Bill No. 22—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight.

Ordered engrossed.

Senate substitute for Assembly Bill No. 12—An Act to appropriate money for contingent expenses of the Legislature.

Considered in Committee of the Whole, the Speaker in the chair.

IN ASSEMBLY.

Reported back without amendments, and passage recommended, read a third time and passed.

FIRST SPECIAL ORDER.

Assembly Bill No. 44—An Act to amend an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and sixty-three.

Assembly Bill No. 120 (substitute for Assembly Bill No. 44)—An Act to limit the hours of labor.

Postponed and made the special order for next Tuesday, the twenty-first, at two o'clock P. M.

SECOND SPECIAL ORDER.

Assembly Bill No. 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six.

Postponed and made the special order for Tuesday, the twenty-first instant, at two o'clock P. M.

GENERAL FILE RESUMED.

Assembly Bill No. 117—An Act to authorize the Board of Supervisors of Butte County to grant relief to William S. Reese, of said county, on account of certain lost warrants owned by him.

Referred to the Butte County delegation, with special instructions.

The bill was subsequently reported back by Mr. Cochran, for the delegation, under a suspension of the rules, and put on its passage.

An amendment was adopted, and the bill read a third time and passed.

Senate Bill No. 81—An Act to prevent the destruction of fish in the waters of the Napa River.

Referred to the Sonoma delegation.

Senate Bill No. 50—An Act supplementary to an Act entitled an Act to grant E H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point in the Antelope Valley, and the right to collect tolls for travel thereon, approved February ninth, eighteen hundred and sixty-six.

Referred to the Tuolumne and Inyo delegation.

Mr. O'Malley in the chair.

Assembly Bill No. 182—An Act fixing the time for holding the District Court in the County of Colusa.

Referred to Judiciary Committee.

Assembly Bill No 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Title amended, and ordered engrossed.

Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns.

Rules suspended, considered engrossed, read third time and passed.

Assembly Bill No. 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee.

Ordered engrossed.

The Speaker in the chair.

Assembly Bill No. 57—An Act concerning county records of Los Angeles County.

Rules suspended, bill considered engrossed, read third time and passed.

Assembly Bill No. 63—An Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino and to define their duties, approved February eighteenth, eighteen hundred and sixty-four, and to make the same applicable to Antonio Creek, in Los Angeles County.

Rules suspended, bill considered engrossed, read third time and passed.

Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purposes of constructing public roads in said counties.

Rules suspended, bill considered engrossed, read third time and passed.

Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

Made the special order for next Tuesday, the twenty-first, at three o'clock P. M.

On motion of Mr. Brown of Contra Costa, Assembly Bill No. 196 was taken up.

Mr. Tuttle had leave to take from the Clerk's desk Assembly Bill No. 89.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

THIRD SPECIAL ORDER.

Assembly Bill No. 137—An Act to amend section twenty-one of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six.

Postponed, and made the special order for Wednesday, February nineteenth, at twelve o'clock M.

REPORT.

Mr. Watson, on leave, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 136—An Act to authorize Charles Benbrook and others to construct and maintain a turnpike road in the County of Los Angeles—having had the same under consideration, report the bill back to the House with amendments, and recommend the passage of the bill as amended.

WATSON, for Delegation.

BILL CONSIDERED.

Mr. Watson moved to take up Assembly Bill No. 136—An Act to authorize Charles Benbrook, Samuel Maburn and Marcus D. Brundige to construct and maintain a turnpike road from Elizabeth Lake to Searle's stand, in the County of Los Angeles.

Carried.

An amendment was adopted, the rules suspended, bill considered engrossed, and read third time

Mr. Mentzell moved to lay the bill on the table.

Lost.

On the passage of the bill, the ayes and noes were demanded by Messrs. Spencer, Farish and Batchelder.

The vote was as follows:

AYES—Messrs, Ayer, Biggs, Bird, Clark, Cochran, Comte, Connely, Cureton, Dryer, Frisbie, Gildea, Green, Kelley, Lee, Mahon, Martin, Meagher, Middleton, Newell, Newsom, Papy, Pardee, Smith, Spilman, Tully, Wand, Warfield, Watson, Westmoreland, Wolleb, Mr. Speaker—31.

NOES—Messrs Angney, Batchelder, Battelle, Bever, Church, Coggins, Days, Dornin, Downer, Farish, Gregory, Mattingly, Mentzell, Morrow, Oliver, Spencer, White, Willets—18.

So the bill passed, and the title was amended.

On motion of Mr. Pardee, the bill introduced by him to-day was withdrawn from the Santa Cruz delegation and referred to the Committee on Corporations.

SENATE MESSAGE.

On motion of Mr. Papy, the following message, received from the Senate, was taken up:

SENATE CHAMBER,
January 17th, 1868.

Mr. SPEAKER: The Senate on this day passed Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to provide the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 98, above reported, was read first and second times and referred to the San Francisco delegation.

RESOLUTION.

Mr. Watson offered the following resolution:

Resolved, That when this House adjourn on Saturday it adjourn to meet on Tuesday, the twenty-first, at eleven o'clock A. M.

Mr. Farish moved to indefinitely postpone.
Mr. Church moved to lay the resolution on the table.
Lost, on a division.
Mr. Biggs entered his protest against such an adjournment.
At four o'clock P. M., on motion of Mr. Smith, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 18th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

Mr. Giltner was granted leave of absence for one day.

Mr. Lupton stated that he had necessarily been absent at various times during the week, and asked that he be excused for all such absence.

Agreed to.

Mr. Papy was granted leave of absence until Tuesday morning.

PETITIONS.

Mr. Kelley presented a petition of citizens of Cache Creek Cañon, Yolo County, praying that the stock law now in force in Yolo County be repealed.

Also, a remonstrance against the repeal of said law.

Referred to the Committee on Agriculture.

Mr. Church presented a report of the Alameda Park Asylum.

Laid on the table, and usual number of copies ordered printed.

[For report see Appendix.]

The Speaker announced the appointment of the following committee:

ON SALT MARSH AND TIDE LAND BILL.

Messrs. Steele, Farish, Middleton, Mace and Bever.

CLERKS APPOINTED.

The Chief Clerk presented the following:

ASSEMBLY CHAMBER,
January 18th, 1868.

Mr. SPEAKER: In accordance with a resolution of your honorable body requiring me to report the names of clerks appointed, with the date of appointment, allow me to submit the following:

Under resolution of January ninth, authorizing the appointment of two Copying Clerks, Giles G. Crandall and N. C. Cunningham were appointed on that date.

Under resolution of January tenth, authorizing the appointment of an Assistant Journal Clerk, J. A. Brumsey was appointed on that date.

Respectfully, JOHN A. EAGAN,
Chief Clerk.

REPORTS.

Mr Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works

Assembly Bill No. 171—An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys.

Assembly Bill No. 63—An Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February eighteenth, eighteen hundred

and sixty-four, and to make the same applicable to San Antonio Creek, in Los Angeles County.

Assembly Bill No. 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns.

Assembly Bill No. 22—An Act to amend an Act entitled an Act amendatory and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight.

LEE, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties.

Also, Assembly Bill No. 157—An Act concerning county records of Los Angeles County.

BATCHELDER, for Committee.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State, between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, in Santa Cruz County—report the same back to the Assembly with amendments, and recommend its passage as amended.

MOORE, Chairman.

Mr. Lupton, Chairman of the Committee on Federal Relations, made the following report:

Mr. SPEAKER: The Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 7, concerning bounty due the men composing the First Battalion of Mountaineers, California Volunteer Infantry, and report the same back, with a substitute, and recommend the passage of the substitute.

They also report back Assembly Concurrent Resolution No. 23, concerning daily mail to Arcata, in Humboldt County, through Hydesville, Rohnersville and Eureka, from Petaluma, and recommend its passage.

They also report back Assembly Concurrent Resolution No. 24, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County, and recommend its passage.

They also report back Assembly Concurrent Resolution No. 27, rela-

tive to the establishment of a mail route from Weaverville, in Trinity County, to Hydesville, in Humboldt County, and recommend its passage.

LUPTON, Chairman.

Mr. White, from the special committee to investigate the legality of the passage of Senate Bills Nos. 33 and 34, made the following report:

Mr. SPEAKER: The special committee created by this House, to whom was referred the resolution which reads as follows:

Resolved, That a committee of three be appointed by the Speaker to investigate the legality of Senate Bills Nos. 33 and 34, and the amendments, if any, attached thereto, together with the history of legislation with regard to the same, and that they be requested to report at an early day—

Beg leave to report that they have had the subject under consideration, and herewith submit the following report:

Your Committee have had access to the minutes and records of the Senate and House, and transcribe the official history of the above bills, viz:

In Senate.

Senate Bills Nos. 33 and 34.
December 14th—Introduced by Mr. Banning, read first and second times and referred to Committee on Corporations.
December 18th—Reported back and referred to Los Angeles delegation.
December 19th—Reported with amendments, rules suspended, bills taken up and ordered engrossed.
December 20th—Reported engrossed. Rules suspended, bills taken up, read a third time and passed.
January 3d—Transmitted to Assembly.
January 16th—Reported from the Assembly with amendments, and amendments concurred in.
January 17th—Sent to Enrolling Clerk.

Assembly Record.

January 3d—Bills Nos. 33 and 34 received. Read first and second times and referred to Los Angeles delegation.
January 3d—Sent to delegation.
January 15th—Reported back and immediate passage recommended.
January 15th—Read third time and passed.

Your Committee are of the opinion that the history of these bills, from their introduction into the Senate to their passage and transmission to this House, January third, is in accordance with parliamentary propriety, and is legal; that the action of this House in the reception and reference of these bills to the Los Angeles delegation was done in harmony with our rules; but that the report from that delegation, although permissible, was improperly made, in that it did not comprehend, by mention, certain amendments sought to be made, which were

pasted upon the Senate's engrossed copy of the original bills submitted to the delegation; in that the bills so reported were mutilated by erasures, improper in themselves, and affecting the validity and vitality of the Senate copy, and without the substitution of the amendments by the action of this House intended to supplant the words erased.

Your Committee are of the opinion that bills reported from Committees, without action on the part of the House, take their places in the order in which they are reported upon the general file. It requires a motion to consider them out of their order. The Journals of the House of the day (January fifteenth) on which these bills were passed, do not record such motion in favor of these bills. This neglect is attested by the recollection of many members.

It is for this House to determine how far, in this regard, it may ignore the existence of its own rules; but your Committee are unanimously of the opinion that the final passage of bills and amendments attached thereto, if done by palpable infractions of the Standing Rules of this House, and in violation of all legislative precedent, gives no life to the form of an enactment, and in this case confers no franchise upon the citizen.

The records of the House mention no amendments as having been introduced, and, of course, of no action by the House looking to their adoption.

The amendments were not detached as having been upon motion lost, nor retained as having been upon motion adopted. The erasures, however, in the Senate copy were perfect, although improper.

These bills were transmitted to the Senate, and, under a misapprehension that the amendments were legally adopted by this House, passed that body January sixteenth as amended, and January seventeenth were given to the Enrolling Clerk.

Your Committee are of the opinion that all action subsequent to the reception of the report of the Los Angeles delegation, January fifteenth, of Bills Nos. 33 and 34, by this House, is improper and illegal, and that the remedy lies in the recall of these bills by resolution and subsequent reference of them to a Local or Standing Committee to report them back to the House with the amendments sought to be incorporated.

In favor of speedy and final action by this House on these bills, your Committee append the accompanying resolution.

All of which is respectfully submitted.

WHITE, Chairman.

Resolved, That the Senate be respectfully requested to return to the Assembly, for its amendatory action, Senate Bills Nos 33 and 34, improperly passed by the Assembly, January fifteenth, eighteen hundred and sixty-eight.

Mr. Steele, Chairman of the Special Committee on Impeachment, made the following report:

Mr. SPEAKER: The Special Committee on the Impeachment of the Honorable W R Turner, District Judge of the Eighth Judicial District of the State of California, respectfully report, that in accordance with instructions of this honorable body to make inquiry and report upon the charges presented by the Honorable Mr. Westmoreland against said Judge, we did, in pursuance of the authority by the Assembly in us vested,

issue our writ of subpœna for the witnesses hereinafter named in the report of the honorable Sergeant-at-Arms, hereto attached, and placed the same in the hands of the said Sergeant-at-Arms for service, in pursuance to which the witnesses named in his report attended before this Committee the number of days, and travelled the distance therein stated, in obedience to said subpœna. The annexed report of the Sergeant-at-Arms shows the number of miles travelled by him in the execution of said processes.

The matter of impeachment having on the sixteenth instant been withdrawn from the consideration of the Assembly and the Committee by the resignation of said Judge Turner and the withdrawal of the charges from the consideration of the Assembly by Mr. Westmoreland, your Committee have only to report the outstanding liabilities incurred in the progress of the examination, amounting in the aggregate to the sum of three thousand four hundred and fifty-seven dollars, as by the items hereto attached, and ask your honorable body to provide for the same.

STEELE, Chairman.

The following is the report of the Sergeant-at-Arms:

SACRAMENTO, January 17th, 1868.

I hereby certify that the following persons have been served with subpœnas, and appeared before the Committee in the matter of the impeachment of the Honorable William R. Turner, Judge of the Eighth Judicial District, by the Assembly of the State of California, and are entitled to mileage as follows, viz:

Per diem and Mileage.		Totals.
Walter Van Dyke—two days, at $2 per day	$ 4 00	
Mileage, 234 miles, at 25 cents per mile	58 50	
		$62 50
H. M. Havens—two days	$ 4 00	
Mileage, 234 miles	58 50	
		$62 50
Elisha Cook—two days	$ 4 00	
Mileage, 234 miles	58 50	
		$62 50
H. F. Crane—two days	$ 4 00	
Mileage, 234 miles	58 50	
		$62 50
Austin Wiley—two days	$ 4 00	
Mileage, 234 miles	58 50	
		$62 50
J. B. Baccus—two days	$ 4 00	
Mileage, 234 miles	58 50	
		$62 50

Per diem and Mileage.		Totals.
A. D. Sevier—two days	$ 4 00	
Mileage, 234 miles	58 50	
		$62 50
Joseph Middlemiss—two days	$ 4 00	
Mileage, 234 miles	58 50	
		$62 50
T. S. Benoist—two days	$ 4 00	
		$4 00
Caspar S. Ricks—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
P. H. Ryan—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
Robert Searles—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
John De Haven—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
Thomas Shannon—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
A. C. Lawrence—two days	$ 4 00	
Mileage, 360 miles	90 00	
		$94 00
G. W. Tompkins—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
J. Short—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
J. Tracey—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
J. K. Dollinson—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00

Per diem and Mileage.		Totals.
J. H. Dungan—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
James Denny—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
J. E. Wymans—two days	$ 4 00	
Mileage, 780 miles	195 00	
		$199 00
James M. Short—for transcript of docket of District Court of Humboldt County		$25 00

STATE OF CALIFORNIA,

To J. K. Luttrell, Dr.

To services as Sergeant-at-Arms in serving papers in the matter of the impeachment of the Honorable William R. Turner by the Assembly of the State of California:	
Mileage, 1,454 miles, at 25 cents per mile	$363 50
Nine days services of James M. Luttrell, as special deputy to serve papers, at $8 per day	72 50
Total	$446 00

J. K. LUTTRELL,
Sergeant-at-Arms of the Assembly.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 55—An Act concerning the office of County Clerk of the City and County of San Francisco—have had the same under consideration, and have amended the title and the first section of the bill, and have instructed me to report the bill back to the House and recommend the passage of the bill with the amendments.

Also, Assembly Bill No. 23—An Act in relation to the office of Assessor of the City and County of San Francisco—have considered the same and have instructed me to report the bill back to the House and recommend its passage with an amendment to the title.

Also, Assembly Bill No. 126—An Act to authorize the Sheriff of the City and County of San Francisco to appoint porters for the City Hall in said city and county—have had the same under consideration, have

made amendment thereto, and they have instructed me to report the bill back to the House and recommend the passage of the bill with the amendment.

CONNELY, Chairman.

Mr. Warfield, for Sonoma delegation, made the following report:

Mr SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No 31—An Act to prevent the destruction of fish in the waters of the Napa River—have considered the same, and report it back with amendments, and recommend its passage.

WARFIELD, for Delegation.

RESOLUTIONS.

Mr Days moved that the rules be suspended in order to take up Assembly Concurrent Resolution No. 29.

Lost

Mr Steele presented the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and required to draw his warrants on the Contingent Fund of the Assembly in favor of the following named persons:

In favor of Walter Van Dyke, for the sum of sixty-two dollars and fifty cents.

In favor of H. M. Havens, for the sum of sixty-two dollars and fifty cents.

In favor of Elisha Cook, for the sum of sixty-two dollars and fifty cents.

In favor of H. F. Crane, for the sum of sixty-two dollars and fifty cents.

In favor of Austin Wiley, for the sum of sixty-two dollars and fifty cents.

In favor of J. B. Baccus, for the sum of sixty-two dollars and fifty cents.

In favor of A. D. Sevier, for the sum of sixty-two dollars and fifty cents

In favor of T. S. Benoist for the sum of four dollars.

In favor of Joseph Middlemiss, for the sum of sixty-two dollars and fifty cents.

In favor of Caspar S. Ricks, for the sum of one hundred and ninety-nine dollars.

In favor of P. H. Ryan, for the sum of one hundred and ninety-nine dollars.

In favor of Robert Searles, for the sum of one hundred and ninety-nine dollars.

In favor of John De Haven, for the sum of one hundred and ninety-nine dollars

In favor of Thomas Shannon, for the sum of one hundred and ninety-nine dollars

In favor of A. C. Lawrence, for the sum of ninety-four dollars.

In favor of George W. Tompkins, for the sum of one hundred and ninety-nine dollars.

In favor of James M. Short, for the sum of one hundred and ninety-nine dollars.

In favor of J. Tracey, for the sum of one hundred and ninety-nine dollars.

In favor of J. K. Dollinson, for the sum of one hundred and ninety-nine dollars.

In favor of J. H. Dungan, for the sum of one hundred and ninety-nine dollars.

In favor of James Denny, for the sum of one hundred and ninety-nine dollars.

In favor of J. E. Wymans, for the sum of one hundred and ninety-nine dollars.

In favor of James M Short, for the sum of twenty-five dollars.

In favor of J. K. Luttrell, for the sum of four hundred and forty-six dollars.

Mr. Westmoreland moved that the resolution be now adopted.

Carried.

Mr. Meagher moved to take from the table the resolution offered by him on yesterday in reference to adjournment.

Lost.

Mr. Frisbie offered a concurrent resolution proposing amendments to the Constitution of this State.

Referred to the Judiciary Committee.

Mr. Warfield presented a petition of William Boyle, and the following resolution:

Resolved, That a Special Committee of Three be appointed to investigate the claims of William Boyle, as mentioned in his petition herewith presented, the evidence on which the same are based, and also to investigate the reasons or causes why the circumstances of the former presentation and reference of his petition are not mentioned in the Journals or rough minutes of the Senate, and the disappearance of the said papers from their proper files in the office of the Secretary of State—the said Committee to have full power to investigate the same, with the right to send for persons and papers.

Mr. Warfield moved to refer to the Committee on Claims, with special instructions.

Lost.

Mr. Brown of Contra Costa offered an amendment, to simply refer to Committee on Claims.

Adopted.

Mr. Steele moved to put on top of file for to-day Assembly Concurrent Resolution No. 29.

Carried.

Mr. White moved to take up the report made by him to-day.

Carried.

The question being on the adoption of the resolution offered by Mr. White, it was adopted.

Mr. Watson offered the following resolution:

Resolved, That when this House adjourn to-day it adjourn to meet on Tuesday next at eleven o'clock A. M.

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

Lost.

The resolution, as offered by Mr. Watson, was adopted.

At twelve o'clock and ten minutes Mr. Meagher moved the House do now adjourn.

Lost.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 17th, 1868.

Mr. SPEAKER: The Senate on the sixteenth instant passed substitute for Senate Bill No. 100—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 17th, 1868.

Mr. SPEAKER: I am directed by the Senate to return to the Assembly Assembly Bill No. 56, with the respectful request that your honorable body have the same engrossed in the form in which it passed.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 18th. 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate, on the seventeenth, passed Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt.

Also, Senate Bill No 106—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four

Also, Assembly Bill No. 68—An Act to extend the time for finishing the construction of a wharf under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly banks of the San Joaquin River, approved April second, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 113—An Act to amend section seven of an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland, in Alameda County, and to run horse-cars thereon, approved March third, eighteen hundred and sixty-six.

Also, adopted Senate Concurrent Resolution No. 39, directing the Hospital Committees of each House to visit certain public institutions.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 100, above reported, referred to Committee on Yosemite Lands.

Assembly Bill No. 56, above reported, referred to Standing Committee on Engrossed Bills.

Assembly Bill No. 29, above reported, read third time and passed.

Senate Bill No. 106, read first and second times and referred to Judiciary Committee.

Assembly Bill No. 113, ordered on file.

Assembly Bill No. 68, ordered on file.

Senate Concurrent Resolution No. 39, read first and second times and concurred in.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Batchelder—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three.

By Mr. Waldron—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for the support of the common schools and indigent sick of Placer County, approved January twenty-ninth, eighteen hundred and sixty-six

By Mr. Pardee—An Act entitled an Act to incorporate the Santa Cruz Manufacturing Company, and to authorize the erection of a dam across the San Lorenzo River, and the construction of a canal or flume along said river, in the County of Santa Cruz.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Papy (on leave)—An Act concerning the office of Recorder of the City and County of San Francisco

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

By Mr. O'Malley—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board, approved April twenty-seventh, eighteen hundred and sixty-three.

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

By Mr. Church (on leave), by request of Mr. Dwinelle—An Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City and County of San Francisco.

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

By Mr. Church (on leave), for Mr Dwinelle—An Act to authorize the City Council of the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same.

Read first and second times and laid on the table.

By Mr. Westmoreland—An Act to authorize the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of that county for fifty thousand dollars, for the purpose of raising a fund to construct a wagon and turnpike road from some point near Hydesville, in that county, to the southern boundary line of that county, and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds, to provide for the payment of the interest thereon and the principal thereof.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr McElhany (on leave)—An Act to repeal an Act entitled an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.

Read first and second times and referred to Judiciary Committee.

By Mr. Comte—An Act for the payment of the claim of John H. Hammond, for advances made on behalf of the State of California

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

REPORT.

Mr. Lee, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and would report correctly engrossed, Assembly Bill No. 136—An Act to authorize Charles M. Benbrook, Samuel Maburn and Marcus D Brundige to construct a turnpike road from Wiley's Rancho to Willow Springs, in the County of Los Angeles.

LEE, for Committee.

Mr. Brown of Contra Costa in the chair.

INTRODUCTION OF BILL.

Mr. Ryland, on leave, introduced a bill for an Act to amend an Act approved April twentieth, eighteen hundred and sixty-three, entitled an Act concerning the Courts of justice of this State and judicial officers.

Read first and second times and referred to Judiciary Committee.

The Speaker in the chair.

GENERAL FILE.

Assembly Concurrent Resolution No. 29, respecting a proposed Act of Congress for the establishment of a National School of Mines

Rules suspended, resolution considered engrossed, read a third time and adopted.

On motion of Mr. Mace, Senate Bill No. 120 was taken up

Senate Bill No. 120—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six.

Read third time and passed.

On motion of Mr. Brown of Contra Costa, Assembly Bill No. 196 was taken up.

Assembly Bill No. 196 (substitute for Assembly Bill No. 175)—An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 141 (substitute for Senate Bill No. 13)—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments.

Mr. Papy moved to postpone the bill until one week from next Wednesday.

Lost.

Mr. Warfield moved to recommit to Committee, with special instructions to exempt the types and other material of a printing office, to the value of two thousand dollars.

Mr. Mattingly moved to amend so as to exempt the nets, traps and boats of fishermen.

At one o'clock P. M., on motion of Mr. Watson, the House adjourned.

J. J O'MALLEY, Speaker pro tem.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 21st, 1868.

House met pursuant to adjournment.
J. J. O'Malley, Speaker pro tem., in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
The Speaker was granted leave of absence for one day.
Mr. Waldron had leave of absence for one day.

PETITIONS.

Mr Green presented a petition from residents of Sherman Island, asking that they be authorized to elect a Levee Superintendent; also, suggesting his duties

Received and referred to the Committee on Swamp Lands.

Mr. Spencer presented a petition of citizens of Placer, El Dorado and Nevada Counties, praying that the Legislature pass a law reducing and

fixing the rates of fare and freight on the Central Pacific Railroad to one third the present tariff rates charged.

Received and referred to Committee on Corporations

Mr. Hayes presented a petition as follows:

SACRAMENTO, January 18th, 1868.

To the Honorable B C. Whiting, Superintendent of Indian Affairs in and for the State of California:

The undersigned, citizens of the Counties of San Diego, San Bernardino and Los Angeles, respectfully represent, that for the benefit of the Indians living in said counties, it is necessary to have a local agent residing actually among them, or at some place easy of access to them, for the transaction of their various business. The agent at present has his office at the City of Los Angeles, at too great a distance for their proper management. We therefore respectfully recommend for this office Joseph Swycaffer, who resides at Santa Ysabel, in San Diego County—a central point.

Signed: WILLIAM A CONN,
Senator First District.

BENJAMIN HAYES,
ASA ELLIS,
Representatives in Assembly.

JOHN FOSTER,
CAN. Q COATS,
V. E. HOWARD.

Received and referred to the Committee on Indian Affairs.

Mr. Giltner presented a petition from citizens of Hornitas, Mariposa County, in reference to the repeal of Sunday laws.

Received and referred to the Committee on Public Morals.

REPORTS.

Mr. Ayer made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon;

Also, Assembly Bill No. 100—An Act to continue in force, in Humboldt County, a certain Act therein named, and regulate the disbursement of road moneys of said county;

And at forty-five minutes past twelve o'clock, January eighteenth, eighteen hundred and sixty-eight, presented the same to the Governor for his approval.

AYER, for Committee.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred

Assembly Bill No. 52—An Act to authorize Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the Town of Monterey to the Rancho Natividad, and to construct a wharf at the Town of Monterey—respectfully report that they have had said bill and a substitute therefor (furnished the Committee by Mr. Tully, the author of the bill above entitled) under consideration, and herewith report back said bill and substitute, and recommend the passage of the substitute.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County—respectfully report that they have had said bill under consideration, and report the same back and recommend its reference to the delegations from Tuolumne and Calaveras Counties.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 188—An Act to remove the disability of minority, and to declare Henry Clay Lafever of lawful age—respectfully report that they have had said bill under consideration, and report the same back and recommend that it be indefinitely postponed.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 184—An Act to provide for the issue of duplicate of lost warrants—respectfully report that they have had the said bill, and the subject matter thereof, under consideration, and report said bill back with a substitute, and recommend the passage of the substitute.

STEELE, Chairman.

Mr. Connely, Chairman of the Committee on Claims, was granted leave to pass Assembly Bill No 82—An Act for the relief of Jonas Speck—to the said Speck, and the bill was thus withdrawn from said Committee.

MOTIONS AND RESOLUTIONS.

Mr. Dwinelle offered the following resolution:

Resolved, That Assembly Bill No. 113 be returned to the Senate, with a message to the effect that although it would appear by the official indorsements upon the bill, and the amendment attached to it, that the

title to that bill was amended in the Senate, yet the message from the Senate transmitting the bill to this House does not state the fact that any such amendment was made by the Senate.

Adopted.
Mr. Bird offered the following resolution:

Resolved, That the heads of those departments to which contingent appropriations were made be required to furnish to this House a report of the manner in which such funds have been expended; *provided*, the Governor be not included under the requirements of this resolution.

Adopted.
Mr. Meagher offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to furnish the Committee on Counties and County Boundaries with a map of this State.

Adopted.
Mr. Lee offered the following resolution:

Resolved, That the Engrossing Clerk be and he is hereby authorized to appoint an assistant clerk, at the same per diem allowed the Engrossing Clerk, payable out of the Contingent Fund of the Assembly, January twenty-first, eighteen hundred and sixty-eight.

Adopted.
Mr. Ayer offered the following resolution:

Resolved, That the Enrolling Clerk be and is hereby authorized to appoint an Assistant Clerk, subject to the approval of the Enrolling Committee, at the usual per diem allowed Enrolling Clerks.

Mr. Coggins moved to amend by adding, "whenever the Speaker of the House shall decide that assistance is required."
Lost.
Mr. Meagher moved to amend by striking out "subject to the approval of the Enrolling Committee," which was adopted.
The resolution as amended was agreed to.
Mr. Payne, from the Enrolling Committee, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No 68—An Act to extend the time for finishing the construction of a wharf under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at or near Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six;
And at twenty-five minutes past eleven o'clock this day presented the same to the Governor for his approval.

PAYNE, for Committee.

Mr. Brown of Contra Costa in the chair.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 18th, 1868.

Mr. SPEAKER: The Senate, on the eighteenth instant, adopted Senate Concurrent Resolution No. 41, directing the State Hospital Committees of each House when they visit the State Reform School to investigate and report upon the charges of cruelty and inhumanity preferred against the Superintendent of that institution by the Sacramento Union in its issue of November sixteenth, eighteen hundred and sixty-seven.

W. F. HUESTIS,
Assistant Secretary.

Senate Concurrent Resolution No. 41, above reported, was taken up. Mr. Coggins offered a substitute, as follows:

Resolved by the Assembly, the Senate concurring, That the State Hospital Committee be instructed to investigate and report whether, during the past year, an inmate of the State Reform School named William French, of Sacramento, was chained by the wrist to the floor for the term of nine days or more, with a chain so short that it was impossible for him to stand erect; and whether said French, if so chained, was sick at the time with chills and fever, as stated in the Sacramento Union of November sixteenth, eighteen hundred and sixty-seven; what offence he had committed for which such punishment was administered, and what mode of punishment is usually resorted to at that institution.

Resolved, That the Committee be further instructed to investigate the charges of cruel treatment of the inmates of the Industrial School, as set forth in the report of the Grand Jury of the County Court of San Francisco, and published in the Evening Bulletin of November second, eighteen hundred and sixty-seven.

Resolved, further, That the Committee is hereby authorized, for the purpose of investigation, to send for persons and papers.

SPECIAL ORDER.

At twelve o'clock M the special order was taken up:

Assembly Bill No. 44—An Act to amend an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and sixty-three.

Assembly Bill No. 120 (substitute for Assembly Bill No. 44)—An Act to limit the hours of labor.

Mr. O'Malley offered the following amendment to be made to section two of the substitute:

"Eight hours labor shall constitute a legal day's work in all cases where the same is performed under the authority of any law of this State, or under the direction, control, or by the authority of any officer of this State, acting in his official capacity, or under the direction, control, or by the authority of any county or municipal government within this State, or of any officer thereof, acting as such; and a stipulation to

that effect shall be made a part of all contracts to which the State or any county or municipal government therein shall be a party."

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker pro tem. in the chair.
Roll called
Quorum present.
On motion of Mr Watson, the special order set for two o'clock to-day was postponed thirty minutes.
Mr Brown of Contra Costa was granted leave of absence until Thursday.
Mr Frisbie had leave of absence until to-morrow.
On motion of Mr. Watson, the special order was again postponed fifteen minutes.
The previous question was moved, and the ayes and noes demanded by Messrs Days, Ayer and Farish.
The vote was as follows:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Canavan, Church, Clark, Cochran, Comte, Connely, Crigler, Cureton, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, Hayes, James, Kelley, Lee, Mace, Mahon, Mattingly, Meagher, Middleton, Newell, Newsom, O'Malley, Ord, Pardee, Payne, Rector, Smith, Spencer, Spilman, Steele, Wand, Watson, Willets, Wolleb—43.
NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Caldwell, Coggins, Davies, Days, Dornin, Downer, Green, Jones, Mardis, Martin, McElhany, Mentzell, Morrow, Scudder, Tully, Tuttle, Waldron, Warfield, Westmoreland, White—25.

So the main question was ordered.
On the adoption of the amendment, as offered by Mr O'Malley, the ayes and noes were demanded by Messrs. Canavan, Farish and Steele.
The vote was as follows:

AYES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Broderson, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, Hayes, James, Jones, Lee, Mace, Mahon, Mardis, Mattingly, Meagher, Mentzell, Middleton, Morrow, Newell, Newsom, O'Malley, Ord, Pardee, Payne, Rector, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Watson, Westmoreland, White, Wolleb—57
NOES—Messrs. Ayer, Bird, Buckbee, Caldwell, Days, Green, Kelley, Lupton, McElhany, Warfield, Willets—11.

So the amendment was adopted.
The Speaker pro tem. stated that the question was upon adopting the substitute as amended.
Mr. Belden rose to a point of order, stating that the previous question being sustained, it applied to the whole matter connected with the bill, and not to the amendment alone.

Overruled.

Mr. Watson appealed from the decision of the Chair.

The ayes and noes were demanded by Messrs. Ayer, Watson and White, on the question, Shall the decision of the Chair stand as the decision of the House?

The vote was as follows:

AYES—Messrs. Angney, Battelle, Broderson, Caldwell, Church, Clark, Coggins, Comte, Crigler, Davies, Downer, Dwinelle, Fairchild, Farish, Giltner, Gregory, James, Jones, Kelley, Mahon, Mardis, McElhany, Meagher, Mentzell, Middleton, Ord, Smith, Wolleb—25.

NOES—Messrs. Ables, Ayer, Batchelder, Bever, Biggs, Bird, Canavan, Cochran, Connely, Cureton, Days, Dornin, Dryer, Gildea, Green, Lee, Lupton, Martin, Morrow, Newell, Newsom, Pardee, Scudder, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets—37.

So the decision of the Chair was not sustained.

The Speaker pro tem then stated that the question was upon adopting the substitute as amended.

The ayes and noes were demanded by Messrs. Gildea, Ayer and Farish.

The vote was as follows:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Newsom, O'Malley, Ord, Pardee, Payne, Rector, Scudder, Smith, Spencer, Spilman, Steele, Tully, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb—67.

NOES—Messrs. Days, Green, Tuttle—3.

So the substitute was adopted

The Speaker pro tem. announced that the bill was ordered engrossed.

Mr Steele moved that the rules be suspended, the bill considered engrossed and put upon its passage.

Mr. Watson rose to a point of order, stating that the bill had passed to engrossment.

Mr. Biggs gave notice that on to-morrow he should move to reconsider the vote by which the bill was considered engrossed.

Mr. Lupton rose to a point of order, and said that the bill had not been ordered engrossed, and that was the question now before the House.

The motion to suspend the rules and consider the bill engrossed was lost, on a division.

At three o'clock P. M., on motion of Mr. Tuttle, the House adjourned.

C. T. RYLAND, Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 22d, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and, on motion of Mr. Mace, approved.
Messrs Ellis and Papy were granted leave of absence for two days, and Mr. Cochran for one day.

PETITIONS.

Mr. Spencer presented a petition of citizens of Placer, El Dorado and Nevada Counties, praying that the Legislature pass a law reducing and fixing the rate of fare and freight on the Central Pacific Railroad to one third the present tariff rates charged.

Received and referred to the Committee on Corporations.

Mr. Cureton presented a petition from citizens of Mendocino County in reference to the present road law applicable to that county.

Received and referred to the Committee on Roads and Highways.

Mr. Scudder presented a petition from the managers of the Roman Catholic Orphan Asylum, in San Francisco, asking an appropriation for the special use of that institution, which was received.

The Speaker presented a communication from Professor J. D. Whitney, State Geologist, naming Thursday evening, January thirtieth, as a convenient time for him to address the members of the Legislature upon the "Progress of the Geological Survey," in response to an official invitation to deliver such an address.

The time named was agreed to by the House.

REPORTS.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 56—An Act to reduce the salary of the County Judge of Calaveras County.

Also, Assembly Bill No. 196 (substitute for Assembly Bill No. 175)—An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County, and to collect toll thereon.

Also, Assembly Bill No. 96 (substitute for Assembly Bill No. 28)—An Act to amend an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three.

LEE, Chairman.

Mr. Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. SPEAKER: The committee to whom was referred Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County—have had the same under consideration, and report it back with amendments and recommend its passage as amended.

ORD, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was recommitted, with special instructions, Assembly Bill No 79—An Act to authorize the County Judges of this State to hold terms of the County Court and Probate Court in counties other than those for which they were respectively elected—respectfully report that they have considered said bill, and herewith report the same, with a substitute amending said bill, pursuant to the instructions of the Assembly, and recommend the passage of the substitute.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 182—An Act fixing the time for holding the District Court in the County of Colusa—respectfully report that they have had the said bill under consideration, and herewith report the same back with a substitute.

Section eleven of the general Act of April twenty-seventh, eighteen hundred and sixty-three, providing for the time of holding the several Courts of record in this State, fixed the time of holding the terms of the District Court of the Tenth Judicial District in the several counties composing that district.

That section was superseded by a special Act passed January thirtieth, eighteen hundred and sixty-four, providing for the time of holding the several Courts of record in the Tenth Judicial District, and the last named Act was amended by an Act approved February fourteenth, eighteen hundred and sixty-six, so far as the same applied to the terms of the District Court.

The bill under consideration only provides the time of holding terms of the District Court in Colusa County, omitting any reference to the number of the Judicial District or to the other counties of the district. The committee have therefore prepared a substitute re-enacting and amending section eleven of the Act of eighteen hundred and sixty-three, fixing the time of holding the terms of the District Court in the Tenth Judicial District and repealing so much of the special Acts above mentioned as refers to the same subject. The only change made in the time of holding said Court in the district named is the substitution of "December" for "January," in that portion referring to Colusa County.

The committee recommend the passage of the substitute.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bills Nos. 14, 40, 90, 123, 125, 185 and 187, amending sections 165, 189, 203, 264, 265, 448, 543, 582 and 628 of the 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, respectfully report that they have had the said bills under consideration and herewith report the same back with a substitute for all of said bills, amending the sections above named, and recommend the passage of the substitute.

The committee present this substitute for the seven bills above designated, deeming it proper as a means of facilitating the consideration of the subject matter thereof, and believing that considerable time and labor will be saved thereby.

STEELE, Chairman.

Mr. Meagher, Chairman of 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. 166—An Act to define the boundary line between Merced and Stanislaus Counties—beg leave to report that they have had the same under consideration and report the same back to the House without amendment, and recommend its passage.

MEAGHER, Chairman.

Mr. Middleton, Chairman of 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. 165, have had the same under consideration, and amended the same, report it back and recommend its passage with the amendments.

MIDDLETON, Chairman.

Mr. Farish, Chairman of the Committee on Elections, made the following report:

Mr. SPEAKER: The undersigned, your Committee on Elections, herewith report to your honorable body all the evidence taken in the contested election of Mason vs. Tuttle, referred to them for investigation.

The evidence being conflicting and there being many questions of law as well as of fact involved in the case, we recommend that no further action be taken in the matter at present, but that it be made the special order for January twenty-ninth, and that the parties, contestant and respondent, be invited to appear before the House at that time and argue all the points involved in the case.

FARISH (Chairman),
MIDDLETON,
TULLY,
COMTE,
HAYES,
DAYS,
WESTMORELAND.

[For evidence in full, see Appendix.]

Mr. Clark, Chairman of the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 167—An Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April, eighteen hundred and sixty-three, approved February, eighteen hundred and sixty-four—have had the same under consideration, and beg leave to report the same back, with an amendment to the title of said bill, and respectfully recommend its passage as amended.

CLARK, Chairman.

Mr. Clark, Chairman of the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No 102—An Act for the relief of Calaveras, and all other mining counties—have had the same under consideration, and beg leave to report the bill back to the House, with a substitute therefor, and unanimously recommend the passage of the substitute

CLARK, Chairman.

Mr. Giltner made the following report:

Mr. SPEAKER: The undersigned, Committee on the Yosemite Valley, and other matters pertaining thereto, to whom was referred substitute for Senate Bill No. 100—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon—respectfully report that they have had under consideration said bill, also a memorial addressed to your Committee from the Commissioners of the Yosemite Valley and Big Tree Grove (herewith presented); also, the memorial of J. M. Hutchings in reply thereto. From a careful investigation of the premises they deduce the following:

First—Messrs. Hutchings and Lamon had at the time of the cession of said lands to the State certain rights and equities which it was not in the power of Congress to invalidate without a violation of its faith, in that the said parties had gone upon and improved portions of the said valley under the Act of Congress of September, eighteen hundred and sixty-two, relative to the unsurveyed lands of the United States. (See United States Statutes at Large, page four hundred and ten, section seven)

Second—That it is evident if the fact of lands being pre-occupied had been brought to the knowledge of Congress, such reservations would have been made as would have secured to the said settlers their claims, or provisions made for indemnification.

Third—That the cession by the State of the occupied portions of the lands, under the supervision of the Commissioners, would be advantageous to the public and the State, and would fully insure the objects of the grantors, viz: public use, recreation and pleasure.

Fourth—The State having occupied the lands on certain conditions, one of which was that no portion should be alienated, cannot pass a title without the consent of Congress thereto; and believing that the substitute bill is deficient in this vital particular, they present a substitute for the Senate bill, and respectfully recommend the adoption of the substitute.

F. GILTNER,
Chairman of Yosemite Committee.

[For memorials, etc., see Appendix.]

On motion of Mr. Mattingly, the Senate Bill and the Assembly substitute, above reported, were ordered to top of the file for to-morrow.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 108—An Act for the relief of T. A. Brady—have had the same under consideration, and have instructed me to report the bill back to the House, with a substitute therefor, and recommend the passage of the substitute

They have also had under consideration Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four—and have instructed me to report the same back to the House and recommend its passage.

CONNELY, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Dwinelle offered the following resolution:

Resolved, That the resolution adopted yesterday by this House, directing the Clerk to return Assembly Bill No. 113 to the Senate, be rescinded.

Adopted.

Mr. Dwinelle offered the following resolution:

Resolved, That this House do concur in the amendment made by the Senate to Assembly Bill No 113.

Adopted.

Mr. Ayer offered the following resolution:

Resolved, That the Enrolling Clerk return to this House, Assembly Bill No. 29, for action thereon.

Adopted.

Mr. Cureton moved to print the usual number of copies of the bill concerning roads in Mendocino County, now in the hands of the Committee on Roads and Highways.

Lost.

Mr. O'Malley moved to place Assembly Bill No. 44, and its substitute, No. 120, at the top of file for to-day.

Agreed to.

On motion of Mr. Warfield, the rules were suspended and Senate Bill No. 81—An Act to prevent the destruction of fish in the waters of the Napa River—was taken up.

Amendments were adopted, and bill read a third time and passed.

Mr. Dwinelle offered the following resolution:

Resolved, That twice the usual number of copies of the bill reported this day by the Committee on the Judiciary, as a substitute for several bills heretofore introduced for the amendment of the Civil Practice Act, be printed for the use of this House.

Under the rules, the resolution was laid over one day.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 21st, 1868.

Mr. SPEAKER: In compliance with a resolution adopted in Assembly on the eighteenth instant, Senate Bills Nos 33 and 34, specified in said resolution, are herewith returned, in accordance with the request expressed in the resolution referred to.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 21st, 1868.

Mr. SPEAKER: I am directed by the Senate to inform the Assembly that the Senate, on the eighteenth instant, passed, under a suspension of the rules, Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

Also, on same day, passed Assembly Bill No. 43—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes

Also, on same day, passed Senate Bill No. 41—An Act to authorize A. E. Horton, Eli Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's Addition to New San Diego, in the County of San Diego.

Also, on the twentieth instant, amended and concurred in as amended Assembly Concurrent Resolution No. 16, appropriating funds to defray the inaugural expenses.

Also, on same day, adopted Senate Concurrent Resolution No 42, instructing the Committee on State Hospitals to specially examine into and report to their respective houses upon certain subjects therein named.

Also, on same day, passed Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Also, on same day, passed Senate substitute for Assembly Bill No.

110—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

Also, on same day, passed Assembly Bill No. 61—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same.

Also, Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

And I am also instructed to return to your honorable body, with the request that the same be engrossed as it passed the Assembly, Assembly Bill No. 64—An Act to authorize Thomas D. Watt, S. Haley, A. J. King, George Carson, and associates, to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 21st, 1868

Mr SPEAKER: I am instructed to inform the Assembly that the Senate on this day passed substitute for Senate Bill No 52, entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 21st, 1868.

Mr SPEAKER: The Senate on this day amended and passed Assembly Bill No 31—An Act for the protection of Greenwood Cemetery, and other cemeteries in the vicinity of Grass Valley, Nevada County.

Also, Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes

Also, Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

W. F. HUESTIS,
Assistant Secretary.

Senate Bills Nos 33 and 34, above reported, were referred to the Los Angeles delegation

Assembly Bill No. 64, above reported, was, on motion of Mr. Watson, ordered engrossed, as per request of the Senate.

Senate Bill No. 128, above reported, was read first and second times and placed on file.

Senate Bill No. 41, above reported, was read first and second times and placed on file.

Senate Bill No. 108, above reported, was read first and second times and referred to the Yuba delegation.

Senate substitute for Assembly Bill No. 110, above reported, was read first and second times and placed on file.

Senate Bill No. 76, above reported, was read first and second times and referred to the Yuba delegation.

Substitute for Senate Bill No. 52, above reported, was read first and second times and placed on file.

Senate Bill No. 77, above reported, was read first and second times and referred to the Yuba delegation.

Senate Bill No. 132, above reported, was read first and second times and placed on file.

Assembly Concurrent Resolution No. 16, above reported with amendment, was read.

The House refused to concur in the Senate amendment.

Mr. White moved that the Senate be notified that the House refused to concur in the Senate amendment to said resolution.

Carried.

Senate Concurrent Resolution No. 42, above reported, was read first and second times and adopted in concurrence.

On motion of Mr. Coggins, the rules were suspended and Senate Concurrent Resolution No. 41, reported yesterday, was taken up.

Mr. Coggins was granted leave to withdraw the substitute offered by him on yesterday to said resolution.

Mr. Coggins offered an amendment to Senate Concurrent Resolution No. 41.

Adopted.

Mr. Dwinelle, on leave, offered the following:

Mr. Dwinelle moves that Assembly Bill No. 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee—be recommitted to the Judiciary Committee, with instructions to amend the same by adding at the end of the first section, as follows:

"Upon such previous notice to the Attorney-General, representing the State in that behalf, as the Court conducting the proceedings shall prescribe."

Also, amend by striking out section two and inserting the following, in place thereof:

"Section 2. The provisions of this Act shall extend to all express trusts heretofore created, provided the trustee or trustees shall be alive at the time of the passage of this Act, and to all express trusts hereafter created."

Also, by adding the following section:

"Section 3. This Act shall take effect immediately on its passage."

The amendments were agreed to.

Mr. Dwinelle, on leave, offered the following resolution:

Resolved, That the rules be suspended in order to enable the Judiciary Committee to report upon Assembly Bill No. 89.

Adopted.

Mr Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee—with special instructions, respectfully report that they have amended said bill pursuant to the instructions of this House, and report the same back and recommend its passage, with the following amendments:

Amend section one, by adding at the end thereof, the words:

"Upon such previous notice to the Attorney-General, representing the State in that behalf, as the Court conducting the proceedings shall prescribe"

Strike out section two and insert in place thereof the following:

"Section 2. The provisions of this Act shall extend to all express trusts heretofore created, provided the trustee or trustees shall be alive at the time of the passage of this Act, and to all express trusts hereafter created."

And add the following section:

"Section 3. This Act shall take effect immediately on its passage."

STEELE, Chairman.

NOTICES.

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

By Mr. Downer—An Act to amend an Act entitled 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, approved February twentieth, eighteen hundred and sixty-six.

By Mr. Pardee—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Scudder—An Act to provide for the appointment of an Inspector of Butchers' Meats for the City and County of San Francisco.

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

By Mr. Wand—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors.

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

By Mr. Church—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Alameda County.

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

By Mr. Westmoreland—An Act concerning warrants drawn on the County Treasurer, or County Treasury, or any fund thereof, of the several counties of this State.

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

By Mr. Gregory—A proposed amendment to section eighth of Article First of the Constitution of the State of California.

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

By Mr. Batchelder—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three.

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

By Mr. Crigler—An Act to authorize certain parties therein named to construct and maintain a toll-road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County.

Read first and second times and referred to the Colusa and Lake County delegation.

By Mr. Martin—An Act to amend an Act dividing the State into counties, and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

Read first and second times and ordered on file.

By Mr. Hayes—An Act concerning Reporter of the Supreme Court.

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

Also, an Act to legalize the acknowledgments of deeds of husband and wife taken before and certified by County Clerks.

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

Also, an Act concerning conveyances by Indian Pueblos for public purposes.

Read first and second times and referred to the Committee on Indian Affairs

By Mr. Morrow—An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Read first and second times and referred to the San Joaquin delegation.

By Mr. Middleton—An Act to confirm a certain order passed by 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, an Act to confirm a certain order passed by 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, an Act concerning railroad companies in the City and County of San Francisco.

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

Also, an Act to authorize the Board of Supervisors of the City and County of San Francisco to issue bonds to build a City and County Hospital

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

Also, an Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms.

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

Also, an Act to provide for the protection of the Harbor of the City and County of San Francisco.

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

Also, an Act to amend an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six

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

By Mr Dwinelle—An Act to amend section thirty-seven of the Civil Practice Act in relation to filing notice of pendency of actions

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

Also, an Act to amend section two hundred and fifty-four of the Civil Practice Act.

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

Also, an Act to amend section three hundred and thirty-seven of the Civil Practice Act, in relation to the mode of making appeals

Read first and second times and referred to the Judiciary Committee

Also, an Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty and four hundred and forty-two of the Civil Practice Act, in relation to proceedings to perpetuate testimony.

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

By Mr Ayer—An Act to fund the debt of Calaveras County.

Read first and second times and placed on file.

By Mr. Bird—An Act for the protection of hotel and boarding-house keepers.

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

By Mr. Pardee—An Act to incorporate the Santa Cruz Manufacturing Company, and to authorize the erection of a dam across the San Lorenzo River, and the construction of a canal or flume along said river, in the County of Santa Cruz

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

By Mr. Scudder—An Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia

Read first and second times and referred to the Committee on Commerce and Navigation.

Mr. Days (on leave) offered a resolution in relation to Assembly Bills Nos 44 and 120, that they be referred to a committee of eighteen—two lawyers, two of the San Francisco delegation, two members from the agricultural districts, two miners and ten mechanics, having seats upon the floor—with instructions to draft a bill that will meet the requirements of all the interests of the State

On motion of Mr. O'Malley the resolution was laid on the table.

At one o'clock P M the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

SPECIAL ORDER.

Assembly Bill No. 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six.

On motion of Mr. O'Malley the special order was postponed twenty minutes.

On motion of Mr. Middleton, the rules were suspended to allow him to introduce the following resolution:

Resolved, That five hundred copies of the following bills be printed:

An Act to confirm a certain Order passed by the Board of Supervisors of the City and County of San Francisco, known as Order No 748.

An Act to confirm a certain Order passed by the Board of Supervisors of the City and County of San Francisco, known as Order No 800.

Adopted unanimously.

GENERAL FILE.

Assembly Bill No 44—An Act to amend an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and sixty-three

Assembly Bill No. 120 (substitute for Assembly Bill No. 44)—An Act to limit the hours of labor.

Mr. O'Malley moved that the rules be suspended and Assembly Bill No 120 be considered engrossed, and put upon its passage

Mr. Tuttle moved to amend by striking out section three of the bill

Mr. Warfield moved to recommit the bill to a special committee of ten members, to be composed of lawyers, miners and mechanics.

Mr. Warfield, by leave, withdrew his motion to recommit.

Mr. Days renewed the motion to recommit to a committee of ten

On the motion to recommit, the ayes and noes were demanded by Messrs Days, Scudder and O'Malley.

The vote was as follows:

AYES—Messrs. Battelle, Biggs, Buckbee, Days, Dornin, Downer, Green, Jones, Mattingly, Pardee, Tuttle, Waldron, White—13.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Bever, Bird, Broderson, Caldwell, Canavan, Church, Clark, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, Hayes, James, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Meagher, Mentzell, Middleton, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Payne, Rector, Scudder, Smith, Spilman, Steele, Tully, Wand, Warfield, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—56.

So the motion was lost.

On the motion to strike out section three, the ayes and noes were demanded by Messrs Farish, O'Malley and Tuttle.

The vote was as follows:

AYES—Messrs. Ayer, Battelle, Bever, Bird, Buckbee, Dornin, Downer, Green, Kelley, Morrow, Smith, Tuttle, Waldron—13.

NOES—Messrs. Ables, Angney, Batchelder, Biggs, Broderson, Caldwell, Canavan, Church, Clark, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Fairchild, Farish, Gildea, Giltner, Gregory, Hayes,

James, Jones, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, Oliver, O'Malley, Ord, Payne, Rector, Scudder, Spilman, Steele, Tully, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—55.

So the motion was lost

Mr. Green moved an amendment to section four, as follows:

"*Provided*, That minor children engaged in such pursuits shall not be required to perform more than eight hours labor in any one day."

Mr. Lupton rose to a point of order, stating that the motion to amend could not be entertained during the pendency of the motion to suspend the rules for putting the bill on its final passage.

Overruled

The motion of Mr Green to amend was lost.

Mr. Biggs moved to amend section four by inserting "teamster" after the word "servants," in second line.

Lost.

Mr. Coggins moved to amend section five as follows:

"Section 5. All Acts or parts of Acts in conflict with this Act are hereby repealed."

Lost.

Mr Steele moved the previous question, which was sustained.

The question being upon the suspension of the rules, considering the bill engrossed and putting it on its final passage, the ayes and noes were demanded by Messrs Lupton, Spilman and Mahon.

The vote was as follows:

AYES—Messrs Ables, Angney, Batchelder, Bever, Biggs, Bird, Broderson, Caldwell, Canavan, Church, Clark, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, Green, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, Oliver, O'Malley, Ord, Pardee, Payne, Rector, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—63.

NOES—Messrs. Buckbee, Days, Morrow, White—4.

So the bill was read a third time and passed.

REPORTS.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King and George Carson, and associates, to build a wharf or wharves at San Pedro, in the County of Los Angeles.

LEE, Chairman.

Mr. Watson, on leave, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 33—An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, and to provide for the payment of the same, and other matters relating thereto; and No 34—An Act to authorize the Mayor and City Council of Los Angeles City to take and subscribe to the capital stock of the Los Angeles and San Pedro Railroad Company seventy-five thousand dollars, and to provide for the payment of the same, and other matters relating thereto—have had the same under consideration, and report the bills back to the House and recommend their passage, as amended.

WATSON, for Delegation.

On motion of Mr. Watson, the rules were suspended, and Senate Bill No. 33 was taken up.

Amendments adopted, and bill read third time and passed.

On motion of Mr. Watson, the rules were suspended, and Senate Bill No. 34 was taken up.

Amendments adopted, and bill read a third time and passed.

Mr. Farish moved to take up Assembly Bills Nos. 23 and 55 from the file of to-day.

On motion of Mr. Spencer, at four o'clock P. M. the House adjourned.

C. T. RYLAND,
Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 23d, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Jones was granted leave of absence for one day.

The Speaker presented a communication from the Secretary of the State Board of Agriculture, asking the use of the Assembly Chamber for the evening of January thirtieth, eighteen hundred and sixty-eight, to enable Mr. W. Wadsworth to deliver a lecture on silk, wine and vine culture.

That evening being agreed upon for Professor Whitney to deliver an address, the use of the Chamber for the evening of the thirty-first was tendered to said society for Mr. Wadsworth's lecture.

On motion of Mr. Scudder, the petition from the Roman Catholic Orphan Asylum, presented by him yesterday, was referred to the Committee on Ways and Means.

PETITIONS.

Mr. Oliver presented a petition from residents of San Joaquin County, in reference to the construction of a turnpike and gravel road within the County of San Joaquin.

Received and referred to the San Joaquin delegation.

Mr. Cochran presented a petition from citizens of Butte County, in reference to Chinese and Mongolian serfs.

Received and referred to the Committee on Federal Relations.

REPORTS.

Mr. Mahon, Chairman of the Committee on Public Printing, made the following report:

Mr. SPEAKER: The Committee on Public Printing, to whom was referred Assembly Bill No. 202—An Act to repeal an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven—have considered the same, and recommend its passage.

MAHON, Chairman.

Mr. Farish, Chairman of Committee on Elections, submitted a report from said committee, giving a detailed account of expenses incurred in the investigation of the contested case of Mason vs. Tuttle, which was referred to the Committee on Public Accounts and Expenditures.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined. and find correctly engrossed, Assembly Bill No 120 (substitute for Assembly Bill No. 44)—An Act to limit the hours of labor.

BATCHELDER, for Committee.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Concurrent Resolution No. 29, respecting a proposed Act of Congress for the establishment of a National School of Mines.

Days, for Committee.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 78—An Act to provide for the payment of the State's

proportional part of the County Auditor's salary in the County of Sutter—have had the same under consideration, and beg leave to report that the committee have had before them a certificate, under seal of C. E Wilcoxon, County Clerk, Clerk of the Board of Supervisors, Recorder and ex officio Auditor of Sutter County, dated the twenty-fifth of November, eighteen hundred and sixty-seven, setting forth that by order of the Board of Supervisors of said county, the County Auditor was allowed, during the years eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred and sixty-three and eighteen hundred and sixty-four, a salary of two hundred and fifty dollars per annum, and that during the years eighteen hundred and sixty-five, eighteen hundred and sixty-six and eighteen hundred and sixty-seven a salary of four hundred and fifty dollars per annum; and further, that, as appears by the records in his office, the County of Sutter has paid the whole of said salary during said years until the first of August, eighteen hundred and sixty-seven; and further, that the State's proportional part of said salary is the sum of one thousand and fifteen dollars and seventy-four cents, up to the said first day of August, eighteen hundred and sixty-seven

They have also had before them a statement of the State Controller to the effect that, on an examination of the books of his office, Sutter County has made no claim for Auditor's salary for the years eighteen hundred and sixty-one to eighteen hundred and sixty-seven, inclusive.

In view of the facts above set forth, the committee believe that this claim is a just one and should be allowed. They have therefore instructed me to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr Speaker: The Committee on Claims, to whom was referred Assembly Bill No. 168—An Act to authorize the State Controller to draw his warrant on the State Treasurer in favor of the Treasurer of Sacramento County for three thousand and twenty-one dollars and forty cents, on account of money overpaid to the State at the special settlement in December, eighteen hundred and sixty-seven—have had the same under consideration, and beg leave to make the following report:

Under section eight of an Act of the Legislature entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, it is directed that all taxes paid by said railroad company shall be paid to the City and County Treasurer of Sacramento County, for the purposes named in said Act.

Now, it is claimed that in a settlement made with the Controller, on the second day of December, eighteen hundred and sixty-seven, the Treasurer of Sacramento County paid into the State Treasury the State's proportion of the taxes collected on the railroad company's property, as if no such law as the one above quoted existed, instead of retaining it, as he should have done, in the County Treasury of Sacramento County. The amount so erroneously paid, including three per cent. commissions allowed him by the Controller, appears to be three thousand and twenty-one dollars and fifty cents; deducting the commissions so allowed, leaves

a balance of twenty-nine hundred and thirty dollars and eighty-six cents as the true amount that should be returned to the Treasurer of Sacramento County.

From the evidence produced before them, the committee believe that the facts as set forth are true and that the claim should be allowed. They have amended the bill to conform to this report, and have also amended the title, and they have instructed me to report the bill back to the House and recommend its passage as amended.

CONNELY, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 160—An Act to amend section ten of the Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty—respectfully report that they have had said bill under consideration and report the same back and recommend its passage.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Senate Bill No. 106—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four—respectfully report that they have had said bill under consideration and recommend its passage; and that the title be amended so as to read: "An Act to amend section twenty-four of an Act entitled," etc.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 204—An Act to amend an Act approved April twentieth, eighteen hundred and sixty-three, entitled an Act concerning the Courts of justice of this State and judicial officers—respectfully report that they have had said bill under consideration and herewith report the same back with an amendment, and recommend its passage as amended.

The amendment proposed by the committee is the following:

Amend section three by adding to subdivision first, after the word "application," as follows:

"*Provided*, however, that in the County of San Francisco, Court Commissioners shall have no power to grant orders of injunction; but the same may be granted *ex parte* in the first instance by any Judge of a District Court of a district situate in whole or in part within said county."

STEELE, Chairman.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 22d, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 100—An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of road moneys in said county.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Cureton offered the following resolution:

Resolved, That two hundred and forty copies of the bill relative to roads in Mendocino County be printed.

Lost.

Mr Papy offered the following resolution:

Resolved, That Joseph B Beard be and he is hereby appointed assistant at the Clerk's desk, at the same per diem as allowed the Chief Clerk, payable out of the Contingent Fund of the Assembly.

Mr. Meagher moved to lay on the table.

Lost.

The resolution was then adopted.

Mr. Mattingly moved to take from the general file, Senate Bill No. 52, and that the bill be referred to the Judiciary Committee.

Carried.

On motion of Mr. Ayer, Assembly Bill No. 29 was taken up, the Senate amendment read and concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Sacramento, January 22d, 1868.

Mr. SPEAKER: The Senate on this day passed Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to contruct a bridge across the Yuba River and roads connecting the same with the high lands.

W. F. HUESTIS,
Assistant Secretary.

Senate Bill No. 66, above reported, was read first and second times and referred to the Yuba delegation.

NOTICES.

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

By Mr. O'Malley—An Act amendatory of and supplemental to an Act entitled an Act to establish a Paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

By Mr Rector—An Act to provide for the maintenance of the indigent sick of Del Norte County.

By Mr. Pardee—An Act entitled an Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty first, A D. eighteen hundred and sixty-six.

By Mr. Farish—An Act entitled an Act to authorize S. W. Glazier, W. A. Bolinger, George Hearst, Louis Schloss and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco.

By Mr. Spencer—An Act to amend section one of an Act entitled an Act declaring certain rivers and creeks navigable, approved February eighteenth, eighteen hundred and fifty-one.

By Mr. White—An Act to limit the hours of labor, embracing the classification denominated agricultural, vinicultural and horticultural labor, and the services of household and domestic servants.

By Mr Lee—An Act to authorize the Board of Trustees of the City of Sacramento to levy a special tax to grade and lay down sidewalks on Tenth street, from N street to the City Cemetery, and to keep the same in proper repair.

By Mr. Canavan—An Act authorizing the Board of Supervisors of San Francisco to pay the claims of certain Judges and Clerks of Elections.

By Mr. Dwinelle—An Act to remedy certain defects in the existing law of evidence in this State.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Oliver—An Act granting to certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Read first and second times and referred to the San Joaquin delegation.

By Mr. Giltner—An Act for the removal and permanent location of the seat of government of the State of California.

Read first and second times.

Mr. Giltner moved that the bill go to the general file and be made the special order of February eighteenth at twelve o'clock, and five hundred copies of the bill be printed.

Mr. Comte moved to refer the bill to the Committee on Public Buildings.

Mr. Bird moved to lay on the table.

Lost.

On motion of Mr. Tully, the bill was made the special order for Tuesday, the eleventh day of February, at twelve o'clock.

The motion to print laid over, under the rules.

By Mr. Dwinelle—An Act to amend an Act in relation to Probate sales, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

Also, an Act supplemental to an Act to authorize married women to execute powers of attorney, approved April third, eighteen hundred and sixty-three.

Read first and second times and referred to Judiciary Committee

Also, an Act to amend section thirty-six of an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee

By Mr. Downer—An Act to amend an Act entitled 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, approved February twentieth, eighteen hundred and sixty-six.

Read first and second times and referred to the Sierra delegation.

By Mr. Willets—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to Judiciary Committee.

By Mr. Giltner—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

Read first and second times and placed on file.

By Mr. Gregory—An Act to prevent the destruction of property from camp fires and firearms.

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

By Mr. Brown of Contra Costa—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five.

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

Also, an Act to amend section thirteen of an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to Judiciary Committee.

Also, an Act to authorize Jane Spencer and Goldor Field, administrators of Daniel L. Spencer, deceased, to sell lands belonging to the estate.

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

By Mr. Green, an Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington.

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

By Mr. Pardee—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same.

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

By Mr. Middleton—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

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

By Mr. Crigler—An Act to provide for the collection of the revenue in and for Lake County, and other matters relating thereto.

Read first and second times and referred to the Lake and Napa delegations.

By Mr. Bird—An Act to amend an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento; approved March twenty-ninth, eighteen hundred and sixty.

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

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Tuttle was granted leave of absence for one day.

SPECIAL ORDER.

Assembly Bill No. 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-seven.

On motion of Mr. Ayer, consideration of the bill was postponed and made the special order for Saturday, February first, at two o'clock P. M.

Mr Scudder introduced an Act to exempt exempt firemen from the payment of State poll tax.

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

GENERAL FILE.

Assembly Bill No. 238 (substitute for Senate Bill No. 100)—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

Rules suspended, bill considered engrossed, and read a third time.

Mr Watson moved the previous question, which was sustained, on a division.

On the passage of the bill, the ayes and noes were demanded by Messrs. Buckbee, Batchelder and Watson.

The vote was as follows:

AYES—Messrs. Ables, Angney, Ayer, Battelle, Bever, Biggs, Broderson, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, Green, James, Kelley, Lee, Mace, Mahon, Mardis, Mattingly, McElhany, Meagher, Middleton, Moore, Morrow, Newsom, Oliver, Ord, Pardee, Payne, Rector, Rollins, Spencer, Spilman, Tully, Wand, Watson, Westmoreland, White, Wolleb, Mr. Speaker—55.

NOES—Messrs Batchelder, Buckbee, Caldwell, Davies, Mentzell, Newell, Scudder, Smith, Waldron, Willets—10.

So the bill was passed.

Mr. Westmoreland gave notice that he should, on to-morrow, move to reconsider the vote just taken.

Assembly Bill No. 38—An Act to give to grand and trial jurors mileage in the Counties of Marin and Mendocino.

Recommitted to the delegation from Marin County with special

instructions. Reported back with an amendment, striking out Mendocino County.

On motion of Mr. Pardee, by unanimous consent, Santa Cruz County was included in an amendment

Amendments adopted, and bill read a third time and passed.

Assembly Bill No. 20—An Act concerning tax on dogs in counties or townships of this State, conferring certain powers on the Boards of Supervisors of the respective counties, and to repeal a certain Act therein named.

Indefinitely postponed.

Assembly Bill No. 17—An Act concerning roads and highways in the County of Humboldt, and to provide for the election of Road Overseers and the appointment of a Road Superintendent in that county, and other matters connected therewith.

Laid on the table.

Assembly Bill No. 26—An Act to repeal an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Mr. Watson moved to indefinitely postpone.

On motion of Mr. Biggs, the special order set for three o'clock to-day was postponed thirty minutes.

Mr. Watson moved the previous question.

Lost.

Mr. Biggs rose to a point of order, that the time of postponement of the special order had expired.

The Chair sustained the point of order.

On motion of Mr. Biggs, the special order was again postponed ten minutes.

The question being on indefinite postponement of the bill, the ayes and noes were demanded by Messrs Tully, Fairchild and Mace.

The vote was as follows:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Bird, Brown of Contra Costa, Buckbee, Church, Clark, Coggins, Comte, Connely, Days, Dornin, Downer, Farish, Gildea, Giltner, Gregory, Green, Kelley, Lee, Meagher, Mentzell, Middleton, Morrow, Newell, Oliver, Pardee, Payne, Rollins, Smith, Spencer, Wand, Watson, Westmoreland, White, Willets, Wolleb—40.

NOES—Messrs. Angney, Biggs, Broderson, Caldwell, Canavan, Crigler, Cureton, Davies, Dryer, Fairchild, James, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Moore, Newsom, O'Malley, Ord, Scudder, Spilman, Tully, Waldron, Warfield, Mr. Speaker—27.

So the motion prevailed.

Mr. Westmoreland gave notice that he would, on morrow, move to reconsider the vote just taken.

SPECIAL ORDER.

Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

Amendment to section one adopted.

Mr. Warfield moved to amend section two by adding "dogs" after the word "jennies."

Lost.

At three o'clock and fifty minutes, Mr. Watson moved to adjourn.

Lost.

Mr. Moore moved to indefinitely postpone the bill.

Mr. Warfield moved to place the bill at the bottom of the file for to-morrow.

Mr. Watson moved to amend by placing it at top of file for to-morrow.

Mr. Warfield accepted the amendment.

The bill was ordered to top of file for to-morrow.

At four o'clock P. M., Mr. Watson moved to adjourn.

Lost.

At five minutes after four o'clock, Mr. Battelle moved to adjourn.

Lost.

Assembly Bill No. 156 (substitute for Assembly Bill No. 18)—An Act concerning assessment rolls and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein.

Read third time and passed.

Mr. Buckbee moved to place Assembly Bill No. 141, just passed over on general file, second on file for to-morrow.

So ordered.

At four o'clock and ten minutes P. M., Mr. Smith moved to adjourn.

The ayes and noes were demanded by Messrs. O'Malley, Spencer and Cureton.

The vote was as follows:

AYES—Messrs. Ables, Ayer, Broderson, Caldwell, Canavan, Clark, Coggins, Connely, Crigler, Dryer, Gregory, James, Kelley, Mahon, Martin, Mattingly, McElhany. Meagher, Mentzell, Morrow, O'Malley, Ord, Pardee, Smith, Spilman, Tully, Waldron, Warfield, Watson, Westmoreland—30.

NOES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Contra Costa, Buckbee, Church, Comte, Cureton, Davies, Days, Dornin, Downer, Fairchild, Farish, Gildea, Green, Lee, Mace, Middleton, Moore, Newell, Newsom, Oliver, Rollins, Scudder, Spencer, Wand, White, Willets, Wollob, Mr. Speaker—34.

So the House refused.

Assembly Bill No. 116—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.

Mr Mace moved to indefinitely postpone.

Mr. Dornin moved to recommit the bill to the Committee on Ways and Means, with special instructions.

Carried.

At four o'clock and forty minutes P. M., on motion of Mr. Buckbee, the House adjourned.

C. T. RYLAND, Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 24th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Gregory was granted indefinite leave of absence, on account of sickness.
Mr. Frisbie was also granted indefinite leave of absence.
Mr. Tuttle had leave of absence for one day.

RESOLUTION.

Mr. Dwinelle, on leave, offered the following resolution :

Resolved, That the rules be suspended, and business on the general file and third reading of bills be taken up.

Lost.

REPORTS.

Mr. Angney, Chairman of the Committee on Ways and Means, made the following report:

Mr. SPEAKER: The Committee on Ways and Means, to whom was recommitted Assembly Bill No 116—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May sixteenth, eighteen hundred and sixty-one—with special instructions to substitute "April" for "May," wherever it occurs, report the same back according to instructions, and recommend the passage of the bill as amended.

ANGNEY, Chairman.

Mr. Clark, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts, having examined and found correct the following accounts, beg leave to report the same, and recommend the adoption of the accompanying resolution:

To whom due.		Amount.
Chase & Boruck, for twenty-two copies of the Spirit of the Times for the session, three dollars		$66 00
Lew. B Harris, for six oak chairs		15 00
E. W. Bushyhead, for two copies of the San Andreas Register, three dollars		6 00
Joseph Hopley, for three high stools		9 00
D. W. Gelwicks, for twenty-five copies of the Mountain Democrat for the session, three dollars		75 00
J. E. Wymans, for one copy of the Humboldt Times for the session		3 00
Wells, Fargo & Co., for freight on two packages from San Francisco		2 00
W. Sharp, for carpet, etc , for judiciary rooms of the Assembly		41 13
D. S. Woodward, for coal oil and brooms for use of committee rooms		16 25
Leonard Kellogg, for stove, etc		16 00
William G. English, for room rent for six rooms for one month	$160 00	
And for carpets, furniture, etc	365 00	
		525 00
Mat. Lynch, for twenty copies of the Mendocino Democrat for the session		60 00

Resolved, That the Controller of State is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly as follows:

In favor of Chase & Boruck, for the sum of sixty-six dollars.

In favor of Lew. B Harris, for the sum of fifteen dollars.

In favor of E. W. Bushyhead, for the sum of six dollars.

In favor of Joseph Hopley, for the sum of nine dollars.

In favor of D. W. Gelwicks, for the sum of seventy-five dollars.

In favor of J E. Wymans, for the sum of three dollars

In favor of Wells, Fargo & Co., for the sum of two dollars.

In favor of W. Sharp, for the sum of forty-one dollars and thirteen cents.

In favor of D. S. Woodward, for the sum of sixteen dollars and twenty-five cents.

In favor of Leonard Kellogg, for the sum of sixteen dollars.

In favor of William G. English, for the sum of five hundred and twenty-five dollars.

In favor of Mat. Lynch, for the sum of sixty dollars.

CLARK, for Committee.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr SPEAKER: The undersigned members of the Judiciary Committee, to whom was referred Senate Bill No. 52—An Act to authorize the guard-

ian of Victoriano Guerrero to sell certain real estate at private sale—respectfully report that the opinion of the committee, as expressed in their report upon Assembly Bill No. 15—An Act to authorize Bernard S. Fox, guardian of Catherine Foley, a minor, to sell the real estate of said minor—yet meets with their entire approbation.

The case under advisement, by the showing of the petition, is not withdrawn from the operation of the general rule. The proposed Act would authorize the present guardian—without naming him or her—or any guardian that may hereafter be appointed for said minor, to sell certain real estate at private sale. The second section, it is true, requires the approval of the Probate Judge, but adds a singular clause providing for the filing of such bond as the Judge of the Probate Court may require, if any, and conditioned only for the due and proper application of the proceeds arising from such sale.

The third section also makes provisions for like bond, if any such bond shall have been required—provisions which in themselves are of singular import, particularly when taken in connection with the provisions of the law of this State applicable to guardians and wards.

Paragraph three hundred and fifty-five, section twenty, of the Probate Act, provides that "when the income of the estate of any person under guardianship shall not be sufficient to maintain the ward and his family, or to educate the ward when a minor, his guardian may sell his real or personal estate for that purpose, upon obtaining an order therefor and proceeding therein as provided in this Act"

Paragraph three hundred and fifty-six, section twenty-one, provides that "when it shall appear to the satisfaction of the Court, upon the petition of the guardian, that it would be for the benefit of the ward that his real estate, or some part thereof, should be sold in order that the proceeds thereof may be put out at interest, or invested in some productive stock, or in the improvement or security of any of the real estate of said ward, his guardian may sell," etc.

Paragraph three hundred and fifty-nine, section twenty-four, provides the method of obtaining the order by petition, setting forth the cause under oath, presented to the Court.

Paragraph three hundred and sixty, section twenty-five, provides that if it shall appear to the Judge that such sale is necessary, the Judge shall make an order requiring those interested to appear before the Court at a time not less than four weeks nor more than eight weeks, to show cause why the petition should not be granted.

Paragraph three hundred and sixty-one, section twenty-six, requires service of notice upon the parties interested at least fourteen days before the time set for the hearing, or by publication in a newspaper for three successive weeks, etc.

Paragraph three hundred and sixty-two, section twenty-seven; paragraph three hundred and sixty-three, section twenty-eight; and paragraph three hundred and sixty-four, section twenty-nine, provide for a hearing before the Court and final adjudication of the right in the matter, on evidence thereto adduced.

Paragraph three hundred and sixty-five, section thirty, gives the Court full authority to issue an order for sale, at either private or public sale, if the facts of the case will warrant such a conclusion

The remaining sections of the Act provide for bonds as security that the sale shall be made according to law and for the best price, etc, throwing around the whole transaction the protection of the law against improper, improvident or fraudulent sales of the estates of wards.

By the general Act there seems to be ample provision for the case under consideration, if the petition is meritorious—of which we cannot judge, as we have only *ex parte* testimony and no authority to bring before us those whose interests are to be directly affected by the desired Act. It is true the petition is signed by the minor Guerrero; but it is without date, is not sworn to by him, but by a third party shown not to be in interest, and no representation by or of a guardian authorized to act for the minor.

It is thought by the undersigned that a minor's disability to sell or contract should apply with equal force to an *ex parte* application, made through third parties, to the legislative branch of the Government to grant, without investigation, authority to do the act as to which his disability attaches.

We have been thus explicit in our report of authority and disapproval of this system of legislation, in hopes thereby to restrain and prevent applications of this kind in the future, and thus relieve this body of much unnecessary and special legislation, and, as a consequence, the State from large expenditures on account thereof, and to drive the parties to the Courts, where the merits of the case can be heard and determined on evidence

As a conclusion, we recommend the indefinite postponement of the bill.

STEELE (Chairman),
HAYES,
DWINELLE,
BUCKBEE,
MOORE.

Mr Steele, Chairman of the Judiciary Committee, made the following report:

Mr. Speaker: The Committee on the Judiciary, to whom was referred Assembly Bill No. 19—An Act defining the rights, privileges and duties of coparceners, joint tenants and tenants in common, in the occupation of land and tenements held in common—respectfully report that they have had said bill under consideration, and report the same back and recommend the passage of the bill.

STEELE, Chairman.

On motion of Mr. Brown of Contra Costa, on leave, Assembly Bill No. 19, above reported, was laid on the table and the usual number of copies ordered printed.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. Speaker: The Committee on Corporations, to whom was referred Assembly Bill No 190—An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County—have had the same under consideration, and report the bill back to the Assembly and recommend its passage.

MOORE, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly re-engrossed Assembly Bill No 38—An Act to give grand and trial jurors mileage in the Counties of Marin and Santa Cruz.

BATCHELDER, for Committee.

Mr. Crigler, from the Lake and Napa delegations, made the following report:

Mr. SPEAKER: The Lake and Napa delegations, to whom was referred Assembly Bill No. 256—An Act to provide for the collection of the revenue in and for Lake County, and other matters relating thereto—respectfully report that they have had the same under consideration, report the same back without amendment, and recommend its passage.

CRIGLER, for Delegations.

Mr. Crigler, from the Lake and Colusa delegations, made the following report:

Mr. SPEAKER: The Lake and Colusa delegations, to whom was referred Assembly Bill No. 217—An Act to authorize certain parties therein named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County—respectfully report that they have had the same under consideration, and beg leave to report the bill back without amendment, and recommend its passage.

CRIGLER, for Delegations.

Mr. Downer, from the Sierra delegation, made the following report:

Mr. SPEAKER: The Sierra delegation, to whom was referred Assembly Bill No 242—An Act to amend an Act entitled 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, approved February twentieth, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report it back without amendment and recommend its passage.

BATTELLE.
DOWNER

MOTIONS AND RESOLUTIONS.

Mr. Westmoreland, in accordance with previous notice, moved to reconsider the vote by which Assembly Bill No. 100 was on yesterday passed.

The ayes and noes were demanded by Messrs. Westmoreland, Waldron and O'Malley.

The vote was as follows:

AYES—Messrs. Batchelder, Broderson, Buckbee, Caldwell, Martin, Mentzell, Newell, O'Malley, Papy, Scudder, Smith, Waldron, Warfield, Westmoreland, Willets—15.

NOES—Messrs. Ables, Angney, Ayer, Battelle, Bever, Biggs, Bird, Brown of Contra Costa, Brown of Tulare, Canavan, Church, Clark, Cochran, Coggins, Comte, Crigler, Davies, Days, Dornin, Downer, Dryer,

Dwinelle, Ellis, Fairchild, Gildea, Giltner, Green, Hayes, James, Kelley, Lee, Mace, Mahon, Mardis, Mattingly, McElhany, Meagher, Middleton, Moore, Morrow, Newsom, Oliver, Pardee, Payne, Rector, Rollins, Spencer, Spulman, Steele, Tully, Wand, White, Wolleb, Mr. Speaker—54.

So the motion was lost.

Mr. Dornin moved that Assembly Bill No. 100, passed yesterday, be immediately transmitted to the Senate.

Carried.

On motion of Mr. Farish, the contested case of Mason vs. Tuttle was made the special order for the twenty-ninth of January, at twelve o'clock M.

On motion of Mr. Middleton, the resolution offered by him on the twenty-second, in reference to printing five hundred copies of the two following bills: Assembly Bill No. 223 and Assembly Bill No. 224, was taken up and adopted.

Mr. Scudder offered the following resolution:

Resolved, That the recess at present between the hours of one and two o'clock P. M. be changed to between the hours of one and half-past one P. M.

Laid over one day.

Mr. Westmoreland offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure, if practicable, for the use of the Assembly, two hundred copies of the San Francisco Daily Times, of the issue of January, eighteen hundred and sixty-eight, containing the evidence in the contest of Mason against Tuttle for a seat on this floor.

Adopted.

Mr. Mace was granted leave of absence for the remainder of the day.

Mr. Mentzell offered the following resolution:

Resolved, That the usual number of copies of the substitute bill, No. 110—An Act allowing the mining counties to retain the foreign miners' tax—be printed.

Adopted.

The motion made by Mr. Giltner on yesterday, to print 500 copies of the bill introduced by him in reference to the removal and permanent location of the seat of government of this State, was taken up and agreed to.

Mr Brown of Contra Costa was granted leave of absence from one o'clock to-day for one week.

Mr. Church offered the following resolution:

Resolved, That Standing Rule No 1 of the Assembly be amended by striking out the word "eleven," in first line, and inserting "ten."

Laid over one day.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 23d, 1868

Mr. SPEAKER: The Senate on this day adopted Senate Concurrent Resolution No. 44, relative to the appointment of joint committee to investigate certain charges of corruption and allegations of fraud in the the last Senatorial election; and in accordance therewith the Senate has appointed Messrs. Pearce, Hager, Mizner and Johnson on the part of the Senate.

W. F. HUESTIS,
Assistant Secretary.

Senate Concurrent Resolution No. 44, above reported, was read.
Mr. Lupton moved to indefinitely postpone.
Mr. Green offered an amendment.
At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.
Consideration of Senate Concurrent Resolution No 44 was resumed.
Mr. O'Malley moved the previous question.
The ayes and noes were demanded by Messrs. Westmoreland, Waldron and Warfield.
The vote was as follows:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Clark, Cochran, Connely, Crigler, Cureton, Davies, Dwinelle, Ellis, Farish, Gildea, Green, James, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Papy, Payne, Scudder, Spilman, Steele, Wand, Watson, Wolleb, Mr. Speaker —37.

NOES—Messrs. Ables, Ayer, Battelle, Bever, Buckbee, Church, Coggins, Comte, Dornin, Downer, Dryer, Jones, Kelley, Lupton, Martin, Morrow, Oliver, Pardee, Rector, Smith, Spencer, Tully, Waldron, Warfield, Westmoreland, White, Willets—27.

So the previous question was sustained.
The question being on Mr Green's amendment, the ayes and noes were demanded by Messrs. Coggins, Ayer and White.
The vote was as follows:

AYES—Messrs. Angney, Batchelder, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Clark, Cochran, Comte, Connely, Crigler, Cureton, Davies, Dornin, Dwinelle Ellis, Farish, Gildea, Giltner, Green, James, Kelley, Lee, Lupton, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Papy, Payne, Scudder,

Smith, Spencer, Spilman, Steele, Tully, Wand, Warfield, Willets, Wolleb, Mr. Speaker—48.

NOES—Messrs. Ables, Ayer, Battelle, Buckbee, Church, Coggins, Downer, Dryer, Jones, Martin, Morrow, Oliver, Pardee, Rector, Waldron, Watson, Westmoreland, White—18.

So the amendment was adopted.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Lupton, Gildea and Lee, and the vote was taken.

Mr. Warfield rose to a point of order, that the vote taken on Mr. Green's motion to amend having carried, the motion to indefinitely postpone was cut off.

Overruled.

Mr. Warfield appealed.

The question being, Shall the decision of the Chair stand as the judgment of the House? the Chair was sustained.

The House refused to indefinitely postpone, by the following vote:

AYES—Messrs. Church, Mattingly, Meagher, Pardee, White—5.

NOES—Messrs Ables, Angney, Batchelder, Battelle, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dornin, Dryer, Dwinelle, Ellis, Farish, Gildea, Giltner, Green, James, Jones, Kelley, Lee, Lupton, Mardis, Martin, McElhany, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Papy, Payne, Rector, Scudder, Smith, Spencer, Spilman, Steele, Tully, Waldron, Wand, Warfield, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—59.

Senate Concurrent Resolution No. 44, as amended, was concurred in.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 23d, 1868.

Mr SPEAKER: The Senate on the eighteenth instant passed, under a suspension of the rules, Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same

Also, on same day, passed, under suspension of the rules, Senate Bill No. 133—An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries and to provide for its organization, approved April second, eighteen hundred and sixty-six.

Also, on the twentieth instant, under a suspension of the rules, Senate Bill No 5—An Act to confirm the assessment roll of Butte County for the year eighteen hundred and sixty-seven

Also, on the twenty-second instant, passed Senate Bill No 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in

Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, on the twenty-second instant, passed Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 24th, 1868.

Mr. SPEAKER: I am directed to inform your honorably body that the Senate, on the twenty-third instant, passed Senate Bill No. 65—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Also, Senate Bill No. 53—An Act for the relief of Thomas T Davenport, late County Collector of Nevada County.

Also, Senate Bill No. 61—An Act for the relief of E. F. Spence, County Treasurer of Nevada County.

Also, on the same day, under a suspension of the rules, passed Assembly Bill No. 136—An Act to authorize Charles M. Benbrook, Samuel Maburn and Marcus D. Brundige to construct and maintain a turnpike road from Wiley's Rancho to Willow Springs, in the County of Los Angeles

Also, on the twenty-second instant, the Senate refused to recede from its amendment to Assembly Concurrent Resolution No. 16, appropriating funds to defray the inaugural expenses, and ordered a Committee of free conference thereon, consisting of Messrs. Mandeville, Beach and Wolcott.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 116, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No 80, above reported, was read first and second times and referred to the Napa and Lake County delegations.

Senate Bill No 133, above reported, was read first and second times and referred to the delegations from Lake and Tulare.

Senate Bill No. 115, above reported, was read first and second times and placed on file.

Senate Bill No. 5, above reported, was read first and second times and referred to the Judiciary Committee.

On Assembly Concurrent Resolution No. 16, above reported, the House agreed to the free conference.

The Speaker appointed as such, Messrs. Watson, Comte and Ables, on the part of the Assembly.

Senate Bill No. 56, above reported, was read first and second times and placed on file.

Senate Bill No. 53, above reported, was read first and second times and referred to the Committee on Claims.

Senate Bill No. 61, above reported, was read first and second times and referred to the Committee on Claims.

NOTICES.

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

By Mr Scudder—An Act amendatory of an Act approved March first, eighteen hundred and sixty-four, entitled an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine.

Also, an Act regulating banks and saving societies and appointing a Bank Commissioner in and for the City and County of San Francisco.

By Mr. O'Malley—An Act amendatory of and supplemental to an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three.

By Mr. Payne—An Act to amend an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

By Mr. Biggs—An Act to assess and collect taxes on Government bonds

By Mr. Waldron—An Act to fix the salary and regulate the fees in office of the county officers in Placer County.

By Mr. Cochran—An Act to prevent male animals in Butte County from running at large.

Mr. Westmoreland, on leave, entered the following protest:

"Mr. Westmoreland protests against the action of the Assembly on the twenty-third instant, in indefinitely postponing Assembly Bill No. 26—An Act to repeal an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

"He says that the Act sought to be repealed levied a direct, specific tax on each of the dogs in this State, and there seems to be no pretence or declaration in the Act itself that the tax was levied as a license tax or a tax for a municipal purpose.

"Section eleven, Article one of the Constitution declares that 'all laws of a general nature shall have a uniform operation.'

"Section thirteen, Article eleven, says: 'Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law,' etc.

"Dogs are property in this State. They are made the subject of larceny by an Act to prevent the stealing of dogs, approved March seventh, eighteen hundred and sixty.

"There is no doubt in the mind of protestant that the Act sought to be repealed is in gross and palpable violation of the Constitution of the State.

"Moreover, it is an oppression on the poor people of the State in favor of the rich but comparatively few breeders of sheep and Cashmere and Angora goats in California."

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rector—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte.

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

By Mr. Watson—An Act entitled an Act authorizing Evert C. Evertson, or his heirs and assigns, to remove the remains of deceased persons from an abandoned graveyard in the City of Los Angeles

Read first and second times and referred to the Los Angeles delegation.

By Mr. Newsom—An Act to regulate the election of Supervisors in the County of Merced.

Read first and second times and placed on file.

By Mr O'Malley—An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

Read first and second times and referred to the San Francisco delegation, and usual number of copies ordered printed.

By Mr. Pardee—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

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

By Mr. Payne—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one

Read first and second times and referred to Judiciary Committee.

GENERAL FILE.

On motion of Mr. Dwinelle, Senate Bill No. 98 was taken up.

Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Read a third time and passed.

Mr Connely and others, of the San Francisco delegation, were granted leave to retire to attend to committee business.

Assembly Bill No 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

Mr. Mattingly moved to recommit with special instructions.

Lost

The bill was then ordered engrossed.

Mr. Watson moved that the rules be suspended, and the bill considered engrossed and put upon its passage.

The ayes and noes were demanded by Messrs. Coggins, Mattingly and Ables.

The vote was as follows:

AYES—Messrs. Angney, Biggs, Bird, Brown of Tulare, Caldwell, Clark, Cochran, Crigler, Cureton, Davies, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Giltner, Green, Hayes, James, Kelley, Lee, Lupton, Mardis, Martin, McElhany, Meagher, Mentzell, Morrow, Newell, Newsom,

O'Malley, Ord, Papy, Pardee, Payne, Spilman, Steele, Tully, Waldron, Warfield, Watson, Westmoreland, Wolleb—43.

NOES—Messrs. Bever, Buckbee, Church, Coggins, Dornin, Downer, Jones, Mattingly, Moore, Rollins, Smith, Spencer, White—13.

So the motion prevailed.

The bill was read a third time and passed.

Mr. Lupton moved that the rules be suspended, and Assembly No. 55 be now taken up.

Lost.

Mr Tully was granted leave of absence for the remainder of the day.

Assembly Bill No. 141 (substitute for Senate Bill No. 13)—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments.

Mr. Dwinelle moved to recommit with special instructions.

Mr Gildea moved the previous question, which was sustained.

The motion to recommit was lost.

The bill was read a third time and passed.

Assembly Bill No 143—An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses.

Read a third time and passed.

Assembly Bill No. 22—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight.

Made the special order for February third, at twelve o'clock.

Assembly Bill No. 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Read a third time and passed.

Assembly Bill No 126—An Act to authorize the Sheriff of the City and County of San Francisco to appoint Porters for the City Hall in said city and county.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr Coggins, the action of the House in passing Assembly Bill No. 143 was reconsidered, and the bill placed on its engrossment.

On motion of Mr Coggins, the rules were suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No 23—An Act in relation to the office of Assessor of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Assembly Bill No. 55—An Act concerning the office of County Clerk of the City and County of San Francisco.

Amendments adopted; rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr Buckbee, at four o'clock and thirty minutes P. M., the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 25th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Mr. Kelly was granted leave of absence for two days.
Mr Tuttle was granted indefinite leave of absence, and Mr. Spilman leave of absence for one day.

REPORTS.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 214—An Act concerning warrants drawn on the County Treasurer or County Treasury or any fund thereof of the several counties of this State—respectfully report that they have had said bill under consideration, and herewith report the same back and recommend that it do not pass.

STEELE, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 216—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three—respectfully report that they have had said bill under consideration, and report the same back and recommend its passage.

STEELE, Chairman.

Mr. Warfield, Chairman of the Committee on State Hospitals, made the following report:

Mr. SPEAKER: The Committee on State Hospitals, to whom was referred Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of Del Norte County—have considered the same and recommend its passage, with the amendment thereto attached.

WARFIELD, Chairman.

Mr. Lee, Chairman of 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 the Sheriff of the City and County of San Francisco to appoint Porters for the City Hall in said city and county.

Also, Assembly Bill No. 23—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

Also, Assembly Bill No. 143—An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses.

LEE, Chairman.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Church, the following resolution, offered by him on yesterday, was taken up:

Resolved, That Standing Rule No. 1 of the Assembly be amended by striking out the word "eleven," in the first line, and inserting "ten."

Lost.

Mr. Steele offered the following resolution:

Resolved, That the Committee on State Library be and they are hereby directed to examine into the affairs of the State Library; the care that has been bestowed thereon by the State Librarian; what books have been in the library belonging to the State; what books now remain therein; if any books are missing; and if yes. make inquiry as to the disposition of the same; and generally, that they fully investigate all matters touching the affairs of the State Library, and that they report their opinion as to the necessity of legislation to protect and advance the interests of the library; and further, that said committee have power to send for persons and papers.

Adopted.

The following resolution, offered by Mr. Scudder yesterday, was taken up:

Resolved, That the recess at present between the hours of one and two o'clock P. M. be changed to between the hours of one and one and a half P. M.

Lost.

The resolution accompanying the report of the Committee on Public Expenditures and Accounts on yesterday, directing the Controller of State to draw his warrant on the Contingent Fund for sundry sums, to various parties therein named, was taken up and adopted.

The resolution offered by Mr. Dwinelle on the twenty-second, as follows, was taken up:

Resolved, That twice the usual number of copies of the bill reported by the Judiciary Committee as a substitute for several bills heretofore introduced for the amendment of the Civil Practice Act, be printed for the use of this House.

Adopted.

Mr. Meagher, Chairman of 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. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same—respectfully beg leave to report that they have had the same under consideration, and report the same back with amendments, and recommend the passage of the bill as amended.

MEAGHER, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 25th, 1868.

Mr SPEAKER: I have to inform your honorable body that the Senate on the twenty-fourth instant passed, under a suspension of the rules, Assembly Bill No. 238 (substitute for Senate Bill No. 100)—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J C. Lamon.

Also, on same day, passed Assembly Bill No 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two.

Also, substitute for Senate Bill No. 17—An Act for the relief of debtors

Also, Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County.

Also, substitute for Senate Bill No. 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Also, substitute for Senate Bill No 78—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases.

Also, Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

Also, Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa.

Also, Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey.

Also, Assembly Concurrent Resolution No. 28, relative to applying to Congress for mail facilities between Sacramento and Princeton.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE

Substitute for Senate Bill No. 17, above reported, was read first and second times and placed on file.

Senate Bill No. 46, above reported, was read first and second times and placed on file.

Substitute for Senate Bill No. 55, above reported, was read first and second times and placed on file.

Substitute for Senate Bill No. 78, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 102, above reported, was read first and second times and placed on file

Senate Bill No 111, above reported, was read first and second times and referred to the Mariposa delegation.

Senate Bill No. 112, above reported, was read first and second times and placed on file.

NOTICE.

Notice of the introduction of a bill was given, as follows:

By Mr. Tully—An Act to amend an Act entitled an Act to protect sheep, Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Canavan—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order paid claims for services of Judges and Clerks of Elections.

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

By Mr. Angney—An Act amendatory of and supplemental to an Act entitled an Act to provide for the licensing of auctioneers, and define their duties and liabilities, approved April fifteenth, eighteen hundred and fifty-nine.

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

By Mr Cochran—An Act to submit to the qualified voters of Butte County the question of the removal of the seat of justice of said county.

Read first and second times and referred to the Butte County delegation.

By Mr. Dwinelle—An Act to authorize H. T. Templeton and S P. Middleton, and their 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 Committee on Corporations.

By Mr. Hayes—An Act to grant to William H. Davis the title of the State of California in certain property situate on the water front of the Town of New San Diego

Read first and second times and referred to the Committee on Public Lands

Also, an Act to grant to the heirs of Miguel Pedrorena, deceased, the title of the State of California in certain property situate on the water front of the Town of New San Diego.

Read first and second times and referred to the Committee on Public Lands.

Mr. O'Malley in the chair.

By Mr. Hayes—An Act to grant to the heirs of José Antonio Aguirre,

deceased, the title of the State of California in certain property situate on the water front of the Town of New San Diego.

Read first and second times and referred to the Committe on Public Lands.

Also, an Act concerning the San Diego and Gila, Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts.

Read first and second times and referred to the San Diego delegation.

Also, an Act to reincorporate the City of San Diego.

Read first and second times and referred to the San Diego delegation.

By Mr. Batchelder—An Act to amend section twenty-two of an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Yuba delegation.

By Mr. Payne—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Amador and Alpine delegations.

By Mr. Cochran—An Act to prevent stallions, bulls and boars from running at large in the County of Butte.

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

By Mr. Ryland—An Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times and ordered on general file.

By Mr. Papy—An Act to amend 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 Judiciary Committee.

GENERAL FILE.

Assembly Concurrent Resolution No 27, relative to the establishment of a mail route from Weaverville, in Trinity County, to Hydesville, in Humboldt County.

Read a third time and passed.

Assembly Concurrent Resolution No. 24, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County.

Read a third time and passed.

Assembly Concurrent Resolution No. 23, concerning daily mail to Arcata, in Humboldt County, via Hydesville, Rohnersville and Eureka, from Petaluma.

Read a third time and passed.

Assembly Concurrent Resolution No. 33 (substitute for Assembly Concurrent Resolution No. 7), concerning bounty due the men composing the First Battalion of Mountaineers, California Volunteer Infantry

Adopted as a substitute for Assembly Concurrent Resolution No. 7; read a third time and passed.

Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of

telegraph in this State, between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, in Santa Cruz County.

Amendment adopted; rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 191—An Act to amend an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, in Calaveras County.

Referred to the Tuolumne and Calaveras delegations.

Assembly Bill No 205 (substitute for Assembly Bill No. 52)—An Act to authorize Titus Hale, Austin Walrath, Wm. McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the City of Monterey to the Rancho Natividad, and to construct a wharf at the City of Monterey.

Mr. Bird moved to amend section four by striking out "ten," in line three, and inserting "five"

The ayes and noes were demanded by Messrs. Coggins, Rollins and Dornin.

The vote was as follows:

AYES—Messrs. Ayer, Batchelder, Bever, Bird, Caldwell, Clark, Cochran, Coggins, Days, Dornin, Gildea, Pardee, Rollins, Waldron, Westmoreland, White—16.

NOES—Messrs. Ables, Angney, Battelle, Biggs, Broderson, Brown of Tulare, Buckbee, Canavan, Church, Comte, Connely, Crigler, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Fairchild, Farish, Giltner, Hayes, Jones, Lee, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Moore, Morrow, Newell, Newsom, Oliver, Ord, Payne, Rector, Smith, Spencer, Tully, Wand. Watson, Willets, Wolleb—47.

So the motion was lost.

Mr. Coggins moved to strike out all after the word "freight," in section first of the bill.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Waldron was granted leave of absence for the remainder of the day.

Mr. Middleton was granted leave of absence until Tuesday next.

GENERAL FILE RESUMED.

The motion of Mr. Coggins, to amend Assembly Bill No. 205, was lost.

On motion of Mr. Tully, the rules were suspended, the bill considered engrossed, read a third time and passed.

The Speaker presented a communication from John Cunningham in reference to services performed in putting the flag pole in order.

Received and referred to Committee on Claims.

Assembly Bill No. 188—An Act to remove the disability of minority and to declare Henry Clay Lefever of lawful age.

Indefinitely postponed.

Assembly Bill No. 206 (substitute for Assembly Bill No. 184)—An Act to provide for the issuance of duplicates of Controller's and other warwants when the originals have been lost or destroyed.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works.

Read a third time and passed.

Assembly Bill No 121 (substitute for Assembly Bills Nos 3, 8 and 94)—An Act to repeal certain statutes requiring political or other test oaths.

Read a third time.

Mr. Watson moved the previous question.

Not sustained.

Mr. Buckbee moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs Watson, Cochran and Gildea.

The vote was as follows:

AYES—Messrs. Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Tulare, Buckbee. Caldwell, Canavan, Church, Clark, Cochran, Comte, Connely, Crigler, Cureton, Davies, Dryer, Dwinelle, Ellis, Fairchild, Farish, Gildea, Giltner, Green, Hayes, James, Jones, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Moore, Newell, Newsom, Oliver, Ord, Papy, Pardee, Payne, Rector, Smith, Spencer, Steele, Tully, Wand, Warfield, Watson, Wolleb, Mr. Speaker—56.

NOES—Ables, Coggins, Days, Dornin, Downer, Morrow, Rollins, Westmoreland, White—9.

So the bill was passed.

Assembly Bill No. 239 (substitute for Assembly Bill No. 108)—An Act for the relief of T. A. Brady.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee.

Amendments adopted and ordered engrossed.

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 218—An Act to amend an Act dividing the State into counties and establishing the seats of justice therein, passed April fifteenth, eighteen hundred and fifty-one.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended

Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Read a third time and passed.

Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and main-

tain a wharf at Horton's Addition, in New San Diego, in the County of San Diego.

Read a third time and passed.

Mr. Ryland, on leave, offered the following resolution :

Resolved, That Rule 77 be amended by adding, "But a substitute, after its adoption, may be amended either by striking out or inserting, or both striking out and inserting."

Rules suspended, by unanimous consent, and the resolution adopted.

Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six

Ordered second on file for Monday next.

REPORTS.

Mr. Watson, on leave, made the following report:

Mr Speaker: The Committee of Conference, to whom was referred the disagreeing vote of the two houses on Assembly Concurrent Resolution No. 16, appropriating funds to defray the inaugural expenses, have had the same under consideration and agree to the following report :

Strike out, in line five of the resolution, "six hundred and fifty dollars," and insert "three hundred and fifty dollars."

MANDEVILLE,
For Senate Committee ;
WATSON,
For Assembly Committee.

Adopted.

Assembly Bill No. 102 (substitute for Assembly Bill No. 102)—An Act granting to the mining counties of this State the foreign miners' tax collected in said counties severally.

Made the special order for Monday, the third of February, at twelve o'clock M

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. Speaker: The Committee on Engrossment have examined, and would report correctly engrossed, Assembly Bill No. 55—An Act to authorize the County Clerk of the City and County of San Francisco to appoint deputy clerks for the Fifteenth Judicial District of said city and county.

Also. Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

BATCHELDER, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 79—An Act to authorize the County Judges of this State to hold terms of the County Court in counties other than those for which they are respectively elected.

On motion of Mr. Dwinelle, all after the enacting clause was stricken out and the bill reported from the Judiciary Committee inserted.

The rules were suspended, the bill considered engrossed, read a third time and passed.

The title was amended to read as follows:

"An Act to authorize the County Judges and Probate Judges of this State to hold terms or parts of terms of the County Court and Probate Court in counties other than those for which they were respectively elected."

Mr Lupton gave notice that he should move, on Monday, to reconsider the vote by which Assembly Bill No. 79 was passed.

At four o'clock and thirty minutes, on motion of Mr. Wolleb, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 27th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Jones was granted indefinite leave of absence on account of sickness in his family.

Messrs. Scudder and Lee were granted leave of absence for three days each.

Messrs. O'Malley and Waldron were granted leave of absence for one day.

Mr. Lupton was excused for absence on Thursday last.

REPORTS.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 252—An Act to authorize Jane Spencer and Golder Field, administrator of the estate of Daniel L Spencer, deceased, to sell land belonging to said estate—respectfully report that they have had said bill under consideration, and can only reiterate their opposition, heretofore expressed, to this class of legislation. Believing that the laws of this State regulating the settlement of estates of deceased persons amply provide the means of effecting sales of real estate in all

necessary and proper cases, the committee recommend the indefinite postponement of the bill.

STEELE, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks—have had the same under consideration, and beg leave to make the following report:

The affidavit of Justus Brooks represents that between the twentieth day of June, eighteen hundred and sixty-six, and the first day of August, in said year, he lost, by means to him unknown, a warrant on the State of California; said warrant called for the sum of one hundred and eighty-five dollars and a fraction, and was payable out of the Soldiers' Relief Fund, and dated June third, eighteen hundred and sixty-five, and numbered thirteen thousand four hundred and thirty-four.

The committee have examined the books of the Controller and Treasurer, and find that a warrant was issued to Justus Brooks numbered thirteen thousand four hundred and thirty-four, under date of June third, eighteen hundred and sixty-five, for the sum of one hundred and eighty-five dollars and thirty-three cents, and that the same has not been paid by the State Treasurer. They believe, therefore, that the relief asked for should be granted, and have instructed me to report the bill back to the House and recommend its passage, with an amendment which they have made to it.

CONNELY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 106—An Act to pay for services rendered to the State Land Department—have had the same under consideration, and beg leave to report as follows:

The claimant, S. N. Norton, alleges that he was employed by J. F. Houghton, late Surveyor-General of the State, as an extra clerk in his office, without authority of law, for the period of six months and twenty days—from the tenth day of December, eighteen hundred and sixty-six, to the first day of July, eighteen hundred and sixty-seven—and has testified before the committee that he performed the service as stated.

He further alleges that he made a compilation, publication and distribution of the laws relating to tide, salt marsh and swamp lands, and that the same was done in the month of April, eighteen hundred and sixty-six, solely at his care and expense; that he offered the same for sale through A. Roman & Co., San Francisco; James Bithell, Sacramento City, and I. Newell, Stockton; that less than sixty copies were sold in all, and that the net proceeds of such sales amounted only to the sum of seventeen dollars and fifty cents, that the edition consisted of nearly thirteen hundred copies, and that he distributed them to the various Boards of Supervisors and other officers throughout the State; that a few copies still remain in the State Land Office, and that one hundred and seventy copies remain in his own possession, which are subject to the order of your committee for the benefit of the people of the State,

and he proposes to surrender to the State the copyright as well as the published edition. For this he claims the sum of four hundred dollars, and for his services as extra clerk in the Surveyor-General's office he claims the sum of thirteen hundred and thirty-four dollars.

In regard to the claim for clerical service, J. F. Houghton, late Surveyor-General of the State, testified before the committee to the effect that the work thrown upon his office in consequence of the passage by Congress of the law approved July twenty-third, eighteen hundred and sixty-six, for the settlement and confirmation of the locations of the State lands made in the several United States Land Offices in this State, was so much increased that it required this extra clerical service in his office for the proper dispatch of business, and that the interests of the State would have suffered had he not employed an extra clerk. He further testifies that the clerk so employed was the claimant, S. N Norton; that he agreed to give him for his services one hundred and fifty dollars per month, amounting altogether to the sum of one thousand dollars, contingent upon an appropriation to be made by the Legislature for payment.

The committee believe, from the evidence before them. that the clerical service was necessary, and that the amount of one thousand dollars should be appropriated to pay the claim for that amount.

As to the claim for the compilation, etc., of the Tide, Salt Marsh and Swamp Land Laws, the committee believe that it was got up for private speculation, and would, if purchased, be of no benefit to the State, and should therefore be rejected.

The committee have amended the bill so as to conform to this report, and have instructed me to report the same back to the House and recommend its passage as amended.

CONNELY, Chairman.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

Mr. Speaker: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt;

Also, Assembly Bill No. 61—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same;

Also, Assembly Bill No 43—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes;

Also, Assembly Bill No 113—An Act to amend an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad in the city of Oakland and Alameda County, and to run cars thereon, approved March third, eighteen hundred and sixty-six;

Also, substitute for Assembly Bill No. 195—An Act to appropriate money for contingent expenses of the Legislature;

And at ten o'clock A. M. this day presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr Lupton, Chairman of the Committee on Federal Relations, made the following report:

Mr. SPEAKER: The Committee on Federal Relations have had under consideration Assembly Joint Resolution No. 8, relative to erecting a light-house at the Town of Trinidad, and report the same back with amendments, and recommend the adoption of the same as amended.

They have also considered Concurrent Resolution No 26, asking postal facilities from Red Bluff, in Tehama County, etc., together with the accompanying petitions. They report back said resolution with an amendment to the preamble, and recommend the passage of said preamble and resolution as amended.

LUPTON, Chairman.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 239 (substitute for Assembly Bill No. 108)—An Act for the relief of T. A. Brady.

Also, Assembly Bill No. 218—An Act to amend an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one, and to more clearly define the boundary line of Sonoma County

Also, Assembly Bill No 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee.

Also, Assembly Bill No 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State, between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, Santa Cruz County.

Also, Assembly Bill No 206 (substitute for Assembly Bill No. 184)—An Act to provide for the issuance of duplicates of Controller's and other warrants, when the originals have been lost or destroyed.

DAYS, *for Committee.*

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred the claim of John Cunningham, have had the same under consideration, and beg leave to present a preamble and joint resolution on the subject.

CONNELY, Chairman.

Mr Spilman, Chairman of the Committee on Public Morals, made the following report:

Mr. SPEAKER: The Committee on Public Morals, to whom was referred Assembly Bills No. 7, 9, 10 and 11, make the following report:

They have examined Assembly Bill No. 7—An Act to repeal an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, passed March sixteenth, eighteen hundred and fifty-five—and recommend its passage.

Also, Assembly Bill No. 9—An Act to repeal an Act entitled an Act to provide for the better observance of the Sabbath, passed April tenth, eighteen hundred and fifty-eight—and recommend the same to pass.

Also, Assembly Bill No. 10—An Act to repeal an Act entitled an Act for the better observance of the Sabbath, passed May twentieth, eighteen hundred and sixty-one—and recommend the same to pass.

Also, Assembly Bill No. 11—An Act to repeal an Act entitled an Act to prohibit the keeping open of markets and the vending of meats, game, vegetables or other market products in the City and County of San Francisco on the Sabbath day, passed March twenty-seventh, eighteen hundred and sixty-two—and recommend the passage of said bill.

SPILMAN (Chairman),
BRODERSON,
MENTZELL,
WATSON.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. Speaker: The Committee on Corporations, to whom was referred Assembly Bill No. 142—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pitchoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco—have considered the same, and report the bill back to the Assembly and recommend its passage.

MOORE, Chairman.

Assembly Bill No. 142, above reported, was referred to the San Francisco delegation.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr Speaker: The Committee on Corporations, to whom was referred Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara—have had the same under consideration, and report the bill back to the Assembly and recommend its passage.

MOORE, Chairman.

Mr. Morrow, from the San Joaquin delegation, made the following report:

Mr. Speaker: The San Joaquin delegation, to whom was referred the bill No. 222—An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six—have had the same under consideration, and report the bill back to the House and recommend its passage.

MORROW, for Delegation.

Mr. Davis, from the Tuolumne and Calaveras delegations, made the following report:

Mr. Speaker: The Tuolumne and Calaveras delegations, to whom was referred Assembly Bill No. 191, have had the same under consideration and offer the following amendment: Strike out the word "six" in line two, section four, and insert "four," so that the section will read:

"The said companies shall complete the said road within four years from and after the first day of January, A. D. eighteen hundred and sixty-eight."

And when so amended, recommend the passage of the bill.

DAVIS,
For Tuolumne Delegation;
MENTZELL,
For Calaveras Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Westmoreland offered the following resolution:

Resolved, That on Wednesdays and Thursdays of each week, the thirteenth order of business, viz: "Business on general file and third reading of bills," shall take precedence in the order of business of everything else following reading and approval of the Journal.

Laid over one day.

The joint resolution accompanying the report of the Committee on Claims in relation to the services of John Cunningham was taken up and adopted.

Mr. Lupton, pursuant to notice, moved to reconsider the vote taken on Saturday by which Assembly Bill No. 79 was passed.

The ayes and noes were demanded by Messrs. Lupton, Mahon and Meagher.

The vote was as follows:

AYES—Messrs. Bird, Broderson, Brown of Tulare, Caldwell, Cochran, Coggins, Cureton, Days, Dornin, Dryer, Ellis, Fairchild, Giltner, Green, Hayes, Lupton, Mahon, Martin, Meagher, Pardee, Rollins, Smith, Warfield, Watson, White—25.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Biggs, Buckbee, Canavan, Church, Clark, Comte, Connely, Crigler, Davies, Downer, Dwinelle, Gildea, James, Mardis, Mattingly, McElhany, Mentzell, Moore, Morrow, Newell, Newsom, Oliver, Papy, Payne, Spencer, Spilman, Tully, Wand, Westmoreland, Willets, Wolleb, Mr. Speaker—37.

So the motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 25th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 103—An Act authorizing the construction of a wharf at New San Diego, in San Diego County, by Stephen S. Culverwell and others.

Also, Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

Also, Senate Bill No. 20—An Act to amend an Act to provide for a

system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Senate Bill No. 113—An Act to appropriate money to pay certain claims.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 113, above reported, was read first and second times and placed on file.

Senate Bill No. 20, above reported, was read first and second times and referred to the Committee on Education.

Senate Bill No. 6, above reported, was read first and second times and referred to the Committee on Claims.

NOTICES.

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

By Mr. Payne—An Act to fix the salaries and compensation of the County Judge, District Attorney and County Treasurer of Alpine Couny.

Also, an Act to transfer the State's proportion of certain delinquent taxes assessed in Alpine County to said Alpine County, and to allow said county to retain the State's proportion of the poll taxes collected therein.

By Mr. Tully—An Act asking the right to construct and maintain a railroad and toll bridge across the Bay of San Francisco.

By Mr. Dwinelle—An Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Canavan—An Act for securing liens of mechanics and others.

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

By Mr. Wand—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 Judiciary Committee.

By Mr. Wand (at request of Mr. Farish)—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco.

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

By Mr. Mattingly—An Act to amend sections three and four of an Act to divide the State into judicial districts.

Read first and second times and referred to the delegations representing the Third Judicial District, including the San Mateo delegation.

Also, an Act to provide for re-indexing the county records of San Mateo County.

Read first and second times and referred to the San Mateo delegation.

By Mr. Tully—An Act to amend an Act entitled an Act to protect sheep, Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Moore—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty; and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one

Read first and second times and placed on file.

GENERAL FILE.

Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 207 (substitute for Assembly Bill No. 182)—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 166—An Act to define the boundary line between Merced and Stanislaus Counties.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 165—An Act to authorize Z. B. Heywood and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County.

Amendments adopted.

Mr. Lupton moved to recommit to the Committee on Commerce and Navigation, with instructions to amend the bill by striking out "twenty-five years" and inserting "twenty years," as the time for which said franchise is granted.

Lost.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 167—An Act supplementary to an Act entitled an

Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four.

Referred to the Judiciary Committee.

Assembly Bill No 96 (substitute for Assembly Bill No. 28)—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Ordered to head of file for to-morrow .

Assembly Bill No. 234—An Act to fund the debt of Calaveras County.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M the House reassembled.

Speaker in the chair.

Roll called

Quorum present.

Mr. Wolleb was granted leave of absence for the remainder of the day.

Messrs Moore, Rollins and Brown of Tulare had leave of absence granted for the remainder of the day.

Assembly Bill No 234 was ordered engrossed.

Assembly Bill No 31—An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County.

Senate amendments adopted and ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Mr. Ayer, on leave, offered the following resolution:

Resolved, That his Excellency the Governor be requested to return to the Assembly, without his approval, Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from Santa Barbara to Santa Ynez River, in Santa Barbara County.

Adopted.

Assembly Bill No. 204—An Act to amend an Act approved April twentieth, eighteen hundred and sixty-three, entitled an Act concerning the Courts of justice of this State and judicial officers.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 160—An Act to amend section ten of the Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 168—An Act to authorize the State Controller to draw his warrant on the State Treasurer in favor of the Treasurer of Sacramento County for three thousand and twenty-one dollars and forty cents, on account of money overpaid to the State at the special settlement in December, one thousand eight hundred and sixty-seven.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed. Title amendment adopted.

Assembly Bill No 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate substitute for Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of the County of Alameda.

Senate substitute adopted, read third time and passed.

Mr Cochran move to take up Assembly Bill No. 95, not on file.

Lost

Assembly Bill No. 202—An Act to repeal an Act entitled an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 106—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April first, eighteen hundred and sixty-four.

Ordered to file for to-morrow.

Assembly Bill No. 78—An Act to provide for the payment of the State's proportionate part of the County Auditor's salary in the County of Sutter.

Considered in Committee of the Whole.

Speaker in the chair.

Reported back and passage recommended.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 256—An Act to provide for the collection of the revenue in and for Lake County, and other matters relating thereto.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 217—An Act to authorize certain parties therein named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County.

Rules suspended, bill considered engrossed, read a third time and passed

Substitute for Senate Bill No. 52—An Act entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale.

Recommitted to the Judiciary Committee.

Assembly Bill No. 115—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.

Amendment adopted.

Mr. Lupton moved to lay on the table.

Lost.

Mr Meagher moved the previous question.

Sustained.

The bill was read a third time and passed, on a division.

Mr. Watson gave notice that on to-morrow he should move to reconsider the vote just taken.

Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditor's warrants, or that may be outstanding on the

first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same.

Read a third time and passed.

Senate Bill No. 65—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Read a third and passed.

Assembly Bill No. 261—An Act to regulate the election of Supervisors in the County of Merced

Amended and amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 190—An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

Ordered at head of file for Thursday.

Assembly Bill No. 242—An Act to amend an Act entitled 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, approved February twentieth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Substitute for Assembly Bill No. 102—An Act granting the mining counties of this State foreign miners' tax collected in said counties severally.

Made the special order for Monday, February third, at twelve o'clock.

Assembly Bill No. 214—An Act concerning warrants drawn on the County Treasurer or County Treasury, or any fund thereof, of the several counties of this State.

Indefinitely postponed.

Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte.

Amendment adopted.

Rules suspended and bill considered engrossed.

Mr. Buckbee moved to refer to Judiciary Committee, with instructions to report as to the constitutionality of that clause of said bill which exempts from payment of poll tax those over fifty years of age.

Lost.

The bill was read a third time and passed.

Assembly Bill No 216—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three.

Ordered to head of file for February first.

Assembly Bill No. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 269—An Act to amend an Act entitled an Act con-

cerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Referred to the Judiciary Committee.

Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County.

Read a third time and passed.

Senate Bill No 17—An Act for the relief of debtors.

Read a third time and passed.

Senate Bill No. 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Referred to the Judiciary Committee.

Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey

Amendments adopted, and bill referred to the Monterey delegation.

Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

Read a third time and passed.

Mr. Batchelder gave notice that, on to-morrow, he should move to reconsider the vote by which Assembly Bill No 165 was passed.

At four o'clock and twenty minutes P. M, on motion of Mr Watson, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 28th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Steele and Ord were granted indefinite leave of absence.

Mr. Hayes had leave of absence granted for two days, and Mr. O'Malley for one day.

PETITIONS.

Mr. Spencer presented a petition of citizens of Placer County, praying that a committee be appointed to investigate the errors and misstatements set forth in a petition asking for a reduction of fares and freight on the Central Pacific Railroad.

Also, asking that no action be taken toward a reduction of such fare and freight at the present time.

Received and referred to a special committee of five, to be appointed by the Speaker.

Mr. Waldron presented a petition of citizens of Placer, El Dorado and Nevada Counties, praying that a law may be passed reducing and fixing

the fare and freight on the Central Pacific Railroad to one third the tariff rates now charged.

Received and referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 256—An Act to provide for the collection of revenue in and for Lake County, and other matters relating thereto.

Also, Assembly Bill No 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

Also, Assembly Bill No 242—An Act to amend an Act entitled 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, approved February twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 46—An Act to repeal the Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Sonoma County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County.

Also, Assembly Bill No. 168—An Act for the relief of the Treasurer of Sacramento County.

Also, Assembly Bill No. 207 (substitute for Assembly Bill No. 182)—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved January fourteenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 202—An Act to repeal an Act entitled an Act relating to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.

DAYS, for Committee.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 250—An Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty five;

Also, Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twentieth, eighteen hundred and sixty-six;

Have had the same under consideration, and report them back and recommend their passage.

KELLEY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 211—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Alameda County—have had the same under consideration, and beg leave to report as follows:

The affidavit of Socatus Huff, Treasurer, and Isaac A. Amerman, County Auditor, and the certificate, under seal, of J. A. Amerman, County Clerk of Alameda County, placed before the Committee, represent that from an examination of the books of their respective offices, and from their personal knowledge, no part of the Auditor's salary for the fiscal year eighteen hundred and sixty-one and eighteen hundred and sixty-two to eighteen hundred and sixty-seven and eighteen hundred and sixty-eight has been paid by the State, and that the State's portion of the said salary amounts to the sum of twenty-six hundred and twenty-two dollars and ninety-five cents; and Isaac A. Amerman further certifies that he has examined the books of the Board of Supervisors, and finds that the salary of the County Auditor of Alameda County, amounting to nine hundred dollars per annum, has been regularly audited and allowed by said Board of Supervisors, from the fiscal year eighteen hundred and sixty-one and eighteen hundred and sixty-two to and including the fiscal year eighteen hundred and sixty-seven and eighteen hundred and sixty-eight; that from said books and records it appears that said salary was audited and allowed by authority of a resolution duly passed and entered yearly on the minutes of said Board. A statement, in writing, from Robert Watt, Controller of State, was also placed before the Committee, to the effect that on an examination of the books of his office he finds that Alameda County has made no claim for the State's portion of the Auditor's salary for the years eighteen hundred and sixty-one to eighteen hundred and sixty-seven, inclusive, and no allowance has been made for the same.

In view of the facts set forth, the committee believe that the claim is just and that it should be allowed.

They have therefore instructed me to report the bill back to the House, and recommend its passage with an amendment to the first section.

CONNELY, Chairman.

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

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 177—An Act to enable Mendocino County to redeem its bonds—respectfully report that they have considered said bill and recommend that it do not pass.

DWINELLE, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Clark, from the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven;

Also, Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes;

Have examined the same and beg leave to report them back without amendment and recommend their passage.

CLARK, for Delegation.

Mr. Oliver, from the San Joaquin delegation, made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 240—An Act granting to certain parties the right to construct a turnpike or gravel road within the County of San Joaquin—have had the same under consideration, and report the bill back to the House and recommend its passage.

OLIVER, for Delegation.

Mr. Mattingly made the following report.

The delegation to whom was referred Assembly Bill No. 283, have had the same under consideration, report the same back and recommend its passage.

MATTINGLY, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,
Sacramento, January 28th, 1868.

To the Assembly of the State of California:

In conformity with the request of your honorable body, I herewith return without my approval, Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from Santa Barbara to the Santa Inez River, in Santa Barbara County.

H H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Green offered the following resolution:

Resolved, That all bills asking for franchise, or other bills which concern only individuals or corporations, shall, before this House will consider the same, be printed, and the printing be paid for by the person or corporation asking the action of the Legislature.

Laid over one day.

Mr. Crigler offered the following resolution:

Resolved, That the Committee on Counties and County Boundaries be instructed to inquire into and report upon the feasibility of re-districting the boundaries of counties through which the public surveys have been extended, with a view of adopting the lines of said surveys instead of the indefinite and other conflicting description now given.

Adopted.

The resolution offered by Mr. Westmoreland on yesterday, in reference to changing the order of business, was, on motion of Mr. Westmoreland, laid on the table.

Mr. Batchelder, by leave, withdrew his notice to reconsider the vote by which Assembly Bill No 165 was passed on yesterday.

NOTICE.

Notice of the introduction of a bill was given, as follows:

By Mr Cureton—An Act to amend section thirteen 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

By Mr Bird—AnAct to provide for the building of an Executive mansion in the City of Sacramento.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ayer—An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County

Read first and second times and referred to the Calaveras delegation.

By Mr Spencer—An Act to amend section eleven of an Act to provide for a system of common schools.

Read first and second times and referred to the Committee on Education.

By Mr. Middleton—An Act to confer additional powers on 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 Dwinelle—An Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Alameda delegation.

GENERAL FILE.

Assembly Bill No. 96 (substitute for Assembly Bill No 28)—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Recommitted to the Judiciary Committee with special instructions.

Senate Bill No 106—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.

Read a third time and passed, and title amended.

Assembly Bill No. 106—An Act to pay for services rendered in the State Land Department.

Considered in Committee of the Whole.

Mr. Cochran in the chair.

Reported back without recommendation.

Amendments adopted.

Rules suspended, bill considered engrossed, read third a time and passed.

Assembly Bill No. 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 252—An Act to authorize James Spencer and Golder Field, administrators of the estate of Daniel L. Spencer, deceased, to sell land belonging to the estate.

Made the special order for February fourth, at twelve o'clock.

Assembly Joint Resolution No. 8, relative to erecting a light-house at the Town of Trinidad.

Amendments adopted and ordered engrossed.

Rules suspended, resolution considered engrossed, read a third time and passed.

Assembly Concurrent Resolution No. 26, relative to asking postal facilities from Red Bluff to Tehama, etc.

Amendments adopted.

Rules suspended, resolution considered engrossed, read a third time and passed

Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

Amendments adopted.

The bill was referred to the Santa Clara delegation.

Assembly Bill No. 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, in Calaveras County.

Amendment adopted and bill ordered engrossed.

Assembly Bill No. 10—An Act to repeal an Act entitled an Act for the better observance of the Sabbath, passed May twentieth, eighteen hundred and sixty-one.

Made the special order for Wednesday, February fifth, at two o'clock P. M.

Assembly Bill No. 9—An Act to repeal an Act entitled an Act to provide for the better observance of the Sabbath, passed April tenth, eighteen hundred and fifty-eight.

Made the special order for Wednesday, February fifth, at two o'clock P. M.

Assembly Bill No. 7—An Act to repeal an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, passed March sixteenth, eighteen hundred and fifty-five.

Made the special order for Wednesday, February fifth, at two o'clock P. M.

Assembly Bill No. 11—An Act to repeal an Act entitled an Act to prohibit the keeping open of markets and the vending of meats, game, vegetables or other market products in the City and County of San Francisco on the Sabbath day, passed March twenty-seventh, eighteen hundred and sixty-two.

Made the special order for Wednesday, February fifth, at two o'clock P. M

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

REPORT.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No. 160—An Act to amend section ten of an Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Also, Assembly Bill No. 31—An Act for the protection of cemeteries in Nevada County.

BATCHELDER, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 222—An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Amendment adopted.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 113—An Act to appropriate money to pay certain claims.

Considered in Committee of the Whole.

The Speaker in the chair.

Reported back without recommendation and referred to the Committee on Claims.

Assembly Bill No. 284—An Act to amend an Act entitled an Act to protect sheep, Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Referred to the Judiciary Committee.

Assembly Bill No. 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty; and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one.

Ordered engrossed.

On motion of Mr. Brown of Tulare, the report of the joint committee appointed to investigate the proceedings of the State Harbor Commissioners, as transmitted from the Senate by message, was taken up.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 28th, 1868.

Mr. SPEAKER: I am directed to transmit to your honorable body the report of the joint committee appointed to inquire into and investigate the proceedings of the State Harbor Commissioners, with accompanying documents.

Also, to inform you that the same has been referred by the Senate to the Joint Committee on Printing, with instructions to print such portions of the same as said committee may deem expedient.

W. F. HUESTIS,
Assistant Secretary.

Mr. Moore moved that the reading of the report be dispensed with.
Lost.
Mr. Batchelder in the chair.
The report was read.

RESOLUTIONS.

Mr. Dwinelle offered the following concurrent resolution:

Resolved, if the Senate concur, That the report, and all the testimony taken by the Joint Committee on the Harbor Investigating Committee, be printed for the use of both houses.

Mr. Ryland offered the following substitute for Mr. Dwinelle's resolution:

Resolved by the Assembly, the Senate concurring, That the Joint Standing Committee on Printing be authorized and instructed to examine the report and evidence of the Joint Committee on the Harbor Commission and report to the Assembly and Senate what part, if any, of said report and evidence, it is necessary to print.

Mr. Dwinelle accepted the substitute, and it was adopted.

REPORT.

Mr. Cureton, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two;

Also, Assembly Bill No 238 (substitute for Senate Bill No. 100)—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon;

Also, Assembly Bill No. 136—An Act to authorize Charles M. Benbrook, Samuel Maburn and Marcus D. Brundige to construct and maintain a turnpike road from Wiley's Rancho to Willow Springs, in the County of Los Angeles;

Also, Assembly Concurrent Resolution No. 28, relative to applying to Congress for mail facilities between Sacramento and Princeton;

And at twelve o'clock and fifteen minutes, this day, presented the same to the Governor for his approval.

CURETON, for Committee.

On motion of Mr. Bird, at three o'clock and five minutes P. M., the House adjourned.

C. T. RYLAND,
Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 29th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Warfield and O'Malley were granted indefinite leave of absence on account of sickness.

Mr. Cochran was granted leave of absence for one day.

PETITIONS.

Mr. Middleton presented a petition of citizens of the City and County of San Francisco, representing the commercial interests of the State, protesting against the passage of an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, or any similar Act.

Received and referred to the Committee on Commerce and Navigation.

Mr. Broderson presented a petition which, he stated, was signed by nine thousand citizens of San Francisco, praying for the repeal of the Sunday Law.

Received and referred to the Committee on Public Morals.

Mr. Comte presented a petition of fishermen and others, praying that a law may be passed to prevent the setting of nets across the mouths of sloughs and creeks, thus interfering with the free ingress and egress of fish.

Received and referred to the Committee on Agriculture.

Mr. Mace presented a petition of citizens of Fresno County, asking that a franchise be granted to George McCullough, James B. Jones and James M Cordle to construct a wagon road from Crane Valley, in Fresno County, to the San Joaquin River

Received and referred to the Fresno delegation.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

Also, Assembly Bill No. 78—An Act for the payment of the State's proportionate part of the County Auditor's salary, in the County of Sutter.

Also, Assembly Bill No. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same.

Also, Assembly Bill No. 217—An Act to authorize certain parties therein named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County.

Also, Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte.

Also, Assembly Bill No. 204—An Act to amend an Act approved April twentieth, eighteen hundred and sixty-three, entitled an Act concerning the Courts of justice of this State and judicial officers.

Also, Assembly Bill No. 166—An Act to define the boundary line between Merced and Stanislaus Counties

Also, Assembly Bill No 261—An Act to regulate the election of Supervisors in the County of Merced.

LEE, Chairman.

Mr. Tully, Chairman of the Committee on Public Lands, made the following report:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Assembly Concurrent Resolution No. 25, have had the same under consideration, and beg leave to report the same back with a recommendation that it be adopted.

TULLY, Chairman.

Mr Dwinelle, from the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four—respectfully report that they have had said bill under consideration, and herewith report the same back with amendments, and recommend the passage of the bill as amended.

DWINELLE, for Committee.

The committee propose the following amendments to the above bill: Amend section one by prefixing thereto the words:

"Section 1. Section one of said Act is hereby amended so as to read as follows."

Amend section two by prefixing thereto the words:

"Section 2. Section two of said Act is hereby amended so as to read as follows:"

Amend by adding, as section three, the following:

"Section 3. The provisions of this Act shall not apply to actions for the recovery of property in mining claims founded upon grants from the former Spanish or Mexican Government in California."

Alter number three to number four in section three of the bill.

REPORTS OF SELECT COMMITTEES.

Mr. Clark, from the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands—have had the same under consideration and beg leave to report the same back, with amendments, and unanimously recommend its passage as amended.

CLARK, for Delegation.

Mr. Crigler, from the Napa and Lake delegations, made the following report:

Mr. SPEAKER: The Napa and Lake delegations, to whom was referred Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—beg leave to report that they have had the same under consideration, and report the same back without amendment and recommend its passage.

CRIGLER, for Delegations.

Mr. Angney, Chairman of the Special Committee on Fees and Salaries, to whom was referred the resolution to inquire into the expediency of reporting a bill to regulate, and as far as practicable to equalize, the salaries of the several county officers, to fix salaries in counties in which salaries should be substituted for fees, to examine the propriety of consolidating such offices as may be united with benefit to the public, and to report a fee bill which shall as far as practicable apply equally to the different counties, made a report and submitted a fee bill, which they believe may be adopted for all the counties without leaving any foundation for just complaint, and which would result in great benefit to the State at large.

[For report see Appendix.]

The bill above reported was laid on the table.

On motion of Mr. Green, the rules were suspended and four hundred

and eighty copies, each, of the committee's report and the bill were ordered printed.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No 267—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order paid claims for services of Judges and clerks of elections—have had the same under consideration, and they recommend that it be indefinitely postponed.

CONNELY, for Delegation.

Assembly Bill No. 267, above reported, was recommitted to the San Francisco delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States—have had the same under consideration, and they have instructed me to report the same back to the House, with the recommendation that it be referred to the Judiciary Committee for the purpose of ascertaining, in view of the recent decision of the Supreme Court, as to the right of the Legislature to exempt the property mentioned in the bill from taxation.

CONNELY, for Delegation.

Senate Bill No. 116, above reported, was referred to the Judiciary Committee.

Mr. Brown of Tulare made the following report:

Mr. SPEAKER: The Tulare and Kern delegation, to whom was referred Senate Bill No 133—An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries and to provide for its organization, approved April second, eighteen hundred and sixty-six—having had the same under consideration, would beg leave to report the same back to the House with an amendment, and recommend its passage as amended.

BROWN, for Delegation.

RESOLUTION.

The following resolution, offered by Mr. Green on yesterday, was taken up:

Resolved, That all bills asking for franchise, or other bills which concern only individuals or corporations, shall, before this House will consider the same, be printed and the printing paid for by the person or corporation asking the action of the Legislature.

Mr. White offered an amendment to make it concurrent.

Adopted.

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

"Provided that this resolution shall not affect bills for franchises already before the Senate and Assembly."

SPECIAL ORDER.

The special order for twelve o'clock M.—the contested election case of Mason vs. Tuttle—was postponed, and made the special order for Friday, at twelve o'clock M.

The resolution of Mr. Green as amended, on motion of Mr. Meagher, was indefinitely postponed.

Mr. Coggins offered the following resolution:

Resolved, That all bills designed to grant franchises of any character to individuals or corporations be, in addition to any other reference, referred to the Judiciary Committee; and that said Committee be required to report whether any special law is necessary in the case, and to recommend whether the printing of the bill is or is not advisable.

Laid over one day

The Speaker appointed the following committee:

COMMITTEE ON PETITIONS IN REFERENCE TO THE CENTRAL PACIFIC RAILROAD COMPANY, ETC.

Messrs. Spencer, Bird, Biggs, Wand and Oliver.

At the request of Mr. Biggs he was excused from serving as a member of said committee, and Mr. Lee appointed in his stead.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 29th, 1868.

Mr. SPEAKER: I have to inform your honorable body that the Senate on the eighth instant indefinitely postponed Assembly Bill No. 24.

Also, on the twenty-fifth instant, indefinitely postponed Assembly Bill No. 63.

Also, on the same day refused to pass Assembly Bill No. 5.

Also, on the twenty-eighth instant, indefinitely postponed Assembly Bill No. 56.

W. F. HUESTIS,
Assistant Secretary.

NOTICES.

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

By Mr. Mace—An Act granting a franchise to certain parties to build a turnpike or wagon road from or near the Town of Millerton, Fresno County, to Crane Valley.

By Mr. Scudder—An Act to amend an Act to define the fees to be

charged by the Clerks of Courts for the naturalization of foreigners, approved May eighteenth, eighteen hundred and fifty-three.

Also, an Act amendatory of and supplementary to an Act entitled an Act to establish a standard of weights and measures, approved April fourth, eighteen hundred and sixty-one.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Mentzell—An Act to allow the poll tax now collected in this State to the several counties therein collected.

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

By Mr. Moore—An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza in said city.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Lupton—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant).

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

By Mr. Ryland—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda.

Read first and second times and referred to the delegations from the counties above named.

By Mr. Scudder—An Act amendatory of an Act approved March, eighteen hundred and sixty-four, entitled an Act to amend an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine.

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

REPORT.

Mr. Brown of Tulare, on leave, made the following report:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts, having examined and found correct the following accounts, for services rendered before the Committee on Elections in the contested election case of George E. Mason vs. Charles A. Tuttle, beg leave to report the same, and recommend the adoption of the accompanying resolution:

To whom due.	Amount.
C. A. Tweed, for per diem as witness	$2 00
E. Black Ryan, for per diem as witness	2 00
E. G. Jefferis, for per diem as witness	2 00
Grove L. Johnson, for per diem as witness	2 00
F. K. Shattuck, for per diem as witness	2 00
William Hoskins, for per diem and mileage as witness	73 50
George H. Rogers, for per diem as witness	2 00
W. A. Selkirk, for per diem as witness	2 00
E. D. Shirland, for per diem as witness	2 00

To whom due.	Amount.
C. A. Stevens, for per diem as witness	$2 00
Henry Starr, for per diem as witness	2 00
A. French, for per diem and mileage as witness	60 50
William Searing, for per diem and mileage as witness	69 50
E. M. Hall, for per diem and mileage as witness	69 50
H. P. Watkins, for per diem and mileage as witness	69 50
W. W. Moore, for per diem and mileage as witness	69 50
A. W. Hawkett, for per diem and mileage as witness	69 50
D. W. Spear, for per diem and mileage as witness	19 50
H. Fellows, for per diem and mileage	19 50
J. H. Crandall, for per diem and mileage as witness	21 50
Moses Andrews, for per diem and mileage as witness	21 50
R O. Cravens, for per diem and mileage as witness	21 50
W. M. Crutcher, for per diem and mileage as witness	19 50
W. V. Lyon for per diem and mileage as witness	19 50
H. H. Fellows, for per diem and mileage as witness	19 50
Joseph Walkup, for per diem and mileage as witness	19 50
Charles A Sumner, for services as short hand reporter	130 00
J. K. Luttrell, for services as Sergeant-at-Arms, serving papers and subpœnas	208 50

Resolved, That the Controller of State be and he is hereby required to draw his warrants on the Contingent Fund of the Assembly in favor of the following named persons:

In favor of C. A. Tweed, for the sum of two dollars.

In favor of E. Black Ryan, for the sum of two dollars.

In favor of E. G. Jefferis, for the sum of two dollars.

In favor of Grove L. Johnson, for the sum of two dollars.

In favor of F K. Shattuck, for the sum of two dollars.

In favor of William Hoskins, for the sum of seventy-three dollars and fifty cents.

In favor of George H. Rogers, for the sum of two dollars.

In favor of W. A. Selkirk, for the sum of two dollars.

In favor of E D. Shirland, for the sum of two dollars.

In favor of C A. Stevens, for the sum of two dollars.

In favor of Henry Starr, for the sum of two dollars.

In favor of A. French, for the sum of sixty dollars and fifty cents.

In favor of William Searing, for the sum of sixty-nine dollars and fifty cents.

In favor of E. M. Hall, for the sum of sixty-nine dollars and fifty cents.

In favor of H. P. Watkins, for the sum of sixty-nine dollars and fifty cents.

In favor of W. W. Moore, for the sum of sixty-nine dollars and fifty cents.

In favor of A. W. Hawkett, for the sum of sixty-nine dollars and fifty cents.

In favor of D. W. Spear, for the sum of nineteen dollars and fifty cents.

In favor of H. Fellows, for the sum of nineteen dollars and fifty cents.

In favor of J. H. Crandall, for the sum of twenty-one dollars and fifty cents.

In favor of Moses Andrews, for the sum of twenty-one dollars and fifty cents.

In favor of R. O. Cravens, for the sum of twenty-one dollars and fifty cents.

In favor of W. M. Crutcher, for the sum of nineteen dollars and fifty cents.

In favor of W. V. Lyon, for the sum of nineteen dollars and fifty cents.

In favor of H. H. Fellows, for the sum of nineteen dollars and fifty cents.

In favor of Joseph Walkup, for the sum of nineteen dollars and fifty cents.

In favor of Charles A. Sumner, for the sum of one hundred and thirty dollars.

In favor of J. K. Luttrell, for the sum of two hundred and eight dollars and fifty cents.

BROWN of Tulare, Chairman.

The resolution was adopted.

Mr. Canavan, on leave, offered a resolution in reference to printing two hundred additional copies of Assembly Bill No. 280.

Laid over one day.

GENERAL FILE.

Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Read a third time and passed.

Assembly Bill No 177—An Act to enable Mendocino County to redeem its bonds.

Indefinitely postponed.

Assembly Bill No. 211—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Alameda County.

Considered in Committee of the Whole.

Mr. Moore in the chair.

IN ASSEMBLY.

Reported back, and passage recommended.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Speaker in the chair.

Assembly Bill No. 240—An Act granting to certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Ordered engrossed.

Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes

On motion of Mr. Coggins, the rules were suspended and the usual recess of one hour was dispensed with for to-day.

The bill was read a third time and passed.

Assembly Bill No. 250—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five.

Ordered on file for Tuesday, February fourth.

Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six.

Amended, amendment adopted, title amended and bill ordered engrossed.

At one o'clock and ten minutes, on motion of Mr. Coggins, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 30th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITIONS.

Mr. Rollins presented a petition of residents on the summit and eastern slope of the Sierra Nevada Mountains, asking that a new county be erected from the eastern portions of Nevada and Placer Counties

Received and referred to the Committee on Counties and County Boundaries

Mr. Mentzell presented a petition of citizens of Mokelumne Hill praying for the repeal of the Sunday Law.

Received and referred to the Committee on Public Morals.

Mr. Gildea presented a petition of citizens of Placerville, asking that the salary attached to the office of Superintendent of Public Schools of the City of Placerville be abolished

Received and referred to the El Dorado delegation.

Mr. O'Malley presented a petition of property holders and taxpayers of Mission Dolores, and other citizens of San Francisco, in regard to preserving Mission Creek an open canal for drainage and commercial purposes.

Received and referred to Committee on Commerce and Navigation.

Mr. Wolleb presented a petition praying for the repeal of the Sunday Law.

Received and referred to the Committee on Public Morals.

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

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred substitute for Senate Bill No. 78—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases—respectfully report that they have had the same under consideration, and report the same back and recommend its passage.

DWINELLE, for Committee.

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

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Senate Bill No. 116—An Act entitled an Act to exempt from taxation certain lands belonging to the United States, in San Francisco, and ceding jurisdiction over the same to the United States—respectfully report: That by the existing statutes of this State (Revenue Law, Statutes of 1857, page 326, as amended by Statutes of 1859, page 343), property of the United States in California is already exempt from taxation, so far as the power of the Legislature can declare such exemption; but the recent decision of the Supreme Court of this State, in the case of the People vs. McCreery, seems to declare that under the clause in our Constitution providing that "All property in this State shall be taxed in proportion to its value," no property, even though belonging to the State or the United States, can be exempt from taxation. If the proposed exemption of the property of the United States from taxation is constitutional, it is therefore already provided for in the existing statutes; if it is unconstitutional, it ought not to receive any further reenactment. The exemption of the public domain of the United States from taxation is already provided for by the organic law under which California was admitted into the Union. (Laws United States, September 9th, 1850; 1 Hittell, 240–242) But a Mint, a Custom-house or a Hospital owned by the United States is in no sense a part of the public domain

Your committee therefore report in favor of the bill, with the following amendment.

DWINELLE, for Committee.

Mr. Dwinelle, from the Judiciary Committee, also reported back substitute for Senate Bill No. 52—An Act entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale, with amendments.

The report, signed by Messrs. Dwinelle, Buckbee, Comte, Lupton, Papy and Hayes, sets forth that, after hearing the facts bearing upon the case, they are reluctantly compelled to come to the conclusion that this is a case in which relief is required beyond that which the general laws of the State can afford.

They therefore recommend the passage of the bill as amended.

[For report in full, see Appendix.]

Mr. Farish, Chairman of the Committee on Elections, made the following report:

Mr. SPEAKER: Your Committee on Elections, to whom was referred the contested election case of Aspenall vs. Frisbie, beg leave to report that they have had the same under consideration, and herewith transmit the evidence taken in the case, and the bill of L. P. Marshall, as Commissioner. We recommend that the bill of L. P. Marshall be referred to the Committee on Public Accounts and Expenditures, and that the following resolution be adopted:

Resolved, That John B. Frisbie is entitled to the seat occupied by him on the floor of this House as the Representative of Solano County.

FARISH (Chairman),
TULLY,
COMTE,
MIDDLETON,
WESTMORELAND,
DAYS.

[For evidence, see Appendix.]

Mr. Dwinelle had leave of absence for the rest of the day to attend to committee business.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and firearms, beg leave to report that they have had said bill under consideration, and find that the property proposed to be protected by the bill has sufficient protection by the law now in force; therefore report back, and recommend the indefinite postponement of the bill.

Also, Assembly Bill No. 266—An Act to prevent stallions, bulls and boars from running at large in the County of Butte—together with a petition from sundry citizens of said county, praying for the passage of said bill, report it back and recommend its indefinite postponement.

KELLEY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr SPEAKER: The Committee on Claims, to whom was referred the petition of Thomas Thompson, asking that he can be permitted to return certain school land warrants purchased of the State and receive therefor the amount paid to the State for said warrants, with interest on the purchase money—recommend that the relief asked for be not granted.

CONNELY, Chairman.
LEE,
BATCHELDER.

[For report in full, see Appendix.]

Mr. Moore, from the Committee on Claims, made the following minority report:

Mr. SPEAKER: The undersigned, a minority of the Committee on Claims, to which was referred the petition of Thomas Thompson, in regard to certain school land warrants, recommend as follows:

The demand of Thompson we deem just and equitable. Principle and policy alike demand that he should have the relief that he seeks. We therefore recommend the passage of a law so framed as to secure to Thompson the said relief.

MOORE.

[For report in full, see Appendix.]

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 234—An Act to fund the debt of Calaveras County.

DAYS, for Committee.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No. 240—An Act granting certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Also, Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 115—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. 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks.

Also, Assembly Bill No. 283—An Act to provide for re-indexing the county records of San Mateo County.

DAYS, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Angney made the following report:

Mr. SPEAKER: The Special Committee to whom was referred Assembly Bill No. 152—An Act to amend section four of an Act entitled an Act to provide for the amount of fees paid to certain officers, approved April first, eighteen hundred and sixty-four, and supplementary to said Act—have had the same under consideration, report it back with amendments, and recommend its passage as amended.

ANGNEY, for Committee.

Mr. Angney also made the following report:

Mr. SPEAKER: The Special Committee on Fees and Salaries, to whom was referred Assembly Bill No. 176—An Act to regulate the payment of the salary of the County Judge of Mendocino County—have given the same consideration, report it back and recommend its indefinite postponement.

ANGNEY, for Committee.

Mr. Angney also made the following report:

Mr. SPEAKER: The Special Committee on Fees and Salaries, to whom was referred Assembly Bill No. 132—An Act to fix the salary of the Superintendent of Public Instruction of Lake County—beg leave to report that they have considered the same, and herewith present a substitute therefor, and recommend the passage of the substitute.

ANGNEY, for Committee.

Mr. Batchelder, from the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Senate Bill No 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes—have had the same under consideration, and beg leave to report the bill back without amendment and recommend its passage.

BATCHELDER, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 29th, 1868.

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved Assembly Bill No. 29—An Act in relation to the indigent sick of the County of Humboldt.

Also, Assembly Bill No. 43—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes

Also, Assembly Bill No. 195—An Act to appropriate money for the contingent expenses of the Legislature.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

The resolution introduced by Mr. Coggins on yesterday in relation to referring bills designed to grant franchises to individuals or corporations to the Judiciary Committee, and said committee to recommend whether the printing of such bills are advisable, was taken up and lost.

On motion of Mr. Angney, unanimous consent was given to suspend the rules for the purpose of taking up and amending Assembly Bill No. 30, just returned from the Governor by request.

The Speaker in the chair.

Assembly Bill No. 30—An Act to authorize Arza Porter and his asso-

ciates to construct and maintain a wagon road, etc.

Amended, amendment adopted, and ordered engrossed.

On motion of Mr. Batchelder, by unanimous consent, the vote by which Assembly Bill No. 222 was passed was reconsidered, and the bill returned to its author.

The resolution introduced by Mr. Canavan on yesterday, as follows, was taken up:

Resolved, That there be printed two hundred additional copies of Assembly Bill No. 280—An Act for securing liens of mechanics and others.

The resolution was amended to read "two hundred and forty copies," and adopted as amended.

The resolution accompanying the report of the Committee on Elections, declaring Mr. Frisbie entitled to the seat contested by Mr. Aspenall, was taken up and adopted.

The bill of L. P. Marshall, for services as Commissioner in the contested case of Aspenall vs. Frisbie, amounting to seven hundred and nine dollars and fifty cents, was received and referred to the Committee on Public Expenditures and Accounts.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 29th, 1868.

Mr. SPEAKER: The Senate this day passed substitute for Senate Bill No 40—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town.

W. F. HUESTIS,
Assistant Secretary.

Substitute for Senate Bill No. 40, above reported, was read first and second times and placed on file.

NOTICES.

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

By Mr. Spilman—An Act to authorize the citizens of a portion of Sutter County to protect themselves from the effects of floods by proper levees.

By Mr. Buckbee—An Act to authorize the Board of Supervisors of Lassen County to levy taxes for county purposes.

Also, an Act to repeal an Act entitled an Act to provide for the election of Supervisors in certain counties in this State, approved April fourth, eighteen hundred and sixty-four.

Also, an Act supplementary to and amendatory of an Act entitled an Act concerning roads and highways in the County of Plumas, passed April twenty-fifth, eighteen hundred and sixty-three, and the Act of eighteen hundred and sixty-six amendatory thereof.

By Mr. Batchelder—An Act to amend an Act to tax and regulate foreign insurance companies doing business in this State, approved March second, eighteen hundred and sixty-four, approved April fifteenth, eighteen hundred and sixty-two.

By Mr Middleton—An Act for the protection of the harbor of San Francisco, and for the survey and settlement of the water front, and sale of the tide lands and lands covered with water so surveyed, and reserving such quantities as may be necessary for slips, docks and drainage.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Waldron—An Act to repeal an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four.

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

By Mr. Tully—An Act to locate the State Capital.

Read first and second times and made the special order for February eleventh, at twelve o'clock, and ordered printed.

By Mr Middleton—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

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

By Mr. Mace—An Act to grant certain parties therein named the right to construct and maintain a turnpike or toll road from or near the Town of Millerton, Fresno County, to Crane Valley.

Read first and second times and referred to the Fresno delegation.

By Mr. Cureton—An Act concerning warrants applicable to the County of Mendocino.

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

By Mr. Gildea—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four.

Read first and second times and placed on general file.

By Mr. Biggs—An Act in relation to public schools in the City of Sacramento

Read first and second times and placed on general file.

By Mr. Hayes—An Act to provide for surveying and establishing the southern boundary of the State of California, and between this State and the Territory of Arizona.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Morrow—An Act to amend section two of an Act entitled an Act in relation to levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Brown of Tulare—An Act to relieve the owners of encumbered real estate from double taxation.

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

REPORT.

Mr. Days, from the Committee on Engrossment, made the following report:

ASSEMBLY CHAMBER,
January 3d, 1868.

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 106—An Act to pay for services rendered in the State Land Department.

DAYS, for Committee.

GENERAL FILE.

Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands.

Amendment adopted, and bill read a third time and passed.

Senate Bill No. 133—An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries, and to provide for its organization, approved April second, eighteen hundred and sixty-six.

Amendments adopted, and bill read third time and passed.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Moore, and members of the Commiteee on Corporations, had leave to retire to attend to committee business.

On motion of Mr. Cochran, the rules were suspended to allow him to make the following report:

Mr. SPEAKER: The delegation to whom was referred Assembly Bill No. 265—An Act to submit to the qualified electors of Butte County the question of the removal of the seat of justice of said county—beg leave to report that they have had the same under consideration, and recommend that said bill be referred to the standing Committee on Counties and County Boundaries.

ORD,
COCHRAN,
Delegation.

The bill was so referred.

On motion of Mr Spencer the rules were suspended, and Mr Spencer moved that the contested election case of Mason vs. Tuttle be again postponed and made the special order for Friday, the seventh of February.

Carried.

Mr. Frisbie (on leave) offered the following resolution:

Resolved, That William Aspenall, contestant to the seat in this House which has been declared to belong to John B. Frisbie, be paid the per diem and travelling fees of a member of the Legislature, from the commencement of the present session to the thirtieth of January, eighteen hundred and sixty-eight.

Mr. Smith moved to indefinitely postpone.

Mr. Wolleb moved the previous question.

Sustained.

The motion to indefinitely postpone the resolution prevailed.

The Committee on Joint Printing were granted leave of absence for ten minutes.

GENERAL FILE RESUMED.

Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

On motion of Mr. Tully, the rules were suspended to allow him to introduce a bill for an Act granting to the City of Monterey the title to the water front of said city, on the Bay of Monterey.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Concurrent Resolution No. 15, relative to the land granted to the State for the benefit of an agricultural college.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 167—An Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four.

Amendment adopted, and bill ordered engrossed.

Assembly Bill No. 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

Read a third time and passed

Mr. Brown of Tulare in the chair.

Assembly Bill No. 190—An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

Amended, amendment adopted, read a third time and passed.

On motion of Mr. Pardee, at three o'clock and five minutes P. M. the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 31st, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved
Messrs. Ayer and Rector were granted leave of absence for one day.

REPORTS OF STANDING COMMITTEES.

Mr. Payne, Chairman of the Committee on Printing, made the following report:

Mr. SPEAKER: The Joint Committee on Printing, to whom was referred the report of the special joint committee appointed to investigate the proceedings of the State Harbor Commissioners, would respectfully report that they have examined the documents submitted to their consideration, and recommend the printing of the report of the committee, together with exhibits F and I, accompanying the same

Your committee find that the substantial matters shown by the testimony taken before the Committee of Investigation have been embodied in the report of the committee, and therefore, in the opinion of the Committee on Printing, it is unnecessary to incur the expense of printing such testimony.

We therefore submit the annexed resolution and recommend its passage.

Resolved by the Assembly, the Senate concurring, That there shall be printed four hundred and eighty copies of the report of the special joint committee appointed to investigate the proceedings of the State Harbor Commissioners, together with exhibits marked F and I, accompanying the same.

PAYNE,
Chairman of Assembly Joint Committee;

ROBERTS,
Chairman of Senate Joint Committee.

Mr. Spilman, Chairman of the Committee on Public Morals, made the following report:

Mr. SPEAKER: The Committee on Public Morals have had under consideration Assembly Bill No. 174—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments—and report the same back and recommend its passage.

SPILMAN, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant)—report the same back to the Assembly, with amendment, and recommend its passage

Your committee find that the general Corporation Act of the State can be extended to the Order of Bnai Brith, and recommend such an extension as to this Order rather the passage of a special Act.

MOORE, Chairman.

On motion of Mr. Lupton, the bill above reported was recommitted to the Committee on Corporations.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No 53—An Act concerning corporations—have had the same under consideration, and respectfully report the bill back to the Assembly and recommend that it do not pass.

MOORE, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 211—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Alameda County.

Also, Assembly Joint Resolution No 8, relative to erecting a lighthouse at the Town of Trinidad.

Also, Assembly Bill No. 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty; and an Act entitled an Act to amend an Act to authorize the administrator of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 165—An Act to authorize Z. B. Hayward and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County.

BATCHELDER, for Committee.

Mr. Farish, Chairman of the Committee on Elections made the following report:

Mr SPEAKER: The Committee on Elections herewith submit sundry bills for expense incurred in the investigation of the case of Aspenall vs. Frisbie, which we recommend be referred to the Committee on Public Accounts and Expenditures.

FARISH, Chairman.

The bills were so referred.

Mr. Green, Chairman of the Committee on Education, made the following report:

Mr. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools—report the same back without amendment and recommend its passage.

GREEN, Chairman.

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

Mr. SPEAKER: The Committee on the Judiciary, to whom was recommitted with special instructions Assembly Bill No. 96 (substitute for Assembly Bill No. 28)—entitled an Act to amend an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three—respectfully report that they have amended said bill pursuant to instructions, and recommend the passage of the bill with the amendments.

DWINELLE, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Mace, from the Fresno delegation, made the following report:

Mr. SPEAKER: The Fresno delegation, to whom was referred Assembly Bill No. 298, have had the same under consideration, and report the same back and recommend its passage.

MACE, for Delegation.

Mr. Dwinelle, from the delegations composing the Third Judicial District, made the following report:

Mr SPEAKER: The delegations from the counties composing the Third Judicial District, to whom was referred Assembly Bill No. 282—An Act to amend sections three and four of an Act to divide the State into judicial districts—and having for its object to transfer the County of San Mateo from the Twelfth Judicial District to the Third, respectfully report that upon consultation your committee are of opinion that there are at present no reasons of necessity or convenience which render such a change expedient, and they therefore recommend that the bill be indefinitely postponed.

DWINELLE, for Delegations.

Mr. Angney, from the Santa Clara delegation, made the following report:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza, in said city—have had the same under consideration, report the same back with an amendment and recommend its passage.

ANGNEY, for Delegation.

Mr. Payne, from the Amador and Alpine delegations, made the following report:

Mr SPEAKER: The Alpine and Amador delegations, to whom was referred Assembly Bill No. 278—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report back a substitute for said bill and recommend the passage of the same.

PAYNE,
GREGORY,
For Delegations.

Mr. Mattingly made the following report:

Mr. SPEAKER: The delegations from the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda, to whom was referred Assembly Bill No. 293—An Act for the preservation of trout—have had the same under consideration, and beg leave to report the same back and recommend its passage.

MATTINGLY, for Delegations.

Mr. Meagher, from the Tuolumne and Inyo delegations, verbally reported back Senate Bill No. 9, and recommended its passage.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Brown of Contra Costa, Assembly Bill No. 19 was taken from the table and ordered on the file for to-morrow.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
January 30th, 1868.

Mr. SPEAKER: The Senate on the twenty-ninth instant passed Assembly Bill No. 171—An Act to authorize the Board of Supervisors of Trinity County to release the County Treasurer of said county from the payment of certain moneys

Also, amended and passed Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Also, Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Lake County.

Also, Assembly Concurrent Resolution No. 31, requesting the Attorney-General to examine the plats of survey in the office of the United States Surveyor-General.

Also, Senate Concurrent Resolution No. 47, providing for the payment of expenses incurred by the special joint committee of the two houses appointed to investigate the affairs of the State Harbor Commission.

Also, amended and concurred in Asssembly Joint Resolution No. 9, providing for the payment of the claim of John Cunningham.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 30th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Concurrent Resolution No. 29, respecting a proposed Act of Congress for the establishment of a National School of Mines.

Also, refused to concur in the Assembly amendment to Senate Concurrent Resolution No 44, relative to appointment of joint committee of four of the Senate and four of the Assembly to investigate certain charges of corruption and allegations in relation to the last Senatorial election.

Also, on the twenty-eighth instant, adopted the report of the Committee of Conference on Assembly Concurrent Resolution No. 16, appropriating money to pay the inaugural expenses.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 35, above reported, was read first and second times and referred to the Lake and Yolo delegations

Senate Concurrent Resolution No. 47, above reported, was read first and second times, Senate amendment adopted, and resolution concurred in.

Senate Concurrent Resolution No. 44 was read.

Mr. Meagher moved to indefinitely postpone.

Ruled out of order.

Mr. Lupton rose to a point of order, that upon any question before the House a motion to indefinitely postpone was in order.

The Speaker, stating what he considered to be the proper action for the House to take, overruled the point of order.

Mr. Lupton appealed from the decision of the Chair, but subsequently, by leave, withdrew his appeal.

Mr. Canavan renewed the appeal.

The question being, Shall the decision of the Chair stand as the judgment of the House? the ayes and noes were demanded by Messrs. Connely, Buckbee and Rollins.

The vote was as follows:

AYES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Ellis, Fairchild, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, O'Malley, Ord, Papy, Pardee, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Tully, Waldron, Wand, Westmoreland, White, Willets, Wolleb—64.

NOES—Messrs. Canavan, Lupton, Meagher, Morrow, Watson—5.

So the Chair was sustained.

At one o'clock P. M. Mr. Canavan moved to postpone the time for taking recess fifteen minutes.

Lost.

The House took a recess.

REASSEMBLED.

At two o'clock P M. the House reassembled.

Speaker in the chair.

Roll called

Quorum present.

The question being. Shall the House recede from its amendment to Senate Concurrent Resolution No. 44? Mr. Canavan moved the previous question.

Not sustained.

On motion of Mr. Rollins, the rules were suspended. and the resolution ordering four hundred and eighty copies of the report of the joint committee appointed to investigate the proceedings of the State Harbor Commissioners, etc , was taken up and adopted

On the question, Shall the House recede? the ayes and noes were demanded by Messrs. Coggins, Rollins and White.

The vote was as follows:

AYES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Biggs, Broderson, Church, Coggins, Connely, Davies, Days, Dornin, Downer, Gildea, Giltner, Gregory, Hayes, Jones, Lee, Martin, Morrow, Pardee, Rollins, Smith, Spencer, Waldron, Westmoreland, White, Willets, Mr. Speaker—31.

NOES—Messrs. Bird, Brown of Tulare, Caldwell, Canavan, Clark, Cochran. Comte, Crigler. Cureton, Ellis, Fairchild, Farish, Green, James, Kelley, Lupton, Mace, Mahon, Mardis. Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Papy, Payne, Russ, Scudder, Spilman, Tully, Wand, Watson, Wolleb—37.

So the House refused.

Mr. Farish moved that a Committee of Free Conference be appointed, to consist of three members, to consider Senate Concurrent Resolution No. 44.

Agreed to.

Assembly Joint Resolution No. 9, above reported, was read, and Senate amendment adopted.

The House concurred in Senate amendments to Assembly Concurrent No. 31, above reported.

REPORTS.

Mr. Oliver, from the Committee on Public Morals, submitted a minority report, giving his reasons for differing from the majority of the committee, and recommending the indefinite postponement of Assembly Bills Nos. 7, 9, 10 and 11, having for their object the repeal of the Sunday Law.

[For report, see Appendix.]

Mr Green, Chairman of the Committee on Education, by leave, made the following report:

Mr. SPEAKER: The Committee on Education, to whom was referred Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

GREEN, Chairman.

Mr. Green was granted leave of absence until Wednesday next.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Connely—An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Middleton—An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein.

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

By Mr. Newell—An Act to amend section sixth of an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the El Dorado delegation.

By Mr. Broderson—An Act to provide for the disposition of the public land of the City and County of San Francisco.

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

By Mr. Papy—An Act to expedite the settlement of titles of lands within the former corporate limits of San Francisco, as defined by statute of April, A. D. eighteen hundred and fifty-one.

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

By Mr. Scudder—An Act for the relief of Patrick Donahue.

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

By Mr. Brown of Contra Costa (by request)—An Act granting to James H. White the right to purchase certain lands covered with water, now owned by the State of California, situate in the City and County of San Francisco.

Read first and second times and referred to the Committe on Public Lands.

By Mr. Spilman—An Act authorizing the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land to be used as a public graveyard.

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

On motion of Mr. Buckbee, Assembly Bill No. 209 was taken from the table and ordered on file for to-morrow.

On motion of Mr Batchelder, Assembly Bill No. 183 was taken from the table and referred to the Committee on Ways and Means.

GENERAL FILE.

Assembly Bill No. 303—An Act in relation to the public schools in the City of Sacramento.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 301—An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Ordered engrossed.

Assembly Bill No. 176—An Act to regulate the payment of the salary of the County Judge of Mendocino County.

Indefinitely postponed.

Mr. Cureton was granted leave of absence on account of sickness.

Assembly Bill No. 152—An Act to amend section four of an Act entitled an Act to provide for the amount of fees paid to certain officers, approved April first, eighteen hundred and sixty-four, and supplementary to said Act.

Amendment adopted.

The bill was ordered printed and laid on the table.

Leave of absence was granted to the San Francisco delegation on committee business.

Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No 240—An Act granting to certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Recommitted to the San Joaquin delegation, with special instructions.

Senate Bill No. 40—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town.

Referred to the Committee on Commerce and Navigation.

Assembly Bill No. 234—An Act to fund the debt of Calaveras County.

Continued on file.

Assembly Bill No. 283—An Act to provide for re-indexing the county records of San Mateo County.

Read a third time and passed.

Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes.

Read a third time and passed.

The Speaker appointed as the Committee of Free Conference on Senate Concurrent Resolution No. 44, Messrs. Farish, Angney and Biggs.

At four o'clock and twenty minutes P. M., on motion of Mr. Cochran, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 1st, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITIONS.

Mr. Rollins presented a petition of citizens of Nevada and Placer Counties, praying for the organization of a new county, to include the eastern portion of said counties

Referred to the Committee on Counties and County Boundaries.

Mr. Ables presented the petition of Bradley Hall, District Attorney of Marin County, proposing amendments to the Revenue Act.

Referred to the Committee on the Revenue Law.

REPORTS OF STANDING COMMITTEES.

Mr. Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. SPEAKER: The committee to whom was referred Assembly Bill No. 65—An Act to authorize L F. Lang and others to construct and maintain a turnpike road from Cloverdale, in Sonoma County, to Sunel, in Mendocino County, and collect toll thereon—respectfully report the same back with a substitute, and recommend that the substitute pass.

ORD, Chairman.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 31—An Act for the protection of cemeteries in Nevada County;

Also, Assembly Bill No. 103—An Act authorizing the construction of a wharf at New San Diego, in San Diego County, by Stephen S. Culverwell and others;

And this day, at ten o'clock A. M., presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr. Meagher, Chairman of 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. 181—An Act to furnish the counties of the State with official plats and field notes of the United

States surveys made therein—respectfully beg leave to report that they have had the said bill under careful consideration, and report the same back with amendments to section two of said Act, and they recommend the passage of the bill as amended.

MEAGHER, Chairman.

Mr Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 265—An Act to submit to the qualified voters of Butte County the question of the removal of the seat of justice of said county—respectfully report that they have given said bill a full and careful investigation

The Act in question seeks to ask exemption by Butte County to the general law of the State passed April eleventh, eighteen hundred and fifty, entitled an Act to provide for the permanent location of the seats of justice of this State, in this: The proposed Act permits a majority of the vote in Butte County to remove the seat of justice in said county from Oroville to Chico, when the fact has appeared that the seat of justice has already been removed three times; while the general law provides that no election shall be ordered for a subsequent removal unless the petition praying for an election be signed by a majority of all the electors of the county, nor unless at such election, when ordered, two thirds of all the votes cast shall be given in favor of some other place. Also, by reference to page thirty-eight, of the statutes of this State, it will be seen that Oroville, the present county seat of Butte County, was required to furnish proper buildings for the county; and that should the seat of justice be removed from the place selected within five years, the land so granted and the buildings thereon should revert to the donors.

Believing, therefore, that it was the intention that the buildings of Butte County, erected at Oroville, should be held in trust by the county for five years, your committee are constrained to the belief that although the five years have elapsed, the principle that the property of one town should not be taken for the benefit of another still remains. They have therefore reported an amendment concerning the matter.

Your committee have become cognizant of a strong feeling of opposition to the passage of the proposed law, by the citizens of Butte County, and also of an equally strong feeling in its favor; and feeling unwilling to take the responsibility of deciding the matter themselves, refer the matter back to the House without recommendation, leaving the decision of the matter to stand upon its merits

And your committee beg leave to be excused from further action in the premises.

MEAGHER, Chairman.

Mr Batchelder, 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 section two of an Act entitled an Act in relation to levying county taxes in the County of San Joaquin, approved March twenty-fifth, A. D. eighteen hundred and sixty-six.

Also, Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 170—An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Clara County.

Also, Assembly Concurrent Resolution No. 26, asking postal facilities from Red Bluff, Tehama County, etc.

BATCHELDER, for Committee.

Mr. Brown, Chairman of the Committee on Public Accounts and Expenditures, made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures, having examined and found correct the following accounts, beg leave to report the same and recommend the adoption of the accompanying resolution:

To whom due.	Amount.
A. W. Bishop, for Chico Courant for session	$15 00
W C. Allen, for room rent for Judiciary Committee, two months	80 00
W. H. Brainard, for two hundred copies of the Daily Times	20 00
R. H. McDonald, for alcohol	2 50
W. A. January, for Santa Clara Argus for session	45 00
C. B. Boust, for Dutch Flat Enquirer for session	9 00
Santa Cruz Sentinel for session	6 00
D S Woodward, for ten gallons coal oil	6 25
W. H Brainard, for three copies of the Weekly Times	9 00
W. H Brainard, for twenty copies of the Daily Times, six weeks, to January twenty-eighth, eighteen hundred and sixty-eight	64 00
M. O. Senter, for fifty-three copies Daily Examiner, six weeks, and eleven copies Weekly Examiner for session	152 25
Weekly Monitor, for thirty-five copies for session	105 00
R. Stewart, for seventeen copies Daily Alta four weeks, one copy Daily Alta for two weeks, and three copies Weekly Alta for session, and twenty copies of Daily Call for session	104 00
C. Rave, for repairing locks, etc, about Assembly Chamber	40 50
A. C. Bidwell, for coal, wood, etc., furnished committee room for Assembly	56 00
W. H Brainard, for five copies Daily Bee for eight weeks	10 00
James Anthony & Co., for thirty-nine copies Weekly Union for session	117 00
James Anthony & Co., for Daily Unions served members for eight weeks, to January twenty-fifth, eighteen hundred and sixty-eight	315 00
Thomas Hansbrow, for foot stove	6 50

To whom due.	Amount.
George I Lytle, for Bulletin and Stockton Independent, as per bill rendered January twenty-fifth, eighteen hundred and sixty-eight	211 75
Thomas Hansbrow, as per bill rendered, dated December fifteenth, eighteen hundred and sixty-seven	25 00
Calaveras Chronicle	15 00
Yolo County Democrat, for twenty-one copies for session	63 00

Resolved, That the Controller of State be and he is hereby required and directed to draw his warrants on the Contingent Fund of the Assembly in favor of the following named persons:

In favor of A. W. Bishop, for the sum of fifteen dollars.

In favor of W. C Allen, for the sum of eighty dollars.

In favor of W. H Brainard, for the sum of twenty dollars

In favor of R H McDonald, for the sum of two dollars and fifty cents.

In favor of W. A. January, for the sum of forty-five dollars.

In favor of C. B. Boust, for the sum of nine dollars.

In favor of the Santa Cruz Sentinel, for the sum of six dollars.

In favor of D. S. Woodward, for the sum of six dollars and twenty-five cents.

In favor of W. H. Brainard, for the sum of nine dollars.

In favor of W. H. Brainard, for the sum of sixty-four dollars.

In favor of M. O. Senter, for the sum of one hundred and fifty-two dollars and twenty-five cents.

In favor of the Monitor, for the sum of one hundred and five dollars.

In favor of R Stewart, for the sum of one hundred and four dollars.

In favor of C. Rave, for the sum of forty dollars and fifty cents.

In favor of A. C. Bidwell, for the sum of fifty-six dollars.

In favor of W H. Brainard, for the sum of ten dollars.

In favor of James Anthony & Co., for the sum of one hundred and seventeen dollars.

In favor of James Anthony & Co., for the sum of three hundred and fifteen dollars.

In favor of Thomas Hansbrow, for the sum of six dollars and fifty cents.

In favor of George I. Lytle, for the sum of two hundred and eleven dollars and seventy-five cents.

In favor of Thomas Hansbrow, for the sum of twenty-five dollars.

In favor of the Calaveras Chronicle, for the sum of fifteen dollars

In favor of the Yolo County Democrat, for the sum of sixty-three dollars.

BROWN of Tulare, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 299—An Act to amend an Act entitled an Act to

authorize the funding of the floating debt of the City and County of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and sixty-one, and the several Acts amendatory thereof—have had the same under consideration, and beg leave to report the bill back to the House and recommend its passage.

They have also had under consideration Assembly Bill No. 197—An Act concerning the office of Recorder of the City and County of San Francisco—which was also referred to them. They have amended the title of the bill, and beg leave to report the bill back to the House and recommend its passage as amended.

They have also had under consideration Assembly Bill No. 92—An Act to establish a Board of Health of the City and County of San Francisco—and have made an amendment thereto. and they ask leave to report it back to the House and recommend its passage as amended.

CONNELY, for Delegation.

Mr. Batchelder, from the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 276—An Act to amend section twenty-two of an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six—beg leave to present a minority report, recommending the passage of the bill.

BATCHELDER, for Delegation.

Mr. Morrow. from the San Joaquin delegation, verbally reported back Assembly Bill No. 240 amended, and recommended its passage as amended.

MOTIONS AND RESOLUTIONS.

The resolution accompanying the report of the Committee on Public Accounts and Expenditures was taken up and adopted.

Mr. Farish offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That the two houses meet together in Joint Convention in the Assembly Chamber, at twelve o'clock M. on Wednesday, February fifth, proximo, for the purpose of electing a State Harbor Commissioner.

Adopted.

Mr. Hayes offered the following resolution:

Resolved, That the Sergeant-at-Arms furnish, for the use of the Committee on Federal Relations, and on County Boundaries:

First—A certified copy of a map of the lands known as San Jacinto Viejo, San Jacinto Nuevo and Sobrante of San Jacinto, made by Jasper O'Farrell in eighteen hundred and forty-five, and on file in the United States District Court Clerk's office, San Francisco.

Second—A copy of any survey (with the field notes) on file in the office of the United States Surveyor-General of California, including said lands, or any of the following lands:

Townships Three, Four and Five south, Range One west, San Bernardino meridian.

Townships Two, Three, Four and Five south, Range Two west, San Bernardino meridian

Townships Two, Three and Four south, Range Three west, San Bernardino meridian.

Townships Three and Four south, Range Four west, San Bernardino meridian.

Townships Three and Four south, Range Five west, San Bernardino meridian.

Townships Three and Four south, Range Six west, San Bernardino meridian.

Adopted.

Mr Meagher offered the following resolution :

Resolved, That when this House adjourns to-day it will adjourn until Tuesday next at eleven o'clock.

The ayes and noes were demanded by Messrs. Martin, Gildea and Batchelder.

The vote was as follows:

AYES—Messrs. Batchelder, Bever, Broderson, Brown of Contra Costa, Caldwell, Canavan, Church, Coggins, Comte, Connely, Cureton, Davies, Dornin, Dwinelle, Fairchild, Giltner, Hayes, James, Lupton, Mace, Mahon, Mardis, McElhany, Meagher, Mentzell, Middleton, O'Malley, Ord, Papy, Payne, Rollins, Russ, Wand, Wolleb—34.

NOES—Messrs. Ables, Angney, Battelle, Biggs, Bird, Brown of Tulare, Buckbee, Crigler, Downer, Dryer, Farish, Gildea, Gregory, Kelley, Martin, Mattingly, Moore, Morrow, Newell, Newsom, Oliver, Pardee, Smith, Spencer, Waldron, Westmoreland, White, Willets, Mr. Speaker —29.

So the resolution was adopted

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
January 31st, 1868.

Mr. SPEAKER: I have to inform your honorable body that the Senate on yesterday passed Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges.

Also, Senate Bill No 174—An Act fixing the compensation of the Sheriff of Merced County for services as jailer and providing for the payment of the same.

Also, Assembly Bill No 138—An Act to amend an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge, and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 218—An Act to amend an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one, and to more clearly define the boundary line of Sonoma County.

Also, passed substitute for Assembly Bill No 67—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County, and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six

And on the twenty-eighth instant, under a suspension of the rules, passed Senate Bill No. 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

On the thirtieth instant adopted Assembly Concurrent Resolution No. 36, in relation to printing report of committee appointed to investigate affairs of the State Harbor Commission.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
January 31st, 1868.

Mr. SPEAKER: The Senate on this day passed Senate Bill No 90—An Act amendatory of and supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two.

Also, Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessment and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 70—An Act for the relief of James H. Yates.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 165, above reported, was read first and second times and refered to the Committee on Education.

Senate Bill No. 174, above reported, was read first and second times and referred to the Merced delegation.

The Senate concurred in Senate amendments to Assembly Bill No. 218, above reported.

Senate Bill No. 181, above reported, was read first and second times and referred to the Stanislaus delegation.

Substitute for Assembly Bill No. 57, above reported, was read first and second times and referred to the Monterey delegation.

Assembly Bill No. 172, above reported, was read first and second times and referred to the Yuba delegation.

Senate Bill No. 90, above reported, was read first and second times and referred to the Committee on Ways and Means.

REPORT.

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, by leave, made the following report:

Mr. SPEAKER: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 144—An Act to change the boundary line between the Counties of Sutter and Butte—beg leave to respectfully report, that they have had said bill under consideration, and report it back, with amendments annexed thereto; and believing, from the memorial accompanying said bill, and which was referred with it to your committee, that such change reflects the wish of almost the entire population of the district embraced in the proposed change, beg leave to recommend its passage.

MEAGHER, Chairman.

NOTICE.

Notice of the introduction of a bill was given, as follows:

By Mr O'Malley—An Act to provide for the construction and use of Mission Creek Canal, in the City and County of San Francisco.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Morrow—An Act to authorize the Board of Supervisors of San Joaquin County to levy a tax on the real estate and improvements thereon in Swamp Land District No. 17, for the purpose of repairing and rebuilding the levees therein.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Papy—An Act to authorize the Board of Supervisors of the City and County of San Francisco to contract with the Nicholson Pavement Company.

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

Also, an Act to authorize the Board of Supervisors of the City and County of San Francisco to compromise with the adverse claimants to lots in Lafayette Park and in Alamo Square.

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

By Mr. Kelley—An Act providing for a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

GENERAL FILE.

Assembly Bill No 216—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty three

On motion of Mr. Dwinelle, recommitted to the Judiciary Committee.

Senate Bill No 52 (substitute for Senate Bill No. 52)—An Act entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale.

Amendments adopted, and bill read a third time and passed.

Senate Bill No. 78 (substitute for Senate Bill No. 78)—An Act to

authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases.

Read a third time and passed.

REPORTS.

Mr. Coggins moved to suspend the rules to allow Mr. Brown of Tulare, Chairman of the Committee on Public Expenditures and Accounts, to make a report.

Carried.

Mr. Brown of Tulare, on leave, made the following report:

Mr SPEAKER: The Committee on Public Expenditures and Accounts, having examined and found correct the following accounts, beg leave to report the same, and recommend the adoption of the accompanying resolution:

To whom due.	Amount.
J. D. Patterson, witness fees in the case of Aspenall vs. Frisbie..	$80 00
J. H. Boyd, witness fees in same case.....	72 00
L P Marshall, for taking and reporting testimony in same case	454 50
State Telegraph Company.....	3 50

Resolved, That the Controller of State is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly, as follows:

In favor of J. D. Patterson, for eighty dollars.

In favor of J H. Boyd, for seventy-two dollars

In favor of L. P. Marshall, for four hundred and fifty-four dollars and fifty cents.

In favor of State Telegraph Company, for three dollars and fifty cents.

BROWN of Tulare, Chairman.

The resolution was adopted.

Mr. Rector, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 303—An Act in relation to Public Schools in the City of Sacramento.

RECTOR, for Committee.

GENERAL FILE RESUMED.

Senate Bill No 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

Amendment adopted, and amendment to title adopted.

The bill was then read a third time and laid on the table.

Assembly Bill No 132 (substitute for Assembly Bill No. 132)—An Act to define the compensation of the Superintendent of Common Schools for the County of Lake.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 304—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and firearms.

On motion of Mr. Moore, laid on the table.

Mr Moore moved to take from the table Senate Bill No. 116.

Carried.

During the consideration of the bill, at twelve o'clock and fifteen minutes P. M., on motion of Mr. Meagher, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 4th, 1868.

House met pursuant to adjournment.

Mr. O'Malley (Speaker pro tem.) in the chair.

Roll called

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Ord, Buckbee and Westmoreland were granted leave of absence for one day.

Mr. Giltner was granted leave of absence for one week.

Mr Church was granted indefinite leave of absence on account of sickness in his family.

Mr. Canavan was granted leave of absence until two o'clock P. M.

PETITIONS.

Mr. Hayes presented a petition in reference to the boundary between Arizona Territory and the State of California, in the vicinity of Fort Yuma.

Received and referred to the Committee on Federal Relations.

Mr. Pardee presented a communication from the President and Secretary of the Dashaway Association of the Town of Santa Cruz, tendering

the use of Dashaway Hall, in said Town of Santa Cruz, to the State as a Capital building for ten years, conditioned upon the removal of the State Capital to that county.

Received.

Mr. Coggins presented a petition from Father Cotter and others, praying that all appeals to abolish the existing laws prohibiting the profanation of the Christian Sabbath be disregarded.

Received and referred to the Committee on Public Morals.

Mr. Broderson presented petitions, said to be signed by two thousand persons, asking the repeal of the present Sunday Laws.

Received and referred to the Committee on Public Morals.

Mr. Ables presented a petition from citizens of Marin County, opposing the repeal of the present Sunday Laws.

Received and referred to the Committee on Public Morals.

Mr. Waldron presented two petitions from citizens of Placer County, in reference to the Central Pacific Railroad Company.

Received and referred to the special committee appointed to consider matters pertaining thereto.

REPORTS OF STANDING COMMITTEES.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No 138—An Act to amend section five of an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 218—An Act amending an Act dividing the State into counties, and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty one.

Also, Assembly Bill No 304—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four.

Also, Assembly Bill No 132 (substitute for Assembly Bill No. 132)—An Act to define the compensation of the Superintendent of Common Schools for the County of Lake.

DAYS, for Committee.

Mr. Wolleb, Chairman of the Committee on Military Affairs, made the following report:

Mr SPEAKER: The Committee on Military Affairs, who by resolution of the Assembly were instructed to frame and report a bill for the government of the military of this State, beg leave to report that they have had the same under consideration, and hereby introduce a bill for said purpose and recommend the passage of the same.

WOLLEB, Chairman.

Mr. Mace, Chairman of 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. 319, have had the same under consideration, and report the same back, with an amendment, and recommend the passage of the same as amended.

MACE, Chairman.

Assembly Bill No. 319, above reported, was ordered to the head of file for to-morrow.

REPORTS OF SELECT COMMITTEES.

Mr. Crigler, from the Lake and Yolo delegations, made the following report:

Mr. SPEAKER: The Lake and Yolo delegations, to whom was referred Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County—beg leave to report that they have had the same under consideration, and report the same back, without amendment, and recommend its passage.

CRIGLER, for Delegations.

Mr. Newsom, from the Merced delegation, made the following report:

Mr. SPEAKER: The Merced delegation, to whom was referred Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as jailer, and providing for the payment of the same—have had the same under consideration, report the same back and recommend its indefinite postponement.

NEWSOM, for Delegation.

Mr. Newsom, from the Stanislaus delegation, made the following report:

Mr. SPEAKER: The Stanislaus delegation, to whom was referred Senate Bill No 181—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto—have fully considered the same and recommend the passage of the bill.

NEWSOM, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 1st, 1868.

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved Assembly Bill No. 68—An Act to extend the time for finishing the con-

struction of a wharf under the provisions of an Act entitled an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Moore offered the following resolution:

Resolved, That we hereby invite W Wadsworth, Esq, to repeat his lecture on silk and wine culture as adapted to California, before the Legislature, at such time during the present week as shall be most convenient to him, and that the use of the Assembly Chamber be hereby tendered to Mr. Wadsworth for such purpose.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 1st, 1868.

Mr SPEAKER: The Senate on the thirty-first ultimo passed Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

Also, Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's House, in Mendocino County, and collect tolls for travel thereon.

Also, Assembly Bill No 38—An Act to give to grand and trial jurors mileage in the Counties of Marin and Santa Cruz.

Also, on the thirtieth ultimo, passed, under a suspension of the rules, Senate Bill No. 183—An Act to provide for the payment of grand jurors in the County of San Mateo.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 183, above reported, was read first and second times and referred to the San Mateo delegation.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Brown of Contra Costa—An Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty.

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

By Mr Wolleb—An Act to regulate the military of the State of California.

Made the special order for Tuesday, February eighteenth, at two o'clock P. M.; and, under a suspension of the rules, by unanimous consent, five hundred copies of the bill were ordered printed.

By Mr Mahon—An Act for the relief of Patrick Creighton.

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

By Mr. Dwinelle—An Act to regulate judicial sales for the foreclosure of mortgages and other liens on real estate.

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

By Mr. Middleton (by request)—An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six.

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

By Mr. Ellis—An Act to amend an Act entitled an Act supplementary to and explanatory of the Revenue Laws of this State, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Select Committee on Revenue Laws.

By Mr. Middleton—An Act to provide for the permanent improvement of a certain portion of the water front of the City and County of San Francisco, for the purpose of commerce and navigation.

Read first and second times and referred to the Committee on Commerce and Navigation; and, under a suspension of the rules, by unanimous consent, five hundred copies of the bill were ordered printed.

By Mr Smith—An Act to amend section thirty of an Act to provide revenue for the support of the Government of this State.

Read first and second times and referred to the Special Committee on Revenue Laws.

By Mr. Jones—An Act to provide for the payment of the State's portion of the County Auditor's salary in the County of Trinity.

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

By Mr. Scudder—An Act amendatory of and supplementary to an Act entitled an Act to establish a standard of weights and measures, passed April fourth, eighteen hundred and sixty-one.

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

By Mr. Hayes—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisor in the County of San Diego.

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

By Mr. Comte—An Act for the relief of D. F. Verdenal.

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

By Mr. Pardee—An Act to incorporate the Santa Cruz Savings Bank.

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

On motion of Mr. Davis, the rules were suspended and Assembly Bill No. 88—An Act to regulate the taking up and holding of mining claims in the State of California—special order for twelve o'clock, M.—was postponed and made the special order for Friday, February fourteenth, at twelve o'clock.

REPORT.

Mr. Brown of Tulare, by leave, made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures have examined the following accounts and find the same to be correct, and recommend the adoption of the following resolution:

To whom due.		Amounts.
William Granger, for witness fees in the case of Aspenall vs. Frisbie, two days	$4 00	
Mileage	58 50	
		$62 50
J. K. Luttrell, for services of self and J. E. Ryan, Deputy Sergeant-at-Arms, in the case of Aspenall vs. Frisbie:		
To mileage in serving notices and subpœnas	$3 00	
To mileage to and from Vallejo twice	95 00	
To mileage to and from San Francisco	67 00	
To mileage in subpœnaing witnesses in the vicinity of Vallejo and San Francisco	88 00	
To per diem for forty-four days	352 00	
		$605 00

Resolved by the Assembly. That the Controller of State is hereby required to draw his warrants, on the State Treasurer, payable out of the Contingent Fund, for the following amounts:

In favor of William Granger, for sixty-two dollars and fifty cents.

In favor of J. K. Luttrell, for six hundred and five dollars.

The resolution was adopted.

SPECIAL ORDER.

At twelve o'clock M. the special order was taken up

Assembly Bill No 252—An Act to authorize James Spencer and Golder Field, administrators of the estate of Daniel L. Spencer, deceased, to sell land belonging to the estate.

Recommitted to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

Read a third time and passed.

Assembly Bill No. 266—An Act to prevent stallions, bulls and boars from running at large in the County of Butte.

Indefinitely postponed.

Assembly Bill No. 209 (substitute for Assembly Bills Nos. 14, 40, 90, 123, 125, 185 and 187), etc.

Laid on the table.

Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

On motion of Mr Moore, the bill, with amendments, was ordered printed and made special order for the eleventh instant, at twelve o'clock, M.

Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools

Read a third time and passed.

Assembly Bill No. 174—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments.

Ordered engrossed.

Assembly Bill No. 102 (substitute for Assembly Bill No. 102)—An Act granting to the mining counties of this State the foreign miners' tax collected in said counties severally.

Ordered to head of file for to-morrow.

Assembly Bill No 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda.

Ordered engrossed

REPORT.

Mr Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled Assembly Bill No. 70—An Act for the relief of James H. Yates;

Also, Assembly Bill No 171—An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys;

Also, Assembly Concurrent Resolution No 29, respecting a proposed Act of Congress for the establishment of a National School of Mines;

And this day, at twelve o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

GENERAL FILE RESUMED.

On motion of Mr. Brown of Contra Costa, Assembly Bill No 22—An Act to amend an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight—was taken up, and put on its final passage

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 278 (substitute for Assembly Bill No. 278)—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

Substitute adopted, and bill ordered engrossed.

Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza, in said city.

Amendment adopted and bill ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 282—An Act to amend sections three and four of an Act to divide the State into judicial districts

Indefinitely postponed.

Assembly Bill No. 298—An Act to grant to certain parties herein named the right to construct and maintain a turnpike or tollroad from or near the Town of Millerton Fresno County, to Crane Valley.

Ordered engrossed.

Rules suspended, bill considered engrossed. read a third time and passed

Mr Dwinelle gave notice that he would on to-morrow move to reconsider the vote of the House by which Assembly Bill No. 282 was indefinitely postponed.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Mr. O'Malley, Speaker pro tem , in the chair.

Roll called.

Quorum present.

Mr. Dwinelle, by leave, withdrew his notice to reconsider the vote taken on Assembly Bill No. 282.

GENERAL FILE.

Assembly Bill No. 96 (substitute for Assembly Bill No 28)—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Substitute adopted.

Amendments adopted, and the bill read a third time and passed

On motion of Mr. Westmoreland, the rules were suspended to take up and consider messages from the Governor.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 4th, 1868.

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved Assembly Bill No. 31—An Act for the protection of cemeteries in Nevada County.

Also, Assembly Bill No. 103—An Act authorizing the construction of a wharf at New San Diego, in San Diego County, by Stephen Culverwell and others.

Also, Assembly Bill No 113—An Act to amend an Act entitled an Act to grant to the Oakland Railroad Company the right of way for a

railroad track in the City of Oakland and Alameda County, and to run horse cars thereon, approved March third, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 4th, 1868.

To the Assembly of the State of California:

I herewith return to your honorable body, without my approval, Assembly Bill No 238—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

H. H. HAIGHT, Governor.

[For reasons set forth, see Appendix]

Mr. Lupton in the chair.

On motion of Mr. Brown of Contra Costa, the consideration of the Governor's message, returning to the Assembly without his approval Assembly Bill No. 238, was postponed and made the special order for Tuesday next, at twelve o'clock.

GENERAL FILE RESUMED.

Assembly Bill No. 288—An Act to amend section eleven of an Act to provide for a system of common schools.

Amended, amendment adopted, and bill ordered engrossed.

Assembly Bill No. 19—An Act defining the rights, privileges and duties of coparceners, joint tenants and tenants in common in the occupation of lands and tenements held in common.

Amended and amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. O'Malley, the rules were suspended to allow him to introduce a bill for an Act to provide for the construction and use of Mission Creek Canal, in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

COMMUNICATION.

The following communication was read:

CALIFORNIA INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND,
San Francisco, February 3d, 1868.

To. Hon. C. T. RYLAND,
Speaker of the Assembly:

SIR: In accordance with the invitation extended by vote of the Assembly, January seventh, to the Superintendent and pupils of this institution to give an exhibition before the Legislature, I have the honor to inform you that if agreeable to that body, we shall be glad to appear before you on Wednesday evening, February fifth.

Yours, respectfully,

WARRING WILKINSON, Principal.

On motion of Mr. Brown of Contra Costa, the use of the Assembly Chamber was tendered Professor Wilkinson, and the time mentioned in his note agreed upon for the exhibition.

GENERAL FILE RESUMED.

Assembly Bill No 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty; and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one.

Read a third time and passed.

On motion of Mr O'Malley, the rules were suspended and the usual number of copies of the bill introduced by him to-day in reference to Mission Creek Canal ordered printed.

Assembly Bill No 53—An Act concerning corporations.

The House refused to order the bill engrossed.

Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Referred to the Judiciary Committee.

Mr. O'Malley in the chair.

Assembly Bill No 234—An Act to fund the debt of Calaveras County.

Returned to the file for to-morrow.

Assembly Bill No. 265—An Act to submit to the qualified voters of Butte County the question of the removal of the seat of justice of said county.

Ordered to head of file for Thursday next.

Mr. Spencer was granted leave of absence for the remainder of the day.

Assembly Bill No 250—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five

Ordered engrossed.

Assembly Bill No. 197—An Act concerning the office of Recorder of the City and County of San Francisco

Recommitted to the San Francisco delegation

Assembly Bill No. 92—An Act to establish a Board of Health for the City and County of San Francisco.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 276—An Act to amend section twenty-two of an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba

Amended, and amendment adopted

Mr. Batchelder, the author, was granted leave to withdraw the bill.

At four o'clock and twenty minutes P M., on motion of Mr. Broderson, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 5th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain
Journal of yesterday read and approved
Mr Ord was granted indefinite leave of absence on account of sickness, and Mr. Watson had leave of absence for one day.

PETITIONS.

Mr. Oliver presented a petition from citizens of Stockton; also, from citizens of Santa Rosa, Santa Clara, Oakland and Santa Cruz—all praying that the present Sunday Laws be not repealed.
The Speaker presented a petition from citizens of San José;
Mr O'Malley presented three petitions, numerously signed, by citizens of San Francisco;
Mr Batchelder presented a petition from citizens of Marysville;
Mr Gildea presented a petition from citizens of Placerville—
All of said petitions urging that the Assembly take no action to repeal the present Sunday Laws
The petitions were received and referred to the Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

Mr. Mentzell, from the Committee on Public Morals, made the following report:

Mr SPEAKER: The Committee on Public Morals, to whom was referred petitions from different sections of the State for and against the repeal of the Sunday Laws, have examined the same, and make the following report:
In favor of repealing the Sunday Laws, petitions from San Francisco, Sacramento, Sonoma, Stockton, Napa, San José, Mokelumne Hill and Mariposa, signed by about twelve thousand persons.
Against repealing the Sunday Laws, petitions from Sacramento, Oakland, Santa Cruz, Santa Clara, Marin and San Francisco, signed by about seven hundred and fifty persons.

MENTZELL, for Committee.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Senate Bill No. 61—An Act for the relief of E F Spence, County Treasurer of Nevada County—have had the same under consideration, and beg leave to report as follows: The affidavits of George K. Farquhar, County Clerk and ex officio County Auditor, and E. F Spence, County Treas-

urer, of Nevada County. represent, that by an explosion of gas in the vault in the Treasurer's office of Nevada County, on the twenty-seventh day of July, A. D eighteen hundred and sixty-seven. there were destroyed one hundred and forty foreign miners' licenses, for four dollars each; fifty-two State poll tax receipts. for two dollars each; three pawnbrokers' licenses, for thirty dollars each; five circus licenses, for ten dollars each; one broker's license, for fifteen dollars; one auctioneer's license, for twenty-five dollars, and fifteen theater and concert licenses, for five dollars each.

From the above, and other corroborative evidence which was laid before the committee, they are satisfied that the claim is just, and that the relief as provided for in the bill should be granted. They therefore recommend that the bill be passed.

CONNELY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr SPEAKER: The Committee on Claims, to whom was referred Senate Bill No 53—An Act for the relief of Thomas T Davenport, late County Collector of Nevada County—have had the same under consideration, and ask leave to make the following report:

The affidavit of the claimant himself represents that the poll tax receipts in question were kept by him in the drawer of a desk belonging to the county stationed in his office, and that his office was accessible to any one in his absence, by means of a door communicating with the Assessor's office, and that he did not know that any of the receipts in question were lost until he came to make a settlement with the County Auditor at the expiration of his term of office.

In view of this evidence, the committee believe that it was through the carelessness of the claimant that the receipts in question were lost; that they may have been taken by some one and used to the prejudice of the interests of the State and county, and that the claimant himself should therefore be made to suffer the loss.

I am instructed by the committee to report the bill back to the House and recommend that it do not pass.

CONNELY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Senate Bill No. 113—An Act to appropriate money to pay certain claims —have had the same under consideration, and ask leave to make the following report:

This is a claim of William W. Merrihew for services rendered as clerk to the Board of Examiners of Indian War claims, from the first of January to September thirtieth, eighteen hundred and sixty-eight, for the amount of four hundred and fifty dollars.

By reference to the Statutes of California for eighteen hundred and sixty-two, page five hundred and twenty-nine, section two. it is found that the said Board was authorized to employ a clerk at a salary of fifty dollars per month.

From the evidence placed before the committee, they are convinced that the service was rendered as claimed, and, upon an examination of

the books in the Controller's office, that the same has never been paid for. The committee believe it to be a just claim, and have therefore directed me to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Brown of Contra Costa, from the Judiciary Committee, made the following report:

Mr SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino—respectfully report that they had said bill under consideration, and recommend that it do not pass

The Committee have also considered Assembly Bill No. 284—An Act to amend an Act entitled an Act to protect Cashmere and Angora goats from the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six—and report the same back without recommendation

Also, Senate Bill No. 14—An Act to provide for the distribution of the reports of the Supreme Court—and report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 243—An Act to amend section thirty-six of an Act entitled an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty—and recommend that it do not pass.

Also, Assembly Bill No. 246—An Act to amend an Act entitled an Act in relation to probate sales, approved April second, eighteen hundred and sixty-six—and recommend its passage.

Also, substitute for Senate Bill No 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—and report the same back with an amendment, and recommend its passage as amended

Also, Assembly Bill No. 244—An Act supplemental to an Act to authorize married women to execute powers of attorney, approved April thirteenth, eighteen hundred and sixty-three—and recommend its passage.

Also, Assembly Bill No 245—An Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty—and recommend its passage.

Also, Assembly Bill No. 279—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—without action thereon, and recommend its reference to the Committee on Corporations.

Also, Assembly Bill No. 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County—without action thereon, and recommend its reference to the Committee on Corporations

Also, Assembly Bill No. 247—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four—without action thereon, and recommend its reference to the Committee on Ways and Means.

Also, Assembly Bill No 109—An Act to legalize two certain conveyances of real estate heretofore executed by Gretta C. Thompson—and

report the same back with a substitute, and recommend the passage of the substitute.

BROWN,
DWINELLE,
MOORE,
LUPTON,
For Committee.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No. 278 (substitute for Assembly Bill No. 278)—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No 174—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments.

Also, Assembly Bill No 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Inez River, in Santa Barbara County, and to collect toll for travel thereon.

Also, Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools.

Also, Assembly Bill No 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza, in said city.

LEE, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Battelle, from the Sierra delegation, made the following report:

Mr. SPEAKER: Your Committee, to whom was referred Assembly Bill No. 134, respectfully report that they have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

BATTELLE, for Delegation.

Mr. Mattingly, from the San Mateo delegation, made the following report:

Mr. SPEAKER: The San Mateo delegation, to whom was referred Senate Bill No. 183, have had the same under consideration, report it back and recommend its passage.

MATTINGLY, for Delegation.

MOTIONS AND RESOLUTIONS.

On motion of Mr Angney, Assembly Bill No. 307—An Act to regulate fees of office—was taken from the table and ordered to the file for tomorrow.

Mr. Middleton, by leave and by request, presented the following, which was received:

At a regular meeting of the Board of Marine Underwriters of San Francisco, holden February third, eighteen hundred and fifty-eight, it was unanimously

Resolved, That the statute of the State of California entitled "An Act to establish pilots and pilot regulations for the Ports of San Francisco and Benicia, approved April fourteenth, eighteen hundred and sixty-four," has been proven by nearly four years experience to be the best and most satisfactory of all the laws heretofore passed on that subject.

Resolved, That the operation of the law referred to has been watched by all the members of this Board, and they have failed to see any serious changes that can be required by the interests of commerce.

Resolved, That this Board respectfully but earnestly remonstrates against the passage of any law upon the subject of pilots for this port and Benicia, which shall tend to destroy the present excellent system.

Resolved, That the Secretary be instructed to transmit copies of these resolutions to the Chairmen of the Committees on Commerce and Navigation, with a request that the same may be read in each House, and also to His Excellency the Governor.

A true copy from the minutes.

Attest: JOHN HOPKINS, Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 4th, 1868.

Mr. SPEAKER: I have to inform your honorable body that the Senate on the first instant passed Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

Also, Senate Bill No. 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, adopted Senate Joint Resolution No. 43, relative to the Mendocino Indian Reservation.

Also, I am directed to return to the Assembly, Assembly Bill No. 77, with the respectful request that the same be engrossed.

W. F. HUESTIS.
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 201, above reported, was read first and second times and referred to the Committee on Counties and County Boundaries

Senate Bill No. 202, above reported, was read first and second times and referred to the Solano delegation.

Senate Joint Resolution No. 43, above reported, was read first and second times and referred to the Committee on Indian Affairs.

Substitute for Senate Bill No. 14, to day reported from the Judiciary Committee, was read first and second times and placed on file.

NOTICES.

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

By Mr. Batchelder—An Act to amend section two of an Act entitled an Act further defining the duties of County Recorder of Yuba County, approved April second, eighteen hundred and sixty-six.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Broderson—An Act to prohibit barbarous and vulgar amusements.

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

By Mr. Gregory—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 Revenue Laws.

By Mr. Mattingly—An Act to provide for the relief of the indigent sick of San Mateo County

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

By Mr. Battelle—An Act to restore the county boundaries of the Counties of Sierra, Yuba and Plumas.

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

By Mr. Lee—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by the said Board for the purposes herein named.

Read first and second times and placed on file.

By Mr Farish—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

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

By Mr. Westmoreland—An Act more strictly defining the duties of Supervisors and other officers of Humboldt County, to place the affairs of the county on a cash basis, and reduce public expenditures and taxation therein.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Brown of Contra Costa—An Act to amend an Act requiring compensation for causing death by wrongful act, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Indian Affairs.

Mr. Buckbee moved to take up Assembly Bill No. 30.

Lost.

GENERAL FILE.

Assembly Bill No. 102 (substitute for Assembly Bill No 102)—An Act granting to the mining counties of this State foreign miners' tax collected in said counties severally.

Mr. Westmoreland moved to make the bill the special order for Wednesday, the twelfth instant, at twelve o'clock.

Mr. Moore moved to amend by fixing the time for Friday, the fourteenth, at twelve o'clock.

Mr Lupton moved to refer to the Committee on Ways and Means.

The motion to make the bill a special order was withdrawn, and the motion to refer was lost.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Dwinelle offered the following resolution:

Resolved, That the special order for this hour be suspended until the pending debate is concluded.

Adopted.

Consideration of Assembly Bill No. 102 was continued.

Mr. Oliver moved to postpone further action on the bill for ten days.

Lost.

The question was stated upon referring the bill to the Committee on Ways and Means

The ayes and noes were demanded by Messrs. Lupton, Bird and Crigler.

The vote was as follows:

AYES—Messrs. Ables, Angney, Broderson, Brown of Contra Costa, Caldwell. Church, Connely, Crigler, Dwinelle, Ellis, Frisbie, Gregory, Green, James. Lupton, Mahon, Martin, Mattingly, Middleton, Moore, Newsom, Papy. Pardee, Russ, Spilman, Tully, Mr Speaker—27.

NOES—Messrs. Ayer, Batchelder, Battelle. Bever, Biggs, Bird, Brown of Tulare, Buckbee, Canavan, Clark, Cochran, Coggins. Comte, Cureton, Davies, Days, Dornin, Downer, Dryer, Fairchild, Gildea. Hayes, Jones, Kelley, Lee, Mace, Mardis, McElhany, Meagher, Mentzell, Morrow, Newell, Oliver, O'Malley, Payne, Rector, Rollins, Scudder, Smith, Spencer, Waldron, Wand, Westmoreland, White, Willets, Wolleb—46.

So the motion was lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs Buckbee, Rollins and Gregory.

The vote was as follows:

AYES—Messrs. Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Canavan, Clark, Cochran, Coggins,

Comte. Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Gregory, Hayes, Jones. Lee, Mace, Mardis, McElhany, Meagher, Mentzell, Morrow, Newell, Oliver, O'Malley, Payne, Rector, Rollins, Smith, Spencer, Waldron, Wand, Westmoreland, White, Willets, Wolleb, Mr. Speaker—47.

NOES—Messrs. Ables, Angney. Brown of Contra Costa. Caldwell, Church, Connely, Crigler, Cureton, Farish, Frisbie, James, Kelley, Lupton, Mahon, Martin, Mattingly, Middleton, Moore, Newsom, Papy, Pardee, Russ, Scudder, Spilman, Tully, Mr. Speaker—26.

So the bill was ordered engrossed.

Mr. Rollins moved that the rules be suspended, the bill considered engrossed and put upon its passage.

Upon suspending the rules, the ayes and noes were demanded by Messrs. Lupton, Caldwell and Cureton.

The vote was as follows:

AYES—Messrs Batchelder, Bever, Biggs, Bird, Broderson. Brown of Tulare, Buckbee, Canavan, Clark, Cochran, Coggins, Comte, Davies, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Gregory, Hayes. Jones, Lee, Mace, Mardis, McElhany, Meagher, Mentzell, Newell, O'Malley, Payne, Rector, Rollins, Smith, Spencer, Waldron, Wand, Westmoreland, White, Willets, Wolleb—42.

NOES—Messrs. Ables, Angney, Ayer, Brown of Contra Costa, Caldwell, Church, Connely, Crigler, Cureton, Days. Farish, Frisbie, Green, James, Kelley, Lupton, Mahon, Martin, Mattingly, Middleton, Moore, Morrow, Newsom, Oliver, Papy, Pardee, Russ, Scudder, Spilman, Tully, Mr. Speaker—31.

Not two thirds voting in the affirmative, the motion was lost.

SPECIAL ORDERS.

Assembly Bill No. 7—An Act to repeal an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath. passed March sixteenth, eighteen hundred and sixty-five; also, Assembly Bill No. 9, Assembly Bill No. 10, and Assembly Bill No. 11, were postponed and made the special order for Thursday, the twentieth of February, at two o'clock P. M.

COMMUNICATION.

The Speaker presented the following communication:

SACRAMENTO, February 5th, 1868.

To the Honorable the Speaker of the Assembly of California:

SIR: I have received notice of the highly complimentary resolution of the Assembly tendering me the use of the Assembly Chamber in which to repeat a lecture on "The Agriculture of Europe as applicable to California. If suiting the convenience of members, I would name Thursday evening of this week for the purpose mentioned, at half-past seven.

Respectfully, yours,

W. WADSWORTH.

Assembly Bill No. 299—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Tully, on leave, introduced the following bill: An Act for the relief of E H. Wood

Read first and second times and, with a petition accompanying the bill, referred to the Committee on Federal Relations.

At four o'clock P. M , on motion of Mr. Meagher, the House adjourned.

C. T. RYLAND, Speaker.

W. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 6th. 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Mr. Craycroft.

Journal of yesterday read and approved

Mr. Jones was granted indefinite leave of absence.

Mr. Clark had leave of absence for two days.

Mr. Kelley had leave of absence until Monday next, and Messrs. Dornin and Watson for one day each.

PETITIONS.

Mr. Caldwell presented a petition of John W. Ball and others, praying that said Ball be allowed the sum of eight thousand dollars on account of false imprisonment suffered by him.

Received and referred to the Committee on Claims.

Mr. Moore presented a petition from Joseph Neumann, praying the Legislature to fix such a premium on silk manufacturing as to induce capital to come forward and assist in this valuable and most important enterprise.

Received and referred to the Committee on Agriculture.

Mr. Mahon presented a petition from the corporation known as the City Railroad Company, praying for an extension of time in which to complete their road.

Received and referred to the San Francisco delegation.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 236—An Act to incorporate the Santa Cruz Manufacturing Company—have had the same under consideration, and respectfully report the bill back and recommend that it do not pass.

Your Committee find that the bill under consideration is in direct violation of the Constitution of the State of California, having for its object the creation of a corporation for private purposes.

MOORE, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 107—An Act to incorporate the City of Monterey—have had the same under consideration, and respectfully report the same back with amendments, and recommend its passage.

MOORE, Chairman.

Mr. Brown of Contra Costa, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was recommitted Assembly Bill No 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—respectfully report that they have considered said bill and the amendments made thereto by the Senate, and recommend that the Assembly concur in all of said amendments except the amendment to section two of said Act of March thirteenth, eighteen hundred and fifty, and that the Assembly do not concur in said last named amendment.

The Committee have also considered Assembly Bill No. 332—An Act to legalize the election of Supervisors and to define the duration of the office of Supervisor in the County of San Diego—and report the same back without recommendation.

Also, Assembly Bill No 328—An Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—and report the same back with amendments, and recommend its passage as amended.

BROWN,
MOORE,
COMTE,
HAYES,
BUCKBEE,
For Committee.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 298—An Act to grant to certain parties herein named the right to construct and maintain a turnpike or toll road from or near the Town of Millerton, Fresno County, to Crane Valley.

Also, Assembly Bill No. 250—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five

Also, Assembly Bill No 96 (substitute for Assembly Bill No. 28)—An Act to amend an Act entitled an Act concerning officers, approved April second, eighteen hundred and sixty-three.

BATCHELDER, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No 142—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pitchoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco—have considered the same and have made some amendments thereto, and they have directed me to report the bill back to the House and recommend its passage with the amendments

They have also had under consideration Assembly Bill No. 294—An Act to amend an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine—and have made an amendment thereto, and they have instructed me to report the bill back to the House and recommend its passage as amended.

CONNELY, for Delegation.

MOTIONS AND RESOLUTIONS.

On motion of Mr Broderson, the usual number of copies of Assembly Bills Nos. 312 and 355 were ordered printed

Mr. Brown of Contra Costa offered the following:

Resolved, That Assembly Bills Nos. 279 and 172, reported back to the House by the Judiciary Committee yesterday, be referred to the Committee on Corporations.

Resolved, That Assembly Bill No 247 be referred to the Committee on Ways and Means.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 5th, 1868.

Mr. SPEAKER: The Senate on this day passed Senate Bill No. 99—An for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco

Also, Senate Bill No. 119—An Act regulating the vending of liquors at retail.

Also, Senate Bill No 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Also, Senate Bill No. 193—An Act to authorize D W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County.

Also, Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Senate Bill No 99, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 119, above reported, was read first and second times and referred to the Committee on Ways and Means.

Senate Bill No 140, above reported, was read first and second times and referred to the Shasta delegation.

Senate Bill No. 163, above reported, was read first and second times and referred to the San Francisco delegation

Senate Bill No. 193, above reported, was read first and second times and referred to the Mendocino delegation.

NOTICES.

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

By Mr. Moore—An Act to transfer the State's portion of the poll taxes and auctioneers' licenses collected in the Counties of Sonoma, Napa, Solano. Contra Costa, San Francisco, San Mateo, Santa Clara, Santa Cruz. Monterey. San Bernardino, San Diego, Lake. Merced and Stanislaus to the County Treasury of said counties for county purposes.

By Mr. White—An Act entitled an Act to amend sections of an Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada, approved March second, eighteen hundred and sixty-four.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. O'Malley—An Act to provide for the payment of assessments against the property of the Government of the United States for street improvements in the City and County of San Francisco.

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

By Mr. Ellis—An Act granting the poll taxes in Los Angeles County to that county.

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

By Mr. Tully—An Act concerning poll tax in the County of Monterey.

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

By Mr. Brown of Contra Costa—An Act to amend the Act approved April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits.

Read first and second times and referred to the Select Committee on Revenue Laws.

By Mr. Mattingly—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr Church—An Act declaring a creek in Sections Thirty-five and Thirty-six, Township Three south, Range Three west, Mount Diablo meridian, navigable.

Read first and second times and referred to the Committee on Commerce and Navigation

Also, an Act to grant to Antonio Giorgiani and Paul Torre, their associates and assigns, the right to maintain a wharf on lands included in tide land survey number eighty-two, County of Alameda.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr James—An Act to repeal section thirteen of an Act entitled an Act to provide for binding minors as apprentices, clerks and servants, approved April tenth, eighteen hundred and fifty-eight.

Read first and second times and referred to the Committee on Indian Affairs.

By Mr. Mahon—An Act amendatory of sections one and eight of an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three.

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

By Mr. Spilman—An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company—a corporation organized and working by and under the general Railroad Laws of this State—and to provide for the payment of said bonds.

Read first and second times and placed on file.

By Mr. Davies—An Act to provide for the appointment of a Chaplain for the State Prison.

Read first and second times and referred to the State Prison Committee.

By Mr Scudder—An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof

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

By Mr. Moore—An Act supplementary to an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two

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

By Mr. Wand (by request of Mr. Ellis)—An Act entitled an Act amendatory of and supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

Also, an Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven.

Read first and second times and placed on file

Also, an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for the repair of the banks of the Los Angeles River in the city, to levy a tax for street improvements, and for lighting the streets of said city with gas.

Read first and second times and placed on file.

Also, an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved April fourth, eighteen hundred and fifty.

Read first and second times and placed on file.

By Mr. Frisbie—An Act to incorporate the City of Vallejo.

Read first and second times and referred to the Solano delegation, and usual number of copies ordered printed.

By Mr. Comte—An Act granting a wharf franchise in the City of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Dwinelle—An Act for the preservation of fish and game.

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

Also, an Act to grant a new charter to the City of Oakland.

Read first and second times and placed on file.

Mr. Batchelder, by leave, offered the following resolution :

Resolved, That the Engrossing Clerk be authorized to employ an assistant at the per diem allowed by law.

Mr. Lupton moved to lay on the table.

Lost.

The resolution was then adopted.

GENERAL FILE.

Assembly Bill No 265—An Act to submit to the qualified voters of Butte County the question of the removal of the seat of justice of said county.

Mr. Buckbee presented remonstrances of citizens and taxpayers of Butte County against the passage of the bill, which were read.

Amendments adopted.

Mr. Rollins moved to suspend the rules requiring a recess for to-day.

Lost.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called
Quorum present.

GENERAL FILE.

Consideration of Assembly Bill No. 265 was continued.

Mr. Buckbee moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Spilman, Cochran and Lee.

The vote was as follows:

AYES—Messrs. Ables, Batchelder, Battelle, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Coggins, Comte, Connely, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Gregory, Mahon, Martin, Mattingly, McElhany, Middleton, Moore, Morrow, Oliver, Papy, Pardee, Rollins, Russ, Smith, Spencer, Waldron, Westmoreland, White, Wolleb—38.

NOES—Messrs. Ayer, Bever, Bird, Caldwell, Canavan, Cochran, Crigler, Frisbie, Green, Hayes, James, Lee, Mardis, Meagher, Mentzell, Newell, Newsom, O'Malley, Payne, Scudder, Spilman, Tully, Willets, Mr. Speaker—24.

So the motion prevailed.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled. Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara;

Also, Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and collect tolls thereon;

Also, Assembly Bill No 38—An Act to give grand and trial jurors mileage in the Counties of Marin and Santa Cruz;

Also, Assembly Bill No. 138—An Act to amend section five of an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 218—An Act to amend an Act dividing the State into counties and establishing the seats of justice therein;

And, at fifteen minutes past one o'clock this day, presented the same to the Governor for his approval.

AYER, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 65 (substitute for Assembly Bill No. 65)—An Act to authorize L. F. Long, Moses C. Briggs, William Neely Johnson and their associates to construct and maintain a turnpike road from Cloverdale to or near Sunel, and charge and collect toll thereon.

On motion of Mr. Green, laid on the table.

Assembly Bill No. 240—An Act granting to certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Mr. Green moved to lay on the table.

Lost, on a division.

Amendments adopted.

Mr. Bird moved to make the bill the special order for the ninth day of March.

The motion of Mr. Bird was lost, on a division.

On motion of Mr. Days, the rules were suspended, the bill considered engrossed and read a third time

Upon the passage of the bill, the ayes and noes were demanded by Messrs Meagher, Frisbie and Mahon.

The vote was as follows:

AYES—Messrs Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Downer, Dryer, Ellis, Fairchild, Frisbie, Gildea, Gregory, Green, Hayes, James, Mahon, Mattingly, McElhany, Mentzell, Middleton, Morrow, Oliver, O'Malley, Pardee, Rector, Rollins, Scudder, Spencer, Spilman, Waldron, Westmoreland, Wolleb, Mr. Speaker—47.

NOES—Messrs. Bird, Caldwell, Canavan, Cochran, Martin, Meagher, Newell, Newsom, Payne, Tully, Wand, White, Willets—13.

So the bill was passed.

REPORT.

On motion of Mr. Farish, the rules were suspended in order to enable the Committee of Free Conference to make the following report:

Mr. SPEAKER: The Committee of Free Conference on the disagreeing vote of the Senate and Assembly on Senate Concurrent Resolution No 44, relative to the appointment of a joint committee of four from the Senate and four from the Assembly, to investigate certain charges of corruption and allegations in relation to the last Senatorial election, having duly considered the premises, beg leave to submit the following report:

Your committee find it impossible to agree upon the adoption of the resolution, either with or without the House amendment, and should perhaps report the fact of this disagreement as the sole result of their conference, and ask to be discharged; but your committee are so fully impressed with the importance of the subject presented for their consideration that they are willing to incur the charge of presumption in offering to the Senate and Assembly a suggestion and a resolution.

There seems to be a difference between the two branches of the Legislature, upon a collateral question which has, perhaps more than any thing else, tended to produce this disagreement.

The members of the Assembly seem to entertain the opinion that the subject of the resolution is a matter for separate rather than joint action. The majority of this committee seem to coincide in this view.

The committee is unanimous on one question, that an investigation ought to be had if the charges mentioned in the resolutions are properly made But the committee differs as to whether the charges are sufficiently specific at the present time.

In order, therefore, that the members of each House may be enabled to proceed in the matter according to their separate and differing views, your committee, by a vote of the majority thereof, recommend the adoption of the following resolution:

Resolved, That the further consideration of Senate Joint Resolution No. 44 be indefinitely postponed.

PENDEGAST,
MORRILL,
ANGNEY,
BIGGS,
FARISH.

The resolution was adopted.

At four o'clock P. M., on motion of Mr. Cochran, the House adjourned.

C. T. RYLAND, Speaker.

W. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 7th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITIONS.

Mr. Dwinelle presented a petition of citizens of Oakland;
Mr. Frisbie presented a petition of citizens of Solano County;
Mr. Angney presented a petition of citizens of Santa Clara—
Said petitions all opposing the repeal of the present Sunday Laws.
Received and referred to Committee on Public Morals.

On motion of Mr. Farish, the rules were suspended, and the special order for to-day at twelve o'clock M—contested election case of Mason vs. Tuttle—was postponed until two o'clock P. M. to-day.

Mr. Davies presented a petition of citizens of Columbia, Tuolumne County, asking that the Sunday Laws be not repealed.

Referred to the Committee on Public Morals.

Mr Pardee presented a remonstrance of citizens of Santa Cruz County against the passage of a law detaching a portion of said county and attaching the same to San Mateo County.

Received and referred to the Committee on Counties and County Boundaries.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington—have had the same under consideration, and ask leave to make the following report:

It is well known to every one who has had anything to do with the State land question, that sales were made of a very large quantity of lands of the several grants made to this State by the United States Government under the several statutes of this State providing for their disposition and sale, and which were considered illegal by the Land Department at Washington, and that that Department has constantly refused to recognize the locations made under such sales by the State authorities. And it is also well known that our delegation in Congress have, without success, at various times endeavored to procure the settlement of this vexed question; and one Commissioner at least was sent to Washington by the Legislature of the State for the purpose of accomplishing the same object, which also proved abortive.

J. F. Houghton, late Surveyor-General, in the year eighteen hundred and sixty-six, after obtaining leave of absence from the duties of his office by the Legislature, proceeded to Washington for the purpose of making another attempt to get this vexed question settled; and the result shows that he was so far successful in accomplishing that object that nothing further can be desired in that connection. He succeeded in convincing the Commissioner of the General Land Office of the error under which he had previously been acting in relation to these locations; and also obtained his influence in getting a bill passed through Congress confirming to the State all the locations made under her authority, except so far as they might conflict with other claims, such as preemptions, homesteads, etc.

In view of the facts above set forth, the Committee believe that the State has derived benefits through the mission of the claimant to Washington City which are of no ordinary character; and that the sum of three thousand dollars, which he claims for his expenses, is not too great.

They have therefore instructed me to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Tully, Chairman of the Committee on Public Lands, made the following report:

Mr SPEAKER: The Committee on Public Lands, to whom was referred Assembly Bill No. 311—An Act to provide for the payment of the Register and Receiver of the United States Land Office in this State certain fees—have had the same under consideration, and report the same back and recommend its passage.

TULLY, Chairman.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No. 240—An Act granting to certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Also, Assembly Bill No. 92—An Act to establish a Board of Health for the City and County of San Francisco

Also, Assembly Bill No. 102 (substitute for Assembly Bill No. 102)—An Act granting to the mining counties of this State foreign miners' tax collected in said counties severally.

Also, Assembly Bill No 19—An Act defining the rights, privileges and duties of coparceners, joint tenants and tenants in common in the occupation of lands and tenements held in common.

Also, Assembly Bill No 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda.

Also, Assembly Bill No 299—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

LEE, Chairman.

Mr. Angney, Chairman of 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. 153—An Act to amend an Act to exempt homesteads and other property from forced sale in certain cases—have examined the same, and after due consideration report it back with a recommendation that it do not pass.

ANGNEY, Chairman.

Mr. Angney, Chairman of 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 291—An Act to allow the poll tax now collected in this State to the several counties wherein collected—have had the same under consideration, have carefully discussed the effect of passing it, and deem it inexpedient to recommend such passage.

ANGNEY, Chairman.

Mr. Angney, Chairman of 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. 270—An Act amendatory of and supplemental to an Act entitled an Act to provide for the licensing of auctioneers and to define their duties and liabilities, approved April eighteenth, eighteen hundred and fifty-five;

Also, Assembly Bill No 186—An Act supplemental to 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. 111—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 them back and recommend their reference to the Committee on the Revision of the Revenue Laws.

ANGNEY, Chairman.

Assembly Bills Nos. 270, 186 and 111, above reported, were referred, as recommended, to the Committee on Revenue Laws.

Mr Brown of Contra Costa, from the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary respectfully report that they have considered and herewith report:

Assembly Bill No. 220—An Act to legalize acknowledgments of deeds of husband and wife, taken before and certified by County Clerks—and recommend the passage of the bill with amendments made thereto by the committee.

Also, Assembly Bill No. 170—An Act to appropriate money to pay the claim of W. D Harriman and William G. Wood.

This bill provides for the payment of fees of Clerks of the Supreme Court in cases where the State was a party, during the period from December, eighteen hundred and sixty-three, to December, eighteen hundred and sixty-seven. The committee entertain no doubt that the State is liable for the payment of the proper fees of the Clerk of the Supreme Court in such cases, but they recommend the reference of the bill to the Committee on Claims, to ascertain and report the amount so due to Harriman and Wood.

The Committee have also considered Assembly Bill No 124—An Act to amend an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four—and recommend its passage.

BROWN,
PAPY,
MOORE,
COMTE,
HAYES,
BUCKBEE,
For Committee.

Assembly Bill No. 170, above reported, was referred to the Committee on Claims.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No. 77—An Act to repeal part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

LEE, Chairman

REPORTS OF SELECT COMMITTEES.

Mr. Cureton, from the Mendocino delegation, made the following report:

Mr SPEAKER: The Mendocino delegation, to whom was referred Senate Bill No 193—An Act to authorize D W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in the County of Mendocino—respectfully report the same back and recommend its passage.

CURETON, for Delegation.

Mr. Dryer, from the Shasta delegation, made the following report:

Mr. SPEAKER: The Shasta delegation, to whom was referred Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County—have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

DRYER, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. James offered the following resolution:

Resolved. That W. H. Peterson, Assistant Sergeant-at-Arms, be granted indefinite leave of absence, on account of sickness of self and family.

Adopted.

Mr. Warfield offered the following resolution:

Resolved, That W. H. Holt be and he is hereby appointed Assistant Sergeant-at-Arms, to serve during the absence of W. H Peterson, at the same per diem as is allowed the Assistant Sergeant-at-Arms.

Adopted.

Mr. Dornin offered the following resolution:

WHEREAS, This House learns with deep regret of the death, on yesterday, of the wife of Hon. T. E. Jones, of Trinity County; therefore,

Resolved, That we sincerely lament the deep domestic affliction to which our fellow member has been subjected, and that we hereby tender to him our earnest sympathy and condolence.

Unanimously adopted.

The Speaker presented the following communication, which, with the accompanying resolutions, were received and read:

SAN JOSÉ, February 6th, 1868.

Hon. C. T. RYLAND,
Speaker of the Assembly:

DEAR SIR: I herewith transmit to you copies of resolutions passed by the Board of Supervisors of the County of Santa Clara, of which I am Chairman, and also a resolution of the Common Council of the City

of San José, of which I am Mayor; and in the name of our city and county request you to lay the same before the Assembly for their consideration. Should the Senate or Assembly, or the members thereof, accept our invitation to visit San José, a special train, free of charge to them and their friends, will be at their disposal on the San José and San Francisco Railroad, to come and go when they please.

With great respect, your obedient servant,

J. A. QUIMBY.

"At a special meeting of the Mayor and Common Council of the City of San José, held January twenty-seventh, A. D. eighteen hundred and sixty-eight—Present, Mayor Quimby, presiding; and Councilmen Clayton, King, Porter, Leighton and Smith—the following resolution was read and adopted unanimously:

"*Resolved*, That the Mayor and Common Council tender to the State forever, one of the public squares of this city for the erection thereon of public buildings for State Capitol uses, and that the Legislature be allowed to make the selection of the square."

—

STATE OF CALIFORNIA, County of Santa Clara, ss:

I, John T. Colahan, City Clerk in and for the City of San José, county and State aforesaid, do hereby certify that the foregoing is a true and correct extract from the proceedings of the Common Council of the City of San José, of January twenty-seventh, eighteen hundred and sixty-eight.

Witness my hand and the seal of said city this fifth day of February, A. D. eighteen hundred and sixty-eight.

JOHN T. COLAHAN,
City Clerk.

—

"At a regular meeting of the Board of Supervisors of the County of Santa Clara, held on Tuesday, the fourth day of February, A. D. eighteen hundred and sixty-eight—Present, John A. Quimby, President of the Board; John Cook, Frank Sleeper and J. Q. A. Ballou, members of the Board, and A. E. Pomeroy, Clerk of the Board—the following resolution was unanimously adopted, to wit:

"*Resolved*, That in the event the General Assembly of the State of California determine to move the State Capital to the County of Santa Clara, the Board of Supervisors of the said County of Santa Clara, for and in behalf of said county, tender to the State the free and entire use of the Court-house of said county for State purposes, until such time as a Capitol building may be erected in said county; *provided*, that said Capitol building shall be erected within five years."

A true copy of the original order.

Attest, with seal: A. E. POMEROY, Clerk.

"At a regular meeting of the Board of Supervisors of the County of Santa Clara duly held on Wednesday, the fifth day of February, A. D. eighteen hundred and sixty-eight—Present, John A. Quimby, Chairman of the Board; Frank Sleeper, John Q. A. Ballou and John Cook, members of the Board, and A. E. Pomeroy, Clerk of the Board—the following resolution was unanimously adopted, to wit:

"*Resolved*, That the honorable the members of the Legislature of the State of California and the attachés thereof, one and all, are hereby invited and solicited to visit the City of San José and examine for themselves its eligibility as the seat of government of this State, prior to any final action by either of the houses on the measures now pending touching that subject matter; and that the hospitalities of the city and county will be cordially extended to them."

A true copy.

Attest, with seal of County Court, this fifth day of February, A. D. eighteen hundred and sixty-eight.

A. E. POMEROY, Clerk.

By EDGAR POMEROY, Deputy.

Mr. Angney offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That the Legislature accept the invitation extended to them by the Supervisors of the County of Santa Clara and the Mayor of the City of San José, to visit the City of San José; and when it adjourns to-morrow it will adjourn until Tuesday, for that purpose.

Mr. Coggins moved to lay on the table.

Lost

Mr Batchelder moved the previous question.

Sustained

Upon the adoption of the resolution of Mr Angney, the ayes and noes were demanded by Messrs Morrow, Coggins and Gregory.

The vote was as follows:

AYES—Messrs Angney, Ayer, Batchelder, Bever, Broderson, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Church, Days, Dornin, Frisbie, James, Mahon, Mardis, Mattingly, McElhany, Meagher, Middleton, Moore, Newsom, O'Malley, Pardee, Payne, Rector, Rollins, Scudder, Tully, Willets, Mr. Speaker—31.

NOES—Messrs. Ables, Battelle, Biggs, Bird, Brown of Tulare, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Farish, Gildea, Gregory, Lupton, Mace, Martin, Mentzell, Morrow, Newell, Oliver, Russ, Smith, Spencer, Spilman, Waldron, Wand, Warfield, Westmoreland, White, Wolleb—36.

So the resolution was lost.

On motion of Mr Cureton, Assembly Bill No. 65 was taken from the table and ordered to the general file for Monday next.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 6th, 1868.

Mr. SPEAKER: I am requested to inform your honorable body that the Senate on yesterday adopted Senate substitute for Assembly Concurrent Resolution No. 21, relative to instructing the Committee on Public Buildings to examine into the condition and progress of the Capitol building now in progress of erection, the manner in which materials have been procured, and the business done in connection therewith, and respectfully ask the concurrence of the Assembly therein.

W. F. HUESTIS,
Assistant Secretary.

Senate substitute for Assembly Concurrent Resolution No. 21, above reported, was read.

Mr. Coggins moved an amendment.

Mr. Church moved the previous question.

Sustained.

Amendment adopted, and the Senate substitute adopted in concurrence.

Mr. Brown of Tulare moved that the rules be suspended, to enable him to offer a resolution in reference to the invitation extended to the members of the Assembly to visit San José

The ayes and noes were demanded by Messrs. Comte, Lee and Wolleb.

The vote was as follows:

AYES—Messrs Ables, Angney, Ayer, Batchelder, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Cochran, Connely, Crigler, Davies, Days, Dornin, Dryer, Dwinelle, Ellis, Frisbie, Gildea, Gregory, Hayes, James, Lupton, Mahon, Martin, Meagher, Mentzell, Middleton, Moore, Morrow, Newsom, Oliver, O'Malley, Papy, Pardee, Payne, Rector, Russ, Scudder, Smith, Spilman, Tully, Willets, Mr Speaker—49.

NOES—Messrs Biggs, Bird, Coggins, Comte, Farish, Green, Lee, Waldron, Wand, Warfield, Westmoreland, White, Wolleb—13.

So the motion prevailed

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M. the House reassembled.

The Speaker in the chair.

Roll called

Quorum present.

On motion of Mr Tully, the special order set for twelve o'clock to-day was again postponed, to allow action on the resolution of Mr. Brown of Tulare, as follows:

Resolved, That when the Assembly adjourn to-morrow at one o'clock P. M., it adjourn to meet again on Tuesday next at eleven o'clock A. M.,

in order to accept the invitation extended by the authorities of San José.

Mr. Church moved the previous question.
Sustained
The resolution was then adopted.
On motion of Mr. Biggs, the rules were suspended to allow him to offer the following resolution:

Resolved, That when this House adjourn on Saturday the members receive no per diem during said adjournment.

Lost.
Mr. Dwinelle offered the following resolution:

Resolved, That the special order be suspended for ten minutes, and Assembly Bill No. 344 be taken up for consideration.

Adopted.
Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland.
Amended, and amendment adopted
Mr Dwinelle moved that the rules be suspended, the bill considered engrossed and put upon its passage.
Carried
The bill was read a third time.
Mr. Meagher moved to refer to the Committee on Corporations.
The time for the special order having arrived, Mr. Church moved to again postpone ten minutes.
Lost.

SPECIAL ORDER.

The contested election case of Mason vs. Tuttle, the special order for twelve o'clock M., was considered.
Mr. Comte offered the following:

Resolved, That in the case of Mason vs. Tuttle, the contestant shall open and conclude, subject to the right of the sitting member to reply to anything new that may be presented by counsel for contestant.

Adopted.
Mr. Farish offered the following:

Resolved, That George E. Mason is entitled to the seat now occupied by C. A. Tuttle on the floor of this House as a representative from Placer County.

Mr. Comte offered the following:

Resolved, That J. W. Coffroth, Esq., be invited to the floor of the Assembly for the purpose of making his argument for the contestant in the case of Mason vs. Tuttle.

Adopted.

On motion of Mr. Lupton, the same privileges were extended to the sitting member.

Mr. J. W Coffroth then appeared and reviewed the testimony taken in the case, and addressed the House in behalf of the contestant.

[For evidence, see Appendix.]

On motion of Mr. Brown of Contra Costa, at four o'clock and twenty-five minutes P. M, the House adjourned to meet at seven o'clock P. M. this day.

EVENING SESSION.

At seven o'clock P M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Rollins offered the following resolution:

Resolved, That Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland—be referred to the Committee on Corporations, to report to-morrow.

Adopted.

Messrs. Westmoreland and Dryer asked leave of absence for to-morrow to attend the funeral of Mrs. Jones.

Granted.

Mr. Brown of Tulare offered the following resolution:

Resolved, That Charles A. Sumner have written out for publication the argument before this House in the case of Mason vs. Tuttle.

Mr. Rollins moved to amend by inserting "arguments" in place of "argument."

On motion of Mr. Scudder, the resolution was laid on the table, on a division.

Mr Tuttle proceeded to reply to Mr. Coffroth, in defence of his right to retain the seat contested by Mr Mason, and called for the reading of the petition of Mr. Mason, which was read

The certificate of the County Clerk of Placer County was also read.

Mr. Tuttle then reviewed the testimony in the case, and addressed the House at length.

At nine o'clock and thirty-five minutes P. M., Mr. Brown of Contra Costa moved that the House do now adjourn, and that the further discussion of the subject be postponed until Wednesday next

The ayes and noes were demanded by Messrs. Lupton, Mahon and Cureton.

The vote was as follows:

AYES—Messrs. Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Days, Dornin, Downer, Dryer, Dwinelle, Gildea, Green, Mardis, Mentzell, Morrow, Oliver, Pardee, Rector, Rollins, Russ, Smith, Spencer, Waldron, White—28

NOES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Cochran, Comte, Crigler, Cureton, Davies, Ellis, Farish, Gregory, James, Lupton, Mahon, Mattingly, Meagher, Middleton, Moore, Newell, Newsom, O'Malley, Papy, Payne, Spilman, Tully, Wand, Westmoreland—31.

So the House refused

At nine o'clock and forty-five minutes Mr. Gildea moved that the House adjourn until to-morrow at nine o'clock A. M.

Lost.

At nine o'clock and fifty minutes P M, Mr. Bird moved that the House adjourn until to-morrow at nine o'clock A M., and that the contested election case be made the special order for that hour.

On a division, the motion was carried, and the House adjourned until Saturday, at nine o'clock A. M.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 8th, 1868

House met at nine o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Roll called

Quorum present.

Prayer by the Chaplain.

Mr. Westmorland offered the following:

Resolved, That the Assembly do now adjourn, as a token of respect to our brother member, Hon. T E. Jones, and to afford the members of the House an opportunity of attending the funeral ceremonies of his deceased wife.

SPECIAL ORDER.

Consideration of the contested election case of Mason vs. Tuttle, set for nine o'clock A. M. this day, was resumed.

Mr. Meagher moved to postpone and make it the special order for Tuesday next, at eleven o'clock A. M.

Lost.

Mr. Brown of Contra Costa moved to postpone until Friday next, at twelve o'clock M.

Mr. Mattingly moved to make the case the special order for Tuesday next, at seven o'clock P. M.

Carried

Mr. Bird moved to rescind the motion which prevailed on yesterday, by which the House adjourned until Tuesday.

Lost.

The resolution of Mr. Westmoreland was now taken up and adopted unanimously.

So the House stood adjourned until Tuesday next, the eleventh, at eleven o'clock.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 11th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present
Prayer by the Chaplain
Journal of Friday and Saturday last read and approved
Messrs Newsom, James, Caldwell, Scudder, Cochran, Wand, Ables, Wolleb, Martin and Dornin had leave of absence for one day.
Messrs Broderson and Watson had leave of absence for two days each.
Mr Tuttle had leave of absence for three days
Indefinite leave was granted the Committee on State Hospitals.
On motion of Mr. Moore, the rules were suspended to allow the Committee on Corporations to make the following report:

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland—have had the same under consideration, and respectfully report the bill back to the Assembly and recommend its passage.

MOORE, Chairman.

The Clerk was directed to read the bill above reported for information.
On motion of Mr. Rollins, the further reading was dispensed with.
On motion of Mr Angney, the special orders set for to-day at twelve o'clock, to wit: Assembly Bills Nos. 141 and 196—Acts to locate the State Capital—were postponed and made the special order for Monday, the nineteenth instant, at two o'clock P. M.
On motion of Mr. Farish, Senate Bill No 20 and the consideration of the Governor's message returning to the House Assembly Bill No. 238 without his approval, both being special orders for to-day at twelve o'clock, were postponed until action was concluded on the bill now before the House.
On motion of Mr. Middleton, Assembly Bill No 344 was recommitted to the Alameda delegation with special instructions.
The bill was verbally reported back, with amendment according to instructions, and its passage recommended.
The amendment was adopted.
Mr. Warfield moved the previous question.
Sustained.
The question being on the passage of the bill, it passed.
On motion of Mr. Dwinelle, the rules were suspended and the bill ordered transmitted immediately to the Senate.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 23—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies;

And this day, at fifteen minutes past ten o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

PETITIONS.

Mr Middleton presented a petition of the Ladies' Relief Society for an appropriation of twenty thousand dollars.

Received and referred to the Committee on Ways and Means.

SPECIAL ORDERS.

On motion of Mr Green, the Governor's veto message was again postponed, and made the special order for to-morrow at twelve o'clock M.

Senate Bill No 20 was considered.

Mr. Batchelder in the chair.

Amendment adopted.

Mr. Westmoreland offered an amendment as follows: Amend section one by inserting after the words "three weeks," eighth line of printed bill, the words, "in the discretion of said Trustees, and if they shall deem it necessary to publish the same in such newspaper."

Lost

Mr Green offered the following amendment: Insert after the word "year," in line twenty seven, second page, the words:

"Provided that no person shall vote upon any proposition to levy a direct tax unless he be a property tax payer, or parents or guardians of children attending the public schools.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Cureton was granted indefinite leave of absence on account of sickness

Consideration of Senate Bill No. 20 was resumed.

On the amendment of Mr. Green, the ayes and noes were demanded by Messrs. Gregory, Buckbee and Coggins.

The vote was as follows:

AYES—Messrs. Angney, Batchelder, Battelle, Biggs, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Clark, Comte, Crigler, Davies, Days, Dwinelle, Ellis, Farish, Green, Hayes, Mace, Meagher, Moore, Ord, Rector—23.

NOES—Messrs. Bird, Coggins, Connely, Downer, Fairchild, Gildea, Giltner, Gregory, Jones, Kelley, Lupton, Mahon, Martin, Mentzell, Middleton, Morrow, Newell, Papy, Pardee, Rollins, Smith, Spilman, Waldron, Westmoreland, White, Willets—26.

So the amendment was rejected.

The bill was read a third time

On the passage of the bill, the ayes and noes were demanded by Messrs. Buckbee, Mahon and Ayer.

The vote was as follows:

AYES—Messrs Angney, Ayer, Batchelder, Battelle, Brown of Contra Costa, Church, Coggins, Comte, Davies, Days, Dornin, Downer, Gildea, Giltner, Green, Hayes, Jones, Mahon, Martin, Moore, Morrow, Newell, O'Malley, Rollins Smith, Waldron, Westmoreland, White—28.

NOES—Messrs. Biggs, Bird, Brown of Tulare, Buckbee, Connely, Crigler, Dwinelle, Ellis, Fairchild, Farish, Gregory, Kelley, Lupton, Mace, Meagher, Mentzell, Middleton, Ord, Papy, Pardee, Rector, Spilman, Mr. Speaker—23.

So the bill was passed.

Mr. Moore gave notice that on to-morrow he should move to reconsider the vote just taken.

PETITIONS.

Mr Westmoreland presented a petition from citizens of Humboldt County, asking that the Sunday Laws be not repealed

Received and referred to the Committee on Public Morals.

Also, a petition from citizens of Mendocino County, praying that a bill granting a bridge franchise to D. W. McCallum and Charles M. Hargrave, in said county, do not pass.

Received and placed on file

Mr. Smith presented a petition from citizens of Rose Bar Township and others, in Yuba County, praying that Assembly Bill No. 88 be indefinitely postponed.

Received and referred to the Committee on Mines and Mining Interests.

Mr. Jones presented a petition from citizens of Klamath and Humboldt Counties, in reference to changing the boundary line between said counties and Trinity County.

Received and referred to the Committee on Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

Mr Spilman, Chairman of the Committee on Public Morals, made the following report:

Mr SPEAKER: The Committee on Public Morals, to whom was referred Assembly Bill No. 313—An Act to authorize the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land to be used as a public graveyard—have had the same under consideration, and recommend its passage.

SPILMAN, Chairman

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties—have had said bill under consideration, and report the same back to the House, without amendment, and recommend its passage.

MEAGHER, Chairman.

Mr Lupton, Chairman of the Committee on Federal Relations, made the following report:

Mr. SPEAKER: The Committee on Federal Relations, having considered Assembly Bill No. 342—An Act for the relief of E H. Wood—together with the petition accompanying the same, find that said bill should be referred to the Committee on Claims, as the relief asked for is from the State of California alone. They therefore recommend its reference to the Committee on Claims

LUPTON, Chairman.

The bill was so referred.

REPORTS OF SELECT COMMITTEES.

Mr. Giltner, from the Mariposa delegation, made the following report:

Mr SPEAKER: Your delegation, to whom was referred Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa—would respectfully report the bill back and recommend it to lie on the table, and the usual number of copies to be printed.

GILTNER, for Delegation.

Mr. Ellis, from the Los Angeles delegation, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 260—An Act entitled an Act authorizing Evert Evertson, his heirs or assigns, to remove the remains of deceased persons from an abandoned graveyard in the City of Los Angeles—have had the same under consideration, and respectfully report it back to the Assembly and recommend its passage.

ELLIS, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 11th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 218—An Act to amend an Act dividing the State into counties

and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

Also, Assembly Bill No. 138—An Act to amend section five of an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 38—An Act to give to grand and trial jurors mileage in the Counties of Marin and Santa Cruz.

Also, Assembly Bill No. 61—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same.

Also, Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

Also, Assembly Bill No. 171—An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Coggins offered the following resolution:

Resolved, That the thanks of the Assembly are due and are hereby tendered to the authorities and citizens of Santa Clara County, and those of its county seat, for the cordial reception and generous hospitality extended to the members of the Legislature and their friends on the occasion of their recent visit to San José.

Unanimously adopted.

Mr. Bird offered a resolution requesting the State Controller and Treasurer to furnish the Assembly a statement of civil expenditures for the fiscal year, etc

Received and referred to the Committee on Ways and Means.

Mr. Westmoreland offered the following resolution:

Resolved, That the Special Committee on Compilation of County Statistics be allowed to appoint a clerk at the usual per diem, for three days.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 6th, 1868.

Mr SPEAKER: The Senate on this day appointed Messrs. Pendegast, Morrill and Teegarden a Committee of Conference on the part of the Senate to confer with a like committee of the House upon the disagreeing vote of the two houses upon Senate Concurrent Resolution No. 44,

relative to certain charges of bribery and corruption in the late Senatorial election.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 6th, 1868.

Mr. SPEAKER: The Senate on this day passed Senate substitute for Assembly Bill No. 55—An Act to authorize the County Clerk of the City and County of San Francisco to appoint deputy clerks for the Fifteenth Judicial District Court of said city and county.

JOHN WHITE, Secretary.

SENATE CHAMBER,
February 6th, 1868.

Mr. SPEAKER: I am instructed to inform the Assembly that the Senate on the fifth instant passed Assembly Bill No. 242—An Act to amend an Act entitled 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, approved February twentieth eighteen hundred and sixty-six

Also, Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte.

Also, Assembly Bill No. 202—An Act to repeal an Act entitled an Act relating to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven

Also, Assembly Bill No. 160—An Act to amend section ten of the Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 7th, 1868

Mr. SPEAKER: The Senate on the sixth instant passed the following bills:

Senate Bill No 92—An Act to provide for the payment of the indebtedness of Lassen County.

Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General.

Senate Bill No 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board.

Senate Bill No 173—An Act to authorize Cyrus Cheeny and associates to build and maintain a wharf on the San Joaquin River, at Antioch

Senate Bill No. 189—An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Senate Bill No. 194—An Act to authorize H. B. Tiebenor and R. G.

Byxbee to construct a railroad, railroad wharf and toll bridge in Mendocino County.

Senate Bill No. 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

Senate Bill No 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six.

Assembly Bill No 23—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies

Assembly Bill No. 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works.

Assembly Bill No 64—An Act to authorize Thomas D Mott, S Haley, A. J King George Carson and associates to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles

Also, that the Senate refused to concur in Assembly amendments to Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States

Also, adopted Assembly Concurrent Resolution No 33 (substitute for No. 7), concerning bounty due the men composing the First Battalion of Mountaineers, California Volunteer Infantry.

Also, adopted Assembly Concurrent Resolution No 37, relative to printing the report of the joint committee appointed to investigate the proceedings of the State Harbor Commissioners.

Also, on the fifth instant, passed Senate Bill No 97—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 sixth instant, passed Assembly Bill No. 166—An Act to define the boundary line between Merced and Stanislaus Counties.

Also, Assembly Bill No. 261—An Act to regulate the election of Supervisors in the County of Merced.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 11th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on the fifth instant passed Senate Bill No. 159—An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco.

Also, on the 7th instant, passed Assembly Bill No. 303—An Act in relation to the public schools in the City of Sacramento

Also, Assembly Bill No. 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

Also, Assembly Bill No 150—An Act to provide for obtaining correct statements of the financial condition of the several counties of this State.

Also, February fifth, concurred in Assembly amendment to substitute for Assembly Concurrent Resolution No 21.

Also, passed Assembly Bill No 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen

hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty one.

Also Assembly Bill No. 132 (substitute for Assembly Bill No. 132)—An Act to define the compensation of the Superintendent of Common Schools for the County of Lake.

Also, Senate Bill No. 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate substitute for Senate Bill No. 55, above reported, was read first and second times and referred to the San Francisco delegation

Senate amendment to Assembly Bill No. 259, above reported, was adopted in concurrence.

Senate Bill No 92, above reported, was read first and second times and referred to the Lassen delegation

Senate Bill No 127, above reported, was read first and second times and referred to the Committee on Public Lands.

Senate Bill No. 71, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 173, above reported, was read first and second times and referred to the Contra Costa delegation.

Substitute for Senate Bill No 189, above reported, was read first and second times and referred to the Tehama delegation

Senate Bill No 194, above reported, was read first and second times and referred to the Lake and Mendocino delegation.

Senate Bill No 203, above reported, was read first and second times and referred to the Committee on Roads and Highways

Substitute for Senate Bill No. 147 was read first and second times and referred to the Committee on Roads and Highways

The House receded from its amendment to Senate Bill No. 116, above reported.

Senate Bill No. 97, above reported, was read first and second times and referred to the Judiciary Committee.

Senate amendment to Assembly Bill No. 153, above reported, was adopted in concurrence

Senate Bill No 15, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 159, above reported, was read first and second times and referred to the San Francisco delegation.

NOTICES.

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

By Mr Green—An Act to provide for the management and sale of the lands belonging to the State.

Also, an Act to regulate the taking up and posting of estray animals.

Also, an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

By Mr. Batchelder—An Act to change the boundary line between the Counties of Yuba and Butte.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. O'Malley—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to the San Francisco delegation, and the usual number of copies ordered printed.

By Mr. Brown of Tulare—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes in the County of Tulare.

Read first and second times and placed on file.

By Mr. Papy—An Act to establish a Court in the City and County of San Francisco, to be called the Criminal Court of the City and County of San Francisco.

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

Also, an Act supplemental to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

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

By Mr. Brown of Contra Costa—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa

Read first and second times and referred to the Contra Costa delegation.

Also, an Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.

Read first and second times and referred to the Contra Costa delegation.

Also, an Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Contra Costa delegation.

By Mr. Middleton—An Act to authorize and direct the Board of State Harbor Commissioners to execute and deliver a lease of a portion of the water front of San Francisco to the Merchants' Dry Dock Company.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Westmoreland—Memorial to Congress concerning the payment of damages by the United States done by Indians in eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three, in the Counties of Humboldt, Klamath, Trinity, Del Norte, etc.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Mace—An Act to provide for the payment of the outstanding indebtedness of Fresno County

Read first and second times and placed on file.

By Mr. Church—An Act for the relief of Captain John H. Gilmore.

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

Also, An Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three.

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

By Mr. Comte—An Act to amend section twenty-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times and referred to the Sacramento delegation.

By Mr. Connely—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May 1st, eighteen hundred and fifty-one.

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

By Mr. Dwinelle (by request of Mr. Steele)—An Act defining the duties of Supreme Court Reporter.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend section two hundred and forty-seven of the Civil Practice Act

Read first and second times and referred to Judiciary Committee.

Also an Act to amend an Act for the relief of insolvent debtors, passed May fourth, eighteen hundred and fifty two.

Read first and second times and referred to the Judiciary Committee

On motion of Mr Rollins Assembly Bills Nos. 355, 352 and 361 were taken from the file and referred to the Committee on Corporations.

GENERAL FILE

Assembly Bill No 144—An Act to change the boundary line between the Counties of Sutter and Butte.

Ordered to head of file for Saturday next.

Assembly Bill No. 181—An Act to furnish the counties of the State with official plats and field notes of the United States surveys made therein

Ordered second on file for to-morrow.

Assembly Bill No 301—An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four.

Read a third time and passed.

Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of Feather, Sacramento and San Joaquin Rivers and their tributaries.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Reported back and passage recommended.

An amendment was adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Speaker pro tem. in the chair.

Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Yolo County.

Read a third time and passed

Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as Jailer and providing for the payment of the same

Ordered to file for to-morrow.

Senate Bill No 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperoppolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Referred to the Committee on Corporations.

Assembly Bill No 234—An Act to fund the debt of Calaveras County.

Recommitted to the Calaveras delegation, with special instructions.

On motion of Mr. Ryland, Assembly Bill No 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda—was taken up.

Read a third time and passed.

Speaker in the chair.

On motion of Mr. Middleton, the rules were suspended to enable the Committee on Corporations to return to the Clerk's desk Assembly Bill No. 268

As per request, the bill was referred to the San Francisco delegation.

On motion of Mr Biggs, at four o'clock and fifteen minutes P. M. the House adjourned until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

SPECIAL ORDER.

Consideration of the contested election case of Mason vs. Tuttle was continued.

Mr. Tuttle resumed his argument and closed, after reviewing the evidence of many of the witnesses given before the Committee.

On motion of Mr Comte, the case was continued and made the special order for to-morrow evening at seven o'clock P. M.

On motion of Mr Giltner, at ten o'clock P. M. the House adjourned to meet at eleven o'clock A. M. to-morrow.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 12th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr Russ was granted indefinite leave of absence on account of sickness
Messrs. Willets and Hayes were granted leave of absence for one day.

PETITIONS.

Mr Dryer presented a petition from citizens of Shasta County asking that the Sunday Laws remain in full form and force.
Mr Gregory also presented a petition from citizens of Amador County protesting against the repeal of the Sunday Laws.
Received and referred to the Committee on Public Morals
Mr. Moore presented a petition of members of the San Francisco bar, praying that the place of holding the sessions of the Supreme Court of this State be changed from the City of Sacramento to the City of San Francisco.
Received and referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No 13—An Act to appropriate money to pay the claim of John Keleher, Register, and William H. Pratt, Receiver of the United States Land Office, at Humboldt, for official services in locating certain State lands—have had the same under consideration, and the committee have instructed me to report the bill back to the House and recommend that the claim be rejected on the ground that the State is not legally or otherwise liable for the same.

CONNELY, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county—have considered the same and have made an amendment thereto, and have recommended that the bill be reported back to the House and passed as amended.

Also, Assembly Bill No. 229—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A D eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six—have had the same under consideration, and have made an amendment thereto and have recommended that the bill be reported back to the House and passed as amended

They have also had under consideration Assembly Bill No 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms—and have recommended that the bill be reported back to the House and passed.

CONNELY, for Delegation.

Mr. Bird, from the El Dorado delegation, made the following report:

Mr. SPEAKER: The El Dorado delegation, to whom was referred Assembly Bill No. 130, have had the same under consideration, and report it back with a substitute and recommend the passage of the substitute.

BIRD, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Brown of Contra Costa offered the following resolution:

Resolved, That Senate Bill No 55, Assembly Bill No. 109, Assembly Bill No 250 and Assembly Bill No. 328 be placed at the head of the file for Tuesday next.

Adopted.

Mr. Rollins offered the following:

WHEREAS, The lives and services of eminent Americans should serve to stimulate the youth of our country to emulate them; and

Whereas, the love of a grateful people have enshrined a Washington and a Jackson high in the niche of fame, conferring upon one the appellation of the Father and the other of the Protector of his country; and

Whereas, the eminent services and martyrdom of Abraham Lincoln entitled him to the character of Saviour of his country; therefore,

Resolved, That the day which gave birth to Abraham Lincoln should ever be observed by the American people as one of the calendar days of the republic.

Resolved, That, in honor of the birthday of Abraham Lincoln, February twelfth, this House, when it adjourns at one o'clock this afternoon, adjourns till seven o'clock this evening.

Mr. Lupton moved to strike out that portion relative to adjournment.

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

The ayes and noes were demanded by Messrs. Westmoreland, Buckbee and Green.

The vote was as follows:

AYES—Messrs Angney, Biggs, Bird, Brown of Tulare, Caldwell, Can-

avan, Cochran, Comte, Connely, Crigler, Ellis, Farish, Gildea, Giltner, Green, James, Kelley, Lupton, Mahon, Martin, Meagher, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Papy, Payne, Scudder, Spilman, Wand, Mr. Speaker—33.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Dryer, Downer, Fairchild, Frisbie, Gregory, Jones, McElhany, Mentzell, Morrow, Pardee, Rector, Rollins, Waldron, Westmoreland, White, Wolleb—28.

So the motion prevailed.

Mr. Giltner moved that Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa—be ordered printed.

Lost.

On motion of Mr. Westmoreland, the resolution offered by him on the twenty-seventh of January was taken up:

Resolved, That on Wednesdays and Thursdays of each week the thirteenth order of business, to wit: "Business on the general file and third reading of bills," shall take precedence in the order of business of everything else following the reading and approval of the Journal.

Mr Lupton moved to amend by adding, "unless otherwise ordered by the House."

Amendment accepted, and the resolution adopted as amended.

Mr. Dornin moved that the bills omitted to be placed on the general file to-day, to-wit: Bills from margin numbers twenty-three to thirty-one, inclusive, on Tuesday's file, be considered on to-day's file in their order.

Carried.

Mr. Coggins offered the following resolution:

Resolved, That Rule Number One of the Assembly be amended by fixing the hour of meeting at ten o'clock instead of eleven o'clock A. M.

Laid over, under the rules.

On motion of Mr. Giltner, he was allowed a copy of Senate Bill No. 111, to have printed at his own expense.

Mr Moore, in accordance with notice, moved to reconsider the vote by which Senate Bill No. 20 passed the House on yesterday.

The vote was reconsidered, on a division.

On motion of Mr. Ellis, Assembly Bill No. 169 (substitute for Assembly Bill No. 122) was taken from the table and ordered on file.

Mr. Dwinelle offered the following resolution:

Resolved by the Assembly, the Senate concurring, That the Speaker of the House, and the Lieutenant-Governor as President of the Senate, be added to the Joint Committee on Agricultural, Mining and Mechanic Arts College.

Resolution adopted, under a suspension of the rules.

Mr. Dwinelle offered the following:

Resolved, That the Committee on Commerce and Navigation be instructed to examine and report whether the interests of the State do

not require that a sufficient loan be effected upon the credit of the State, for the immediate completion of the projected improvement of the water front of the City of San Francisco, using as a Sinking Fund for the redemption of said loan the net proceeds of the wharves and other improvements, and of all sales of tide lands, and other lands covered with water in front of said city; and that in case they deem said plan expedient, they report a bill for that purpose.

SPECIAL ORDER.

The hour (twelve o'clock M.) arrived for the consideration of the special order, the veto message of Governor Haight of Assembly Bill No. 238.

Mr. Batchelder moved to postpone the special order until action be taken on the resolution offered by Mr. Dwinelle.

Lost.

Mr Mace and the Special Committee on Tide Lands were granted indefinite leave of absence to attend to committee business

The Governor's message, returning Assembly Bill No. 238 without his approval, was read and the question stated: "Shall the bill pass, notwithstanding the Governor's objections?"

Mr. Green moved the previous question.

The ayes and noes were demanded by Messrs. Farish, O'Malley and Lupton, and the main question ordered by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Bird, Brown of Tulare, Canavan, Church, Clark, Crigler, Davies, Dornin, Downer, Dryer, Ellis, Fairchild, Giltner, Gregory, Green, James, Mace, McElhany, Mentzell, Moore, Newsom, Payne, Scudder, Smith, Waldron, Wand, Wolleb—31.

NOES—Messrs Angney, Batchelder, Biggs, Brown of Contra Costa, Caldwell, Cochran, Coggins, Comte, Days, Dwinelle, Farish, Frisbie, Gildea, Jones, Kelley, Lupton, Mahon, Martin, Meagher, Middleton, Morrow, Newell, O'Malley, Ord, Papy, Pardee, Rector, Rollins, Spilman, Westmoreland, White—31.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Consideration of the Governor's message was resumed.

The Clerk was directed to call the roll upon the question, Shall the bill pass, notwithstanding the objections of the Governor? and the bill passed by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Biggs, Bird, Brown of Tulare, Canavan, Church, Clark, Cochran, Coggins, Comte, Crigler, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Giltner, Gregory, Green, James, Jones, McElhany, Moore, Morrow, Pardee, Payne, Rollins, Smith, Spilman, Tuttle, Waldron, Wand, White, Mr. Speaker—41.

NOES—Messrs. Angney, Lupton, Mahon, Martin, Meagher, Mentzell, O'Malley, Papy, Scudder, Wolleb—11.

Mr. Brown of Contra Costa was granted indefinite leave of absence.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 12th, 1868.

Mr. SPEAKER: The Senate on yesterday passed Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals

Also, Senate Bill No 162—An Act to provide for the choosing Electors of President and Vice President of the United States.

Also, Senate Bill No. 187—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Bryant and King streets, in said city and county.

Also, Senate Bill No 123—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith

Also, Assembly Bill No. 106—An Act to pay for services rendered the State Land Department.

Also, Assembly Bill No 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties.

Also, Assembly Joint Resolution No 7, memorial concerning lands to be granted certain counties therein named for the purpose of constructing roads.

Also, Assembly Concurrent Resolution No. 25, relative to the land granted to the State for the benefit of an Agricultural College.

Also, on the sixth instant, under a suspension of the rules, passed Assembly Bill No. 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles, for the establishment of gas works in Los Angeles County.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 162, above reported, was read first and second times and refered to the Committee on Elections

Senate Bill No. 187, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 123, above reported, was read first and second times and referred to the Yolo delegation.

Senate amendment to Assembly Concurrent Resolution No. 25, above reported, was adopted in concurrence.

Senate amendment to Assembly Joint Resolution No 7, above reported, was adopted in concurrence

Senate Bill No. 229, above reported, was read first and second times and referred to the Los Angeles delegation.

Senate Bill No. 94, above reported, was read first and second times and referred to the Committee on Public Lands

Assembly Bill No 64, reported from the Senate on yesterday, with amendments, was referred to the Los Angeles delegation.

REPORT.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Concurrent Resolution No. 21.

DAYS, for Committee

NOTICES.

Notice of the introduction of a bill was given, as follows:

By Mr Scudder—An Act for the prevention of cruelty to animals and to incorporate the following citizens for the purposes therein named: Hon. Frank McCoppin, Rev. O P Fitzgerald, Rev. James Woodworth, Dr. Isaac Rowell, Dr S M Harris, Dr A. B. Stout, Dr. H. H. Byrne, T. Woodson, Dr. W. F. Hale, C. P. Wiggins, W. P. Scott.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr Green—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

Read first and second times and placed on file.

By Mr. Green (at request of Mr Mace)—An Act to authorize E C. Mitchell, John N Appleton and their associates and assigns to improve the channel of King's River, in Fresno County, and to construct and maintain booms therein.

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

By Mr. Buckbee—An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries and to provide for its organization, approved April first, eighteen hundred and sixty-four

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

By Mr Church—An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four

Read first and second times and referred to the Alameda delegation.

By Mr Coggins—An Act to regulate the rates of dockage and wharfage at the Port of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation

Also, an Act to amend an Act concerning the Harbormaster of the Port of San Francisco approved March twenty-sixth, eighteen hundred and sixty-seven

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to amend an Act to establish pilot regulations for the

Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to amend an Act relative to Port Wardens in San Francisco and Sacramento and other ports of California, approved March nineteenth, eighteen hundred and fifty-three.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr Coggins (by request of Mr Brown of Contra Costa)—An Act to provide for the protection of stock from contagious diseases.

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

By Mr Brown of Tulare—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six

Read first and second times and referred to the Mariposa and Tulare delegations

By Mr Westmoreland—An Act for the payment of services rendered by Registers and Receivers of United States Land Offices

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

Also (by request), an Act extending the time for the construction of the work provided for by an Act entitled an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates and assigns therein named, approved April first, eighteen hundred and sixty-four

Read first and second times and referred to the San Diego delegation.

By Mr. Connely—An Act to amend section four 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 to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, approved April twenty-second, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on Public Lands

By Mr. Payne—An Act to provide for the improvement of that portion of Carson River situated in Alpine County, and for that purpose granting to the Board of Supervisors of said Alpine County the right to charge and collect toll for the floating and transportation of wood, saw logs and lumber down the said portion of the Carson River.

Read first and second times and referred to the Amador and Alpine delegations.

By Mr Batchelder—An Act to amend an Act entitled an Act to change the boundary line between the Counties of Butte and Yuba at the Woodville House, approved April fifteenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on Counties and County Boundaries

By Mr Angney—An Act to amend an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three

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

Also, an Act in relation to liens of mechanics and others.

Read first and second times and laid on the table and usual number of copies ordered printed.

Also, an Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Commitee on Roads and Highways.

By Mr. Lupton—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and fifty-three.

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

Also, 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.

By Mr Ellis—An Act to amend an Act entitled an Act supplementary to and explanatory of the Revenue Laws of this State, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Revenue Laws

By Mr. Lupton (by request)—An Act to provide for paving the streets in the City and County of San Francisco.

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

By Mr. Moore—An Act to provide for the annulling of swamp and overflowed lands and other matters relating thereto

Read first and second times and referred to the Committee on Swamp and Overflowed Lands

Also, proposed amendment to State Constitution.

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

By Mr. Frisbie—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of this State, certain rights and privileges.

Read first and second times and referred to the Committee on Commerce and Navigation

On motion of Mr. Dwinelle, the resolution introduced by him to-day, and not acted on, in reference to instructing the Committee on Commerce and Navigation to examine and report matters therein named, was taken up and adopted.

On motion of Mr. White, Senate Bill No 20 was ordered on file for to-morrow.

Mr. Comte, from the Sacramento delegation, made the following report:

Mr. Speaker: The undersigned members of the Sacramento delegation, to whom was referred Assembly Bill No 372—An Act to amend section seventy-four of an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—beg leave to report that they have had the same under consideration, and report the same with the recommendation that it pass.

Mr. Dwinelle (on leave) offered the following resolution:

Resolved, That Assembly Bills Nos. 244, 245, 246, 328, 50 and 220, being bills numbered 11, 12, 13, 26 and 31, on the general file of to-day, be passed on the file and placed at the top of the file for Tuesday next.

Adopted.

GENERAL FILE.

Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as jailer and providing for the payment of the same.

Referred to the Committee on Ways and Means.

Assembly Bill No. 181—An Act to furnish the counties of the State with official plats and field notes of the United States surveys made therein.

Referred to the Committee on Ways and Means.

Assembly Bill No 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Inez River, in Santa Barbara County, and to collect toll for travel thereon.

Read a third time and passed

Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools.

Read a third time and passed.

Assembly Bill No. 134—An Act in relation to the county officers of the County of Sierra

Amended, and amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 278 (substitute for Assembly Bill No. 278)—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 174—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments.

Read a third time and passed.

Assembly Bill No. 247—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Referred to the Committee on Ways and Means

Assembly Bill No. 307—An Act to regulate fees of office.

Mr. Meagher moved to make the bill the special order for the twenty-first.

Lost.

Mr. Scudder offered an amendment

On motion of Mr. Moore, the bill was ordered to top of file for tomorrow.

Mr. Ryland offered the following resolution:

Resolved, That no member be allowed to speak but once, and then not more than three minutes, on any single amendment to the bill for an Act to regulate fees in office—Assembly Bill No. 307.

Mr. Scudder moved to lay on the table.

Lost.

Mr. Comte offered an amendment, by striking out "and then not more than three minutes."

During the pendency of the resolution, on motion of Mr. Connely, at four o'clock and thirty minutes P. M., the House adjourned to seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.
Consideration of the special order—the contested election case of Mason vs. Tuttle—was resumed.
Mr. Coffroth appeared and made his closing argument in behalf of the contestant, Mr. Mason.
Mr. Moore offered the following resolution:

Resolved, That Charles A. Tuttle, now sitting member of the Assembly of the State of California, is legally entitled to a seat upon this floor.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Coggins, Buckbee, and Church, and the House declared Mr. Tuttle entitled to his seat, by the following vote:

AYES—Messrs Ables, Ayer, Batchelder, Battelle, Biggs, Buckbee, Church, Clark, Coggins, Comte, Connely, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Green, Jones, Mentzell, Moore, Morrow, Pardee, Scudder, Smith, Waldron, Westmoreland, White, Mr. Speaker—30.
NOES—Messrs. Angney, Brown of Tulare, Caldwell, Canavan, Cochran, Crigler, Ellis, Fairchild, Gildea, Giltner, Gregory, James, Kelley, Lupton, Mahon, Martin, Meagher, Newsom, O'Malley, Ord, Papy, Rector, Spilman, Wand—24.

Mr. Scudder gave notice that on to-morrow he should move to reconsider the vote just taken.
At nine o'clock and thirty-five minutes, on motion of Mr. Westmoreland, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 13th, 1868

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

Mr. Scudder moved to reconsider the vote taken last evening, by which C A. Tuttle was declared entitled to a seat in the Assembly.

Mr. Scudder moved a call of the House.

Carried

The roll was called, and Mr. Papy alone found absent without excuse.

Mr. Connely moved to suspend further action under the call.

Lost, on a division

Mr Dornin moved that Mr. Papy have leave of absence.

Lost, on a division.

Mr. Jones moved that Mr. Comte have leave to speak to a question of privilege

Carried.

Mr. Canavan rose to a point of order, stating that Mr. Comte was out of order.

Sustained by the Speaker, who stated that nothing was now in order but proceedings under the call of the House.

Mr Scudder appealed.

The question being, Shall the decision of the Chair stand as the judgment of the House? the ayes and noes were demanded, and the Chair sustained by the following vote: Ayes, 54; noes, 4.

The Sergeant-at-Arms brought Mr. Papy before the House.

On motion of Mr. Dornin, Mr. Papy was excused.

On motion of Mr Dornin, further operations under the call of the House were dispensed with.

Mr. Lupton in the chair.

Mr Dwinelle obtained leave of absence until Wednesday next.

Mr. Frisbie moved to suspend the rule for to-day by which the House takes a recess from one to two o'clock.

Lost.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Brown of Tulare obtained the floor, which Mr. Days claimed.

Mr. Days rose to a point of order, that Mr. Brown was not entitled to the floor under Rule Forty-one.

Overruled.

Mr. Days appealed.

The Chair was sustained, on a division.

At five o'clock P M. Mr. Wolleb moved to adjourn.

Lost.

Mr Scudder moved the previous question.

Sustained.

The question being on Mr. Scudder's motion to reconsider the vote taken on yesterday, declaring Mr. Tuttle entitled to the seat contested by Mr. Mason, the ayes and noes were demanded by Messrs. Dornin, Westmoreland and Giltner.

The vote was as follows:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Cochran, Crigler, Ellis, Fairchild, Giltner, James,

Kelley, Lupton, Mahon, Meagher, Newell, Newsom, O'Malley, Ord, Papy, Rector, Scudder, Spilman, Tully, Wand, Watson, Wollcb—29.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Buckbee, Church, Clark, Coggins, Comte, Connely, Davies, Days, Dornin, Downer, Dryer, Green, Jones, McElhany, Mentzell, Moore, Morrow, Pardee, Rollins, Smith, Waldron, Westmoreland, White, Willets, Mr. Speaker—29.

The Chair decided the motion to reconsider lost, being a tie vote.

On motion of Mr Westmoreland, at five o'clock and ten minutes P. M. the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 14th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved

Mr. Watson was granted indefinite leave of absence on account of illness.

Mr. Willets was granted leave of absence for two days.

Mr. Frisbie was granted indefinite leave of absence.

PETITIONS.

Mr. Batchelder presented a petition of citizens of Butte County, asking that a certain portion of Butte be attached to Yuba County.

Received and referred to the Committee on Counties and County Boundaries.

By Mr Cureton—The petition of R McGarvey and others, asking that the Legislature give to John Gschwind and associates the right to construct a toll road from Booneville to Ukiah Valley.

Received and referred to the Committee on Roads and Highways.

Mr. Coggins presented a remonstrance against a law authorizing a general tax on the property of the citizens of Sacramento to improve Tenth street.

Received and referred to the Sacramento delegation.

Mr. Canavan presented a petition of citizens of Sacramento, urging the passage of the Mechanics' Lien Law.

Received and referred to the Judiciary Committee.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures;

Also, Assembly Bill No 166—An Act to define the boundary line between Merced and Stanislaus Counties;

Also, Assembly Bill No. 202—An Act to repeal an Act entitled an Act relating to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven;

Also, Assembly Bill No. 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty; and an Act entitled an Act to amend an Act to authorize the administrator of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one;

Also, Assembly Bill No. 160—An Act to amend section ten of an Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty;

And this day, at twenty minutes past one o'clock, presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr. Crigler, for the Committee on State Prison, made a report setting forth the fact that, in pursuance of the duties assigned them, they had visited the State Prison and made an examination of its contents.

[For report see Appendix]

Report received and referred to the Joint Committee on Printing, with special instructions to report within two days.

Mr. Crigler, Chairman of the Committee on State Prison, made the following report:

Mr. SPEAKER: The undersigned Committee on State Prison, to whom was referred Assembly Bill No. 84—An Act to authorize E. A. Schwatka, of Siskiyou County, to take from the State Prison convicts, not exceeding one hundred, for constructing roads in Siskiyou, Klamath, Del Norte and Humboldt Counties—having had the same under consideration, beg leave to submit the following report:

Your committee heartily sympathize with the author of the bill in his efforts for the development of a large and undoubtedly rich region of country in the northern part of the State by the employment of prison labor in the construction of roads. The bill seems to have been carefully drawn, with the necessary security for the safe keeping of the prisoners while in charge of the superintendent named in the bill, as well as for their removal from and return to the prison.

But your committee can but regard the diversion of a portion of the prison labor for the advancement of any particular section of the State as establishing a precedent utterly destructive of the present system of the employment of such labor. If the aid granted by this bill to Siskiyou, Klamath and Del Norte for the purpose of building roads be given

to those counties, the same aid could not well be denied to El Dorado, Calaveras and Tuolumne.

The particular class of labor also mentioned in the bill to be diverted for this purpose, your committee find from the testimony of the contractors employing such labor to be the most desirable to them; hence, for the reason that the passage of this bill would, in a great measure, establish a precedent calculated to retard, if not destroy, the system of employing prison labor, to the end that the institution may be made self-sustaining, your committee recommend that the bill do not pass.

CRIGLER, Chairman.

On motion of Mr. Papy, the bill above reported was laid on the table until the return of Mr. Steele, its author.

Mr. Crigler, Chairman of the Committee on State Prison, made the following report:

Mr. SPEAKER: The undersigned Committee on State Prison, to whom was referred Assembly Bill No. 359—An Act to provide for the appointment of a Chaplain for the State Prison—report that they have had the same under consideration and beg leave to report the same back and recommend the passage of the bill.

CRIGLER, Chairman.

Mr. Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries.

Also, Assembly Bill No 134—An Act in relation to the county officers of the County of Sierra.

LEE, Chairman.

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

Mr. SPEAKER: The Committee on the Judiciary respectfully report that they have considered Assembly Bill No 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters—and recommend that the bill do not pass.

Also, Assembly Bill No. 71—An Act to legalize and confirm the election of certain officers in the Town of Sonora, Tuolumne County, and other matters—and recommend that it do not pass.

Also, Assembly Bill No. 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of ———, A. D. eighteen hundred and sixty-six—and recommend that the bill do not pass.

Also, Assembly Bill No. 326—An Act to regulate judicial sales for the foreclosure of mortgage and other liens on real estate—and recommend that the bill do not pass.

Also, Assembly Bill No. 173—An Act to create the Seventeenth Judicial District—and recommend that it do not pass.

Also, Senate Bill No. 97—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, Assembly Bill No. 341—An Act to amend an Act requiring compensation for causing death by wrongful act, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two—and recommend the passage of the bill.

Also, Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—and recommend its passage.

MOORE,
BUCKBEE,
PAPY,
CURETON,
COMTE,
HAYS,
For Committee.

Mr Connely, Chairman of the Committee on Claims, made the following report:

Mr. Speaker: The Committee on Claims, to whom was referred Assembly Bill No. 320—An Act for the payment of the State's portion of the County Auditor's salary in the County of Trinity—have had the same under consideration, and ask leave to make the following report:

This is a claim for two thousand and ninety dollars and twenty-four cents by the County of Trinity for the State's portion of the County Auditor's salary for the years eighteen hundred and sixty-two to eighteen hundred and sixty-seven, inclusive, which it is alleged the said county has paid.

The evidence submitted to the Committee in this case is of the same conclusive character as to the justice of the claim as was submitted in several other cases of the same character for other counties, which the committee have passed upon during the present session of the Legislature.

They have, therefore, instructed me to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Wand, Chairman of the Committee on Mileage, made the following report:

Mr. Speaker: The Committee on Mileage beg leave to report the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrants on the Contingent Fund of the Assembly in favor of the following named parties, for the sums opposite their names, as mileage to the State Prison and back as members of committee:

Names.	Amounts.
Crigler	$52 80
Spilman	52 80
Ables	52 80
Broderson	52 80
Fairchild	52 80
Ord	52 80
Davies	52 80

WAND, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Coggins, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No 116—An Act to provide for the drainage of the City of Sacramento, and of the lands of Swamp Land District Number Two—respectfully report that they have had the same under consideration, and recommend the passage of the bill with amendments thereto attached.

COMTE,
WOLLEB,
LEE,
BIGGS,
COGGINS.

Mr. Waldron, from the Placer delegation, made the following report:

Mr. SPEAKER: The Placer delegation, to whom was referred Assembly Bill No. 297, report the same back and recommend its passage, with the amendment inclosed as section two of the bill, making the Act take effect one year after its passage.

WALDRON, for Delegation.

Mr. Angney, from the Santa Clara delegation, made the following report:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara—have had the same under consideration, and a majority of said delegation report the same back with amendments, and recommend its passage as amended.

RYLAND,
ANGNEY,
For Delegation.

Mr Brown of Tulare made the following report:

Mr SPEAKER: The Tulare delegation, to whom was referred Assembly Bill No 380—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six—having had the same under consideration, beg leave to report it back to the House and recommend its passage.

BROWN, for Delegation.

Mr. Payne, from the Alpine and Amador delegations, made the following report:

Mr SPEAKER: The Alpine and Amador delegations beg leave to report that they have thoroughly examined Assembly Bill No. 401—An Act to provide for the improvement of that part of the Carson River situated in Alpine County, and for that purpose granting to the Board of Supervisors of said Alpine County the right to charge and collect tolls for the floating and transportation of wood, saw-logs and lumber down the said portion of Carson River—report the same back and respectfully recommend its passage.

PAYNE,
GREGORY.

Mr. Kelley, from the Yolo delegation, made the following report:

Mr. SPEAKER: The Yolo delegation, to whom was referred Senate Bill No. 123—An Act authorizing the construction of a wharf in the County of Yolo and to build a railroad in connection therewith—have had the same under consideration, and beg leave to report the bill back and recommend its passage.

KELLEY, for Delegation.

Mr. Church, from the Alameda delegation, made the following report:

Mr SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No 383—An Act to amend an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four—beg leave to report that they have had said bill under consideration, and report the same back and recommend its passage.

CHURCH, for Delegation.

Mr Crigler made the following report:

Mr. SPEAKER: Your committee, to whom was referred Senate Bill No 194, having had the same under consideration, report the same back and recommend its passage.

CRIGLER, for Delegation.

Mr. Ellis, from the Los Angeles delegation, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for the establishment of gas works in Los Angeles City—have had the same under

consideration and respectfully report the same back to the Assembly and recommend its passage.

ELLIS, for Delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 148—An Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco and to run horse-cars thereon—have considered the same, have made some amendments thereto, and ask leave to report it back to the House and recommend its passage as amended.

Also, Assembly Bill No. 346—An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof—they have considered the same, and have directed me to report it back to the House and recommend its passage.

Also, Assembly Bill No. 345—An Act to provide for the payment of assessments against the property of the Government of the United States for street improvements in the City and County of San Francisco —they have considered the same, and recommend that the bill be reported back to the House and passed.

They have also had under consideration Assembly Bill No 317—An Act to authorize the Board of Supervisors of the City and County of San Francisco to contract with the Nicholson Pavement Company—and they recommend that it be indefinitely postponed.

CONNELY, for Delegation.

Mr. Meagher, from the Tuolumne and Inyo delegations, verbally reported back Senate Bill No. 50 and recommended its passage.

PETITIONS.

A petition was presented, on leave, by Mr. Moore, from citizens of Santa Clara County; also, by Mr Ables, from citizens of Marin County —praying that the Sunday Laws be not repealed.

Received and referred to the Committee on Public Morals.

MOTIONS AND RESOLUTIONS.

Mr. Buckbee offered a concurrent resolution to instruct our Senators and request our Representatives in Congress to use their influence to secure the passage of a law through Congress granting aid to the Virginia City Railroad, from Oroville, in the County of Butte, etc ; and that his Excellency the Governor be requested to forward a copy of the resolutions to the President of the United States and to each of our Senators and Representatives in Congress

Read first and second times and referred to the Committee on Federal Relations, with instructions to report immediately.

Mr. Bird offered the following resolution:

Resolved, That the House hold evening sessions, from seven o'clock P. M to ten o'clock P. M., during the ensuing week.

Laid over, under the rules.

The resolution accompanying the report of the Committee on Mileage was taken up and adopted.

Mr. Coggins offered the following resolution:

Resolved, That Rule Number One of the Assembly be amended by fixing the hour of meeting at ten o'clock instead of eleven o'clock A. M.

Laid on the table.

On motion of Mr Cureton, Assembly Bill No. 305 was taken from the file and referred to the Judiciary Committee

On motion of Mr. Church, Assembly Bill No. 200 was taken from the table and referred to the Committee on Corporations.

On motion of Mr. Church, Assembly Bill No. 114 was withdrawn from the House.

On motion of Mr. Wand, Assembly Bill No. 279 was taken from the file and referred to the Committee on Corporations.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 12th, 1868.

Mr. SPEAKER: The Senate on the eleventh instant passed Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress.

And on this day passed the following bills, viz:

Senate Bill No 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, approved April fourth, eighteen hundred and sixty-four.

Senate Bill No. 239—An Act to provide for the grading of the public alleys and the construction of sewers therein in the City of Sacramento.

Assembly Bill No. 205 (substitute for Assembly Bill No 52)—An Act to authorize Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the City of Monterey to the Rancho Natividad, and to construct a wharf at the City of Monterey.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 12th, 1868.

Mr. SPEAKER: The Senate on the seventh instant passed, under a suspension of the rules, Senate Bill No. 220—An Act supplemental to an Act entitled an Act providing for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six.

Also, on the eleventh instant, under a suspension of the rules, Senate

Bill No. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 13th, 1868

Mr. SPEAKER: The Senate on yesterday passed the following bills:

Assembly Bill No. 283—An Act to provide for re-indexing the county records of San Mateo County.

Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six.

Senate Bill No. 89—An Act to authorize Henry S Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale.

Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Senate Bill No 2—An Act explanatory of and supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty

Senate Bill No 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions from running at large in the County Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six, so as to extend the provisions thereof in this Act provided.

Assembly Bill No. 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

Also, amended and passed Assembly Bill No. 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks.

Also, concurred in Assembly Concurrent Resolution No 39, in regard to making the Speaker of the House and President of the Senate members of the Joint Committee on Agriculture, Mining and Mechanic Arts College.

Also, passed Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the town of Santa Barbara to the Santa Inez River, in Santa Barbara County, and collect toll for travel thereon.

Also, on the eleventh instant, passed, under a suspension of the rules, Senate Bill No 258—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma; to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and to repeal all other Acts so far as they conflict with the provisions thereof.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 79, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 75, above reported, was read first and second times and referred to the Committee on Elections.

Senate Bill No 67, above reported, was read first and second times and referred to the San Joaquin delegation.

Senate Bill No. 239, above reported, was read first and second times and referred to the Sacramento delegation.

Senate Bills Nos. 220 and 260, above reported, were read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 177, above reported, was read first and second times and referred to the Napa and Lake delegations.

Substitute for Senate Bill No 89, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 231, above reported, was read first and second times and laid on the table.

Senate Bill No. 2, above reported, was read first and second times and referred to the Judiciary Committee

Senate Bill No. 219, above reported, was read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 258, above reported, was read first and second times and referred to the Sonoma delegation.

The Assembly concurred in Senate amendment to Assembly Bill No. 95, above reported.

NOTICES.

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

By Mr. Jones—An Act to appropriate money to carry into effect the provisions of an Act therein named

Also, an Act to provide more effectually for safely keeping the public moneys in the County of Trinity, and other matters relating thereto.

Also, an Act to amend section thirty-eight of an Act concerning elections.

By Mr. Spilman—An Act for the repeal of the Registry Law of this State.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr Waldron (by request)—An Act to provide for the improvement of the Truckee River.

Read first and second times and referred to the Placer and Nevada delegations.

By Mr. Broderson—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-seven.

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

By Mr. Biggs—An Act to amend the Act of March sixteenth, eighteen hundred and sixty-four, entitled an Act relating to the office of District Attorney of the County of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Giltner—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

By Mr Cureton—An Act to authorize John Gschwind, his associates and assigns, to construct and maintain a public toll road from Boonville, in Anderson Valley, to a point where the Anderson Valley and Ukiah trail intersects the State Road in Ukiah Valley.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Jones—An Act to amend section twelve of an Act entitled an Act to create the office of State Printer and define the duties and compensation thereof, and provide for the manner and time of election, approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to the Standing Committee on Printing.

By Mr. Smith—An Act concerning the office of Sheriff, County Clerk and County Judge of Yuba County.

Read first and second times and referred to the Yuba delegation.

By Mr. Tully—An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Dornin (by request)—An Act to appropriate money to pay the claim of A. J. F. Phelan.

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

By Mr. Moore—An Act entitled an Act to amend an Act defining the rights of husband and wife, passed April seventeenth, A. D. eighteen hundred and fifty.

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

SPECIAL ORDER.

At twelve o'clock M. the special order, Assembly Bill No. 88—An Act to regulate the taking up and holding of mining claims in the State of California—was taken up.

The bill was referred to the Committee on Mines and Mining Interests.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Payne—An Act to transfer the State's proportion of certain delinquent taxes assessed in Alpine County to said Alpine County, and to allow said county to retain the State's proportion of the poll taxes collected therein.

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

Also, an Act to fund the debt of Alpine County.

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

By Mr. Crigler—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on Counties and County Boundaries.

On motion of Mr. White, Senate Bill No. 20, second on file to-day, was placed first on the file.

GENERAL FILE.

Senate Bill No 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Ordered top of file for Wednesday the nineteenth.

Assembly Bill No 307—An Act to regulate fees of office.

Mr. Scudder offered the following amendment: Amend by striking out "three," in line three, section two, and inserting "one" instead; and in line four, by striking out "three" wherever it occurs, and inserting "one" in lieu thereof.

Lost.

Amended, and amendment adopted

Mr. Westmoreland offered the following substitute for section two:

"No fees shall be allowed or collected for making or filing any preliminary declaration of intention of becoming a citizen, nor for issuing certificate of citizenship, administering oaths, or making record thereof, or other matter in connection with any application made before any Court to become a citizen of the United States."

On the adoption of the substitute to section two, the ayes and noes were demanded by Messrs. Westmoreland, Buckbee and Rollins.

The vote was as follows:

AYES—Messrs Broderson, Buckbee, Caldwell, Comte, Days, Dryer, Gildea, Gregory, Hayes, Jones, Mahon, Mentzell, Newell, O'Malley, Rollins, Scudder, Smith, Westmoreland, White, Wolleb—20.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Biggs, Bird, Brown of Tulare, Canavan, Church, Clark, Coggins, Connely, Crigler, Cureton, Davies, Downer, Ellis, Fairchild, Giltner, Green, James, Kelley, Lee, Martin, Meagher, Moore, Morrow, Newsom, Ord, Pardee, Payne, Rector, Spilman, Tully, Waldron, Wand, Mr. Speaker—38.

So the substitute was rejected.

The Committee on Corporations, and also the Committee on Public Buildings and Grounds, were granted leave of absence for the remainder of the day, to attend to committee business.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called

Quorum present.

On motion of Mr. Rector, the memorial to Congress introduced by Mr Westmoreland, on February eleventh, was recalled from the Committee on Federal Relations and referred to the Committee on Indian Affairs.

Consideration of Assembly Bill No. 307 was resumed.

Mr. Mahon offered an amendment.

Mr Days moved the previous question.

The ayes and noes were demanded by Messrs. Connely, Lee and Gildea, and the previous question was sustained by the following vote:

AYES—Messrs Ables, Angney, Battelle, Bird, Brown of Tulare, Church, Clark, Cochran, Coggins, Connely, Crigler, Cureton, Davies, Days, Downer, Fairchild, Giltner, Gregory, Green, Hayes, Lee, Mahon, Martin, McElhany, Mentzell, Morrow, Newsom, Ord, Papy, Payne, Spilman, Tully, Waldron, Wand, Westmoreland, Mr. Speaker—36.

NOES—Messrs Ayer, Broderson, Buckbee, Caldwell, Comte, Dryer, Gildea, Jones, Kelley, Meagher, Pardee, Rector, Scudder, Smith, White—15.

On the amendment offered by Mr. Mahon, the ayes and noes were demanded by Messrs. Angney, Davis and Tully, and the amendment was adopted by the following vote:

AYES—Messrs. Ables, Battelle, Broderson, Brown of Tulare, Clark, Cochran, Coggins, Comte, Connely, Giltner, Gregory, Hayes, Lee, Mahon, Martin, Meagher, Mentzell, Morrow, Papy, Pardee, Payne, Scudder, Spilman, Wand, Westmoreland, Mr Speaker—26.

NOES—Messrs. Angney, Bird, Buckbee, Caldwell, Church, Crigler, Cureton, Davies, Days, Downer, Dryer, Ellis, Fairchild, Green, Jones, Kelley, McElhany, Newsom, Ord, Tully, Waldron, White—22.

The bill was then ordered engrossed.

Assembly Bill No 243—An Act to amend section thirty-six of an Act entitled an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty.

Indefinitely postponed.

Assembly Bill No. 284—An Act to amend an Act entitled an Act to protect sheep, Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Mr. Lee moved the previous question.

Sustained.

On the engrossment of the bill, the ayes and noes were demanded by Messrs Cureton, Giltner and Ellis, and the House refused to engross, by the following vote:

AYES—Messrs. Angney, Brown of Tulare, Caldwell, Church, Cochran, Comte, Crigler, Cureton, Dryer, Ellis, Fairchild, Gregory, Hayes, Martin, Moore, Newsom, Spilman, Tully, Waldron, Wand, Westmoreland, Mr. Speaker—24.

NOES—Messrs. Ables, Ayer, Battelle, Bird, Buckbee, Clark, Coggins, Connely, Davies, Days, Dornin, Downer, Gildea, Giltner, Green, Jones, Kelley, Lee, Mahon, McElhany, Meagher, Morrow, Newell, Ord, Pardee, Payne, Rollins, Smith, White—29.

Senate Bill No. 113—An Act to appropriate money to pay certain claims.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Reported back without amendments and recommended to be indefinitely postponed.

Mr. Morrow moved to recommit to Committee on Claims.

Lost.

The bill was read a third time and passed.

Senate Bill No. 53—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

Indefinitely postponed.

Senate Bill No 61—An Act for the relief of E. F. Spence, County Treasurer of Nevada County.

Considered in Committee of the Whole.

Mr. Church in the chair

IN ASSEMBLY.

Reported back without amendments, and passage recommended.

Speaker in the chair

The bill was read a third time and passed

Senate Bill No 183—An Act to provide for the payment of grand jurors in the County of San Mateo.

Read a third and passed.

Senate Bill No 14 (substitute)—An Act to amend section nine of an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six.

Read a third time and passed

Assembly Bill No. 365—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six.

Referred to the San Mateo delegation.

Assembly Bill No 360—An Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 294—An Act amendatory of an Act, approved March first, eighteen hundred and sixty-four, entitled an Act to amend an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine

Amendment adopted.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No 142—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pitchoir and their associates to construct and maintain a railroad in the City and County of San Francisco.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 250—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five.

Ordered to file for Wednesday, the nineteenth instant.

Assembly Bill No. 107—An Act to incorporate the City of Monterey.

Referred to the Monterey delegation.

Assembly Bill No 332—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisors in the County of San Diego.

Ordered engrossed.

Assembly Bill No. 236—An Act to incorporate the Santa Cruz Manufacturing Company, and to authorize the erection of a dam across the Los Angeles River, and the construction of a canal or flume along said river, in the County of Santa Cruz

Indefinitely postponed

Assembly Bill No. 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

Ordered to file for Monday next.

Assembly Bill No 102 (substitute for Assembly Bill No 102)—An Act granting to the mining counties of this State foreign miners' tax collected in said counties severally.

Read a third time.

Mr. Moore moved to indefinitely postpone.

The ayes and noes were demanded by Messrs. Ryland, Tully and Church

Mr. Gildea moved a call of the House.

Carried, on a division.

During the roll call on motion of Mr. Westmoreland, further proceedings under the call of the House were dispensed with.

The House refused to indefinitely postpone Assembly Bill No. 102 by the following vote:

AYES—Messrs. Ables, Angney, Broderson, Caldwell, Church, Connely, Crigler, Cureton, Ellis, Green, Kelley, Mahon, Martin, Moore, Morrow, Newsom, Ord, Pardee, Scudder, Spilman, Tully, Mr. Speaker—22.

NOES—Messrs Ayer, Battelle, Bird, Brown of Tulare, Buckbee, Clark, Cochran, Coggins, Comte, Davies, Days, Dornin, Downer, Dryer, Fairchild, Gildea, Giltner, Gregory, Hayes, Jones, Meagher, Mentzell, Rector, Rollins, Smith, Waldron, Wand, Westmoreland, White—29.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tully, Moore and Church, and the bill passed by the following vote:

AYES—Messrs Ayer, Battelle, Bird, Brown of Tulare, Buckbee, Clark, Cochran, Coggins, Comte, Davies, Days, Dornin, Downer, Dryer, Fairchild, Gildea, Giltner, Gregory, Hayes, Jones, Meagher, Mentzell, Moore, Newell, Ord, Rector, Rollins, Smith, Waldron, Wand, Westmoreland, White—32.

NOES—Messrs. Ables, Angney, Broderson, Caldwell, Church, Connely, Crigler, Cureton, Ellis, Green, Lee, Mahon, Martin, Morrow, Newsom, Pardee, Scudder, Spilman, Tully, Mr. Speaker—20.

Mr. Moore gave notice that on to-morrow he should move to reconsider the vote by which Assembly Bill No. 102 passed

At four o'clock and thirty minutes, on motion of Mr. Coggins, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 15th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present
Prayer by the Chaplain
Journal of yesterday read and approved
Mr Mahon was granted indefinite leave of absence, on account of illness.

PETITIONS.

Mr. Canavan presented a petition from lumbermen and dealers in building materials in San Francisco, praying the passage of the Mechanics' Lien Law, introduced by Mr. Canavan.

Received and referred to Judiciary Committee.

Mr Meagher presented a petition from citizens of Sonora, Tuolumne County; and

Mr Gregory a petition from citizens of Amador County—praying that the Sunday laws be not repealed.

Mr. Broderson presented a petition from citizens of San Francisco, asking that the Sunday Laws be repealed.

Said petitions were received and referred to the Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

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

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Senate Bill No 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age—have considered the same, and respectfully report that they are opposed to the principle of this bill, and have heretofore taken occasion to express their disapproval of this class of legislation; but they feel constrained, from the peculiar circumstances attending this case, to depart from the rule which will ordinarily govern their action in such cases, and recommend the passage of the bill.

The committee have also considered Senate Bill No 5—An Act to confirm and legalize the assessment roll of Butte County for the year eighteen hundred and sixty-seven—and recommend its passage.

BUCKBEE,
PAPY,
HAYES,
COMTE,
CURETON.
For Committee.

Mr Moore, Chairman of the Committee on Corporations, made the following report:

Mr SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 200—An Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city, and provide for the payment of the same—have had the same under consideration, report the bill back to the Assembly and recommend its passage.

MOORE, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No 361—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six—have had the same under consideration, and report the bill back to the Assembly and recommend its passage.

Also, Assembly Bill No 355—An Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty—and recommend its passage.

Also, Assembly Bill No. 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County—and recommend its passage

Also, Assembly Bill No. 352—An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company—a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds—and recommend its passage

Also, Assembly Bill No 329—An Act to incorporate the Santa Cruz Savings Bank—and recommend its passage.

Also, Assembly Bill No. 339—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Your committee have had the same under consideration, and are of the opinion that while the bill protects the savings institutions of the State, it affords no adequate protection to the parties making deposits in said institutions. They believe that the safety of the depositor rises superior to the occasional inconvenience arising from the loss of certificates; that the same responsibility which now exists, attending the payment of moneys deposited to parties not authorized to receive the same, should not remain intact. They believe that, under the proposed law, the opportunities given for contesting payment would be dangerous, and subversive of the best interests of the mass of depositors.

Therefore, your committee recommend that it do not pass.

MOORE (Chairman),
NEWELL,
DORNIN,
ROLLINS.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr SPEAKER: Your committee, to whom was referred Assembly Bill No 388—An Act entitled an Act to provide for the protection of stock from contagious diseases—have had the same under consideration, and beg leave to make the following report:

Your committee find that there exists in the State of Texas, and in the Indian Territory, south of Arkansas, a disease with the cattle of said State and Territory styled Texas or Spanish fever, and highly contagious in its character; that this disease is in many respects of the nature of the contagious "pleuro pneumonia," which affects the stock throughout Europe, and the rinderpest of Germany; that the disease is so insidious in its character, as to defy the most vigilant expert, and that the States of Missouri and Kansas find it necessary to pass laws for the protection of cattle of said States, similar to the one your committee have had under consideration, and that Congress passed a law prohibiting the importation of sheep and cattle from any of the infected districts of Europe, and that the agricultural interests of the State demand stringent laws to prevent the importation of stock from countries known to possess any infectious or contagious disease, thereby protecting one of the great industries of the State, which has caused millions of dollars in Europe and the Eastern States to expel.

Therefore your committee would respectfully recommend the passage of the bill.

KELLEY (Chairman),
MORROW,
MARTIN,
ELLIS.

Mr. Green, Chairman of the Committee on Education, made the following report:

Mr. SPEAKER: The Committee on Education, to whom was referred Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty—have had the same under consideration, and recommend its passage without amendment.

Your committee believe that the Act of eighteen hundred and fifty, amended by the above bill, needs further amendments, and they beg leave to report the accompanying bill, entitled an Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five—and recommend its passage.

GREEN, Chairman.

Mr. Ables, from the Joint Committee on Printing, made the following report:

Mr SPEAKER: The Joint Committee on Printing, to whom was referred the report of the State Prison Committee, respectfully report that they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved by the Assembly, the Senate concurring, That nine hundred and sixty copies of the report of the State Prison Committee be printed.

ROBERTS,
For Senate Committee.

ABLES,
For Assembly Committee.

[For report, see Appendix.]

Mr. Lupton, Chairman of the Committee on Federal Relations, made the following report:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 40, relative to securing the passage of a law by Congress granting aid to the Oroville and Virginia City Railroad Company, have had the same under consideration, and report the same back and recommend their passage.

LUPTON, Chairman.

Mr. Angney, Chairman of 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. 90—An Act amendatory of and supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two—have had the same under consideration, as well as Assembly Bill No. 213—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors—which last bill, with amendments, they report back as a substitute for Senate Bill No. 90, and recommend its passage.

ANGNEY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No 375—An Act for the relief of Captain John H. Gilmore—have had the same under consideration, and ask leave to make the following report:

It appears that the claimant was a regularly commissioned Captain of Company F, Sixth Regiment of Infantry, California Volunteers, and was placed on duty in recruiting for that company by Colonel George H. Ringold, United States recruiting officer for this coast, under the Governor's call for troops of February fifth, eighteen hundred and sixty-three; that he remained on duty from the eighteenth of February to the twenty-second of June, eighteen hundred and sixty-three, at which latter date he resigned his position in consequence of having exhausted his resources and expended all his money before filling up his company. Under State statutes of eighteen hundred and sixty-three and eighteen hundred and sixty-four, page four hundred and twenty-four, he, as Captain of Volunteers, was entitled to the same pay as United States officers of the same grade were entitled to receive, which seems to be at the rate of one hundred and eighteen dollars and fifty cents per month, thus mak-

ing his claim amount to four hundred and seventy-five dollars, for the time which he remained in the service of the State.

Owing to the fact that he resigned his commission before his company was mustered into the service of the United States, and to a slight discrepancy in the law above referred to, the Board of Examiners—to whom the claim has been presented—refuse to allow the same. Although the law above referred to does, to some extent, fail to cover this case in a strictly legal sense, yet the preamble to the law does so cover it to the fullest extent.

In view of the facts, the committee believe that the claim possesses sufficient merit to justify its allowance, and have therefore directed me to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No. 330—An Act for the relief of L F. Verdenal—have considered the same and recommend that it be rejected, on the grounds that the Controller's warrants—three in number, for one hundred dollars each—on which the claim is based, were informally issued by G W. Whitman, Controller, in payment for his own salary as State Capital Commissioner, and that they were rejected by the State Board of Examiners at some time during the administration of John B Weller as Governor of this State, and that the proper redress of the holders of the warrants, when they were so rejected by the said Board, should have been against the said Whitman

The committee have therefore directed me to report the bill back to the House and recommend that it be indefinitely postponed.

The committee have also had under consideration the petition of John W. Ball, claiming damages against the State for the amount of eight thousand dollars, for false imprisonment in the penitentiary, inflicted on him through the false testimony of a State Prison convict named Louis Mahony.

The committee cannot see, in any sense in which this claim can be viewed, that the State can, either legally or equitably, be held liable to this claimant for such false imprisonment; they therefore recommend that the claim be rejected

They have also had under consideration Assembly Bill No. 342—An Act for the relief of E. H Wood—and ask to make the following report: The claimant sets forth in his petition that he was commissioned by the Governor, Assistant Surgeon in the Eighth Regiment of California Volunteers, on the fifth day of March, eighteen hundred and sixty-five, and that on the third day of the same month an Act of Congress was passed allowing all officers of the United States army then in commission three months additional pay proper on being mustered out of service, and that he did not receive this extra pay from the General Government; and he asks that the State shall pay him the sum of one hundred and fifty-nine dollars and ninety cents for said extra pay.

Now, the Act of Congress referred to was evidently intended to reward those who were in commission at the time of the passage of the Act, and who had already performed services, and not those who came into the service afterwards; and even though admitting that this claimant

was equitably entitled to such additional pay from the General Government—but which the committee deny—the State can in no sense be held liable therefor.

The committee have therefore instructed me to report the bill back to the House and recommend that it be indefinitely postponed.

CONNELY, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,
Sacramento, February 14th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 160—An Act to amend section ten of an Act entitled an Act concerning the office of County Treasurer passed March twenty-seventh, eighteen hundred and fifty.

Also, Assembly Bill No. 166—An Act to define the boundary line between Merced and Stanislaus Counties.

Also, Assembly Bill No. 202—An Act to repeal an Act entitled an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo. approved April twenty-seventh. eighteen hundred and fifty-seven.

Also, Assembly Bill No. 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Also, Assembly Bill No 70—An Act for the relief of James H Yeates.

Also, Assembly Bill No 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased. to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

The resolution introduced on yesterday by Mr. Bird was taken up.

Resolved, That this House hold evening sessions, from seven o'clock P. M. to ten o'clock P. M, during the ensuing week.

Laid on the table.

Mr. Lupton in the chair.

The concurrent resolution accompanying the report of the Joint Committee on Printing was taken up and laid over one day.

Mr. Comte offered the following:

Resolved, That the use of the Assembly Chamber be and the same is hereby tendered to Miss Emma Webb, for the purpose of delivering a lecture, on Wednesday evening next, entitled a reply to Miss Anna Dickinson.

Adopted.

Mr. Ryland offered the following resolution:

Resolved. That on and after the first day of March next no new bill (except bills concerning the Revenue Laws or general appropriations) shall be introduced into this House without unanimous leave for that purpose be first had, and that this rule shall not be rescinded or suspended without a three fourths vote.

Laid over, under the rule.

On motion of Mr. Church, Assembly Bill No 109 was placed first on the file of to-day.

On motion of Mr. Dornin, the papers connected with the claim of A. J. F. Phelan were referred to the Committee on Claims.

Mr. Angney offered the following resolution:

Resolved, That the Judiciary Committee be instructed to report back Assembly Bill No 4—An Act to repeal the law known as the Registry Law, and also all other bills on the same subject, and that the same be referred to a special committee to consist of seven members.

Adopted.

On motion of Mr. Angney, Assembly Bill No 392 was taken from the table and referred to the Judiciary Committee.

Mr. White moved to reconsider the vote by which Assembly Bill No. 102 passed, on yesterday

Mr Gildea moved to indefinitely postpone the motion to reconsider.

The ayes and noes were demanded by Messrs. Giltner, Buckbee and Rollins, and the motion was indefinitely postponed by the following vote:

AYES—Messrs. Ayer, Batchelder, Battelle, Biggs, Bird, Buckbee, Canavan, Clark, Cochran, Coggins, Comte, Davies, Days, Dornin, Downer, Dryer, Fairchild, Gildea, Giltner, Gregory Jones, Lee, Mentzell, Newell, Payne, Rector, Rollins, Smith, Waldron, Wand, Westmoreland, White, Wolleb—33

NOES—Messrs. Ables, Angney, Brown of Tulare, Caldwell, Church, Connely, Crigler, Ellis, Green, Hayes, James, Kelley, Lupton, Martin, McElhany, Meagher, Moore, Morrow, Newsom, Pardee, Scudder, Spilman, Tully, Mr. Speaker—24.

Speaker in the chair.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 14th, 1868.

Mr SPEAKER: The Senate on yesterday passed Assembly Bill No. 120—An Act to limit the hours of labor.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 14th, 1868.

Mr. SPEAKER: The Senate on this day amended and passed Assembly Bill No. 165—An Act to authorize Z B Hayward and J H Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County.

W F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 15th, 1868.

Mr. SPEAKER: The Senate on yesterday passed Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Also, Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California

Also, Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

Also, Senate Bill No. 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Also, Senate Bill No. 270—An Act to incorporate the Town of Suisun.

Also, on the twelfth instant, passed Senate Bill No 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta

Also, on the fourteenth instant, refused to concur in Assembly amendments to Assembly Bill No 141 (substitute for Senate Bill No. 13)—An Act to amend section two hundred and nineteen 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, as amended by subsequent enactments.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate amendments to Assembly Bill No. 165, above reported, were adopted in concurrence

Senate Bill No. 179, above reported, was read first and second times and referred to the Shasta delegation

Senate Bill No 270, above reported, was read first and second times and referred to the Solano delegation.

Senate Bill No. 150, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No 238, above reported, was read first and second times and referred to the Solano delegation.

Substitute for Senate Bill No 143, above reported, was read first and second times and referred to the Judiciary Committee

Senate Bill No. 151, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 141 (substitute for Senate Bill No. 13), above reported, was referred to the Judiciary Committee.

NOTICES.

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

By Mr. Payne—An Act to license and regulate gaming.

Also, an Act to repeal an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six

By Mr. Jones—An Act to amend an Act making the office of County Treasurer of Trinity County a salaried office, approved March twenty-first, eighteen hundred and sixty-two.

Also, an Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity.

Also, an Act to change the boundary line between the Counties of Humboldt, Klamath and Trinity.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Scudder—An Act for the more effectual prevention of cruelty to animals, and for the incorporation of a certain association under the name and style of the "California Society for the Prevention of Cruelty to Animals"

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

By Mr. Moore—An Act to grant the State's portion of the poll tax and auctioneers' licenses levied and collected in the Counties of Lake, Napa, Sonoma, Contra Costa, Marin, Solano, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey, Santa Barbara and San Diego to said counties for county purposes.

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

Also, an Act to condemn lands in all cases where corporations are interested.

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

By Mr Brown of Tulare—An Act to fix the compensation of the Board of Supervisors of Tulare County.

Read first and second times and referred to the Tulare delegation.

By Mr Canavan—An Act to legalize certain acts and proceedings of the Board of Supervisors and Superintendent of Public Streets, Highways and Squares of the City and County of San Francisco.

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

By Mr. Spilman—An Act to repeal an Act to provide for the registration of the citizens of this State and for the enrollment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr Payne—An Act to fix the salaries and compensation of the County Judge, District Attorney and County Treasurer of the County of Alpine.

Read first and second times and referred to the Committee on Fees and Salaries.

Also, an Act to define and establish the boundary line of Alpine County, and to annex a portion of Mono County thereto.

Read first and second times and, with a petition accompanying the bill, referred to the Committee on Counties and County Boundaries, and the petition ordered printed

By Mr Connely—An Act to lower the grade of Sansome street, from Broadway street to Lombard street, in the City of San Francisco.

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

By Mr. Lupton—An Act relating to Court Commissioners.

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

Mr. Waldron was granted leave of absence until Monday next at two o'clock.

GENERAL FILE.

Substitute for Assembly Bill No. 109—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Ordered engrossed.

Assembly Bill No. 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington.

Referred to the Committee on Ways and Means.

Assembly Bill No 291—An Act to allow the poll tax now collected in this State to the several counties wherein collected.

Laid on the table.

Senate Bill No. 193—An Act to authorize D W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County.

Read a third time and passed, and title amended.

On motion of Mr Tully, Assembly Bill No 249 was taken from the table and referred to the Committee on Agriculture.

Mr. Dornin was granted leave of absence for the remainder of the day.

Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Read a third time and passed

Assembly Bill No 311—An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 158—An Act to amend an Act to exempt homestead and other property from forced sales in certain cases.

Referred to the Judiciary Committee, with instructions to report next Tuesday.

Assembly Bill No 65 (substitute for Assembly Bill No. 65)—An Act to authorize L. F. Long, Moses C. Briggs, William Neely Johnson, and their associates, to construct and maintain a turnpike road from Cloverdale to or near Sanel, and charge and collect toll thereon.

Referred to the Sonoma delegation.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M the House reassembled.
The Speaker in the chair
Roll called
No quorum present.
Mr Westmoreland was granted leave of absence until Tuesday next.
Mr. Scudder had leave of absence for the remainder of the day.
Mr Church moved a call of the House.
Carried.
The Clerk called the roll.
Quorum present
On motion of Mr. Meagher, further proceedings under the call was dispensed with
Mr. Buckbee was granted leave of absence until Monday.
On motion of Mr. Hayes, Assembly Bill No 173 was referred to the Judiciary Committee.
Assembly Bill No. 372—An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three
Rules suspended, bill considered engrossed, read a third time and passed
Assembly Bill No. 382—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes
The rules were suspended, bill considered engrossed, read a third time and passed.
Assembly Bill No 169 (substitute for Assembly Bill No 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six.
Laid on the table
Assembly Bill No. 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for repairs of the banks of the Los Angeles River in the city, to levy a tax for street improvements, and for lighting the streets of said city with gas.
Rules suspended, bill considered engrossed, read a third time and passed
Assembly Bill No. 130 (substitute for Assembly Bill No. 130)—An Act to fund the debt of El Dorado County
Amendment adopted, and bill ordered engrossed
Assembly Bill No 13—An Act to appropriate money to pay the claim of John Kelcher, Register, and William H Pratt, Receiver of the United States Land Office, at Humboldt, for official services in locating certain State lands
Indefinitely postponed.
Assembly Bill No 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms.
Rules suspended, bill considered engrossed, read a third time and passed
Assembly Bill No. 229—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six.
Amendment adopted

Rules suspended, bill considered engrossed, read a third time and and passed.

Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and and passed.

Mr. Bird, on leave, introduced a bill for an Act to provide a suitable residence for the Governor.

Read first and second times and referred to the Committee on Public Buildings and Grounds

Assembly Bill No. 374—An Act to provide for the payment of the outstanding indebtedness of Fresno County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 368—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes, in the County of Tulare.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States

Struck off the file.

Assembly Bill No 313—An Act to authorize the Board of Supervisors of Sutter County to enter upon, condemn, and take possession of a certain tract of land, to be used as a public graveyard.

Rules suspended, bill considered engrossed, read a third time and passed

Senate Bill No 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

Read a third time and passed.

Assembly Bill No. 260—An Act entitled an Act to authorize Evert C. Evertson, his heirs or assigns, to remove the remains of deceased persons from an abandoned graveyard in the City of Los Angeles.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 124—An Act to amend an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Ordered to file for Monday next.

Senate Bill No. 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authoriz. the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six

Read a third time and passed.

Assembly Bill No. 346—An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof.

Amended, amendment adopted, and bill ordered engrossed.

Assembly Bill No 116—An Act to provide for the drainage of the City of Sacramento and the lands of Swamp Land District Number Two.

Amendments adopted and bill ordered engrossed.

Assembly Bill No 317—An Act to authorize the Board of Supervisors of the City and County of San Francisco to contract with the Nicholson Pavement Company

Indefinitely postponed.

Assembly Bill No 345—An Act to provide for the payment of assessments against the property of the Government of the United States, for street improvements in the City and County of San Francisco

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 401—An Act to provide for the improvement of that part of Carson River situated in Alpine County, etc.

Laid over until Monday.

Assembly Bill No 148—An Act to grant to certain persons the right of way for a railroad track within the City and County of San Francisco, and to run horse cars thereon.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four

Ordered to file for Monday.

Assembly Bill No 320—An Act to provide for the payment of the State's portion of the County Auditor's salary of the County of Trinity.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Reported back without amendment, and passage recommended.

Rules suspended, bill considered engrossed, read a third time and passed

At four o'clock and twenty minutes, Mr. Bird moved to adjourn.

Lost

Senate Bill No 50—An Act supplementary to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point in the Antelope Valley, and the right to collect tolls for travel thereon, approved February ninth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City.

Read a third time and passed.

Senate Bill No 123—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith.

Read a third time and passed.

Senate Bill No. 194—An Act to authorize H. B Tichenor and R G. Byxbee to construct a railroad, railroad wharf and toll bridge in Mendocino County.

Read a third time and passed.

Assembly Bill No 326—An Act to regulate judicial sales for the fore closure of mortgage and other liens on real estate.

Indefinitely postponed.

Assembly Bill No. 71—An Act to legalize and confirm the election of certain officers in the Town of Sonora, Tuolumne County, and other matters.

Indefinitely postponed.

Senate Bill No 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Laid on the table.

Subsequently, on motion of Mr Rollins, the bill was taken from the table and referred to the Judiciary Committee

Assembly Bill No 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of ———, eighteen hundred and sixty-six

Ordered to the file for Tuesday next.

Also, Assembly Bill No. 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters.

Ordered to the file for Tuesday next.

Assembly Bill No. 359—An Act to provide for the appointment of a Chaplain for the State Prison

Ordered to the head of the file for Tuesday next.

Assembly Bill No 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Ordered engrossed.

Assembly Bill No 341—An Act to amend an Act requiring compensation for causing death by wrongful act, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two.

Ordered to file for next week.

Assembly Bill No 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No 383—An Act to amend an Act entitled an Act to provide for the election of township officers in the County of Alameda, approved March twenty-eighth eighteen hundred and sixty-four.

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 389—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six

The rules were suspended, bill considered engrossed, read a third time and passed

Assembly Bill No 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara

Postponed until Monday next.

The bill introduced by the Committee on Education to-day—An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hun-

dred and fifty, and amended April thirteenth, eighteen hundred and fifty-five—was read first and second times and placed on file.

At five o'clock and five minutes P. M., on motion of Mr. Smith, the House adjourned.

C. T. RYLAND, Speaker.

W. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 17th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called
Quorum present.
Prayer by the Chaplain.
Journal of Saturday read and approved.
Messrs. Scudder, Westmoreland, Willets and Oliver were granted leave of absence for one day.

PETITIONS.

Mr. Hayes presented the petition of residents of San Diego County, praying that a new judicial district be formed, to consist of San Diego, Los Angeles and San Bernardino Counties

Received and referred to the Judiciary Committee.

Also. a report of W. E Lovett, special Indian Agent.

Received and referred to the Committee on Indian Affairs.

Mr. Gregory presented a petition of citizens of Ione Valley, praying that the Sunday Laws be not repealed.

Received and referred to the Committee on Public Morals.

Mr. Dwinelle presented a petition of citizens of Oakland, urging the passage of a law authorizing the Council of said city to purchase a site and erect a City Hall thereon.

Received and referred to the Committee on Corporations.

Also, petition of the City Council of Oakland, asking that they be authorized to purchase land and erect a City Hall.

Received and referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr Cureton, from the Judiciary Committee, made the following report:

Mr SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 4—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise—

herewith report said bill, pursuant to the instructions of this House, without having taken action thereon.

The Committee have also further considered Assembly Bill No. 305—An Act concerning warrants applicable to Mendocino County. This bill was reported from the Judiciary Committee some days since, with the recommendation that it do not pass The committee were then of the opinion that the provisions of the bill were already covered by existing statutes From further consideration and examination we are induced to believe that the bill should be favorably considered, and we therefore recommend its passage.

CURETON,
MOORE,
BUCKBEE,
COMTE,
For Committee.

The Speaker appointed the following committee:

SPECIAL COMMITTEE ON THE REGISTRY LAW.

Messrs. Steele, Angney, Farish, Pardee, Comte, Meagher and Dornin.

Mr Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr SPEAKER: The committee to whom was referred Senate Bill No 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five;

Also, Assembly Bill No. 135—An Act concerning roads and highways in the State of California;

Respectfully beg leave to report that they have had the same under consideration, and report them back with recommendation that they pass.

ORD, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr Mattingly, from the San Mateo delegation, made the following report:

Mr. SPEAKER: The San Mateo delegation, to whom was referred Assembly Bill No. 363, report the same back, with substitute, and recommend the passage of the substitute.

MATTINGLY, for Delegation.

Mr. Brown of Tulare made the following report:

Mr. SPEAKER: The Tulare delegation, to whom was referred Assembly Bill No. 420, having had the same under consideration, would beg leave to report it back to the House and recommend its passage.

BROWN of Tulare, for Delegation.

Mr. Dryer, from the Shasta delegation, made the following report:

Mr SPEAKER: The Shasta delegation, to whom was referred Senate Bill No 179, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

DRYER, for Delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration the following bills, which were referred to them, and ask leave to make the following report:

Assembly Bill No. 69—An Act to amend an Act entitled an Act to amend an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and of an Act amendatory of and supplementary to said Act, approved April nineteenth, eighteen hundred and fifty-nine, approved March eighteenth, eighteen hundred and sixty-two They have made an amendment thereto, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 262—An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six. They have drawn a substitute therefor, and recommend the passage of the substitute.

Also, Senate substitute for Assembly Bill No 55—An Act concerning the office of County Clerk of the City and County of San Francisco—and have made an amendment thereto, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 316—An Act to authorize the Board of Supervisors of the City and County of San Francisco to compromise with the adverse claimants to lots in Lafayette Park and in Alamo Square. They have made some amendments thereto, and recommend that the bill be passed as amended.

Also, Assembly Bill No. 192—An Act to provide for paving the streets in the City and County of San Francisco They have made some amendments thereto, and recommend the passage of the bill as amended.

Also, Assembly Bill No 228—An Act to provide for the protection of the harbor of the City and County of San Francisco. They have amended the bill, and recommend its passage as amended.

CONNELY, for Delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill No 312—An Act to provide for the disposition of the public lands of the City and County of San Francisco;

Ask leave to report the bills back to the House, and have them referred to the Judiciary Committee.

CONNELY, for Delegation.

Mr. Tully, from the Monterey delegation, made the following report:

Mr. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 107—An Act to incorporate the City of Monterey—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

TULLY, for Delegation

Mr. Green, from the Colusa and Tehama delegation, made the following report:

Mr. SPEAKER: The Colusa and Tehama delegation, to whom was referred Senate Bill No 189—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

GREEN, for Delegation.

Mr. Green was granted leave of absence for the remainder of the day.

Mr. Morrow, from the San Joaquin delegation, made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Senate Bill No. 67—An Act for the relief of H B Underhill, late District Attorney of San Joaquin County—have had the same under consideration, and report the bill back to the House and recommend its passage.

MORROW, for Delegation.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 322—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisors in the County of San Diego.

Also, Assembly Bill No 311—An Act to provide for the payment of the Registers and Receivers of the United States Land Offices in this State certain fees

Also, Assembly Bill No 294—An Act amendatory of an Act approved March first, eighteen hundred and sixty-four, entitled an Act to amend an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine.

Also, Assembly Bill No. 142—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pichoir and their associates to construct and maintain a railroad in the City and County of San Francisco

Also, Assembly Bill No 307—An Act to regulate fees of office.

BATCHELDER, for Committee.

The concurrent resolution accompanying the report of the joint committee, providing for the printing of nine hundred and sixty copies of the report of the State Prison Committee, was taken up and adopted.

The following resolution, offered by Mr. Ryland on Saturday, was taken up.

Resolved, That on and after the first day of March next, no new bills except bills concerning revenue laws or general appropriations, shall be introduced into this House, without unanimous consent for that purpose be first had, and that this rule shall not be rescinded or suspended without a three fourths vote.

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

The ayes and noes were demanded by Messrs. Lupton, Giltner and Cureton.

The vote was as follows:

AYES—Messrs. Ayer, Battelle, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell Canavan, Comte, Cureton, Dryer, Gildea, Giltner, Gregory, Lupton, Mahon, Martin, Morrow, Newell, O'Malley, Ord, Payne, Smith, White—25.

NOES—Messrs. Ables, Angney, Batchelder, Church, Clark, Cochran, Coggins, Connely, Crigler, Davies, Days, Downer, Dwinelle, Ellis, Fairchild, Hayes, James, Jones, Mace, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newsom, Pardee, Rector, Rollins, Spilman, Tully, Wand, Wolleb, Mr. Speaker—34.

So the motion was lost.

Mr. Rollins offered an amendment, as follows, which was accepted: Amend by inserting "the tenth of March," instead of "the first of March."

Mr Ayer offered the following amendment, which was adopted: Amend by striking out the word "first," and insert the word "twentieth"

Mr. Buckbee offered the following substitute, which was adopted:

Resolved, That no new bill, except for purposes of revenue or appropriation, shall be introduced into this House after the twentieth day of March, except by leave of two thirds of the members present in the House.

Mr. Rector offered an amendment.

Lost

Mr. Gildea moved to make the resolution the special order for the twenty-fourth.

Lost.

The resolution was then adopted as amended.

Mr. Gildea offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That both houses adjourn on the fifteenth of March *sine die*.

Laid on the table.

Mr. Meagher offered the following resolution:

Resolved, That the Committee on Claims be instructed to return to William Boyle the papers belonging to him and now in the hands of said committee.

Adopted.

On motion of Mr. Giltner, Assembly Bill No. 388 was taken from the file of to day and ordered to the file for Wednesday, and the usual number of copies ordered printed.

On motion of Mr Ellis, Assembly Bill No. 169 (substitute for Assembly Bill No. 132) was taken from the table and placed on file.

On motion of Mr. Mattingly, Assembly Bill No. 231 was taken from the table and referred to the San Mateo delegation.

On motion of Mr. Tully, Assembly Bill No. 401 was taken from the file of to-day and referred to the Judiciary Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 17th, 1868.

Mr. SPEAKER: I have to inform your honorable body that the senate on the twelfth instant passed Senate Bill No 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and issue certificates of title to the inhabitants of said town, in accordance with their respective interests.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 15th. 1868

Mr. SPEAKER: I am instructed to inform the Assembly that the Senate on the thirteenth instant passed Senate Bill No. 261—An Act to provide funds for the School Department of the City of Oakland, and to authorize the payment of certain present indebtedness.

Also, on the same day, passed Senate Bill No 280—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County.

Also, this day, passed Senate Bill No. 137—An Act amendatory of and supplementary to 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, Senate Bill No. 26—An Act relating to homesteads.

Also, Senate Bill No. 153—An Act concerning insane convicts at the State Prison.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 86, above reported, was read first and second times and referred to the Colusa and Tehama delegations

Senate Bill No. 153, above reported, was read first and second times and referred to the Committee on State Prison.

Senate Bill No. 26, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 137, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No 280, above reported, was read first and second times and referred to the Napa delegation.

Senate Bill No. 261, above reported, was read first and second times and referred to the Committee on Education.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr Rollins—An Act to declare and regulate the rates of fare and freight on the Central Pacific Railroad of California

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

By Mr. Cureton—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 Bird—An Act amendatory of an Act regulating elections.

Read first and second times and referred to Committee on Elections.

By Mr. McElhany—An Act granting leave of absence from the State to Thomas R Bard, Supervisor of Santa Barbara County.

Read first and second times and referred to Judiciary Committee.

By Mr Ellis—An Act to re-district the County of Los Angeles, and to provide for the election of Supervisors

Read first and second times and referred to the Los Angeles delegation.

By Mr. Coggins—An Act concerning the ancient Jewish Order of Kesher shel Barsel.

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

By Mr. Middleton—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets.

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

By Mr Cochran—An Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Oroville.

Read first and second times and referred to the Butte County delegation

By Mr Jones—An Act to amend section thirty-eight of an Act regulating elections.

Read first and second times and referred to the Committee on Elections.

Also, an Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and

Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Read first and second times and referred to the Commitee on Roads and Highways.

By Mr McElhany—An Act to authorize the County Treasurer of Santa Barbara County to set aside certain moneys for certain purposes.

Read first and second times and placed on file

Also, an Act to give additional power to the Board of Supervisors of Santa Barbara County to levy a road tax.

Read first and second times and placed on file

Also, an Act to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara and prohibit the contracting of any new indebtedness against said county.

Read first and second times and placed on file.

By Mr Comte—An Act supplementary to and amendatory of an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, and the various Acts supplementary to and amendatory thereof

Read first and second times and referred to Judiciary Committee.

By Mr. Mentzell—An Act to abolish the office of Superintendent of Common Schools in the County of Calaveras, and to impose further duties on the County Judge of said county.

Read first and second times and referred to Judiciary Committee

Also, an Act to abolish the office of Township Collector and Assessor and to establish the office of District Collector and Assessor in the County of Calaveras

Read first and second times and referred to the Calaveras delegation.

By Mr. Dwinelle—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Roads and Highways.

Also, 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 first and second times and referred to the Committee on Corporations

On motion of Mr. Mahon, the rules were suspended and Senate substitute for Assembly Bill No 55—An Act concerning the office of County Clerk of the City and County of San Francisco—reported from the San Francisco delegation to-day, was taken up.

Substitute adopted, and the bill put on its passage.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M the House reassembled.

Speaker in the chair.

Roll called

Quorum present.

Mr. Gregory was granted leave of absence for the day.

GENERAL FILE.

On motion of Mr. Ayer, Assembly Bill No 423 was taken from the file of to-day and referred to the Special Committee on Registry Laws.

Speaker pro tem in the chair.

Assembly Bill No 342—An Act for the relief of E. H. Wood.

Indefinitely postponed.

Assembly Bill No 330—An Act for the relief of D. F. Verdenal.

Indefinitely postponed.

On motion of Mr. Mattingly, Assembly Bill No. 363—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six—was taken up

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 375—An Act for the relief of Captain John W. Gilmore.

Considered in Committee of the Whole.

Mr. O'Malley in the chair.

IN ASSEMBLY.

Reported back without amendment, and passage recommended.

Mr Spilman moved to indefinitely postpone

The ayes and noes were demanded by Messrs. Church, Batchelder and Buckbee

The vote was as follows:

AYES—Messrs Angney, Bird, Broderson, Caldwell, Cochran, Crigler, Fairchild, Giltner, James, Kelley, Lupton, Mahon, Martin, Newell, Newsom, O'Malley, Ord, Payne, Rector, Spilman, Tully—21.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Buckbee, Church, Clark, Coggins, Comte, Connely, Cureton, Davies, Days, Downer, Dryer, Dwinelle, Ellis, Hayes, Jones, Mace, Mattingly, Meagher, Mentzell, Middleton, Moore, Morrow, Pardee, Rollins, Smith, Waldron, Wand, White, Wolleb—33.

So the House refused.

The bill was ordered engrossed.

Senate Bill No 90—An Act amendatory of and supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco.

Referred to the San Francisco delegation.

Assembly Bill No. 352—An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 339—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Laid on the table.

Assembly Bill No. 329—An Act to incorporate the Santa Cruz Savings Bank.

Amended, amendment adopted, title amended and bill ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No 355—An Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty.

Amendment adopted, ordered engrossed, and title amended.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 361—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No 200—An Act to authorize the City Council of Oakland to purchase land and erect a City Hall, and to issue bonds of said city, and provide for the payment of the same.

Laid on the table.

Senate Bill No. 5—An Act to confirm and legalize the assessment roll of real estate of Butte County for the year eighteen hundred and sixty-seven.

Read a third time and passed.

Senate Bill No. 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age

Read a third time.

Mr. Lupton moved to indefinitely postpone.

Mr. Buckbee moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lupton, Bird and Kelley.

The vote was as follows:

AYES—Messrs, Ables, Angney, Battelle, Broderson, Brown of Tulare, Buckbee, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Downer, Dryer, Dwinelle, Fairchild, Giltner, Hayes, James, Jones, Kelley, Mace, Mattingly, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Newsom, O'Malley, Ord, Papy, Pardee, Payne, Rollins, Smith, Spilman, Tully, Waldron, Wand, White, Wolleb, Mr. Speaker—49.

NOES—Messrs. Batchelder, Bird, Ellis, Lupton, Martin—5.

So the bill was passed.

Assembly Bill No. 144—An Act to change the boundary line between the Counties of Sutter and Butte.

Amendments adopted.

Mr. Cochran moved to indefinitely postpone.

On motion of Mr. Buckbee, the bill was laid on the table.

Assembly Bill No. 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

Referred to the Sacramento delegation.

Assembly Concurrent Resolution No. 40, relative to securing the passage of a law by Congress granting aid to the Oroville and Virginia City Railroad Company.

Amended, and amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 341—An Act to amend an Act requiring compensation for causing death by wrongful act, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two.

Laid on the table.

Assembly Bill No 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

Amended, and amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

At four o'clock and forty-five minutes P. M., Mr. Bird moved to adjourn.

Lost

Mr. Days moved a call of the House.

Lost.

Assembly Bill No. 405—An Act to authorize John Oschwind, his associates and assigns, to construct and maintain a public toll road from Boonsville, in Anderson Valley, to a point where the Anderson Valley and Ukiah trail intersects the State road in Ukiah Valley.

Referred to the Committee on Corporations.

Senate Bill No 165—An Act to amend section five of an Act to provide for the incorporation of colleges.

Read a third time and passed.

Assembly Bill No. 429—An Act to amend section five of an Act to provide for the incorporation of colleges.

Rules suspended, bill considered engrossed, read a third time and passed

At five o'clock P. M., on motion of Mr. Spilman, the House adjourned.

C. T. RYLAND, Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 18th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

Mr. Moore presented a protest of citizens and taxpayers of the City of Oakland, protesting against the passage of a law authorizing the City Council of the City of Oakland to purchase land and erect a City Hall thereon.

Received and laid on the table.

The Speaker presented a series of resolutions passed by the Council of the City of Oakland, and a communication accompanying the same, signed by the Mayor of said City, inviting the State officers, and officers and members of the Legislature, to visit Oakland on the anniversary of Washington's birthday, and partake of the hospitalities of said city.

Mr. Battelle presented a petition of citizens of Plumas County, asking that the Act of March thirty first, eighteen hundred and sixty-six, annexing a portion of the territory of Butte to Plumas County, be repealed

Received and referred to the Committee on Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Senate substitute for Assembly Bill No 55—An Act concerning the office of County Clerk of the City and County of San Francisco.

Also, Assembly Bill No. 389—An Act to amend an Act entitled an Act concerning roads and highways in the counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 383—An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 345—An Act to provide for the payment of assessments against the property of the Government of the United States for street improvements in the City and County of San Francisco.

Also, Assembly Bill No 320—An Act to provide for the payment of the State's portion of the County Auditor's salary in the County of Trinity.

BATCHELDER, for Committee.

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

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 158—An Act to amend an Act to exempt homestead

and other property from forced sale in certain cases—respectfully report that they have considered said bill, and recommend that it be indefinitely postponed.

PAPY,
DWINELLE,
COMTE,
BUCKBEE,
For Committee.

Mr. Farish, Chairman of the Committee on Elections made the following report:

Mr. SPEAKER: Your Committee on Elections herewith submit certain bills, being the remainder of the expenses incurred in the contested election case of Aspenal vs. Frisbie, and recommend that they be referred to the Committee on Public Accounts and Expenditures.

FARISH, Chairman.

The bills were so referred.

Mr Spilman, Chairman of the Committee on Public Morals, made the following report:

Mr. SPEAKER: The Committee on Public Morals, to whom was referred Assembly Bill No. 335, have examined the same, respectfully report it back and recommend its passage

SPILMAN, Chairman.

Mr. Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. SPEAKER: The committee, to whom was referred substitute for Senate Bill No. 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty three, approved March twenty-fourth, eighteen hundred and sixty-six;

Also, Assembly Bill No 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six;

Respectfully report that they have had the same under consideration, and report the same back recommending their passage.

ORD, Chairman.

Mr. Mace, Chairman of 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 306—An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey—have had the same under consideration, and report the same back with amendments and recommend its passage as amended.

MACE, Chairman.

Mr. Ellis, from the Los Angeles delegation, made the following report:

Mr Speaker: The Los Angeles delegation, to whom was referred Assembly Bill No. 447—An Act to re-district the County of Los Angeles, and to provide for the election of Supervisors—have had the same under consideration, and report it back and recommend its passage.

ELLIS, for Delegation.

Mr. Cochran, from the Butte delegation, made the following report:

Mr. Speaker: The delegation to whom was referred Assembly Bill No. 441—An Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Oroville—beg leave to report that they have had the same under consideration, and report it back with amendments and recommend its passage as amended.

COCHRAN, for Delegation.

Mr. Biggs, from the Sacramento delegation, made the following report:

Mr Speaker: The Sacramento delegation, to whom was referred Assembly Bill No. 414—An Act to amend the Act of March sixteenth, eighteen hundred and sixty-four, entitled an Act relating to the office of District Attorney of the County of Sacramento, beg leave to report that they have had the same under consideration, and herewith report it back with the recommendation that it pass.

BIGGS,
LEE,
COMTE,
WOLLEB.

Mr Crigler, from the Napa and Lake delegations, made the following report:

Mr. Speaker: The Napa and Lake delegations, to whom was referred Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six—respectfully report that they have had the same under consideration, and report the bill back and recommend its passage.

CRIGLER, for Delegations.

Mr. Martin, from the Sonoma delegation, made the following report:

Mr. Speaker: The Sonoma delegation, to whom was referred substitute for Assembly Bill No 65—An Act to authorize L. F. Long, Moses C. Briggs, William Neely Johnson, and their associates, to construct and maintain a turnpike road from Cloverdale to or near Sanel, and charge and collect toll thereon—have had the same under consideration, and ask leave to report the same back with amendments, without recommendation.

MARTIN, for Delegation.

Mr Connely, from the San Francisco delegation, made the following report:

Mr SPEAKER: The San Francisco delegation, to whom was referred bills of the following named numbers and titles, have considered them, and ask leave to make the following report:

Assembly Bill No 226—An Act to authorize the Board of Supervisors of the City and County of San Francisco to issue bonds to build a City and County Hospital They present a substitute therefor, and recommend the passage of the substitute

Also, Assembly Bill No. 289—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco. They recommend the passage of the bill.

Also, Senate Bill No. 159 An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco. They recommend the passage of the bill

Also, Senate Bill No 187—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Bryant and King streets, in said city and county. They recommend the passage of the bill.

CONNELY, for Delegation.

Mr. Tully, from the Monterey delegation, made the following report:

Mr SPEAKER: The Monterey delegation, to whom was referred substitute for Assembly Bill No 67—An Act to fix the compensation of officers in Monterey County, and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six—have had the same under consideration, and report the same back and recommend its passage.

Also, Senate Bill No 112—An Act authorizing the construction of a wharf in the Bay of Monterey—with amendments, and recommend its passage as amended.

TULLY, for Delegation.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms

Also, Assembly Bill No 372—An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Assembly Bill No 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for the repairs of the banks of the Los Angeles River in the city, to levy a tax for street improvements, and for lighting the streets of said city with gas

Also, Assembly Bill No 374—An Act to provide for the payment of the outstanding indebtedness of Fresno County.

Also, Assembly Bill No. 229—An Act to amend an Act entitled an Act

to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco.

LEE, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Dwinelle offered the following concurrent resolution :

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly accept the invitation of the City of Oakland to visit the grounds of the State Agricultural College on Saturday next ; and that when the two houses adjourn on Friday next, they adjourn at twelve o'clock M. of that day until Tuesday next, for the purpose of accepting said invitation.

On motion of Mr. Wand, laid on the table.
Mr. Canavan offered the following resolution :

Resolved, That Assembly Bill—An Act to regulate the military of the State of California—the special order for two o'clock to-day, be referred back to the Committee on Military Affairs for further consideration.

Adopted.
On motion of Mr. Westmoreland, Assembly Bill No. 2 was ordered eighth on to-day's file.
Mr. Connely offered the following resolution :

Resolved, That the Senate be requested to return to the Assembly Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland.

Mr. Dwinelle moved to lay on the table.
Lost.
The resolution was adopted.
On motion of Mr. Buckbee, Assembly Bills Nos 250 and 328 were taken from the file of to-day and ordered to the file for Thursday
Mr Ayer, on leave, presented a number of petitions from citizens of San Francisco, Alameda and Placer Counties, and various other portions of the State, all praying that the Sunday Laws be not repealed.
Received and referred to the Committee on Public Morals.

NOTICES.

Notices of the introduction of bills were given, as follows:
By Mr Wand—An Act for the protection of laurel and other cabinet and shipbuilding woods growing upon the public domain of this State.
Also, an Act to provide for the distribution of the pueblo lands of the City and County of San Francisco.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:
By Mr. Ables—An Act to amend section nine of an Act concerning

roads and highways in certain counties in this State, approved May fourteenth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

By Mr. O'Malley—An Act granting to the Market Street Railway Company of San Francisco certain rights therein named

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

By Mr. Westmoreland—An Act to authorize and empower John Dolbeer, William Carson, David R. Jones and Hans H. Buhne, or their assigns, to construct and maintain dams, booms and piers on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same.

Read first and second times and referred to the Committee on Internal Improvements.

By Mr Coggins—An Act concerning roads and highways in the County of Sacramento

Read first and second times and referred to the Sacramento delegation.

By Mr. Biggs—An Act making an appropriation for the payment of certain claims, being expenses growing out of the indictment and trial of Horace Smith.

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

By Mr. Papy—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco, and issuing process on the same.

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

By Mr. Mace—An Act to stay the collection of certain taxes in Fresno County

Read first and second times and placed on file.

By Mr Jones—An Act to provide for the better protection of the public funds in the County of Trinity.

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

By Mr. Middleton—An Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine

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

GENERAL FILE.

Senate Bill No 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty-nine.

Amendments adopted.

Mr. Lupton moved to strike out "or property" in section fourteen.

Lost.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present

Consideration of Senate Bill No. 55 was resumed.

Mr Dwinelle moved the previous question.

The ayes and noes were demanded by Messrs Giltner, Comte and Canavan, and the previous question sustained by the following vote:

AYES—Messrs Angney, Ayer, Batchelder, Battelle, Bever, Bird, Broderson, Caldwell, Church, Clark, Cochran, Connely, Crigler, Cureton, Dwinelle, Fairchild, Gregory, James, Kelley, Mattingly, Mentzell, Middleton, Newell, Newsom, Pardee, Payne, Rollins, Smith, Spilman, Waldron, Wand, Willets, Mr Speaker—33

NOES—Messrs Ables, Biggs, Brown of Tulare, Buckbee, Canavan, Coggins, Comte, Days, Downer, Dryer, Farish, Gildea, Giltner, Hayes, Jones, Lee, Lupton, Mahon, Martin, McElhany, Meagher, Morrow, Ord, Rector, Tully, Westmoreland, White, Wolleb—28.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Coggins, Canavan and Buckbee.

The vote was as follows:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Buckbee, Church, Clark, Coggins, Connely, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Jones, McElhany, Mentzell, Moore, Morrow, Pardee, Rollins, Smith, Waldron, Wand, Westmoreland, Willets—28.

NOES—Messrs Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Cochran, Comte, Crigler, Cureton, Fairchild, Farish, Gildea, Giltner, Gregory, Hayes, James, Kelley, Lee, Lupton, Mahon, Martin, Mattingly, Meagher, Middleton, Newell, Newsom, O'Malley, Ord, Payne, Spilman, Tully, White, Wolleb, Mr. Speaker—36.

So the House refused to pass the bill.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment beg leave to report that they have examined and find correctly enrolled, Assembly Bill No. 106—An Act to pay for services rendered in the State Land Department;

Also, Assembly Bill No 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works;

Also, Assembly Bill No. 242—An Act to amend an Act entitled 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, approved February twentieth, eighteen hundred and sixty six;

Also, Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte;

Also, Assembly Concurrent Resolution No 33, concerning bounty due the men composing the First Battalion of Mountaineers, California Volunteer Infantry;

And this day, at five minutes past two o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No 245—An Act to amend an Act entitled an Act to provide for the appointment of and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

Rules suspended, bill considered engrossed, read a third time and passed

On motion of Mr. Moore, Assembly Bill No 135 was taken from the file, laid on the table and usual number of copies ordered printed

Assembly Bill No. 220—An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 244—An Act supplemental to an Act to authorize married women to execute powers of attorney, approved April thirteenth, eighteen hundred and sixty-three.

Ordered engrossed.

Assembly Bill No. 246—An Act to amend an Act entitled an Act in relation to probate sales, approved April second, eighteen hundred and sixty-six.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Referred to the Judiciary Committee, with instructions to report on Thursday.

Assembly Bill No. 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters

Mr. Church moved the previous question.

Sustained

The bill was then ordered engrossed.

On motion of Mr. Dwinelle, the rules were suspended to allow him to introduce the following resolution:

Resolved, That the rules be suspended and Senate message returning Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland—be taken up and voted upon for the purpose of reference.

Adopted.

The Senate message was read, and Assembly Bill No 344—An Act to grant a new charter to the City of Oakland—was taken up.

Mr. Dwinelle moved to refer to the San Francisco delegation.

Lost

Mr Canavan moved to refer to the Committee on Corporations.

Lost

Mr. Gildea moved to refer to a special committee of five members.

Carried.

The Speaker appointed the following

COMMITTEE ON OAKLAND CHARTER BILL:

Messrs. Comte, White, Brown of Tulare, Crigler and Ayer.

Assembly Bill No. 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of ———, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 420—An Act to fix the compensation of the Board of Supervisors of Tulare County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 316—An Act to authorize the Board of Supervisors of the City and County of San Francisco to compromise with the adverse claimants of lots in Lafayette Park and Alamo Square.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

At four o'clock and twenty minutes, on motion of Mr. Coggins, the House adjourned.

C. T. RYLAND, Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 19th. 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Biggs had indefinite leave of absence.

Mr. Fairchild was also granted leave of absence on account of sickness.

The Committee on Public Buildings and Grounds had leave of absence for the day, to attend to committee business.

Mr. Dwinelle was granted leave of absence for the remainder of the day, to attend to committee business.

Mr Moore moved a suspension of the rules to allow the presentation of petitions.

Lost.

GENERAL FILE

Assembly Bill No. 307—An Act to regulate fees of office.

On motion of Mr. Scudder, the further reading of the bill was dispensed with.

Mr Buckbee moved to recommit to the Special Committee on Fees and Salaries, with special instructions to except from the operations of the bill the Counties of Plumas, Nevada, Sierra, Lassen and Trinity.

Mr. Meagher moved to except Mono and Inyo Counties.

Mr McElhany moved to except Santa Barbara.

Mr Gregory moved to except Amador.

Mr. Kelley moved to except Yolo.

Mr. Cureton moved to except Mendocino

On motion of Mr. Angney, Assembly Bill No. 241—An Act for the removal and permanent location of the seat of government of the State of California; and also Assembly Bill No. 296—An Act to locate the State Capital; were made the special order for March third, eighteen hundred and sixty-eight, at twelve o'clock M.

On motion of Mr. Buckbee, the special order set for to-day at twelve o'clock, being Assembly Bill No. 137, was postponed until four o'clock P. M.

Mr. Comte offered the following special instructions: Insert after the word "repeal," in section thirty-seven, the words, "so far as they affect the provisions of this Act"

Mr. Gildea moved the previous question.

Sustained.

On the question to recommit Assembly Bill No. 307 with special instructions, the ayes and noes were demanded by Messrs. Church, Bird and Buckbee.

The vote was as follows:

AYES—Messrs Battelle, Broderson, Buckbee, Canavan, Cureton, Days, Downer, Gregory, Kelley, Mattingly, McElhany, Meagher, White—13.

NOES—Messrs. Ables, Angney, Bever, Bird, Brown of Tulare, Caldwell, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Davies, Dryer, Ellis, Farish, Gildea, Giltner, Hayes, Jones, Lee, Mahon, Martin, Mentzell, Moore, Morrow, Newell, Newsom, Ord, Pardee, Payne, Scudder, Smith, Spilman, Steele, Tully, Waldron, Wand, Westmoreland, Willetts, Mr. Speaker—42.

So the House refused.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Comte, Spilman and Angney.

The vote was as follows:

AYES—Messrs. Ables, Angney, Bever, Bird, Brown of Tulare, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Crigler, Davies, Dryer, Ellis, Farish, Gildea, Giltner, Hayes, Jones, Mahon, Martin, McElhany, Meagher, Mentzell, Moore, Morrow, Newell, Newsom, Ord, Pardee, Payne, Scudder, Smith, Spilman, Steele, Tully, Wand, Westmoreland, Willets, Wolleb, Mr. Speaker—42.

NOES—Messrs. Battelle, Broderson, Buckbee, Comte, Connely, Cureton, Days, Downer, Gregory, Kelley, Lee, Mattingly, Rector, Waldron, White—15.

So the bill was passed.

Mr. Jones gave notice that on to-morrow he should move to reconsider the vote by which Assembly Bill No. 307 passed.

On motion of Mr. Ayer, the rules were suspended to take up Senate messages.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 18th, 1868.

Mr. SPEAKER: The Senate on the fifteenth instant passed Senate Bill No. 287—An Act to appropriate money for contingent expenses of the Legislature.

Also, on this day adopted Senate Concurrent Resolution No. 51, accepting the invitation from the authorities of the City of Oakland to visit that place on the twenty-second instant.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 18th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on the thirteenth instant passed Senate Bill No. 202—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland.

Also, Senate Bill No 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims

Also, Senate Bill No 271—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six.

Also, Senate Bill No 286—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

Also, I am instructed to return to the Assembly, Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland—in accordance with the request of the Assembly.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 287, above reported, was read first and second times and referred to the Committee on Ways and Means

Senate Concurrent Resolution No. 51, above reported, was read.

Mr. Days offered the following amendment:

Resolved by the Assembly, the Senate concurring, That, in honor of the one hundred and thirty-sixth anniversary of the birth of the immortal George Washington, Father of his Country, when the House adjourns on Friday, twenty-first instant, it adjourn to meet at two P. M on Tuesday, twenty-fifth instant.

Adopted.

Senate Bill No 286, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No. 271, above reported, was read first and second times and placed on file.

Senate Bill No 269, above reported, was read first and second times and referred to the Solano delegation

Senate Bill No 262, above reported, was read first and second times and referred to the Committee on Education.

At one o'clock P M. the House took a recess

REASSEMBLED.

At two o'clock P. M the House reassembled.

Speaker in the chair.

Roll called

Quorum present.

SPECIAL ORDER.

Assembly Bill No 137—An Act to amend section twenty-one of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six

On motion of Mr Rollins, Assembly Bill No 137, the special order, was postponed and made the special order for Wednesday, the twenty-sixth instant, at twelve o'clock M.

RESOLUTIONS.

Mr. Dwinelle (on leave) offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly accept the invitation of the Mayor and Council of the City of Oakland to visit the grounds of the Agricultural, Mining and Mechanic Arts College and the new State Deaf, Dumb and Blind Asylum, on Saturday next

Adopted

On motion of Mr. Canavan, the House amendment to Senate Concurrent Resolution No. 51 was rescinded and the following amendment adopted:

Resolved by the Assembly, the Senate concurring, That, in honor of the one hundred and thirty-sixth anniversary of the birth of the immortal George Washington, Father of his Country, when the Senate and Assembly adjourn on Friday, the twenty-first instant, they adjourn at one o'clock P M., to meet at two o'clock P. M. on Tuesday, the twenty-fifth instant.

REPORT.

Mr Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 116—An Act to provide for the drainage of the City of Sacramento, and of the lands of Swamp Land District Number Two

Also, Assembly Bill No. 260—An Act authorizing Evert C. Evertson,

his heirs or assigns, to remove remains of deceased persons from an abandoned graveyard in the City of Los Angeles.

Also, Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Also, Assembly Bill No 368—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes in the County of Tulare.

Also, Assembly Bill No 148—An Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon.

LEE, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 332—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisors, in the County of San Diego.

Read a third time and passed.

Senate Bill No. 189—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved April thirty-first, eighteen hundred and sixty-six.

Read a third time and passed

Assembly Bill No 262—An Act to amend an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

The rules were suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Referred to the Committee on Claims.

Assembly Bill No. 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No 107—An Act to incorporate the City of Monterey.

Amendments adopted

Mr. Westmoreland offered the following amendment:

"Section 17. None of the provisions of the Registry Act in relation to the enrollment of voters shall apply to the elections named and provided for in this Act"

Ruled out of order.

Mr. O'Malley, Speaker pro tem, in the chair.

The bill was ordered engrossed

Assembly Bill No. 228—An Act to provide for the protection of the harbor of the City and County of San Francisco.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 192—An Act to provide for paving the streets in the City and County of San Francisco.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. Speaker: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 380—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

Also, Assembly Bill No. 130 (substitute for Assembly Bill No. 130)—An Act to fund the debt of El Dorado County.

DAYS, for Committee.

The members of the Committee on Commerce and Navigation, and also the Committee on Claims, were allowed to retire to attend to committee business

Speaker in the chair.

Assembly Bill No. 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta.

Read a third time and passed

Senate Bill No. 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty five.

Read a third time and passed.

Assembly Bill No 67 (substitute for Assembly Bill No. 67)—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

On motion of Mr Mace, the rules were suspended to allow him to introduce the following bill: An Act for the relief of J. Scott Ashman, Sheriff of Fresno County.

Read first and second times and referred to the Committee on Claims, with a petition

Under a suspension of the rules, Mr. Giltner introduced a bill for an Act to reduce the indebtedness of the County of Mariposa.

Read first and second times and placed on file.

GENERAL FILE RESUMED.

Assembly Bill No. 430—An Act to authorize the County Treasurer of Santa Barbara County to set aside certain moneys for certain purposes.

Referred to the Committee on Claims.

Assembly Bill No. 443—An Act to give additional power to the Board of Supervisors of Santa Barbara County to levy a road tax.

Ordered engrossed.

Assembly Bill No 446—An Act to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 453—An Act to amend section nine of an Act entitled an Act concerning roads and highways in certain counties in this State, approved May fourteenth, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 289—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco

The rules were suspended, bill considered engrossed, read a third time and passed

On motion of Mr Rollins, Assembly Bill No. 448 was ordered to the file for to-morrow.

On motion of Mr. Tully, Assembly Bill No. 388 was ordered to the file for Wednesday next.

On motion of Mr. Waldron, Assembly Bill No. 124 was ordered to the file for Thursday, twenty-seventh instant.

On motion of Mr. Ayer, Senate Bill No 20 was ordered to top of the file for to-morrow.

Assembly Bill No. 65 (substitute for Assembly Bill No 65)—An Act to authorize L. F Long, Moses C. Briggs, William Neely Johnson, and their associates, to construct and maintain a turnpike road from Cloverdale to or near Sanel, and charge and collect toll thereon.

Amendment adopted and bill ordered engrossed.

Assembly Bill No. 441—An Act to grant the right to convey water in pipes, to supply the inhabitants of the Town of Oroville.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and and passed.

Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and associates to construct a turnpike road in Napa and Lake Counties, approved March eighteenth, eighteen hundred and sixty-six.

Read a third time and passed.

At three o'clock and forty-five minutes P. M., on motion of Mr. Westmoreland, the House adjourned.

C. T. RYLAND, Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 20th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by Rev Mr Barnes.
Journal of yesterday read.
Speaker pro tem in the chair.
Mr. Westmoreland moved to expunge from the Journal that portion in relation to the amendment offered by him on yesterday to Assembly Bill No. 107.
Lost
The Journal was then approved as read.
Mr. Westmoreland offered the following:

Resolved, That consideration of the general file for this morning be temporarily laid over, to allow the reception of reports from standing and select Committees, and introduction and first reading of bills, and presentation of petitions; also, the introduction of motions and resolutions.

Adopted.
Speaker in the chair.

PETITIONS.

Mr. Broderson presented a petition urging the repeal of the Sunday Laws.
Received and placed on file.
Messrs. Martin, Crigler, Rollins, Oliver, Dornin, O'Malley, Coggins, Moore and Pardee presented petitions from various portions of the State, praying that the Sunday Laws be not repealed.
Received and placed on file.
Mr. Davis presented the petition of the officers of the California Prison Commission, asking an appropriation to aid said Commission.
Referred to Committee on Ways and Means, and usual number of copies ordered printed.
Mr. Church presented a petition of citizens of Alameda County in reference to the boundary line between the City of Oakland and the Towns of San Antonio and Clinton, Alameda County.
Referred to the Special Committee on Oakland Charter Bill.
Speaker pro tem. in the chair.

REPORTS OF STANDING COMMITTEES.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred substitute for Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California—respectfully

report that they have considered said bill and find it correct in form. We also find that the bonds referred to in the bill were issued for supplies furnished and for services rendered in suppressing Indian outbreaks in the northern portion of the State; that the Congress of the United States appropriated about twenty-seven thousand dollars, in legal tenders, to pay this class of claims that had been audited by this State, but of which no returns had been made to the General Government; that it is believed this bill covers all of the outstanding bonds of the class alluded to, and should receive the benefit of this appropriation. The matter was thoroughly investigated by the Committee on Claims of the Senate, and a copy of their report is hereto annexed.

We recommend the passage of the bill.

STEELE (Chairman),
DWINELLE,
CURETON,
BUCKBEE,
MOORE,
PAPY,
COMTE.

[For report of the Senate Committee on Claims, see Appendix.]

Mr Ryland was granted leave of absence for the day, on account of ill health.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr Speaker: The Committee on the Judiciary have considered Senate Bill No. 37—An Act to authorize Richard Abby, administrator of the estate of R. Q Farquhar, deceased, to sell certain lands and real estate—and respectfully report that there seems to be no provision of the general law authorizing an order of sale by the Probate Judge upon the facts of this case, and that a sale is necessary for the protection and preservation of the estate. The committee, although opposed to the principle of the bill, believe this to be an exceptional one—one in which the parties interested are entitled to look to the Legislature for a remedy; and we therefore recommend the passage of the bill.

The Committee have also considered Assembly Bill No. 401—An Act to provide for the improvement of that part of the Carson River situated in Alpine County, and for that purpose granting to the Board of Supervisors of said Alpine County the right to charge and collect tolls for the floating and transportation of wood, saw-logs and lumber down the said portion of Carson River—and a majority of the committee recommend the passage of the bill.

Also, Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—and recommend that the Assembly concur in the Senate amendment to section one, and do not concur in the other amendments made by the Senate.

Also, Assembly Bill No. 173—An Act to create the Seventeenth Judicial District. The committee considered this bill in connection with the petition of residents of San Diego County for the creation of the Seventeenth Judicial District. The increasing population and judicial business of the First Judicial District seems to have rendered it impossible for the Judge of that district to attend to the business of the Court in all

the counties composing the district; and there is a general desire among its residents for the creation of a new district, to be composed of the Counties of Los Angeles, San Diego and San Bernardino Believing this bill to be a measure necessary for the relief of the First District Court and litigants in that district, the committee recommend its passage, with the amendments made by the committee.

STEELE, Chairman.

Mr Middleton, Chairman of 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. 381, have had the same under consideration, and herewith report the same back and recommend the passage of the bill

Also, return Assembly Bill No 371—An Act to authorize and direct the Board of State Harbor Commissioners to execute and deliver a lease of a portion of the water front of San Francisco to the Merchants' Dry Dock Company—and report a substitute for the same, and recommend the passage of the substitute.

MIDDLETON, Chairman.

Mr. Middleton, Chairman of 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. 227—An Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 348—An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands included in Tide Land Survey Number Eighty-two, County of Alameda—and report the same back, and recommend its passage as amended.

Also, Assembly Bill No. 356—An Act declaring a creek, in Sections Thirty-five, and Thirty-six, Township Three south, Range Three west, Mount Diablo meridian, navigable—and report the same back with amendments, and recommend its passage as amended.

MIDDLETON, Chairman.

Mr. Angney, Chairman of 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. 287—An Act to appropriate money for contingent expenses of the Legislature—have had the same under consideration, and report it back and recommend its passage.

ANGNEY, Chairman.

Mr. Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 201—An Act authorizing the Board of Supervisors of Humboldt County, in certain contingencies, to issue bonds of said county, etc—respectfully report that they have had the same under consideration, and report the same back, recommending its passage.

ORD, Chairman.

Mr. Farish, Chairman of the Committee on Elections, made the following report:

Mr. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 445, report the same back with amendments and recommend its passage as amended.

FARISH, Chairman.

Mr Tully, Chairman of the Committee on Public Lands, made the following report:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Assembly Bill No. 314—An Act granting to James H White the right to purchase certain lands covered with water, now owned by the State of California, situated in the City and County of San Francisco—have had the same under consideration, and report it back with a recommendation that it be indefinitely postponed.

TULLY, Chairman.

Mr Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No 410—An Act to appropriate money to pay the claim of A J. F Phelan—have had the same under consideration, and they recommend that the bill be reported back to the House, and that it be indefinitely postponed

Also, Assembly Bill No 451—An Act making an appropriation for the payment of certain claims, being expenses growing out of the indictment and trial of Horace Smith—have considered the same, and ask leave to report the bill back to the House and recommend that it do not pass.

Also, Assembly Bill No. 457—An Act for the relief of J Scott Ashman, Sheriff of Fresno County—have had the same under consideration, and ask leave to report as follows:

This is a claim for one hundred and eighty-eight dollars, alleged to have been paid, over and above what was justly due by the claimant, as Sheriff of Fresno County, into the County Treasury of said county, and by the said Treasurer paid into the Treasury of the State The evidence produced before the committee fully sustains the facts alleged. They have therefore instructed me to report the bill back to the House and recommend its passage

Also, Senate Bill No 6—An Act to provide for the payment of certain unredeemed State indebtedness. They have considered the bill, and ask leave to make the following report:

This claim is for the payment by the State of bond number eight hundred and thirty-nine, issued under the law approved April nineteenth,

eighteen hundred and fifty-six, for one thousand dollars, dated July first, eighteen hundred and fifty-six, and also of a certificate number four hundred and eighty-one, dated July twenty-second, eighteen hundred and fifty-six, for fifty-one dollars, as also the interest on the bond, amounting in the aggregate to the sum of eighteen hundred and fifty-six dollars. Upon inquiry at the Treasurer's office of the State, it is ascertained that this is the only remaining bond outstanding of the fifteen hundred thousand dollars of bonds issued under the provisions of the law approved April nineteenth, eighteen hundred and fifty-six; and although the committee do not recognize this claim as a legal one against the State, yet they do consider it to be an equitable one, and have therefore instructed me to report the bill back to the House and recommend its passage

CONNELY, Chairman.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined, and find correctly engrossed, Assembly Bill No 192—An Act to provide for paving the streets in the City and County of San Francisco.

LEE, Chairman

REPORTS OF SELECT COMMITTEES.

Mr. Mattingly, from the San Mateo delegation, made the following report:

Mr SPEAKER: The San Mateo delegation, to whom was referred Senate Bill No 251—An Act to amend an Act entitled an Act to define and limit the compensation of officers, and reduce public expenses and taxation, in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four—have had the same under consideration, report the same back with amendments and recommend its passage as amended.

MATTINGLY, for Delegation.

Mr. Crigler, from the Napa delegation, made the following report:

Mr. SPEAKER: Your committee, to whom was referred Senate Bill No. 280—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County—have considered the same, and report it back with the recommendation that it pass.

CRIGLER, for Delegation.

Mr Comte, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The undersigned, members of the Sacramento delegation, to whom was referred Assembly Bill No 343—An Act granting a wharf franchise in the City of Sacramento—beg leave to report that they have had the same under consideration, and herewith report it to

the House, with the recommendation that it be passed, with proposed amendments.

COMTE,
BIGGS,
LEE,
WOLLEB.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration the following bills, and ask leave to make the following report:

Senate Bill No 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco. They recommend that the bill be reported back to the House and passed.

Also, Senate Bill No. 99—An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco. They recommend that the bill be reported back to the House and passed.

Also, Assembly Bill No 198—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board, approved April twenty-seventh, eighteen hundred and sixty-three They recommend that the bill be reported back to the House, and that it be indefinitely postponed.

Also, Assembly Bill No. 192—An Act for the relief of Charles Carvalho—having been improperly referred to the San Francisco delegation, and it being a bill relating to San Mateo County, the delegation recommend that it be reported back to the House and referred to the San Mateo delegation.

CONNELY, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Cureton offered the following resolution:

Resolved, That the Enrolling Clerk be authorized to employ such assistance as may be necessary to perform the duties of that office, at the same per diem as is paid to the Enrolling Clerks.

Adopted.

On motion of Mr. Buckbee, the rules were suspended and Senate Bill No. 287—An Act to appropriate money for the contingent expenses of the Legislature—reported to day from the Committee on Ways and Means, was taken up and considered in Committee of the Whole.

Mr. O'Malley in the chair.

IN ASSEMBLY.

Reported back without amendment and passage recommended.

The bill was read a third time and passed.

Mr. Lee moved to refer Senate Bill No. 288 to the Committee on Ways and Means.

The bill was found in Senate messages not yet read, and was so referred.

Mr. Dwinelle offered the following resolution:

Resolved, That Assembly Bill No. 200, relative to the purchase of land for a City Hall by the City of Oakland, be taken from the table and placed upon the general file.

Adopted.

Mr. Wolleb offered the following resolution:

Resolved, That on and after Wednesday, February twenty-sixth, this House shall meet each day of sitting at ten o'clock A. M., unless the House shall adjourn to some other hour.

Laid over, under the rules.

Mr. Moore offered the following:

WHEREAS, Measures are now pending before Congress, the declared purpose of which is to extinguish ten States of the Union, and establish in their stead a military dictatorship, in which the civil laws and public and personal liberty are to exist only at the pleasure of the military power; and

Whereas, the attempt is made to complete the scheme of usurpation by the degradation and subjection of the Federal Judiciary to the arbitrary will of a Congressional majority; therefore, be it

Resolved by the Assembly, the Senate concurring, That the representatives of California now assembled, reflecting the will of the people of this State, in obedience to their oaths to support the Constitution, hereby pronounce these acts of usurpation treasonable, flagitious, and a crime against the institution of our fathers

Resolved, That our Senators in Congress be instructed, and our Representatives requested, not only to vote against such measures, but to oppose and endeavor to defeat them by all means in their power.

Referred to the Committee on Federal Relations.

Mr Jones, in pursuance to notice, moved to reconsider the vote by which Assembly Bill No 307 passed on yesterday.

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

Ruled out of order

The House refused to reconsider.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled Assembly Bill No. 120—An Act to limit the hours of labor;

Also, Assembly Bill No. 132—An Act to define the compensation of the Superintendent of Common Schools for the County of Lake;

Also, Assembly Bill No. 153—An Act to provide for obtaining correct

statements of the financial condition of the several counties of this State;

Also, Assembly Bill No 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County;

Also, Assembly Bill No 303—An Act in relation to the public schools of Sacramento;

Also, Assembly Bill No. 55—An Act concerning the office of County Clerk of the City and County of San Francisco;

And, at forty-five minutes past eleven o'clock this day, presented the same to the Governor for his approval.

AYER, for Committee.

A message from the Governor, received while the House was in the Committee of the Whole, was announced by the Speaker pro tem

On motion of Mr. Comte, Assembly Bill No 371, reported from the Committee on Ways and Means, was referred to the Judiciary Committee.

On motion of Mr. Rollins (by request of Mr. Steele), Assembly Bill No 84 was ordered on the file for Wednesday, the twenty-sixth instant.

Mr. Smith offered the following resolution:

Resolved, That from and after this date the usual number of copies of all bills introduced in this House be ordered printed.

Laid on the table.

Mr. Brown of Tulare offered the following resolution:

Resolved, That the Committee on Mines and Mining Interests be requested to visit the State Geological Department and examine there the amount of work done, and the amount necessary to be done to complete the geological survey of this State, and report the same to this House for their consideration, to govern them in their action regarding any more appropriation for that survey.

Adopted.

REPORTS.

Mr. Lee, from the Sacramento delegation (by leave), made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 338, report the same back and recommend its passage with amendment.

LEE,
BIGGS,
WOLLEB,
COGGINS.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 109—An Act

supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed March sixteenth, eighteen hundred and fifty.

Also, Assembly Bill No 313—An Act authorizing the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land, to be used as a public graveyard.

Also, Assembly Bill No. 375—An Act for the relief of Captain John H Gilmore.

Also, Assembly Bill No. 329—An Act to incorporate the Santa Cruz Savings Bank

Also, Assembly Bill No 346—An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof.

Also, Assembly Bill No. 355—An Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty.

BATCHELDER, for Committee.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Church—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April sixth, eighteen hundred and sixty-three.

Read first and second times and placed on file.

Also, an Act to provide for the erection of a jail and County Recorder's office building in Alameda County.

Read first and second times and referred to the Alameda delegation

By Mr. Willets—An Act to pay the claim of R B. Bell.

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

By Mr. Wand—An Act for the protection of laurel and other valuable cabinet and shipbuilding woods growing upon the public domain of this State, and to provide for a Board of Timber Commissioners to take charge thereof

Read first and second times and referred to the Committee on Public Lands.

By Mr. Middleton—An Act to change the name of the Howard Street Religious Society, San Francisco.

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

By Mr. Rollins—An Act concerning roads and fences.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Wand (by request)—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco.

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

By Mr. Bird—An Act to amend an Act concerning grand and trial jurors.

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

Also, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, and all Acts amendatory thereof, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

By Mr. Waldron—An Act to provide for the establishment and maintenance of a State Prison at the Town of Rocklin.

Read first and second times and referred to the Committee on State Prison and ordered printed.

By Mr. Dwinelle—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State.

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

Also, an Act to provide for a railroad within the City of Oakland, Alameda and Contra Costa Counties

Read first and second times, laid on the table and ordered printed.

By Mr Angney—An Act supplementary to an Act entitled an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty.

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

By Mr. Scudder—An Act to provide for the exemption of certain persons herein named from military and jury duty.

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

Mr. Mahon, under a suspension of the rules, introduced a resolution in relation to the neutrality laws, illegal arrests of American citizens abroad, etc.

Read first and second times and referred to the Committee on Federal Relations.

MESSAGE FROM THE SENATE.

On motion of Mr. Connely, the following Senate message was taken up:

SENATE CHAMBER,
February 20th, 1868.

Mr. SPEAKER: The Senate on yesterday passed Senate Bill No. 321—An Act to confer on the City Council of the City of Oakland additional powers, and to provide for an election in said city.

W. F. HUESTIS,
Assistant Secretary.

Senate Bill No. 321, above reported, was read first and second times and placed on file.

GENERAL FILE.

Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Mr. Ayer offered the following resolution:

Resolved, That Senate Bill No. 20 be referred back to the Committee on Education, with special instructions to report the bill without amendments.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker pro tem in the chair
Roll called
Quorum present.

SPECIAL ORDER.

Assembly Bill No. 7—An Act to repeal an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, passed March sixteenth, eighteen hundred and fifty-five; also, Assembly Bill No. 9, Assembly Bill No. 10 and Assembly Bill No. 11.

Assembly Bill No. 7 was taken up.

At four o'clock and fifteen minutes, Mr. Papy moved to adjourn.

Lost.

Mr. Cochran moved to postpone the special order until to-morrow, at half past eleven o'clock A. M.

Lost

Mr. Batchelder moved to indefinitely postpone all the bills proposing to repeal the Sunday Laws.

Mr Gildea rose to a point of order, that Assembly Bill No. 7 only was under consideration, and the motion to indefinitely postpone all the bills was out of order.

Sustained.

Mr. Batchelder appealed from the decision of the Chair.

The decision was sustained

Mr. Scudder moved the previous question.

The ayes and noes were demanded by Messrs. Spencer, Smith and Gregory.

The vote was as follows:

AYES—Messrs. Angney, Ayer, Batchelder, Battelle, Biggs, Broderson, Caldwell, Canavan, Church, Clark, Cochran, Connely, Cureton, Days, Downer, Dryer, Dwinelle. Ellis, Farish, Giltner, Gregory. Hayes, James, Kelley, Mahon, Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Newell, Oliver, Ord, Papy, Pardee, Payne, Rector, Rollins, Scudder, Smith, Spencer, Spilman, Waldron, Wand, Willets—46.

NOES—Messrs Ables, Bever, Bird, Brown of Contra Costa, Brown of Tulare, Buckbee, Coggins, Comte, Crigler, Davies, Dornin, Gildea, Green, Jones, Lupton, Newsom, O'Malley, Tully, Westmoreland, White, Wolleb —21.

So the main question was ordered.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Buckbee, Coggins and Rollins.

The vote was as follows:

AYES—Messrs Broderson, Buckbee, Caldwell, Canavan, Comte, Connely, Davies, Farish, Giltner, Lupton, Mahon, Mentzell, Newsom, O'Malley, Ord, Payne, Scudder, Tully, Wand, Wolleb—20.

NOES—Messrs Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Contra Costa, Brown of Tulare, Church, Cochran, Coggins, Crigler, Cureton, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Gildea, Gregory, Green, Hayes, James, Jones, Kelley, Martin, Mattingly,

Meagher, Middleton, Moore, Newell, Oliver, Papy, Pardee, Rector, Rollins, Smith, Spencer, Spilman, Waldron, White, Willets—45.

So the House refused.

At four o'clock and forty-five minutes P. M., on motion of Mr. Coggins, the House adjourned.

J. J. O'MALLEY, Speaker pro tem.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 21st, 1868.

House met pursuant to adjournment.
Speaker pro tem. in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITIONS.

Mr. Oliver presented a petition from citizens of Stockton, asking that the Sunday Laws be not repealed.

Received and referred to the Committee on Public Morals.

On motion of Mr. Dwinelle, the rules were suspended and Senate Bill No. 391—An Act to confer on the City Council of the City of Oakland additional powers, and to provide for an election in said city—was taken up.

The bill was read a third time.

Mr Dwinelle moved the previous question.

The ayes and noes were demanded by Messrs. Gildea, Giltner and Cochran.

The vote was as follows:

AYES—Messrs. Batchelder, Biggs, Bird, Brown of Tulare, Clark, Comte, Crigler, Cureton, Davies, Dwinelle, Ellis, Gregory, Green, Mattingly, Mentzell, Middleton, Moore, Oliver, Pardee, Rollins, Scudder, Smith, Steele, Waldron, Wand, Westmoreland, Willets, Wolleb—28.

NOES—Messrs. Ables, Angney, Battelle, Broderson, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Church, Cochran, Coggins, Connely, Dornin, Downer, Dryer, Farish, Gildea, Giltner, Hayes, James, Jones, Kelley, Lee, Mahon, Martin, McElhany, Meagher, Newell, O'Malley, Ord, Rector, Tully, White—33.

So the resolution was lost.

On motion of Mr. Meagher, the bill was referred to the Committee on Corporations, with instructions to report the same on Tuesday, the

twenty-fifth, at two o'clock, and the bill made the special order for three o'clock P. M. on that day.

On motion of Mr. Steele, the rules were suspended to allow him to offer the following

COMMUNICATION.

SAN FRANCISCO, February 20th, 1868.

To the Honorable Speaker of the House of Assembly, Sacramento:

SIR: I have the honor to most respectfully request that the members will grant me the use of the Assembly Chamber for the purpose of delivering a lecture upon the "Elective Franchise," and if it is consonant with the business of the House, I would suggest the evening of March sixth, eighteen hundred and sixty-eight, for that purpose.

I had the honor of lecturing in Platt's Hall, in this city, last evening, and would respectfully refer you to remarks in this morning's daily papers as to the nature of my position.

I am, sir, respectfully yours,

LAURA DE FORCE GORDON,

The request was granted.

REPORT.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 361—An Act to amend an Act entitled an Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special tax for county purposes, approved March first, eighteen hundred and sixty-four.

Also, Assembly Bill No 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

LEE, Chairman.

RESOLUTION.

Mr. Mahon offered the following resolution:

Resolved, That a special committee of five be appointed, to whom shall be referred all Sunday Laws now on the statute books of this State, with instructions to report a bill that shall suit the wants of all sections of this State, and that all bills now before this House be referred to said committee.

Adopted.

On motion of Mr. Davis, the rules were suspended, and Senate Bill No. 271—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne—was taken up.

Read a third time and passed, and ordered transmitted immediately to the Senate

Mr. Coggins offered a remonstance of the Board of Trustees of the City of Sacramento against the passage of any bill granting to any person or persons, company or corporation, the use of any more of the city front.

Received and referred to the Sacramento delegation.

The Speaker pro tem. presented a communication of property owners fronting on McAllister street, in San Francisco, asking the Legislature to authorize and empower the Board of Supervisors of the City and County of San Francisco to permit the Market Street Railroad Company to lay a railway track for horse cars on said McAllister street, between Laguna and Market streets, etc.

Received and referred to the San Francisco delegation.

REPORTS OF STANDING COMMITTEES.

Mr. Angney, Chairman of 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 119—An Act regulating the vending of liquors at retail—have had the same under consideration, and after a discussion of its provisions and the operation of such a law in its practical workings, have arrived at the conclusion that its passage ought not to be recommended. Your committee therefore advise that it do not pass.

ANGNEY, Chairman.

Mr. Angney, Chairman of 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 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session—have considered the same and report it back with a recommendation that it pass.

ANGNEY, Chairman.

Mr. Angney, Chairman of 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 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington—have had the same under consideration, and report the same back with an amendment and recommend its passage as amended.

ANGNEY, Chairman.

Mr. Angney, Chairman of 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. 449—An Act to provide for the better protec-

tion of the public funds in the County of Trinity—have had the same under consideration, and report it back with the recommendation that it do not pass.

ANGNEY, Chairman.

Mr. Angney, Chairman of 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. 349—An Act granting the poll taxes in Los Angeles County to that county;

Also, Assembly Bill No 358—An Act concerning poll taxes in the County of Monterey;

Also, Assembly Bill No. 408—An Act to transfer the State's portion of certain delinquent taxes assessed in and for the County of Alpine to said Alpine County, and to allow said county to retain the State's proportion of the State poll taxes collected therein;

Also, Assembly Bill No 419—An Act to grant the State's portion of the poll taxes and auctioneers' licenses levied and collected in the Counties of Lake, Napa Sonoma, Contra Costa, Marin, Solano, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey, Santa Barbara and San Diego. to said counties for county purposes;

Have considered the several Acts above recited, and have unanimously concurred in the opinion that they ought not to be passed by the Assembly. The annual demands upon the State Treasury do not permit the diversion of legitimate sources of revenue, which would have to be replaced by increased taxation on real and personal property The inevitable claims which the Treasury will be called on to discharge, coupled with the unavoidable expense attending the workings of the Government, and the numerous applications addressed to the humanity and generosity of the Legislature, warn us to husband the resources of the State, and make it a duty to resist the insidious attempts of sectional influences to absorb the treasure which should be enjoyed equally by all parts of the State. These bills are, in their intended operation, local in effect. By their adoption an important element of resource would be turned into the county coffers from those of the State, and being partial in operation, would work a manifest injustice. Impartial legislation should not encourage a policy of such unequal working.

Your committee, therefore, advise the indefinite postponement of the several bills.

ANGNEY, Chairman.

Mr Wand, Chairman of the Committee on Mileage, made the following report:

Mr. Speaker: The Committee on Mileage beg leave to report the following resolution:

Resolved, That the State Controller be and he is hereby authorized and directed to draw his warrants in favor of the following parties, for the sums set opposite their names, for mileage to and from San Francisco on committee duty in relation to the Harbor Commissioners:

Names.	Amounts.
Brown of Tulare	$46 80
Moore	46 80
Scudder	46 80
Rollins	46 80

WAND, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 450—An Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine—have had said bill under consideration, report the bill back to the Assembly and recommend its passage.

Also, Assembly Bill No. 431—An Act concerning the Ancient Jewish Order of Kesher shel Barsel—have had the bill under consideration, report it back to the Assembly and recommend its passage

Also, Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant)—have considered the same, and see no reason for changing their former report on the bill; therefore report the bill as amended by the committee, and recommend its passage as amended.

Also, Assembly Bill No. 405—An Act to authorize John Oschwin, his associates and assigns, to construct and maintain a public toll road from Boonville, in Anderson Valley, to a point where the Anderson Valley and Ukiah trail intersects the State road in Ukiah Valley—have had the same under consideration, and are of the opinion that the privileges asked for by the bill are amply provided for, and can be obtained under the provisions of the general incorporation laws of the State; and are further of the opinion that special legislation should not be had when the general laws amply provide for the privileges asked by legislation—therefore recommend that it do not pass.

MOORE, Chairman.

Mr Batchelder, from the *Engrossing Committee*, reported back Assembly Bill No 429.

Mr Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Senate Bill No. 26—An Act relating to homesteads—respectfully report that they have considered the same and recommend its passage

The Committee have also considered Assembly Bill No 376—An Act to amend an Act entitled an Act concerning grand and trial jurors—approved April twenty-seventh, eighteen hundred and sixty-three. This bill is incorrect in form, and the committee have therefore prepared a substitute retaining the principle of the proposed amendment, which they herewith report and recommend its passage.

Also, Assembly Bill No. 438—An Act to abolish the office of Superintendent of Common Schools in the County of Calaveras, and to impose further duties on the County Judge of said county. This bill being plainly in conflict with Article Third of the Constitution, we recommend the indefinite postponement of the bill.

Also, Assembly Bill No. 435—An Act granting leave of absence from the State to Thomas R. Bard, Supervisor of Santa Barbara County—and recommend its passage, it being desired by the delegation from that county.

STEELE, Chairman.

The Speaker pro tem. appointed as

COMMITTEE ON SUNDAY LAWS,

Messrs. Mahon, Dwinelle, Dornin, Broderson and Mace.

REPORT.

Mr. Comte made the following report:

Mr. SPEAKER: The special committee to whom was referred Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland—and also certain petitions to define and establish the boundary lines between the City of Oakland and the Town of Brooklyn and the Encinal of Alameda, beg leave to report the following:

That they have had said bill and petitions under consideration, and report said bill, with certain amendments, which in the opinion of your committee will be acceptable to all parties interested. From a careful examination and investigation, your committee are of the opinion that sufficient ambiguities existed in the proposed boundaries of Oakland to warrant the investigation demanded by the San Francisco delegation, but at the same time your committee are fully satisfied that no blame can be attached to the author of the bill, and that there was no intention to encroach upon the rights of San Francisco, but there was an honest difference of opinion as to legal construction of ambiguous terms.

Your committee further report that by the Act of May fourth, eighteen hundred and fifty-two, entitled "An Act to incorporate the Town of Oakland, and to provide for the construction of wharves thereat," certain proprietary and jurisdictional boundaries were given, in describing which the following language occurs, to wit: "Thence down the southerly line of said creek or slough to its mouth in the bay;" that the petitioners desire this line to be defined and established as the middle of the channel of the navigable waters. By the aforesaid Act the land described within the boundaries therein named, between high tide and ship channel, are granted and released to said Town, now the City, of Oakland. Your committee are unanimously of the opinion that the Legislature has not the right to enlarge, diminish or change the limits defined by said Act of eighteen hundred and fifty-two, but that the question involved is one of legal construction, which can alone be settled and decided by the Courts, and therefore your committee do not deem it proper to suggest the amendment proposed by said petitioners.

COMTE, for Committee.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 20th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 106—An Act to pay for services rendered in the State Land Department.

Also, Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte.

Also, Assembly Bill No. 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works.

Also, Assembly Bill No 242—An Act to amend an Act entitled 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, approved February twentieth, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 21st, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved the following bills:

Assembly Bill No 120—An Act to limit the hours of labor

Also, Assembly Bill No. 153—An Act to provide for obtaining correct statements of the financial condition of the several counties of this State.

Also, Assembly Bill No. 303—An Act in relation to public schools in the City of Sacramento.

Also, Assembly Bill No 132—An Act to define the compensation of the Superintendent of Common Schools for the County of Lake

Also. Assembly Bill No. 55—An Act concerning the office of County Clerk of the City and County of San Francisco.

H. H HAIGHT. Governor.

The Governor returned, without his approval, Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's House, in Mendocino County. and to collect tolls for travel thereon.

[For reasons set forth, see Appendix.]

The message returning to the House the above bill without the Governor's approval was, on motion of Mr Batchelder, made the special order for next Wednesday, at twelve o'clock M.

On motion of Mr. Biggs, the rules were suspended and Assembly Bill No. 414 was ordered on top of file for Wednesday next.

REPORTS.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government, for the purpose of constructing public roads in said counties;

Also, Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Inez River, in Santa Barbara County, and to collect toll for travel thereon;

Also, Assembly Bill No. 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks;

Also, Assembly Bill No 150—An Act to amend an Act entitled an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six, so as to extend the provisions thereof in this Act provided;

Also, Assembly Bill No. 261—An Act to regulate the election of Supervisors in the County of Merced;

Also, Assembly Bill No. 283—An Act to provide for re-indexing the county records of San Mateo County;

Also, Assembly Concurrent Resolution No. 25, relative to the land granted to the State for the benefit of an agricultural college;

And this day, at fifteen minutes past twelve o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Concurrent Resolution No. 40, relative to securing the passage of a law by Congress granting aid to the Oroville and Virginia City Railroad Company.

Also, Assembly Bill No. 316—An Act to authorize the Supervisors of the City and County of San Francisco to compromise with the adverse claims to lots in Lafayette Park, and Alamo Square and Hamilton Square.

Also, Assembly Bill No 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County.

Also, re-engrossed Assembly Bill No 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

BATCHELDER, for Committee

Mr. Rollins (by request) introduced an affidavit of Daniel McLean, which was referred to the Committee on Claims.

On motion of Mr Green, the rules were suspended and the following bills were introduced:

By Mr. Green—An Act to provide for the management and sale of the lands belonging to the State.

Read first and second times and ordered printed.

By Mr. Angney—An Act for the removal and permanent location of the seat of government of the State of California.

Read first and second times, laid on the table and ordered printed.

By Mr. Mahon—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

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

By Mr Tully—An Act to encourage the destruction of wild animals and pay a bounty for the scalps thereof.

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

By Mr. Wand—An Act to provide for the removal of dead animals and to prevent nuisances in the City and County of San Francisco.

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

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Buckbee, the House adjourned.

J. J. O'MALLEY, Speaker pro tem.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 25th, 1868.

House met at two o'clock P M., pursuant to adjournment.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Friday last read and approved.

Messrs. Spencer, Biggs, Kelley, Ord, Mace, Mentzell, Middleton, James, Gildea and Gregory were granted leave of absence for one day.

PETITIONS.

Mr. Hayes presented the petition of Antonio Prieto, praying for the donation of lands on the plain bounded by the hills of Temescal and San Jacinto.

Received and referred to Committee on Public Lands.

Mr. Canavan presented a petition of citizens of San Francisco, which, he stated, was signed by fifteen hundred persons, praying the Legislature to memorialize Congress in favor of the passage of a law prohibiting the employment of persons on vessels propelled in whole or in part by steam, who are unacquainted with the English language.

Referred to the Committee on Federal Relations

Mr Coggins presented a petition from citizens of Amador County, praying for the removal of the State Capital to Jackson, in said county.

Referred to the Committee on Public Buildings and Grounds

Mr Farish presented a petition from citizens of Butte County, asking the Legislature to memorialize Congress in reference to Chinese or Mongolians.

Referred to the Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino

Also, Assembly Bill No. 420—An Act to fix the compensation of the Board of Supervisors of Tulare County

Also, Assembly Bill No 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters.

Also, Assembly Bill No. 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of ———, A. D eighteen hundred and sixty-six

Also, Assembly Bill No. 220—An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks.

Also, Assembly Bill No. 245—An Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty

Also, Assembly Bill No 244—An Act supplemental to an Act to authorize married women to execute powers of attorney, approved April thirteenth, eighteen hundred and sixty-three.

BATCHELDER, for Committee.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr SPEAKER: The Committee on Corporations, to whom was referred Senate Bill No. 331—An Act to confer on the City Council of the City of Oakland additional powers and to provide for an election in said city—have had the same under consideration, and report the bill back to the Assembly without recommendation.

MOORE, Chairman.

REPORTS OF SELECT COMMITTEES

Mr. Frisbie, from the Solano delegation, made the following report:

Mr. SPEAKER: The Solano delegation, to whom was referred Senate Bill No 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts for the election of District Assessors, and to define their duties, habilities and compensa-

tion, approved March twenty-sixth, eighteen hundred and sixty-six—beg leave to report the same back with the recommendation that it pass.

Also, Senate Bill No 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims—respectfully report the same back, with the recommendation that it pass.

Also, Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano—is respectfully reported back, with the recommendation that it pass

Also, Senate Bill No. 270—An Act to incorporate the Town of Suisun—beg leave to report the same back, with the recommendation that it pass.

FRISBIE, for Delegation.

Mr. Batchelder in the chair

Mr. Angney moved to refer Senate Bill No. 270 to the Committee on Corporations.

Carried.

Mr. Buckbee, from the Plumas and Lassen delegation, made the following report:

Mr. SPEAKER: Your committee, to whom was referred Senate Bill No. 92—An Act to provide for the payment of the debt of Lassen County—beg leave to report the same back, and recommend its passage without amendment.

BUCKBEE, for Delegation.

Mr. Angney, from the Special Committee on Fees and Salaries, made the following report:

Mr. SPEAKER: The Committee on Fees and Salaries, to whom was referred Assembly Bill No 424—An Act to fix the salaries and compensation of the County Judge, District Attorney and County Treasurer of the County of Alpine—have considered the same, and report it back with amendments and recommend its passage as amended.

ANGNEY, for Committee.

MOTIONS AND RESOLUTIONS.

Mr. Dwinelle offered the following resolution:

Resolved, That Senate Bill No. 119, being No. 57 on to-day's file, be taken from the file and referred to the Committee on Public Morals.

On the adoption of the resolution, the ayes and noes were demanded by Messrs Mahon, Farish and Dwinelle.

The vote was as follows:

AYES—Messrs. Ayer, Battelle, Bever, Bird, Brown of Tulare, Buckbee, Church, Connely, Dornin, Dryer. Dwinelle, Fairchild. Frisbie, Green, Jones, Lee, McElhany, Papy, Payne, Rollins, Smith, Steele, Waldron, White, Wolleb, Mr. Speaker—25.

NOES—Messrs. Angney, Batchelder, Canavan, Cochran, Comte, Crigler, Cureton, Days, Downer. Ellis, Farish, Hayes, Mahon, Martin, Meagher, Moore, Newell, Tully, Waud, Westmoreland, Willets—21.

So the resolution was adopted.

Mr. Westmoreland offered a concurrent resolution relative to the removal of Edwin M. Stanton from the position of Secretary of War.

Read first and second times.

Mr Westmoreland moved to suspend the rules for the purpose of adopting the resolution

The ayes and noes were demanded by Messrs. Waldron, Lee and Canavan

The vote was as follows:

AYES—Messrs Ayer, Batchelder, Battelle, Bever, Buckbee, Church, Coggins, Days, Dornin, Dryer, Jones, McElhany, Rollins, Smith, Waldron, Westmoreland, White—17.

NOES—Messrs. Angney, Bird, Brown of Tulare, Canavan, Cochran, Comte, Connely, Crigler, Cureton, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Green, Hayes, Lee, Mahon, Martin, Meagher, Moore, Newell, Newsom, O'Malley, Papy, Payne, Steele, Tully, Wand, Willets, Wolleb —31.

So the House refused

The resolutions were then referred to the Committee on Federal Relations

Mr. Wolleb moved to take up the following resolution, offered by him on Friday last:

Resolved, That on and after Wednesday, February twenty-sixth, this House shall meet each day of sitting at ten o'clock A. M., unless the House shall adjourn to some other hour.

Mr. Westmoreland moved to strike out the words "unless the House shall adjourn to some other hour"

The amendment was accepted, and the resolution adopted

Mr. Canavan offered a concurrent resolution relative to instructing the Senators and requesting the Representatives of this State to procure the passage of a law to prevent the employment of persons who do not speak the English language on board any vessel of the United States propelled by steam.

Read first and second times and referred to the Committee on Federal Relations.

SPECIAL ORDER.

At three o'clock P M. the special order was taken up.

Senate Bill No. 331—An Act to confer on the City Council of the City of Oakland additional powers, and to provide for an election in said city.

The bill was amended and passed, and title amended.

Mr. Ellis offered the following resolutions:

WHEREAS, The radical majority in the Congress of the United States are treasonably attempting to usurp the constitutional functions of the Executive and Judicial Departments of the Federal Government, and to that end are endeavoring, in defiance of the laws and traditions of our country, by violence, to remove from office the President of the United States; therefore, be it

Resolved by the Assembly of the State of California, That the people

of this State will now, as they have in the past, bear true faith and fealty to the Government of our fathers; that, by all legal and just means, they will sustain the President of the United States in the complete discharge of his duties.

Resolved, That we urge the President of the United States, in the name of our people—the freemen of the State of California—and in the name and in the behalf of the cause of constitutional liberty, to be firm and unbending in the maintenance of the rights of the Executive Department of the Government, and to that end we pledge him our undivided support.

Resolved, That the radical majority in the Congress of the United States have trampled upon and disregarded the great interests of the people, and instead of legislating to relieve the people from the burdens of taxation under which the entire industry of the country is suffering, are bending their united efforts to involve the country in the vortex of civil war, and, in the opinion of the Assembly of California, have proved themselves unworthy alike of the high positions they now occupy and of the confidence of the people.

Resolved, That his Excellency the Governor be directed to telegraph a copy of these resolutions to his Excellency, Andrew Johnson, President of the United States.

The Chair decided the resolutions out of order.

Mr Canavan appealed from the decision

Mr. Newsom asked leave of absence, which was granted.

On objection being made, leave was withdrawn.

Mr. Wand moved a call of the House

Carried.

The roll was called, and Mr. O'Malley found absent without leave.

Mr. O'Malley appeared and was admitted within the bar of the House.

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

On the question, Shall the decision of the Chair stand as the judgment of the House? the ayes and noes were demanded by Messrs. Westmoreland, Ellis and Canavan

The vote was as follows:

AYES—Messrs Battelle, Buckbee, Church, Coggins, Downer, Frisbie, Rollins, Waldron, Westmoreland, White—10.

NOES—Messrs. Angney, Ayer, Bever, Bird, Brown of Tulare, Canavan, Cochran, Comte, Connely, Crigler, Cureton, Days, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Green, Hayes, Jones, Lee, Lupton, Mahon, Martin, McElhany, Meagher, Moore, Newell, Newsom, Papy, Payne, Smith, Steele, Tully, Wand, Willets, Wolleb—38.

So the House refused.

Speaker pro tem in the chair

Mr. Coggins offered a substitute for the resolutions presented by Mr. Ellis.

Mr. Connely moved the previous question.

Carried.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Coggins, Buckbee and Dornin.

The vote was as follows:

AYES—Messrs. Ayer, Batchelder, Bever, Buckbee, Church, Coggins, Days, Dornin, Downer, Dryer, Dwinelle, Jones, McElhany, Rollins, Smith, Waldron, Westmoreland, White—18.

NOES—Messrs Angney, Bird, Brown of Tulare, Canavan, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Frisbie, Green, Hayes, Lupton, Mahon, Martin, Meagher, Moore, Newell, Newsom, O'Malley, Papy, Payne, Steele, Tully, Wand, Willets, Wolleb—30

So the substitute was rejected.

At three o'clock and fifty minutes P M. Mr. Dornin moved to adjourn. Lost

On the adoption of the resolutions offered by Mr. Ellis, the ayes and noes were demanded by Messrs Wand, Meagher and Cureton.

The vote was as follows:

AYES—Messrs Angney, Bird, Brown of Tulare, Canavan, Cochran, Comte, Connely, Crigler, Cureton, Dornin, Ellis, Fairchild, Farish, Green, Hayes, Lee, Lupton, Mahon, Martin, Meagher, Moore, Newell, Newsom, O'Malley, Papy, Payne, Steele, Tully, Wand, Westmoreland, Willets, Wolleb—32.

NOES—Messrs Ayer, Batchelder, Battelle, Bever, Buckbee, Church, Coggins, Days, Downer, Dryer, Dwinelle, Frisbie, Jones, McElhany, Rollins, Smith, Waldron, White—18.

So the resolutions were adopted.

At three o'clock and fifty-five minutes P. M. Mr Farish moved to adjourn

The ayes and noes were demanded by Messrs. Farish, Westmoreland and Wand.

The vote was as follows:

AYES—Messrs. Angney, Battelle, Bird, Brown of Tulare, Canavan, Church, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Frisbie, Green, Hayes, Lupton, Mahon, Martin, McElhany, Meagher, Moore, Newell, Newsom, O'Malley, Papy, Payne, Steele, Tully, Wand, Wolleb—32

NOES—Messrs. Ayer, Batchelder, Bever, Buckbee, Coggins, Days, Dornin, Downer, Dryer, Dwinelle, Jones, Lee, Rollins, Smith, Waldron, White, Willets—18.

So the motion was carried, and the House adjourned.

J. J O'MALLEY, Speaker pro tem.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 26th, 1868

House met pursuant to adjournment, at ten o'clock A. M.
The House was called to order by the Clerk.
Roll called
Quorum present.
On motion of Mr. Dornin, the House took a recess until eleven o'clock A. M.

REASSEMBLED.

At eleven o'clock A. M. the House reassembled.
Mr. O'Malley, Speaker pro tem., in the chair.
Roll called
Quorum present.
Prayer by the Chaplain
Journal of yesterday read
Mr. Westmoreland moved that the Journal be corrected, by inserting the substitute offered by Mr Coggins to the resolutions of Mr. Ellis, which the House adopted yesterday.
Carried
The following is the substitute offered by Mr. Coggins:

WHEREAS, The law-making power of the Federal Government is by the Constitution exclusively vested in the Congress of the United States; and

Whereas, repeated and flagrant attempts have been made by President Johnson to embarrass and overawe Congress in the exercise of this power, and to violate laws constitutionally passed by that body; and

Whereas, the President has persistently opposed all efforts on the part of Congress to reconstruct the Governments of the Southern States on a basis consistent with the issues determined and settled by the war; and

Whereas, the constitutional power of Congress to create and regulate the office of Secretary of War and other Cabinet offices has never heretofore been denied; and

Whereas, the President has attempted to remove from that office the present incumbent, Honorable Edward M Stanton, during the session of the Senate, in open and direct violation of the Tenure of Office Act; therefore,

Resolved, That, in the opinion of the Assembly, the present unlawful attempt of the President to remove the Secretary of War is deliberately designed by him to re-inaugurate civil war, for the purpose of overthrowing our republican form of government and of re-establishing American slavery, the relic of barbarism recently abolished by the conquest of arms, by a Presidential proclamation and by an amendment to the Constitution.

Resolved, That we regard the act of the President in attempting to remove the Secretary of War as a high crime and misdemeanor, for which he should be at once impeached by Congress.

Mr Dwinelle had leave of absence to attend to committee business.

Mr. Ables was granted leave of absence for one day.

Mr. Pardee was excused for absence on yesterday

On motion of Mr. Ayer, the rules were suspended to take up the following:

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 19th, 1868.

Mr SPEAKER: I am directed to inform the Assembly that the Senate on the fifteenth instant passed Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight.

JOHN WHITE, Secretary.

SENATE CHAMBER,
February 19th, 1868

Mr SPEAKER: I am instructed to inform your honorable body that the Senate on yesterday passed Senate Bill No. 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six

Also, Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Also, Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six

Also, Senate Joint Resolution No 45, relative to railroad lands.

Also, adopted Assembly Concurrent Resolution No 41, providing for printing report of State Prison Committee.

Also, adopted Senate Concurrent Resolution No. 54, providing for printing Agricultural Report

W. F. HUESTIS,
Assistant Secretary.

On motion of Mr Scudder, the rules were suspended and Assembly Bill No. 421—An Act for the more effectual prevention of cruelty to animals, and for the incorporation of a certain association under the name and style of the "California Society for the Prevention of Cruelty to Animals"—was withdrawn from the Committee on Public Morals and referred to the Committee on Corporations

On motion of Mr Rollins, Assembly Bill No. 84 was ordered to the top of the file for to-morrow.

SENATE MESSAGES RESUMED.

SENATE CHAMBER,
February 19th, 1868

Mr. SPEAKER: I am instructed to respectfully return to the Assembly, Senate substitute for Assembly Bill No. 55—An Act concerning the office

of County Clerk of the City and County of San Francisco—with the request that the same be returned to the Senate with the amendments adopted by the Assembly.

Also, to inform the Assembly that the Senate on the eighteenth instant concurred in Assembly amendments to Senate substitute for Assembly Bill No. 55, above referred to.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 19th, 1868

Mr. SPEAKER: The Senate on this day passed the following concurrent resolutions and bills:

Senate Concurrent Resolution No 48, relative to a mail route from Trinity Centre to Sawyer's Bar, in Klamath County.

Assembly Concurrent Resolution No 23, concerning a daily mail to Arcata, in Humboldt County, via Hydesville, Rohnerville and Eureka, from Petaluma

Assembly Concurrent Resolution No 24, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County.

Assembly Concurrent Resolution No. 26, asking postal facilities from Red Bluff, in Tehama County, etc.

Assembly Concurrent Resolution No 27, relative to the establishment of a mail route from Weaverville, in Trinity County, to Hydesville, in Humboldt County.

Assembly Bill No 278 (substitute for Assembly Bill No. 278)—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No 74—An Act to legalize the acts of the Board of Supervisors of Amador County whilst sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Assembly Bill No. 76—An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

Senate Bill No. 256—An Act to authorize the Board of Supervisors of El Dorado County to levy an additional tax for county purposes.

Assembly Bill No 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers for rafting logs and timber

Senate Concurrent Resolution No. 53, relative to obtaining aid from Congress for the San Diego and Gila Southern Atlantic and Pacific Railroad Company.

Also, on the fifteenth instant, under a suspension of the rules, passed Senate Bill No. 291—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Joint Resolution No. 45, above reported, was read first and second times and referred to the Committee on Public Lands.

Senate Concurrent Resolution No 54, above reported, was read and referred to the Committee on Printing.

Senate Bill No. 225, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 210, also Senate Bill No. 10, above reported, was read first and second times and referred to the Committee on Internal Improvements.

Senate substitute for Assembly Bill No. 55. above reported, was read first and second times.

Senate Concurrent Resolution No 48, above reported, was read first and second times and placed on file.

Senate Concurrent Resolution No. 53, above reported, was read first and second times and placed on file

Senate Bill No 291. above reported, was read first and second times and referred to the Committee on State Hospitals

Senate Bill No 256, above reported, was read first and second times and ordered to the top of the file for to-morrow.

Assembly Bill No. 76. above reported, was ordered back to the Senate, for the history of the bill to be corrected.

REPORT.

Mr Lee, Chairman of the Engrossing Committee, made the following report:

Mr Speaker: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 262—An Act to amend an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

Also, substitute for Assembly Bill No. 65—An Act to authorize L. F. Long, Moses C. Briggs, William Neely Johnson, and their associates, to construct and maintain a turnpike road from Cloverdale to or near Sanel, and charge and collect toll thereon.

Also, Assembly Bill No 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six

Also, Assembly Bill No. 441—An Act granting the right to convey water in pipes to supply the inhabitants of the Town of Oroville.

Also, Assembly Bill No 246—An Act to amend an Act entitled an Act in relation to probate sales, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No 446—An Act to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county

Assembly Bill No. 289—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 443—An Act to give additional powers to the Board of Supervisors of Santa Barbara County to levy a road tax.

Assembly Bill No 228—An Act to provide for the protection of the harbor of the City and County of San Francisco.

LEE, Chairman.

SPECIAL ORDER.

At twelve o'clock M the special order was taken up.

Assembly Bill No 137—An Act to amend section twenty-one of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker pro tem. in the chair.

Roll called

Quorum present.

Consideration of Assembly Bill No 137 was resumed

Mr Farish offered an amendment, which was accepted and adopted, by unanimous consent.

On the engrossment of the bill, the ayes and noes were demanded by Messrs Buckbee, Church and White

The vote was as follows:

AYES—Messrs Batchelder, Battelle, Bover, Bird, Brown of Contra Costa, Buckbee, Canavan, Cureton, Davies, Days, Dornin, Dwinelle, Farish, Green, Hayes, Jones, Lupton, Mahon, Middleton, Newsom, Papy, Pardee, Rollins, Scudder, Steele, Tully, Waldron—27

NOES—Messrs. Angney, Ayer, Biggs, Broderson, Brown of Tulare, Caldwell, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Downer, Dryer, Ellis, Fairchild, Frisbie, Gildea, Giltner, Gregory, James, Kelley, Lee, Mace, Martin Meagher, Mentzell, Moore, Morrow, Newell, O'Malley, Ord, Rector, Russ, Smith, Spencer, Spilman, Wand, Westmoreland, White, Willets, Wolleb—43

So the House refused to order the bill engrossed.

On motion of Mr. Brown of Contra Costa, Assembly Bill No. 209 was taken from the table and ordered on file for to-morrow.

Mr. Frisbie moved to suspend the rules to take up Senate Bill No. 202.

Lost, on a division.

SECOND SPECIAL ORDER.

Assembly Bill No. 33, returned to the Assembly by the Governor without his approval.

Mr Canavan moved to postpone and make consideration of the veto message the special order for to-morrow at two o'clock P M

At four o'clock and thirty-five minutes P. M, Mr. Dornin moved to take a recess until seven o'clock this evening.

Lost

At four o'clock and thirty-six minutes P M, Mr. Dwinelle moved to adjourn.

The question was taken *viva voce*

A division was called for.

The question was again taken *viva voce*

Mr Dwinelle rose to a point of order, that no division had been had, as called for

Mr Lupton, in the chair, decided the vote *viva voce* was equivalent to a division, stating the vote was very positive, and overruled the point of order.

Mr Dwinelle appealed.

The question being, Shall the decision of the Chair stand as the judgment of the House? the House refused to sustain the Chair

The question being on the motion of Mr Dwinelle to adjourn, the motion prevailed on a division, and the House at four o'clock and thirty-eight minutes P. M. stood adjourned.

J. J. O'MALLEY, Speaker pro tem.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 27th, 1868

House met pursuant to adjournment

Mr O'Malley, Speaker pro tem, in the chair.

Roll called

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs Ables and Farish were granted leave of absence, on account of sickness

Mr Dwinelle had leave of absence for the remainder of the day on committee business.

Mr Middleton moved to suspend the rules to take up Senate Concurrent Resolution No 57.

Lost.

GENERAL FILE.

Assembly Bill No. 84—An Act to authorize and empower E. H. Schwatka, of Siskiyou County, to take from the State Prison at San Quentin a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads along and over the mountains of Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support

Mr Martin was granted leave of absence until two o'clock P. M.

Mr. Moore moved the previous question.

Sustained.

The bill was ordered engrossed.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 67—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County, and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Bill No 74—An Act to legalize the acts of the Board of Supervisors of Amador County, whilst sitting as a Board of Equalization, for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven;

Also, Assembly Bill No 165—An Act to authorize Z B Heywood and J H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County;

Also, Assembly Bill No 278—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars, due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Concurrent Resolution No. 7—Memorial concerning lands to be granted to certain counties therein named for the purpose of constructing roads;

And on this day, at forty-five minutes past ten o'clock, presented the the same to the Governor for his approval

AYER, for Committee.

Mr Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed. Assembly Bill No 352—An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company, a corporation organized and working under the general Railroad Laws of this State, and to provide for the payment of said bonds

Also, Assembly Bill No. 107—An Act to incorporate the City of Monterey.

BATCHELDER, for Committee.

Mr. Frisbie moved a suspension of the rules to take up Senate Bill No. 202.

Lost.

GENERAL FILE RESUMED.

Assembly Bill No. 414—An Act to amend the Act of March sixteenth, eighteen hundred and sixty-four, entitled an Act relating to the office of District Attorney of the County of Sacramento.

Mr. Coggins offered a substitute.

Mr. Angney presented a remonstrance of the Mayor and Trustees of the City of Sacramento against the passage of the bill, which was read.

Mr Connelly moved the previous question.

Sustained.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Coggins, Biggs and Lee.

The vote was as follows:

AYES—Messrs Angney, Ayer, Batchelder, Battelle, Bever, Bird, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Jones, Morrow, Oliver, Rollins, Smith, Waldron, White—24

NOES—Messrs Biggs, Broderson, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Fairchild, Frisbie, Gildea, Giltner, Gregory, Green, James, Kelley, Lee, Mace, Mahon, Mardis, Mattingly, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Papy, Payne, Russ, Scudder, Spilman, Tully, Wand, Warfield, Westmoreland, Willets, Wolleb—42.

So the substitute was rejected

On the engrossment of the bill, the ayes and noes were demanded by Messrs Coggins, Clark and Buckbee.

The vote was as follows:

AYES—Messrs. Biggs, Bird, Broderson, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Fairchild, Frisbie, Gildea, Giltner, Gregory, Green, James, Kelley, Lee, Mace, Mahon, Mardis, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Papy, Payne, Russ, Scudder, Spilman, Wand, Warfield, Willets, Wolleb—40.

NOES—Messrs Angney, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Jones, Moore, Morrow, Oliver, Rollins, Smith, Tully, Waldron, Westmoreland, White—26.

So the bill was ordered engrossed.

Mr. Biggs moved to suspend the rules, consider the bill engrossed and put on its passage.

The ayes and noes were demanded by Messrs. Church, White and Days.

The vote was as follows:

AYES—Messrs. Biggs, Bird, Broderson, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Dwinelle, Ellis, Fairchild, Gildea, Giltner, James, Kelley, Lee, Mace, Mahon, Mardis, Mattingly, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Papy, Payne, Russ, Scudder, Spilman, Wand, Warfield, Willets, Wolleb—40

NOES—Messrs. Angney, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Dryer, Gregory, Green, Jones, Morrow, Oliver, Rollins, Smith, Tully, Waldron, Westmoreland, White—26.

The motion was lost, not two thirds voting in the affirmative.

The Committee on Public Buildings and Grounds and the Committee on Military Affairs were granted leave to retire to attend to committee affairs

Senate Bill No. 256—An Act to authorize the Board of Supervisors of El Dorado County to levy an additional tax for county purposes.

Read a third time and passed.

On motion of Mr. Waldron, Assembly Bill No 124 was taken from the file and laid on the table

Assembly Bill No 358—An Act to provide for the protection of stock from contagious diseases.

Mr. Moore moved to strike out section three.

Mr. Warfield moved to amend by striking out the enacting clause.

At one o'clock P. M. the House took a recess

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker pro tem. in the chair.

Roll called

Quorum present

Consideration of Assembly Bill No. 338 was resumed.

Mr. Connely moved to lay the bill on the table.

Lost

Mr. Warfield, by leave, withdrew his motion.

The bill was referred to the Judiciary Committee.

Mr Brown of Tulare in the chair

Assembly Bill No 359—An Act to provide for the appointment of a Chaplain for the State Prison.

Mr O'Malley moved to indefinitely postpone the bill.

Mr Moore moved the previous question.

Sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs Mentzell, Gildea and Giltner.

The vote was as follows:

AYES—Messrs Broderson, Buckbee, Caldwell, Clark, Comte, Connely, Days, Fairchild, Gildea, Giltner, Hayes, Lee, Mahon, Mardis, Mattingly, Meagher, Mentzell, Newsom, O'Malley, Russ, Tully, Wand—22.

NOES—Messrs Angney, Ayer, Battelle, Bever, Bird, Brown of Contra Costa, Church, Cochran, Coggins, Crigler, Cureton, Davies, Dornin, Downer, Dryer, Ellis, Gregory, Green, Jones, Kelley, Martin, McElhany, Middleton, Moore, Morrow, Oliver, Ord, Pardee, Payne, Rollins, Smith, Spencer, Spilman, Waldron, Warfield, Westmoreland, Willets—37.

So the House refused.

Motions were made by several members.

Mr. Gildea rose to a point of order, that under the operation of the previous question nothing was now in order but the question of engrossment.

Sustained

On the engrossment of the bill, the ayes and noes were demanded by Messrs Cureton, O'Malley and Clark

Mr Tully rose to a point of order, that the motion to indefinitely postpone having been lost advanced the bill one stage, and was equivalent to engrossment.

Sustained

Mr. Gildea rose to a point of order, that the question of indefinite postponement does not affect the question of engrossment.

Overruled.

Mr. Gildea appealed from the decision of the Chair.

The House refused to sustain the decision.

The vote, as demanded, by ayes and noes, was now taken, and the bill ordered engrossed by the following vote:

AYES—Messrs Angney, Ayer, Battelle, Bever, Bird, Brown of Contra Costa, Church, Cochran, Coggins, Crigler, Cureton, Davies, Dornin, Downer, Dryer, Ellis, Gregory, Green, Hayes, Jones, Kelley, Martin, McElhany, Middleton, Moore, Morrow, Oliver, Pardee, Payne, Rollins, Smith, Spencer, Spilman, Waldron, Warfield, Westmoreland, Willets—37.

NOES—Messrs. Broderson, Buckbee, Caldwell, Clark, Comte, Connely, Days, Fairchild Gildea, Giltner, Lee, Mahon, Mardis, Mattingly, Meagher, Mentzell, Newsom, O'Malley, Russ, Tully, Wand—21

On motion of Mr Brown of Contra Costa, Assembly Bill No. 314 was withdrawn from the further consideration of the House

On motion of Mr Broderson, Assembly Bill No. 335 was also withdrawn.

Senate Bill No 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Referred to the Committee on Education

Under a suspension of the rules, Mr. Green offered the following resolution:

Resolved, That the Committee on Education be and are hereby authorized to employ a clerk, for such time as they shall deem necessary.

Adopted.

REPORT.

Mr. Mahon, Chairman of the Committee on Public Printing, by leave, made the following report:

Mr. SPEAKER: The Committee on Public Printing, to whom was referred Senate Concurrent Resolution No 54, relative to printing Agricultural Reports, have examined the same, and find that the number of copies ordered by this resolution is the same as has heretofore been ordered, and therefore your committee recommend the passage of the resolution.

MAHON, Chairman.

Senate Concurrent Resolution No. 54, above reported, was adopted in concurrence.

Mr Giltner moved to take up Assembly Bill No. 458.

Mr Meagher moved a suspension of the rules, for the same purpose.

Lost, on a division.

Speaker pro tem in the chair.

Assembly Bill No. 447—An Act to re-district the County of Los Angeles, and provide for the election of Supervisors.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 306—An Act granting to the City of Monterey the water front of said city, in the Bay of Monterey.

Mr. Pardee moved to refer to the Committee on Commerce and Navigation.

Lost.

Amendments adopted, and bill ordered engrossed.

At three o'clock and thirty-five minutes P. M. Mr. Westmoreland moved to adjourn.

Lost.

Senate Bill No. 147 (substitute for Senate Bill No. 147)—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six.

Laid on the table.

Assembly Bill No. 158—An Act to amend an Act to exempt homestead and other property from forced sales in certain cases.

Indefinitely postponed

Assembly Bill No. 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Bird moved to suspend the rules to take up Assembly Bill No 468.

Lost.

Senate Bill No 159—An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco.

Read a third time and passed.

Senate Bill No. 187—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Brannan and King streets, in said city and county.

Read a third time and passed.

Mr. Dwinelle moved to suspend the rules to take up Assembly Bill No. 468.

Lost.

Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey.

Amendments adopted.

Mr. Dwinelle moved to refer to the Committee on Commerce and Navigation.

The question was put—no quorum voting.

At four o'clock and thirteen minutes P. M., Mr. Papy moved to adjourn.

Lost, on a division.

Mr. Buckbee rose to a point of order, that the bill could not be referred without special instructions.

Overruled.

The question to refer to the Committee on Commerce and Navigation was lost, on a division.

At four o'clock and fifteen minutes P. M., Mr. Dwinelle moved to adjourn.

On the question, the ayes and noes were demanded by Messrs. Dwinelle, Ayer and Gildea

The vote was as follows:

AYES—Messrs. Ayer, Broderson, Clark, Cochran, Coggins, Cureton, Dryer, Dwinelle, Fairchild, Mahon, McElhany, Newell, Pardee, Rollins, Russ, Spencer, Westmoreland—17

NOES—Messrs. Angney, Battelle, Bever, Bird, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Comte, Connely, Crigler, Davies,

Days. Ellis. Gildea. Giltner, Gregory, Green, Hayes, Jones, Kelly, Mace, Mardis, Martin. Mattingly, Meagher. Mentzell, Middleton, Moore, Morrow, Newsom, Oliver, Papy. Scudder, Smith, Spilman, Tully, Waldron, Wand, Willets—40.

So the House refused.

The bill was read a third time and passed

At four o'clock and twenty minutes P. M., Mr. Ayer moved to adjourn.

Lost

Assembly Bill No 226 (substitute for Assembly Bill No 226)—An Act to provide funds to be applied to building a hospital in the City and County of San Francisco

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Also, Assembly Bill No 458—An Act to reduce the indebtedness of the County of Mariposa

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 448—An Act to stay the collection of certain taxes in Fresno County.

Rules suspended, bill considered engrossed, read a third time and passed

At four o'clock and thirty-seven minutes P. M., Mr. Westmoreland moved to adjourn

Lost, on a division

Assembly Bill No. 250—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five

Read a third time and passed

At four o'clock and forty-six minutes P M., Mr. Buckbee moved to adjourn

Lost, on a division.

Mr. Buckbee had leave of absence for the remainder of the day.

At four o'clock and fifty-two minutes P. M., Mr. Meagher moved to adjourn.

Lost

On motion of Mr. Westmoreland, at four o'clock and fifty-five minutes, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 28th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Angney was granted leave of absence for a few hours.

PETITIONS.

Mr. Brown of Contra Costa presented a remonstrance of citizens of Contra Costa County against any change of the Fence Law so as to affect said county

Received and referred to the Committee on Agriculture.

Mr Tully presented a remonstrance of citizens of Alpine County against the passage of a law authorizing the Board of Supervisors of Alpine County to collect toll on lumber, saw-logs, etc, rafted down Carson River, in said county.

Laid on the table

Mr Downer presented the petition of citizens of Table Rock Township, Sierra County, praying for the passage of a law creating a State Board of Equalization for the purpose of equalizing the assessments of property throughout the State.

Referred to the Committee on Revenue

REPORTS OF STANDING COMMITTEES.

Mr. Crigler, Chairman of the Committee on State Prison, made the following report:

Mr. SPEAKER: Your committee, to whom was referred Senate Bill No. 153—An Act concerning the insane convicts at the State Prison—beg leave to report that they have had the same under consideration, and report the same back without amendment, and recommend the passage of the bill.

CRIGLER, Chairman.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No 475—An Act to encourage the destruction of wild animals and pay a bounty for the scalps thereof—have had the same under consideration, and respectfully report it back to the Assembly with amendments, and recommend the passage of the bill as amended.

Also, Assembly Bill No 353—An Act for the preservation of fish and game—report the bill back and recommend that it be indefinitely postponed

Also, Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and firearms—which was re-referred to said committee, report the same back and recommend its passage.

KELLEY, Chairman.

Mr Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No 351—An Act supplementary to an Act entitled an

Act for the encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two—have had the same under consideration, and the committee beg leave to report the bill back to the Assembly without recommendation

The committee have also had under consideration the petition of Joseph Neumann, memorializing the Legislature on the subject of silk manufacturing in the State of California, and return the same to the Assembly, and recommend that the petition be printed for the use of the Legislature.

KELLEY, Chairman.

[For Mr. Neumann's memorial, see Appendix.]

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bills Nos. 145, 146 and 147, relating to Grand Juries, report them back, with an amendment to Bill No 147, and in a lengthy report, signed by Messrs Steele, Papy, Buckbee, Moore, Dwinelle, Comte, Hayes and Cureton, recommend their passage

[For report, see Appendix.]

Mr Brown of Contra Costa made a verbal minority report, dissenting from the views of the majority of the committee, as set forth in their report.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr SPEAKER: The Committee on the Judiciary have considered Assembly Bill No 462—An Act supplementary to an Act entitled An Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty—and recommend its indefinite postponement

Also, Assembly Bill No 463—An Act to amend an Act concerning grand and trial jurors—and recommend that it be indefinitely postponed.

Also, Assembly Bill No 379—An Act to amend an Act for the relief of insolvent debtors and protection of creditors, passed May fourth, eighteen hundred and fifty-two

Congress having exercised the power conferred upon it by the Constitution by the passage of a general Bankrupt Law, the committee are of opinion that State legislation upon the subject will be of no effect, and they therefore recommend the indefinite postponement of the bill.

The committee have also considered Senate Bill No. 2—An Act explanatory of and supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—and report the same with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County—and recommend its reference to the Committee on Claims.

STEELE, Chairman.

Mr Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered and herewith report Assembly Bill No. 269—An Act to amend an Act enti-

tled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—and recommend its passage, with the amendments made by the Committee.

Also, Assembly Bill No 402—An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three This bill is amendatory of the same section of the Act as Assembly Bill No 269, above reported; and the committee recommend that it do not pass.

Also. Assembly Bill No 409—An Act entitled an Act to amend an Act defining the rights of husband and wife. passed April seventeenth, A. D eighteen hundred and fifty—and recommend its passage, with an amendment to the title

Also. substitute for Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, approved April fourth, eighteen hundred and sixty-four—and recommend its passage

Also, Assembly Bill No. 426—An Act to condemn lands in all cases where corporations are interested—and recommend its passage

Also. Assembly Bill No. 257—An Act to amend an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty—and recommend that it do not pass.

Also, Assembly Bill No 442—An Act supplementary to and amendatory of an Act concerning offices. approved April twenty-second, eighteen hundred and sixty-three. and the various Acts supplementary to and amendatory thereof—and recommend its passage, with the amendments made by the committee

STEELE, Chairman.

Mr. Newell, Chairman of the Committee on Internal Improvements, made the following report:

Mr Speaker: The Committee on Internal Improvements, to whom was referred Assembly Bill No. 455—An Act to authorize John Dolbear, William Carson, David R Jones and Hans H. Buhne, or their assigns, to construct and maintain dams. booms and piers on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same—report the same back with an amendment, and recommend that it pass as amended.

NEWELL, Chairman.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. Speaker: The Committee on Commerce and Navigation. to whom was referred Senate Bill No 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty; also, Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh. A D. eighteen hundred and fifty-three—report the same back and recommend their passage.

Also. Assembly Bill No. 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey—and recommend its passage.

MIDDLETON (Chairman),
DORNIN.

Mr Moore, Chairman of the Committee on Corporations, made the following report:

Mr SPEAKER: The Committee on Corporations, to whom was referred Senate Bill No 286—An Act to amend an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four—have had the same under consideration, and return the bill back to the Assembly without recommendation

MOORE, Chairman.

The bill was placed on file.

Mr. Hayes reported a substitute for an Act concerning the San Diego and Gila Southern Pacific Railroad Company, and to extend the time for performing certain acts—recommending its passage

The substitute was referred to the Committee on Corporations, and the report ordered printed.

[For report, see Appendix.]

REPORTS OF SELECT COMMITTEES.

Mr Green, from the Colusa and Tehama delegation, made the following report:

Mr. SPEAKER: The Colusa and Tehama delegation, to whom was referred Senate Bill No. 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town, in accordance with their respective interests—have had the same under consideration, and beg leave to report the same back with amendments, and recommend its passage as amended.

GREEN, for Delegation.

Mr. Mahon, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 32—An Act to authorize Leopold Miller, Charles Lux and others to establish and maintain slaughter-houses, etc—have had the same under consideration, and the following members of the delegation (a majority thereof) report the bill back and recommend its passage.

BRODERSON,
SCUDDER,
RUSS,
FARISH,
CANAVAN,
WAND,
MAHON.

Mr Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The undersigned, a minority of the San Francisco delegation, ask leave to make the following report in relation to Assembly Bill No 32—An Act to authorize Leopold Miller, Charles Lux and others to establish and maintain slaughter-houses within certain limits of the City and County of San Francisco.

They are opposed to the passage of the bill for the following reasons:

First—That the franchise is proposed to be granted upon tide lands belonging to the State, without any consideration therefor, and that there is no reason why this privilege should be granted to the butchers named in this bill more than to any other class of citizens

Second—That the odors arising from slaughter-houses situated in the locality named in this bill will, by the prevailing winds, be driven directly across the city.

Third—That in bringing stock to be slaughtered at that locality, it must necessarily be driven across the city, unless it shall be brought there by water.

Fourth—That the Board of Supervisors of the City and County of San Francisco have fixed upon a place in the southern part of the city for the butchers to locate their business.

They recommend, therefore, that the bill do not pass.

CONNELY,
MIDDLETON.

Mr. Brown of Contra Costa made the following report:

Mr. SPEAKER: The Contra Costa delegation have had under consideration, severally, Bill No. 366—An Act to authorize the improvement of Walnut Creek, in Contra Costa County;

Also, Assembly Bill No. 365—An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six;

And recommend their passage.

Also, Senate Bill No. 173 is reported back with amendments, and its passage recommended as amended.

Also, Assembly Bill No. 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa—is reported back with amendments, and its passage recommended as amended.

BROWN, for Delegation.

Mr. Batchelder, from the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba—approved April second, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report a substitute for said bill and recommend the passage of the same.

BATCHELDER, for Delegation.

Mr Coggins, from the Sacramento delegation, made the following report:

Mr SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No 454—An Act concerning roads and highways in the County of Sacramento—have had the same under consideration, and respectfully recommend that it pass, with accompanying amendment.

COGGINS,
LEE,
WOLLEB,
COMTE.

Mr Church, from the Committee on Fees and Salaries, made the following report:

Mr. SPEAKER: The Committee on Fees and Salaries, to whom was referred Senate Bill No. 39—An Act to amend an Act entitled an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six—have had the same under consideration, and report it back and recommend its passage.

ANGNEY, for Committee.

The bill was referred to the Butte County delegation

Mr Church, from the Committee on Fees and Salaries, made the following report:

Mr SPEAKER: The Committee on Fees and Salaries, to whom was referred the resolution to inquire into the expediency of reporting a bill to regulate (and as far as practicable to equalize) the salaries of the several county officers, to fix salaries in counties in which salaries should be substituted for fees, to examine the propriety of consolidating such offices as may be united with benefit to the public, and to report a fee bill which shall, as far as practicable, apply equally to the different counties, recommending a uniform system of salaries, as far as practicable, etc.

ANGNEY,
CHURCH,
DAVIES,
STEELE.

The report and bill were ordered printed.

Mr. Westmoreland made the following report:

Mr SPEAKER: The special committee heretofore appointed by the Speaker of this House, and charged with the compilation of certain statistics relating to the financial condition of the several counties of the State, have performed, to the best of their ability, the arduous and troublesome duty assigned them, and herewith report, in the form of a tabular statement, the information called for.

The statistics here submitted have been procured, in most instances,

by corresponding directly with the county and township officers of the several counties of the State, and when not so procured, other sources of information have been reached. As a whole, the tabular statement is deemed to be correct.

The committee abstain from any special comment on the figures so submitted.

The tables furnish their own argument as to the deplorable financial condition of a large majority of the counties of California. It is believed that the publication of this table will strikingly and conclusively strengthen the popular desire for immediate reformation in all matters herein alluded to. One thing seems certain: there must be an early change in all matters of county expenditures, or many counties will be hopelessly bankrupt.

WESTMORELAND, Chairman.

The usual number of copies of the report and tabular statement accompanying the same were ordered printed.

[For report and statement, see Appendix.]

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. Speaker: The San Francisco delegation have had under consideration the following bills, which were referred to them, and ask leave to report as follows:

Senate Bill No. 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board. They have amended the bill and recommend its passage as amended.

Assembly Bill No. 476—An Act to provide for the removal of dead animals and to prevent nuisances in the City and County of San Francisco. They recommended the passage of the bill.

Assembly Bill No. 452—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco, and issuing process on the same. They have amended the bill and recommend its passage as amended.

Assembly Bill No. 418—An Act to lower the grade of Sansome street, from Broadway street to Lombard street, in the City of San Francisco. They have amended the bill and recommend its passage as amended.

Assembly Bill No. 197—An Act concerning the office of Recorder of the City and County of San Francisco. They have amended the title of the bill and recommend its passage as amended.

Assembly Bill No. 57—An Act to repeal an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four. They have amended the bill and recommend its passage as amended.

Assembly Bill No. 225—An Act concerning railroad companies in the City and County of San Francisco. They have made an amendment to the bill and recommend its passage as amended.

CONNELY, for Delegation.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No 205—An Act to authorize Titus Hale, Austin Walrath, William McCall and Richard P Tenney, their associates and assigns, to construct a railroad from the City of Monterey to the Rancho Natividad, and to construct a wharf at the City of Monterey;

Also, Assembly Concurrent Resolution No. 23, concerning a daily mail to Arcata, in Humboldt County, via Hydesville, Rhonerville and Eureka, from Petaluma;

Also, Assembly Concurrent Resolution No. 24, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County;

Also, Assembly Concurrent Resolution No 27, relative to the establishment of a mail route from Weaverville, in Trinity County, to Hydesville, in Humboldt County;

And this day, at fifteen minutes past ten o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 26th, 1868

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six, so as to extend the provisions thereof as in this Act provided.

Also, Assembly Bill No 283—An Act to provide for re-indexing the county records of San Mateo County.

Also, Assembly Bill No 49—An Act to authorize the several counties of this State to receive grants of land from the United States Government for the purpose of constructing public roads in said counties

Also, Assembly Bill No 261—An Act to regulate the election of Supervisors in the County of Merced.

Also, Assembly Bill No 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

On motion of Mr Batchelder, the Governor's Message, returning to the House, Assembly Bill No. 33, without his approval, was taken up

The message was read

The question being, Shall the bill pass notwithstanding the Governor's objections? the roll was called, and the House refused, by the following vote:

AYE—Mr. Westmoreland.

NOES—Messrs Ables, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, Green, James, Jones, Kelly, Lee, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Scudder, Smith, Spencer Spilman, Steele, Tully, Waldron, Warfield, White, Willets, Wolleb, Mr. Speaker—70.

Mr. Westmoreland offered the following resolution:

Resolved, That the Controller of State is hereby directed to draw a warrant in favor of Joseph Middlemiss, payable out of the Contingent Fund of the Assembly, for the sum of thirty-two dollars, in payment of his services in compiling statistics received by the special committee appointed to inquire into the financial condition of the several counties of this State.

Adopted.

On motion of Mr. Smith, substitute for Senate Bill No 147 was taken from the table and ordered to the top of the file for to-morrow.

Mr. Dwinelle offered the following resolution:

Resolved, That Assembly Bill No 344 on to-day's file, entitled an Act to grant a new charter to the City of Oakland, be taken from the file and laid upon the table.

Adopted.

On motion of Mr. Cureton, Assembly Bill No. 405 was taken from the file and laid on the table.

On motion of Mr. Waldron, Assembly Bill No 460 was taken from the file and referred to the Committee on State Prison.

Mr. Brown of Contra Costa moved to print the usual number of copies of Assembly Bill No. 461.

Agreed to.

REPORT.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 414—An Act to amend the Act of March sixteenth, eighteen hundred and sixty-four, entitled an Act relating to the office of District Attorney of the County of Sacramento.

Also, Assembly Bill No 458—An Act to reduce the indebtedness of the County of Mariposa

Also, Assembly Bill No 84—An Act to authorize and empower E A. Schwatka of Siskiyou County, California, to take from the State Prison at San Quentin a number of State Prison convicts not exceeding one hundred, for the purpose of constructing roads along and over the moun-

tains of Siskiyou, Klamath. Del Norte and Humboldt Counties and to provide for their care and support.

LEE, Chairman

Mr Green offered a resolution to print two hundred and forty additional copies of Assembly Bill No 474.

Laid over one day, under the rules

The memorial of Joseph Neumann, accompanying the report of the Committee on Agriculture, was ordered printed.

The following resolution was taken up and adopted:

Resolved, That the State Controller be and he is hereby authorized to draw his warrant in favor of the following parties, for the sums set opposite their names, for mileage to and from San Francisco on committee duty in relation to the Harbor Commissioners:

Names.	Amounts.
Brown of Tulare	$46 80
Moore	46 80
Scudder	46 80
Rollins	46 80

On motion of Mr Brown of Contra Costa, Assembly Bill No. 453 was taken up, under a suspension of the rules

The bill was amended by inserting an enacting clause and again passed, by unanimous consent

Mr. Comte offered the following resolution:

Resolved, That the pay of the Clerk of the Judiciary Committee be fixed at eight dollars per day from the day of his appointment, payable out of the Contingent Fund of the Assembly.

The rules were suspended and the resolution adopted.

Mr White offered a resolution denying the right to demand the previous question by any member who has spoken once upon the question under discussion.

Laid over one day, under the rules.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 21st, 1868

Mr SPEAKER: I am instructed to inform the Assembly that the Senate on yesterday concurred in Assembly Concurrent Resolution (substitute for Senate Concurrent Resolution No. 51) relative to adjourning in honor of the one hundred and thirty-sixth anniversary of the birth of Washington

Also, concurred in Assembly Concurrent Resolution No. 42, accepting

invitation from the Mayor and Common Council of the City of Oakland to visit that city on the twenty-second instant.

Also, amended and passed Assembly Bill No. 374—An Act to provide for the payment of outstanding indebtedness in Fresno County

Also, passed Assembly Bill No. 162—An Act to authorize J. E Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, in Santa Cruz County.

Also, amended and passed Assembly Bill No. 256—An Act to provide for the collection of the revenue in and for Lake County and other matters relating thereto

Also, passed Senate Bill No 236—An Act to amend an Act entitled an Act concerning public ferries and bridges, approved April eighteenth, eighteen hundred and fifty-five.

Also, Senate Bill No 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

Also, Senate Bill No. 314—An Act to amend an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No 317—An Act concerning the Clerk of the Board of Supervisors of Napa County.

Also, refused to concur in Assembly amendment to Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the highlands

Also, passed Senate Bill No 307—An Act granting leave of absence to Geo. N. Whitman, District Attorney of Mono County.

Also, Senate Bill No 330—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against the same.

Also, Senate Concurrent Resolution No 46 relative to the establishment of a daily mail route from Latrobe, in El Dorado County, to Ione City, in Amador County, and the establishment of a Post Office on said mail route.

W F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 25th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on the twentieth instant passed substitute for Senate Bill No. 14—An Act to amend section nine of an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six.

Also, Senate Bill No 275—An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 26th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on this day passed, under a suspension of the rules, and ordered transmitted immediately to the Assembly, Senate Joint Resolution No 57 and memorial of the Legislature of California, instructing our Senators and requesting our Representatives in Congress to ask aid for the Southern Pacific Railroad.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 26th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on yesterday passed the following bills:

Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of Feather, Sacramento and San Joaquin Rivers and their tributaries.

Assembly Bill No. 102 (substitute for Assembly Bill No. 102)—An Act granting to the mining counties of this State foreign miners' tax collected in said counties severally

Assembly Bill No 301—An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six

Assembly Bill No. 363—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No. 360—An Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven.

Assembly Bill No 311—An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees.

Assembly Bill No. 207 (substitute for Assembly Bill No. 182)—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six.

Also, amended and passed Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eleventh, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four.

Also, amended and passed Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes.

Also, concurred in Assembly Joint Resolution No. 8, relative to erecting a lighthouse at the Town of Trinidad.

Also, passed Senate Concurrent Resolution No. 50, relative to the acquisition of British Columbia.

Also, passed Senate Bill No 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County

Also, indefinitely postponed Assembly Bills Nos. 217 and 174

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 27th, 1868.

Mr SPEAKER: The Senate on the twenty-fifth instant passed Senate Bill No. 342—An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges.

W. F. HUESTIS,
Assistant Secretary.

HOUSE OF ASSEMBLY,
February 28th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 115—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.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

The Assembly concurred in Senate amendment to Assembly Bill No. 76, above reported.

Senate substitute for Assembly Bill No. 139, above reported, was read first and second times and referred to the Judiciary Committee.

The Assembly concurred in Senate amendment to Assembly Bill No. 374, above reported.

The Assembly concurred in Senate amendment to Assembly Bill No. 256, above reported.

Senate Bill No. 236, above reported, was read first and second times and referred to the Committee on Roads and Highways.

Senate Bill No. 315, above reported, was read first and second times and referred to the Napa and Lake County delegations.

Senate Bill No. 317, above reported, was read first and second times and referred to the Napa and Lake County delegations.

Senate Bill No 314, above reported, was read first and second times and referred to the Butte County delegation

Senate Bill No 330, above reported, was read first and second times and referred to the Butte County delegation.

Senate Bill No. 66 was read, and the House receded from its amendment to the bill.

Senate Bill No. 307, above reported, was read first and second times and referred to the Inyo delegation.

Senate Concurrent Resolution No. 46, above reported, was read first and second times and placed on file.

Substitute for Senate Bill No. 14, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No 275, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Joint Resolution No. 57, above reported, was read first and second times and, by unanimous consent of the House, passed to its third reading.

Mr. Waldron moved the previous question.

Sustained.

Resolution passed

Senate Concurrent Resolution No 50, above reported, was read first and second times and referred to the Committee on Federal Relations.

Senate Bill No 251, above reported, was read first and second times and referred to the Sonoma delegation.

The Assembly concurred in Senate amendment to Assembly Bill No. 167, above reported

The Assembly concurred in Senate amendment to Assembly Bill No. 6, above reported.

Senate Bill No 342, above reported, was read first and second times and referred to the Committee on Internal Improvements.

NOTICES.

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

By Mr. Days—An Act to provide for the collection of foreign miners' tax.

By Mr. Giltner—An Act repealing an Act entitled an Act to provide a special fund for the construction of the State Capitol building at the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three

Also, an Act to provide for the speedy completion of the State Capitol building, approved March second, eighteen hundred and sixty-six.

SECOND READING AND REFERENCE OF BILLS.

Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers.

Read first and second times and laid on the table until printed.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. O'Malley—An Act to provide for the disposition of certain lands in the City and County of San Francisco, State of California.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, 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.

By Mr. White—An Act amendatory of and supplementary to an Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada, approved March second, eighteen hundred and sixty-four.

Read first and second times and referred to the Nevada delegation

By Mr. Bird—An Act relative to the treatment and care of the indigent sick of the County of El Dorado.

Read first and second times and referred to the El Dorado delegation.

By Mr. Kelley—An Act entitled an Act creating a special swamp land district in Yolo County

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Brown of Contra Costa—An Act to prevent hogs from running at large in the County of Contra Costa.

Read first and second times and referred to the Contra Costa delegation.

By Mr. Lee—An Act authorizing the Sacramento and Yolo Bridge Company to construct a road.

Read first and second times and referred to the Sacramento and Yolo delegations.

Also, an Act to amend section eleven of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and referred to the Sacramento delegation.

By Mr. Kelley—An Act to authorize the County of Yolo to give its bonds to the California Pacific Railroad Company—a corporation organized and working by and under the general Railroad Laws of this State—and to provide for the payment of said bonds.

Read first and second times laid on the table and ordered printed

By Mr Middleton—An Act to circulate information relative to the resources of the State of California

Read first and second times and referred to the Committee on Public Expenditures and Accounts.

By Mr. Kelley—An Act to fix the time of holding the County Court and Probate Court in the County of Yolo

Read first and second times and placed on file

By Mr. Buckbee—An Act authorizing the Board of Supervisors for Lassen County to levy taxes for county purposes.

Read first and second times and referred to the Plumas delegation.

By Mr. Davies—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Read first and second times and referred to the Special Committee on Registry Laws

By Mr. Smith—An Act to grant to Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and to collect toll thereon.

Read first and second times and referred to the Yuba delegation.

By Mr Clark—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Yuba delegation.

By Mr. Brown of Tulare—An Act for the relief of W. B Ross, Sheriff of Kern County.

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

By Mr. Canavan—An Act to pay the claim of Mark W Higgins

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

By Mr. Mace—An Act for the relief of Ira B. Folsom—with an accompanying petition.

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

By Mr. Middleton—An Act to encourage the manufacture of steel in this State.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr Wand—An Act to authorize the sale and conveyance to W H. Howland, H. B Angell, E T. King and Cyrus Palmer, their associates and assigns, certain overflowed lands in the City and County of San Francisco

Read first and second times and referred to the Committee on Commerce and Navigation

By Mr Comte—An Act to confer certain powers upon the Sacramento Gas Company and others.

Read first and second times and referred to the Sacramento delegation.

Also, an Act to authorize the Board of Supervisors of Sacramento County to levy a special tax, and to provide funds for building a bridge over the American River, from Granite to Mississippi Townships, near the Town of Folsom—a petition accompanying the same.

Read first and second times, and, with petition, referred to the Sacramento delegation

By Mr Crigler—An Act to provide for the erection of County Buildings in the County of Lake, and other matters in relation thereto.

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

By Mr. Moore—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five.

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

By Mr. Morrow—An Act to provide for the payment of certain bonds in the County of San Joaquin.

Read first and second times and referred to the San Joaquin delegation.

By Mr. Rollins—An Act to amend an Act entitled an Act concerning crimes and punishments.

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

By Mr Payne—An Act in reference to the wages of workingmen and mechanics.

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

By Mr. Ayer—An Act amendatory of and supplemental to 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 26th, eighteen hundred and fifty-nine, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six.

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

By Mr. Crigler—An Act to legalize the assessment of taxes for the fiscal year commencing on the first of March, in the year eighteen hundred and sixty-seven, in the County of Lake, State of California, and other acts of the Board of Supervisors of Lake County, done at a special

meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven.

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

By Mr Brown of Tulare—An Act granting Francis M. Stone and others certain rights and immunities for fishing purposes in Tulare Lake.

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

By Mr. Papy—An Act to amend an Act entitled an Act to authorize guardians of minors, idiots and lunatics to receive and remove from this State any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight

Read first and second times and referred to Judiciary Committee.

By Mr. Scudder—An Act to prevent seduction

Read first and second times and referred to Judiciary Committee, and usual number of copies ordered printed.

Also, an Act to define the duties and liabilities of pawnbrokers, pledgers and dealers in second hand goods

Read first and second times and referred to Judiciary Committee, and usual number of copies ordered printed

By Mr. Moore—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

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

By Mr. Connely—An Act to provide for the appointment of Trustees in certain cases

Read first and second times and referred to the Judiciary Committee

By Mr. Comte—An Act concerning defences in certain proceedings based on judgments recovered for delinquent taxes

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

By Mr. Church—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two

Read first and second times and referred to Alameda delegation.

By Mr. Ayer—An Act to create a Redemption Fund for the County of Calaveras.

Read first and second times and referred to the Calaveras delegation.

By Mr Scudder—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for cleaning the streets, sewers and cesspools of said city and county.

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

By Mr. Canavan—An Act relating to assessments for street improvements in the City and County of San Francisco

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

By Mr. Wand—An Act to provide for the payment of certain clerks of enrolment and election in the City and County of San Francisco

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

By Mr. Rollins—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, and the Acts amendatory of said Act.

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

By Mr Church—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

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

By Mr Lee—An Act to repeal an Act entitled an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three.

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

By Mr Moore—An Act relating to certificates of corporations.

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

Also, an Act to authorize the construction of a turnpike from Mayfield to Pescadero.

Read first and second times and referred to Committee on Corporations

By Mr. Dornin—An Act to create a Board of Insurance Commissioners and to regulate the business of insurance in this State.

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

By Mr. Batchelder—An Act to amend an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, amended March second, eighteen hundred and sixty-four, to read an Act to tax and regulate foreign insurance companies doing business in this State.

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

By Mr. Moore—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three.

Read first and second times and referred to the Santa Clara delegation

Also, an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said County and to erect a County Jail

Also, an Act to provide for the improvement of the rivers and streams in Santa Clara County, and to provide penalties for obstructing their channels.

Read first and second times and referred to the Santa Clara delegation.

By Mr Jones—An Act amendatory of and supplementary to an Act making the office of County Treasurer of Trinity County a salaried office, approved March twenty-first, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Fees and Salaries.

By Mr. Brown of Tulare—An Act to fix the fees of grand jurors and trial jurors in criminal cases in the County of Tulare.

Read first and second times and referred to the Committee on Fees and Salaries.

By Mr. Westmoreland—An Act to encourage the production and manufacture of sugar from sugar beet in California.

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

By Mr. Meagher—An Act concerning hogs found running at large in the County of Marin.

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

By Mr. Tully—An Act concerning hogs found running at large in the County of Monterey.

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

By Mr. Green—An Act to regulate the taking up and posting stray animals.

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

Mr Dornin offered a resolution to rescind the rule requiring the general file to be taken up immediately after the reading of the Journal on Wednesdays and Thursdays.

Laid over over one day, under the rules.

GENERAL FILE.

Assembly Bill No. 328—An Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, eighteen hundred and fifty-one.

Amendment adopted, and the bill recommitted to the Judiciary Committee.

Assembly Bill No. 116—An Act to provide for the drainage of the City of Sacramento and the lands of Swamp Land District No. 2.

Read a third time and passed.

REPORT.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 453—An Act to amend section nine of an Act entitled an Act concerning roads and highways in certain counties in this State, approved May fourteenth, eighteen hundred and sixty-one.

BATCHELDER, for Committee.

Assembly Bill No. 130 (substitute for Assembly Bill No. 130)—An Act to fund the debt of El Dorado County.

Substitute adopted.

Mr. Gildea moved to recommit to the El Dorado delegation.

The Committee on Public Buildings and Grounds were granted leave of absence on committee business.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

The Committee on Corporations were granted leave of absence to attend to committee business.

Mr O'Malley had leave of absence for the remainder of the day, and Mr. Brown of Contra Costa until Monday next

Consideration of Assembly Bill No 130 was resumed.

Mr Gildea moved to strike out "ten per cent." and insert "eight per cent." as special instructions.

Mr Warfield moved a suspension of the rules to allow the amendment to be made at once.

Carried.

The amendment was adopted.

Mr. Gildea moved to strike out "payments made semi-annual," and insert "annual."

Lost.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs Gildea, Willets and Caldwell.

The vote was as follows:

AYES—Messrs Bird, Brown of Tulare, Caldwell, Church, Clark, Cochran, Connely, Crigler, Davies, Dwinelle, Fairchild, Farish, Martin, Morrow, Newell, Oliver, Spilman, Wand, White—19

NOES—Messrs Battelle, Bever, Broderson, Buckbee, Coggins, Days, Downer, Dryer, Gildea, Giltner, Gregory, Green, Jones, Lee, Mahon, Mardis, McElhany, Meagher, Mentzell, Middleton, Newsom, Ord, Pardee, Payne, Russ, Willets, Mr. Speaker—27.

So the House refused to pass the bill.

Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read a third time and passed

Assembly Bill No. 109 (substitute)—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read a third time and passed.

Senate Bill No. 99 (substitute for Senate Bill No. 99)—An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 375—An Act for the relief of Captain John H. Gilmore.

Read a third time and passed.

Assembly Bill No. 346—An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof.

Read a third time and passed

Assembly Bill No. 200—An Act to authorize the City Council of Oakland to purchase land and erect a City Hall, and to issue bonds of said city, and provide for the payment of the same

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 201—An Act authorizing the Board of Supervisors

of Humboldt County, in a certain contingency, to issue bonds of that county for fifty thousand dollars for the purpose of raising funds to construct a wagon and turnpike road from some point near Hydesville, in that county, to the southern boundary line of said county; and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 464—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April fourth, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 381—An Act to authorize John N. Appleton, E. C. Winchell, and their associates and assigns, to improve the channel of King's River, in Fresno County, and to construct and maintain booms thereon.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 468—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, and all Acts amendatory thereof, approved May seventeenth, eighteen hundred and sixty-one.

Amendment adopted.

Rules suspended, bill considered engrossed, and referred to the Judiciary Committee, with special instructions to report the bill back tomorrow forenoon.

Assembly Bill No. 237—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Amendments adopted.

Mr. Papy offered an amendment, to appoint not less than fifteen pilots.

Lost.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Senate amendment to section one was concurred in.

The House refused to concur in Senate amendment to section two, and also to concur in title amendment.

Assembly Bill No. 457—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Reported back without amendment, and passage recommended.

Rules suspended, bill considered engrossed, read a third time and passed.

At four o'clock and thirty-five minutes P M, Mr. Coggins moved to adjourn.

Lost.

Assembly Bill No. 343—An Act granting a wharf franchise in the City of Sacramento

Amendment adopted

Amendment as amended adopted.

Mr. Coggins offered the following amendment:

"Section 7. On the day provided by law for the election of City Trustee in the year eighteen hundred and sixty-eight, the electors of the City of Sacramento shall vote, "Wharf Franchise—Yes." or "Wharf Franchise—No;" and if a majority voting on said question shall vote "Yes," then the provisions of this Act shall be in full force and effect; but if a majority voting on said question shall vote "No," then this Act shall be null and void."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Coggins, White and Buckbee

The vote was as follows:

AYES—Messrs Ables, Angney, Battelle, Bever, Brown of Tulare, Buckbee, Church, Coggins, Crigler, Davies, Days, Downer, Dryer, Gregory, Green, Jones, McElhany, Morrow, Newsom, Oliver, Smith, Steele, Waldron, Warfield, White, Mr. Speaker—26.

NOES—Messrs Bird, Cochran, Comte, Ellis, Fairchild, Farish, Kelley, Lee, Mace, Mahon, Martin, Mattingly, Meagher, Mentzell, Newell, Papy, Pardee, Payne, Rollins, Russ, Scudder, Spencer, Spilman, Tully, Wand, Willets, Wolleb—27.

So the amendment was rejected.

At four o'clock and fifty-five minutes P M, on motion of Mr. Farish, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 29th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Newell had indefinite leave of absence on account of sickness.

PETITIONS.

Mr. Church presented a petition of citizens and taxpayers of Alameda County, protesting against the passage of an Act proposed to authorize certain parties therein named to construct and maintain a wharf on lands included in tide land survey number eighty-two, in the County of Alameda.

Received and laid on the table.

Mr Wand presented a petition from George Morgan, of San Francisco, asking that provision be made for funding a certain State bond, of which he is the holder and owner.

Received and referred to the Committee on Claims.

Mr. Angney presented petitions from citizens and property holders in Suisun City, remonstrating against the passage of an Act incorporating said place.

Received and referred to the Committee on Corporations.

Also, a petition from citizens of the City of Vallejo, remonstrating against the passage of Assembly Bill No. 362—An Act to incorporate the City of Vallejo.

Received and referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr Steele verbally reported Senate Bill No 14, from the Judiciary Committee, said bill having been improperly sent to that Committee.

The bill was ordered to the Enrolling Committee

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr SPEAKER: The Committee on the Judiciary have considered and herewith report Assembly Bill No 468—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, and all Acts amendatory thereof, approved May seventeenth, eighteen hundred and sixty-one—and recommend its passage with an amendment to the title.

Also, Assembly Bill No 161—An Act to amend an Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State—and recommend its indefinite postponement.

Also, Assembly Bill No. 233, amending sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty and four hundred and forty-two of said Act, and recommend its passage with the amendments made by the committee.

Also, Assembly Bill No. 232, amending section three hundred and thirty-seven of said Act, and recommend its passage with the amendments made by the committee

Also, Assembly Bill No. 377, amending section two hundred and forty-seven of the same Act, and recommend its passage with the amendments made by the committee.

Also, Assembly Bill No. 395, amending section three hundred and sixty-six of the same Act, and recommend its passage

Also, Senate Bill No 13—An Act to exempt certain property from execution—together with Assembly Bill No 141, substitute for said Senate bill—and recommend that the Assembly do not recede from its action in the passage of said substitute

STEELE, Chairman.

Mr. Warfield, from the Committee on State Hospitals, verbally reported back Senate Bill No. 291, and recommended its passage.

Mr. Farish, Chairman of the Committee on Elections made the following report:

Mr. SPEAKER: Your Committee on Elections, to whom was referred Senate Bill No 75, have instructed me to report the same back and recommend its passage.

FARISH, Chairman.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report.

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 226—An Act to provide funds to be applied to building a hospital in the City and County of San Francisco.

Also, Assembly Bill No. 359—An Act to provide for the appointment of a Chaplain for the State Prison

Also, Assembly Bill No. 306—An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey.

Also, Assembly Bill No 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six

Also, Assembly Bill No. 429—An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five.

LEE, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 449—An Act to re-district the County of Los Angeles, and to provide for the election of Supervisors.

Also, Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

Also, Assembly Bill No. 448—An Act to stay the collection of certain taxes in Fresno County.

BATCHELDER, for Committee.

Mr Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three;

Also, Assembly Bill No. 437—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two;

Beg leave to report that they have had the same under consideration, report them back and recommend the passage of the same.

ORD, Chairman.

Mr. Wand, Chairman of the Committee on Mileage, made the following report:

Mr SPEAKER: The Committee on Mileage beg leave to make the following report for the Committee on Commerce and Navigation, for services rendered in investigating port charges, etc., connected with the Harbor of San Francisco, and recommend the adoption of the accompanying resolution:

To whom due.	Amount.
John Middleton	$46 80
R. P. Mace	46 80
J. J. O'Malley	46 80
George D. Dornin	46 80
James A. Watson	46 80

Resolved by the Assembly. That the Controller of State is hereby required to draw his warrant on the State Treasurer, payable out of the Contingent Fund of the Assembly, for the following amounts:

In favor of John Middleton, for forty-six dollars and eighty cents.
In favor of R. P. Mace, for forty-six dollars and eighty-six cents
In favor of J. J. O'Malley, for forty-six dollars and eighty cents.
In favor of George D Dornin, for forty-six dollars and eighty cents.
In favor of James A. Watson, for forty-six dollars and eighty cents.

WAND, Chairman.

The resolution above reported was adopted

Mr Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Assembly Bill No 290—An Act to provide for the payment of services rendered by Registers and Receivers of United States Land Offices—have considered the same, and report that upon an investigation of this matter in the Surveyor-General's office, the committee have come to the conclusion that one half the amounts claimed will be full compensation for the services rendered They have therefore amended the bill to that effect, and recommend its passage as amended

They have also considered the petition of Daniel McLean, who claims payment from the State Treasury for money expended by him as Captain of volunteers, in raising Company H, Second Cavalry Regiment, California Volunteers, in the year eighteen hundred and sixty-one, for the sum of one thousand and fifty dollars. The committee do not believe that this claim possesses any merit whatever as against the State. They therefore recommend that it be rejected.

CONNELY, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 421—An Act for the more effectual prevention of cruelty to animals, and for the incorporation of a certain association under the name and style of "The California Society for the Prevention of Cruelty to Animals"—have had the same under consideration, and report back to the Assembly a substitute and recommend its passage.

Also, Assembly Bill No. 279—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 In the opinion of your committee, the bill under consideration enables a corporation to pass by-laws under which small interests would be wholly unrepresented, and would consequently work a hardship in many cases Your committee report the bill back to the Assembly and recommend that it do not pass.

Also, Assembly Bill No 440—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—and recommend its passage

Also, Assembly Bill No 471—An Act to change the name of the Howard Street Religious Society, San Francisco —and recommend its passage.

MOORE, Chairman.

Mr. Tully, Chairman of the Committee on Public Lands, made the following report:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General—have considered the same, and report it back with a recommendation that it pass.

Also, Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals—and recommend its passage

Also, the petition of Antonio Prieto and others, for a grant of lands in San Bernardino County—in regard to which your committee beg leave to say, that whilst they deeply sympathize with petitioners, and feel that their misfortunes are of such a nature as to call for the kindest consideration on the part of your honorable body, they feel that it is wholly out of the power of this Legislature to grant them the relief asked for, owing to the fact that the lands in question do not belong to the State, and are either the property of private individuals or the Government of the United States—consequently beyond the power of the State to grant for any purpose, however commendable. Your committee, therefore, in view of the foregoing facts, report the petition back to your honorable body for such consideration and action as may to you seem best.

TULLY, Chairman.

REPORTS OF SPECIAL COMMITTEES.

Mr. Smith, from the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 503—An Act to grant Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River—have had the same under consideration, and report the same back and recommend its passage.

SMITH, for Delegation.

Mr. Clark, from the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report the same back with amendment, and recommend its passage as amended.

CLARK,
BATCHELDER,
SMITH.

Mr. Cochran, from the Butte delegation, made the following report:

Mr. SPEAKER: The delegation to whom was referred Senate Bill No. 314—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six—respectfully report the same back and recommend its passage.

COCHRAN,
ORD.

Mr. Wand, for a majority of the San Francisco delegation, reported a substitute for Assembly Bills Nos. 325, 319 and 154, and recommended the passage of the substitute.

[For report, see Appendix.]

Mr. Farish, for a minority of the San Francisco delegation, reported recommending the indefinite postponement of said bill.

[For report, see Appendix.]

Mr. Hayes, from the San Francisco delegation, verbally reported back Assembly Bill No. 391, and recommended its passage.

Mr. Morrow, from the San Joaquin delegation, made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 535—An Act to provide for the payment of certain bonds in the County of San Joaquin—have had the same under consideration and report the bill back to the House and recommend its passage.

MORROW, for Delegation.

Mr. Meagher verbally reported back Senate bill No. 307 and recommended its passage.

Mr. Cochran, from the Butte delegation, made the following report:

Mr SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 330—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims

now outstanding against said district—beg leave to report that they have had the said bill under consideration and report the same back with amendments, and recommend the passage of the bill as amended.

COCHRAN,
ORD.

On motion of Mr. Steele, under a suspension of the rules, the following resolution was adopted:

Resolved, That the Clerk of the Assembly be and he is hereby directed to communicate with and request the Mayor of the City and County of San Francisco to cause to be forwarded to this city, for examination by the Judiciary Committee and the Legislature, the official map of the "outside or pueblo lands," so called, of said city and county.

MOTIONS AND RESOLUTIONS.

The following resolution, offered by Mr. Dornin, was taken up:

Resolved, That the rule by which the general file is taken up on Wednesdays and Thursdays, immediately after the reading of the journal, be and is hereby rescinded.

Adopted.

The following resolution, offered by Mr. Green, was taken up:

Resolved, That an additional two hundred and forty copies of Assembly Bill No. 474, entitled an Act to provide for the management and sale of the lands belonging to the State, be printed for the use of members of the House.

Adopted.

The following resolution, offered by Mr. White, was taken up:

Resolved, That no call for the previous question shall be entertained emanating from a member who has spoken once upon the question under discussion, or who shall preface the call for the previous question by remarks discussing the merits of the question.

Lost.

On motion of Mr. Mace, Assembly Bill No. 474 was taken from the file and referred to the Committee on Swamp and Overflowed Lands.

On motion of Mr. Jones, Assembly Bill No. 449 was taken from the file and laid on the table.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 28th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day, under a suspension of the rules, passed Assembly Bill No. 453.

JOHN WHITE, Secretary.

SENATE CHAMBER,
February 29th, 1868.

Mr. SPEAKER: The Senate, on the twenty-eighth instant passed, under a suspension of the rules, Assembly Bill No. 352—An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general railroad laws of this State, and to provide for the payment of said bonds.

Also, passed Assembly Bill No. 368—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes, in the County of Tulare.

Also, Assembly Bill No. 361—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No 355—An Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty

Also, Senate Bill No 234—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

Also, Senate Bill No 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property.

Also, Senate Bill No 249—An Act to punish assaults with caustic or corrosive liquids and substances.

Also, Senate Bill No. 233—An Act in relation to witnesses.

Also, Senate Bill No 228—An Act to expedite the settlement of titles to lands held under a common source of title.

Also, substitute for Senate Bill No. 121—An Act to provide for the sale of escheated estates.

Also, Senate Bill No 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company.

Also, on the twenty-sixth instant, Senate Bill No. 214—An Act concerning roads and highways in the County of San Mateo.

Also, on the twenty-eighth instant, refused to concur in the last of Assembly amendments to Senate Bill No 112—An Act authorizing the construction of a wharf in the Bay of Monterey.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 234, above reported, was read first and second times and referred to the Committee on Agriculture

Senate Bill No. 237, above reported, was read first and second times and referred to the Committee on Public Lands

Senate Bill No. 249, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 233, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No 228, above reported, was read first and second times and referred to the Judiciary Committee.

Substitute for Senate Bill No 121, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 324, above reported, was read first and second times and referred to the Committee on Corporations

Senate Bill No 214, above reported, was read first and second times and referred to the San Mateo delegation

Senate Bill No 112, above reported, was read and the House receded from its amendment to the bill.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Ellis—An Act to authorize Benjamin D. Wilson, W D. Hannigor, J. D. Battleshort, John S. Griffin, and their associates, to construct and maintain a turnpike road from some point at or near the Arroyo Seco, in the County of Los Angeles, across the mountains to or in the vicinity of Rock Creek.

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

Also, an Act supplemental to and amendatory of an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

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

Also, An Act supplemental to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight

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

By Mr. Church—An Act to authorize the County of Alameda to aid in the construction of the San Francisco and Oakland Railroad and the San Francisco and Alameda Railroad.

Read first and second times and referred to the Alameda delegation.

By Mr Canavan—An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Read first and second times and referred to Special Committee on Sunday Laws, and ordered printed.

By Mr. Days—An Act to provide for the collection of foreign miners' tax.

Read first and second times and referred to the Committee on Mines and Mining Interests, and ordered printed.

By Mr. Broderson—An Act authorizing Robert Betge and others to

lay down and maintain a railroad in the City and County of San Francisco.

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

By Mr. Pardee—An Act supplemental to an Act to provide for the establishment, maintenance and protection of public and private roads in the County of Santa Cruz, approved April seventeenth, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Giltner—An Act to repeal a certain Act approved March twenty-seventh, eighteen hundred and sixty-three, and an Act approved March second, eighteen hundred and sixty six.

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

By Mr. Rector—An Act for the relief of T. M. Brown.

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

By Mr. Tully—An Act to fix the terms of the County Court and Probate Court of the County of Monterey

Read first and second times and placed on file.

By Mr. Rector—An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County.

Read first and second times and placed on file.

By Mr Lupton—An Act to amend an Act to authorize District Judges in certain cases to sign records and settle statements, approved April twelfth, eighteen hundred and fifty-nine.

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

By Mr. Papy—An Act authorizing John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale.

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

By Mr Spilman—An Act to provide for the protection of certain lands in the County of Sutter from overflow.

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

Mr. Dwinelle was granted leave of absence to attend to committee business.

REPORT.

Mr Ayer, from the Committee on Enrolment, made the following report:

Mr. Speaker: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 115—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 453—An Act to amend section nine of an Act entitled an Act concerning roads and highways in certain counties in this State, approved May fourteenth, eighteen hundred and sixty-one.

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

AYER, for Committee.

The Committee on Public Buildings and Grounds were granted leave of absence for the remainder of the day.

On motion of Mr Bird, the rules were suspended to take up Assembly Bill No. 468—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, and all Acts amendatory thereof, approved May seventeenth, eighteen hundred and sixty-one.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

GENERAL FILE.

Senate Bill No 147—An Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved March twenty-fourth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Amendment adopted.

Read a third time and passed

Senate Bill No. 143 (substitute for Senate Bill No. 143)—An Act to provide for the payment of certain outstanding bonds of the State of California.

Considered in Committee of the Whole.

Mr. Lupton in the chair.

IN ASSEMBLY.

Reported back without amendment, and passage recommended.

The bill was referred to the Committee on Claims.

Assembly Bill No. 410—An Act to appropriate money to pay the claim of A. J. F. Phelan.

Referred to the Committee on Claims.

Assembly Bill No. 173—An Act to create the Seventeenth Judicial District.

Amendments adopted, and bill read a third time.

A two third vote being required by the Constitution, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Ellis, Fairchild, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Middleton, Moore, Morrow, Newsom, Oliver, ver, O'Malley, Ord, Papy, Pardee, Payne, Russ, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Wolleb—66.

No—Mr. Mentzell—1.

Mr. Connely was granted leave of absence until Tuesday next.

Assembly Bill No. 401—An Act to provide for the improvement of that part of Carson River situated in Alpine County.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

Mr Batchelder, from the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 468—An Act to authorize the Board of Supervisors of El Dorado County to meet as a Board of Equalization on the fifth day of March, eighteen hundred and sixty-eight.

BATCHELDER, for Committee.

Consideration of Assembly Bill No. 401 was resumed.
Mr Dornin moved the previous question.
Sustained.
The bill was ordered engrossed.
By unanimous consent, Mr. Tully offered the following amendment: Amend by adding at the end of section six the following proviso:

"*Provided*, that nothing in this Act shall be so construed as to affect the rights of persons now or heretofore engaged in the lumber or wood business in Alpine County, or prevent them cutting and floating down the said Carson River sufficient wood, saw-logs or lumber to fulfil all bona fide contracts made, and all wood, logs or lumber cut prior to the passage of this Act, free from tolls."

Also, by striking out the last section of the Act.
Lost.
Rules suspended, bill considered engrossed and read a third time.
On the passage of the bill, the ayes and noes were demanded by Messrs. Church, Batchelder and Westmoreland.
The vote was as follows:

AYES—Messrs. Angney, Ayer, Battelle, Bever, Biggs, Brown of Tulare, Caldwell, Clark, Cochran, Comte, Cureton, Davies, Days, Dornin, Gildea, Giltner, Gregory, Hayes, Lee, Lupton, Mace, Mahon, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Ord, Papy, Pardee, Payne, Rollins, Spilman, Steele, Wand, Mr. Speaker—38.
NOES—Messrs. Ables, Batchelder, Broderson, Church, Coggins, Crigler, Downer, Dryer, Farish, James, Jones, Morrow, Newsom, Oliver, Russ, Smith, Tully, Waldron, Westmoreland, White, Willets, Wolleb—22.

So the bill was passed.
Mr Bird had leave of absence for the remainder of the day.
Assembly Bill No. 356—An Act declaring a creek in Sections Thirty-five and Thirty-six, Township Three south, Range Three west, Mount Diablo, navigable.
Amended, and amendments adopted.
Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 348—An Act to authorize Antonio Geogiani and Paul Torre, their associates and assigns, to maintain a wharf on lands in Tide Land Survey Number Eighty-two, Alameda County.

Referred to the Committee on Corporations, with a remonstrance presented by Mr. Church this morning.

Mr. Days had leave of absence for the remainder of the day.

Assembly Bill No. 451—An Act making an appropriation for the payment of certain claims, being expenses growing out of the indictment and trial of Horace Smith.

Indefinitely postponed.

Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco.

Read a third time and passed.

Senate Bill No. 37—An Act to authorize Richard Abby, administrator of the estate of R. H. Farquhar, deceased, to sell certain lands and real estate.

Read a third time and passed.

Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Reported back without amendment and passage recommended.

Read a third time and passed.

Assembly Bill No. 198—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board.

Ordered to top of file for Tuesday next

Senate Bill No. 280—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County.

Mr. Lupton in the chair.

Mr. Waldron offered an amendment.

Lost.

Read a third time and passed.

Mr. Ryland, by leave, introduced a bill, as follows: An Act to confirm and legalize certain contracts entered into by Peter Donohue and others.

Read first and second times and referred to the Santa Clara delegation.

On motion of Mr. Moore, Assembly Bill No. 135 was ordered to the top of file for Monday.

Assembly Bill No 445—An Act to amend section thirty-eight of an Act regulating elections.

Amended, amendment adopted, and bill ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant).

Amendment adopted.

Speaker in the chair.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Gildea had leave of absence for the remainder of the day.

Assembly Bill No. 431—An Act concerning the ancient Jewish Order of Kesher Shel Barsel.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Tully, by leave, introduced a bill, as follows: An Act to redistrict the County of Monterey and to provide for the election of Supervisors.

Read first and second times and placed on file.

Assembly Bill No. 450—An Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

Amendment adopted.

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 349—An Act granting the poll taxes in Los Angeles County to that county.

Indefinitely postponed.

Assembly Bill No 419—An Act to grant the State's portion of poll taxes and auctioneer's licenses levied and collected in the Counties of Lake, Napa, Sonoma, Contra Costa, Marin, Solano, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey, Santa Barbara and San Diego to said counties for county purposes.

Indefinitely postponed.

Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

Amendment adopted, and bill read a third time and passed.

On motion of Mr. Tully, Assembly Bill No. 358 was withdrawn from the further consideration of the House.

Assembly Bill No. 253—An Act to provide for the payment of the expenses of the State Surveyor-General, in adjusting land titles at Washington.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Reported back without amendment and passage recommended.

Mr. Meagher in the chair.

Mr. Batchelder moved to suspend the rules, consider the bill engrossed and put it on its passage.

Mr. Ryland moved to amend by striking out "two thousand" and inserting "one thousand."

Mr. Cureton moved the previous question.

Sustained.

On the motion of Mr. Ryland, the ayes and noes were demanded by Messrs. Ryland, Cureton and Crigler.

Speaker in the Chair.

The roll was called, and the House refused to adopt the amendment by the following vote:

AYES—Messrs. Angney, Caldwell, Cochran, Crigler, Cureton, Days,

Gregory, James, Mattingly, Morrow, Newsom, Payne, Rollins, Smith, Spilman, Steele, Tully, Wolleb, Mr Speaker—19.

NOES—Messrs. Ables, Batchelder, Battelle, Bever, Biggs, Brown of Tulare, Church, Clark, Coggins, Comte, Davies, Dornin, Downer, Dryer, Dwinelle, Ellis, Farish, Giltner, Green, Hayes, Jones, Lee, Lupton, Martin, McElhany, Meagher, Mentzell, Middleton, Oliver, Pardee, Rector, Russ, Waldron, Wand, Westmoreland, White, Willets—37.

On the motion of Mr. Batchelder, the ayes and noes were demanded by Messrs. Crigler, Cureton and Caldwell.

The vote was as follows:

AYES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Biggs, Brown of Tulare, Church, Clark, Coggins, Comte, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Farish, Giltner, Gregory, Green, Hayes, James, Jones, Lee, Lupton, McElhany, Meagher, Mentzell, Middleton, Oliver, Pardee, Russ, Smith, Waldron, Wand, Westmoreland, White, Willets—40.

NOES—Messrs. Caldwell, Cochran, Crigler, Cureton, Martin, Mattingly, Morrow, Newsom, Payne, Rollins, Spilman, Steele, Tully, Wolleb, Mr. Speaker—15.

So the motion prevailed.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tully, Steele and Brown of Tulare.

The vote was as follows:

AYES—Messrs. Ables, Angney, Batchelder, Battelle, Biggs, Brown of Tulare, Church, Clark, Coggins, Comte, Davies, Dornin, Downer, Dryer, Dwinelle, Ellis, Farish, Giltner, Gregory, Green, Hayes, Jones, Lee, Lupton, McElhany, Meagher, Mentzell, Middleton, Oliver, Pardee, Russ, Smith, Wand, Westmoreland, White, Willets—36.

NOES—Messrs. Caldwell, Cochran, Crigler, Cureton, Days, James, Mahon, Mattingly, Morrow, Newsom, Payne, Rector, Rollins, Spilman, Steele, Tully, Waldron, Wolleb, Mr. Speaker—19.

So the bill was passed.

The title was amended.

On motion of Mr. Waldron, at five o'clock P. M. the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY

HOUSE OF ASSEMBLY,
Monday, March 2d, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present
Prayer by the Chaplain.
Journal of Saturday read and approved
Messrs Hayes and Cureton were granted indefinite leave of absence on account of sickness.
Mr. Warfield was granted leave of absence for three days, and Messrs. Spencer, Tuttle, O'Malley, Kelly and Scudder for one day.

REPORTS OF STANDING COMMITTEES.

Mr Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 457—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County.
Also, Assembly Bill No. 381—An Act to authorize John N. Appleton, E C. Winchell and their associates and assigns, to improve the channel of King's River, in Fresno county, and to construct and maintain booms thereon.
Also, Assembly Bill No. 464—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April sixth, eighteen hundred and sixty-three.
Also, Assembly Bill No. 343—An Act entitled an Act granting a wharf franchise in the City of Sacramento.

LEE, Chairman.

Mr. Smith, from the Committee on Internal Improvements, made the following report:

Mr. SPEAKER: The Committee on Internal Improvements, to whom was referred Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers for rafting logs and timbers;
Also, Senate Bill No 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six;
Have had the same under consideration and would report them back to the Assembly and recommend their passage.

SMITH,
RUSS,
COCHRAN,
BIGGS.

Mr. Green, Chairman of the Committee on Education, made the following report:

Mr. SPEAKER: The Committee on Education beg leave to report that they have had under consideration the second time, Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six—and recommend its passage without further amendment While the committee are fully alive to the importance of building school-houses and maintaining the public schools, they are of the opinion that some safeguards should be thrown around the interests of taxpayers One amendment, to the effect that none but tax-payers and parents and guardians of children residing in the district should vote on a proposition to levy a direct tax, having been defeated by this House, your committee would not feel justified in offering such an amendment again to this bill; but believing such to be the true principle, your committee cannot but express the hope that this Legislature will yet recognize it as such.

The committee have also had under consideration Senate Bill No. 261—An Act to provide funds for the school department of the City of Oakland, and to authorize the payment of certain present indebtedness—and report it back without amendment and recommend its passage.

They have also carefully considered Senate Bill No. 262—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland—and report the same back with amendments, and recommend its passage as amended.

GREEN, Chairman.

Mr. Mattingly, for the Hospital Committee, verbally reported substitute for Assembly Bill No 330, and recommended the passage of substitute.

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 216—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, one thousand eight hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four—have had the same under consideration and report it back, with a substitute, and recommend the passage of the substitute.

MEAGHER, Chairman.

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 172—An Act to fix and establish the boundaries of the County of San Mateo—have had the same under consideration, and report it back, with a substitute, and recommend the passage of the substitute

This bill proposes to take from Santa Cruz County and add to San Mateo County about two hundred and twenty-five thousand dollars of taxable property.

The assessed value of all the taxable property in Santa Cruz, in eighteen hundred and sixty-seven, was two million one hundred and fifty-six thousand seven hundred and twenty-one dollars. The taxpayers

and residents of the district proposed to be set off, so far as your committee were able to learn, all favor the proposed change. While your committee are of the opinion that, as a general rule, the wishes of the people of a district or territory affected by a change should govern this body in matters of boundary, yet it might happen that the people of a district would seek to leave a county too small to support a county government without becoming burdensome to its citizens; and in the case before us, as Santa Cruz is so small already, your committee would have been inclined to have disregarded the wishes of these people seeking to be set off into San Mateo, had it not been for the further fact that there is an impassable mountain between them and the balance of Santa Cruz County; then it is often the case that they are compelled to go through San Mateo, San Francisco and Santa Clara to get to their county seat, and that all their trade and business lies in the direction of San Mateo These people have been trying for several years to get the territory in question embraced in the boundaries of San Mateo, and the probability is, that at each meeting of the Legislature there would be a renewal of the contest, which would cost both the people of Santa Cruz and of the district in question as much as the taxes on the property of the district.

MEAGHER (Chairman),
GREEN,
MATTINGLY,
DOWNER,
BUCKBEE.

REPORTS OF SELECT COMMITTEES.

Mr. Crigler, from the Lake and Napa delegations, made the following report:

Mr. SPEAKER: The Lake and Napa delegations beg leave to report back Senate Bill No. 317—An Act concerning the Clerk of the Board of Supervisors of Napa County—and recommend its passage.

Also, to report back Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four—with an amendment, and recommend its passage as amended.

CRIGLER, for Delegations.

Mr. Comte made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No 533—An Act to confer certain powers upon the Sacramento Gas Company and others—beg leave to report the same back, with the recommendation that it pass.

COMTE,
LEE,
WOLLEB,
COGGINS,
BIGGS.

Mr Lupton, from the Committee on Federal Relations, reported back Assembly Joint Resolution No. 3, relative to appropriating fifty thousand dollars by Congress for turning the River of San Diego into False Bay, and otherwise improving the Harbor of San Diego, and recommended the adoption of the resolution.

[For report, see Appendix]

Mr. Lupton, from the Committee on Federal Relations, made the foling report:

Mr. SPEAKER: The Committee on Federal Relations, having considered Assembly Concurrent Resolution No. 32, relative to the establishment of a tri-weekly mail route from Crystal Peak, Nevada, via Sardine Valley, Sierraville, etc., report the same back with amendments, and recommend the passage of the same as amended.

LUPTON, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 29th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 74—An Act to legalize the acts of the Board of Supervisors of Amador County, whilst sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Also, Assembly Bill No. 278—An Act to amend section one of an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six

Also, Assembly Bill No. 67—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 115—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. 453—An Act to amend section nine of an Act entitled an Act concerning roads and highways in certain counties in this State, approved May fourteenth, eighteen hundred and sixty-one.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Mattingly, Assembly substitute for Assembly Bill No. 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz—was placed second on file for to-morrow.

Mr. Dwinelle offered the following resolution:

Resolved, That the author of Assembly Bill No. 459—An Act to pro-

vide for a railroad within the City of Oakland, Alameda and Contra Costa Counties—be permitted to withdraw the same.

Agreed to.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 29th, 1868.

Mr. SPEAKER: I am directed by the Senate to transmit to your honorable body, agreeable to the request of His Excellency the Governor, the report of the Commissioners to the Paris Exposition.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
February 29th, 1868.

Mr SPEAKER: The Senate on yesterday adopted Senate Concurrent Resolution No. 58, extending an invitation to Rev. Horatio Stebbins to address the Legislature on the subject of the State University.

Also, the Senate on this day passed the following bills:

Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four

Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four.

Assembly Bill No. 380—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza, in said city.

Senate Bill No. 60—An Act for the protection of game.

Senate Bill No. 223—An Act to amend an Act entitled an Act to amend 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, approved April twenty-seventh, eighteen hundred and sixty-three.

And, on the twenty-eighth instant, under a suspension of the rules, passed Senate Bill No 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

Also, adopted and passed, under a suspension of the rules, on same date, substitute for Senate Bill No. 306—An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison.

Also, on the same date, passed, under a suspension of the rules, Senate Bill No. 378—An Act to provide for the levying and collection of a special tax, to be used in the construction of bridges in the County of Tehama.

W. F. HUESTIS,
Assistant Secretary.

Mr. Steele had leave of absence to attend to committee business.

The report of the Commissioners to the Paris Exposition, above reported, was placed on file.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 58, above reported, was read first and second times and referred to the Committee on Education.

Substitute for Senate Bill No 306, above reported, was read first and second times and referred to the Committee on State Prison.

Senate Bill No. 378, above reported, was read first and second times and placed on file.

Senate Bill No. 295, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 142, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No. 223, above reported, was read first and second times and referred to the Committee on Corporations

Senate Bill No. 60, above reported, was read first and second times and referred to the Committee on Agriculture.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Brown of Tulare—An Act for the relief of Samuel J. Garrison and L. P. Hall.

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

By Mr. Mahon—An Act granting to certain persons therein named the right to lay a railroad tract along certain streets in the City and County of San Francisco.

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

By Mr Ables—An Act to amend section three of an Act entitled an Act providing for the payment of officers holding elections and for transmitting the returns thereof, approved May second, eighteen hundred and fifty-five

Read first and second times and referred to the Committee on Elections.

By Mr. Church—An Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein.

Read first and second times and laid on the table.

By Mr. Comte—An Act to prevent the destruction of fish in certain waters of this State.

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

By Mr. Newsom—An Act to exempt millers from serving on juries in Stanislaus County.

Read first and second times and placed on file.

On motion of Mr Dwinelle, Assembly Bill No. 437 was taken from the file and laid on the table.

Mr. Frisbie, by leave, presented a petition from qualified electors of the Town of Suisun, praying for the passage of the Act to incorporate said town.

Received and referred to the Committee on Corporations.

GENERAL FILE.

Assembly Bill No. 435—An Act granting leave of absence from the State to Thomas R. Bard, Supervisor of Santa Barbara County.

Rules suspended, bill considered engrossed, read a third time and passed

On motion of Mr. Mentzell, Assembly Bill No. 438 was withdrawn.

Substitute for Assembly Bill No. 376—An Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-ninth, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Assembly Bill No. 408 was indefinitely postponed.

Senate Bill No. 26—An Act relating to homesteads.

Read a third time and passed.

The Speaker presented the following communication:

SAN FRANCISCO, February 28th, 1868.

Hon. C. T. RYLAND,

Speaker of the Assembly:

SIR: I have the honor to inclose a memorial from the Central State Council of the Anti-Coolie Association to you, with the request that you will bring it before the honorable the Legislative Assembly.

I have the honor to be, sir, your obedient servant,

F. R. J. DIXON,
Secretary A. C. S.

The memorial was referred to the Committee on Federal Relations.

Assembly Bill No. 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters.

Mr. Meagher moved to indefinitely postpone.

Mr. Frisbie moved the previous question.

Sustained.

The motion to indefinitely postpone was lost.

On its passage, the ayes and noes were demanded by Messrs. Lupton, Meagher and Clark.

The vote was as follows:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Contra Costa, Caldwell, Church, Cochran, Coggins, Comte, Cureton, Davies, Days, Dryer, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, James, Jones, Lee, Mahon, McElhany, Middleton, Morrow, Oliver, Ord, Papy, Pardee, Rollins, Russ, Smith, Spilman, Waldron, Wand, Westmoreland, Willets, Wolleb, Mr. Speaker—46.

NOES—Messrs. Broderson, Brown of Tulare, Clark, Dwinelle, Lupton, Mardis, Martin, Meagher, Mentzel, Moore, Newsom, Tully, White—13.

So the bill was passed.

Assembly Bill No. 424—An Act to fix the salaries and compensation of

the County Judge, District Attorney, and County Treasurer, of the County of Alpine.

Amendments adopted, and bill ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Mr. Middleton, by leave, offered the following resolution:

Resolved, That the Engrossing Clerk be requested to return to this Assembly, Assembly Bill No. 356.

Adopted.

Mr Batchelder was granted leave of absence for remainder of the day.

Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County.

Read a third time and passed.

Senate Bill No. 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims.

Read a third time and passed.

Senate Bill No. 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No 238—An Act to provide for the time of holding the County Court and Probate Court, in the County of Solano.

Read a third time and passed.

On motion of Mr. Dwinelle, Assembly Bill No. 209 was continued on the file for to-morrow, in its order.

Assembly Bill No 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Senate substitute adopted in concurrence.

Senate Concurrent Resolution No. 48—Relative to a mail route from Trinity Centre to Sawyer's Bar, in Klamath County.

Adopted in concurrence.

Assembly Bill No. 65 (substitute for Assembly Bill No. 65)—An Act to authorize L. P. Long, Moses C. Briggs, Wm. Neely Johnson and their associates, to construct and maintain a turnpike road from Cloverdale to or near Sanel, and charge and collect toll thereon.

Laid on the table.

Assembly Bill No. 443—An Act to give additional power to the Board of Supervisors of Santa Barbara County, to levy a road tax.

Referred to the Santa Barbara delegation, with special instructions, and reported back with amendment.

Amendment adopted, and bill read a third time and passed.

Assembly Bill No. 107—An Act to incorporate the City of Monterey.

Referred to the Monterey delegation, with special instructions.

The bill was subsequently reported back with amendments

Amendments adopted, and bill read a third time and passed.

On motion of Mr. Brown of Contra Costa, Assembly Bills Nos. 365, 366 and 367, on to-day's file, were ordered to the file for to-morrow.

On motion of Mr. Cochran, Senate Bill No. 39 was taken from the file and referred to the Butte County delegation.

Mr. Wolleb had leave of absence for the remainder of the day.

Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessment and collection of revenue in the County of Yuba, approved April second. eighteen hundred and sixty-six.

Senate substitute adopted, read a third time and passed.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

The report of the Commissioners to the World's Fair, or Paris Exposition, was taken from the file and referred to the Committee on Internal Improvements.

Assembly Bill No. 32—An Act to authorize Leopold Miller, Charles Lux, and others, to establish and maintain slaughter-houses within certain limits of the City of San Francisco.

Amendments adopted.

On motion of Mr. Tully, the bill was referred to a special committee of five.

Mr. Farish offered instructions to the committee.

Messrs. White and Giltner offered amendments to instructions.

The instructions and amendments were lost

The Speaker appointed as a special committee on the bill, Messrs. Tully, Ayer, Martin, White and Giltner.

Assembly Bill No. 452—An Act to provide for dockets of the former Justices of the Peace of the City and County of San Francisco, etc.

Also, Assembly Bill No. 454—An Act concerning roads and highways in the City and County of Sacramento.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Cochran had leave of absence for the remainder of the day.

Assembly Bill No. 476—An Act to provide for the removal of dead animals in the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 418—An Act to lower the grade of Sansome street, from Broadway to Lombard street, in San Francisco.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Assembly Bill No. 197—An Act concerning the office of Recorder of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 225—An Act concerning railroad companies in San Francisco.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 57—An Act to repeal an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco, etc.

Ordered to the file for to-morrow.

Senate Concurrent Resolution No 46, relative to the establishment of a daily mail route from Latrobe, in El Dorado County, to Ione City, in Amador County, and the establishment of a Post Office on said mail route;

Also, Senate Concurrent Resolution No. 53, relative to obtaining aid from Congress for the San Diego and Gila Southern Atlantic and Pacific Railroad Company.

Read a third time and passed.

Senate Bill No 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and issue certificates of title to the inhabitants of said town, in accordance with their respective interests.

Amendments adopted, and the bill read a third time and passed.

Mr. Giltner was granted leave of absence for the remainder of the day.

Senate Bill No. 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Read a third time and passed.

Senate Bill No 173—An Act to authorize Cyrus Cheeny and associates to build and maintain a wharf on the San Joaquin River, at Antioch.

Amendment adopted, read a third time and passed.

Assembly Bill No. 414—An Act to amend Act of March sixteenth, eighteen hundred and sixty-four, entitled an Act relating to the office of District Attorney of the County of Sacramento.

Read a third time

On the passage of the bill, the ayes and noes were demanded by Messrs. Coggins, Batchelder and Oliver.

The vote was as follows:

AYES—Messrs. Biggs, Broderson, Caldwell, Canavan, Comte, Crigler, Ellis, Farish, Gildea, Gregory, Green, James, Lee, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Ord, Papy, Russ, Spilman, Tully, Wand. Mr. Speaker—27.

NOES—Messrs Ables, Angney, Batchelder, Battelle, Bever, Bird, Brown of Tulare, Church, Coggins, Davies, Days, Downer, Dryer, Dwinelle, Jones, Lupton, McElhany, Oliver, Smith, Waldron, Westmoreland, White—22.

So the bill was passed.

Mr. Tully, by leave, offered the following resolution:

Resolved, That the use of the Assembly Chamber is hereby granted to Colonel W. W Hollister, for the purpose of delivering an address on on the subject of the "No Fence Law," Wednesday evening next, at seven o'clock.

Adopted.

On motion of Mr. Brown of Contra Costa, Assembly Bills Nos. 145, 146 and 147 were taken from the file and made the special order for to-morrow, at two o'clock P. M.

Assembly Bill No. 84—An Act to authorize and empower E. H. Schwatka, of Siskiyou County, to take from the State Prison at San Quentin a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads along and over the mountains of

Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support.

On motion of Mr. Steele, a call of the House was ordered, and the following members were found absent without excuse:

Messrs. Ayer, Buckbee, Caldwell, Dornin, Frisbie, Giltner, Mace, Moore, Payne, Rector and Rollins.

Messrs. Moore, Dornin and Rollins being absent on committee duty, were excused.

Mr. Mace, being sick, was excused.

Mr. Buckbee was also excused.

Mr. Brown of Contra Costa was granted leave of absence.

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

On the passage of Assembly Bill No. 84, the ayes and noes were demanded by Messrs. Smith, Clark and Brown of Tulare.

The vote was as follows:

Ayes—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Canavan, Church, Coggins, Comte, Dwinelle, Ellis, Farish, Fairchild, Gildea, Gregory, Green, James, Lee, Mahon, Mardis, Mattingly, McElhany, Oliver, Papy, Pardee, Russ, Steele, Tully, Wand, Mr. Speaker—30.

Noes—Messrs. Ables, Batchelder, Battelle, Bever, Crigler, Davies, Days, Downer, Dryer, Jones, Lupton, Martin, Meagher, Mentzell, Middleton, Morrow, Newsom, Ord, Smith, Spilman, Waldron, White, Willets—23.

So the bill was passed.

Senate Bill No. 286—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara.

Laid on the table.

Senate Bill No. 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Read a third time and passed.

Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Read a third time and passed.

Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Read a third time and passed.

Senate Bill No. 2 (Assembly substitute for Senate Bill No. 2)—An Act supplementary to an Act entitled an Act concerning conveyances.

Read a third time and passed.

Assembly Bill No. 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

Amended, and amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 379—An Act to amend an Act for the relief of insolvent debtors and protection of creditors, passed May fourth, eighteen hundred and fifty-two.

Recommitted to the Judiciary Committee.

Assembly Bill No. 455—An Act to authorize and empower John Dolbeer, William Carson, David R. Jones and Hans H. Buhne, or their assigns, to construct and maintain dams, booms and piers on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same.

Amended, and amendment adopted.

The rules were suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 463—An Act to amend an Act concerning grand and trial jurors.

Indefinitely postponed.

Assembly Bill No. 462—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Indefinitely postponed.

Mr. Tully gave notice that on to-morrow he would move to reconsider the vote by which Assembly Bill No 84 passed.

At four o'clock and forty-five minutes P. M., Mr. Tully moved to adjourn.

Lost

Assembly Bill No. 442—An Act amendatory of and supplementary to an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, and the Acts supplementary to and amendatory thereof.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 269—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Amendment adopted.

Rules suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No. 232—An Act to amend section three hundred and thirty-seven of the Civil Practice Act, in relation to the mode of making appeals.

Amendment adopted.

Rules suspended, bill considered engrossed, title amended, read a third time and passed.

At four o'clock and fifty-five minutes P. M, on motion of Mr. Wand, the House adjourned.

C. T. RYLAND, Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 3d, 1868.

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

The Committee on Public Buildings and Grounds were granted leave of absence to attend to committee business.

PETITIONS.

Petitions were presented by Messrs Tuttle and Spencer from citizens of Placer County, in reference to the "Anti-Fence Law."
Received and referred to the Committee on Agriculture.
Mr. Oliver presented petitions from various places, praying the present Sunday Law be not repealed.
Received and referred to the Special Committee on Sunday Laws.

REPORTS OF STANDING COMMITTEES.

Mr. Wolleb, Chairman of the Committee on Military Affairs, made the following minority report:

Mr SPEAKER: The undersigned, of the Committee on Military Affairs, hereby report back Assembly Bill No. 323—An Act to regulate the Military of the State of California—with amendments, and recommend its passage.

WOLLEB, Chairman.

Mr Giltner, from the Committee on Military Affairs, made the following majority report:

Mr. SPEAKER: The undersigned, Committee on Military Affairs, having had under consideration Assembly Bill No. 105, beg leave to report it back without amendment, and recommend its passage.

GILTNER,
CANAVAN.

On motion of Mr. Giltner, the above reported bill was ordered printed.
On motion of Mr. Wolleb, the bills known as "Military Bills," were made the special order for next Tuesday, the ninth instant, at twelve o'clock.
Mr. Russ, from the Committee on Internal Improvements, made the following report:

Mr. SPEAKER: The undersigned, the Committee on Internal Improvements, to whom was referred the report of Professor Blake, the Commissioner for the State of California for the World's Fair at Paris,

respectfully report the same back and suggest that it be referred to the Committee on Printing and the Committee on Mining Interests.

RUSS,
SMITH,
BIGGS,
COCHRAN.

The report was so referred.

Mr. Pardee, 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 127—An Act to fix and establish the boundaries of San Mateo County—have had the same under consideration, and beg leave to make the following report:

This bill proposes to annex to the County of San Mateo about one third of the territory of the County of Santa Cruz. The County of Santa Cruz is one of the smallest in the State, being about fifty-five miles in length and from ten to twelve miles in width, containing about sixteen townships, of six square miles each. And to still reduce the county in size, would be extremely unjust and injurious to the interests of said county.

The territory proposed to be detached from Santa Cruz County and to be annexed to San Mateo County consists of valuable farming and grazing lands and of large tracts of redwood timber land. Most of the agricultural land is under a high state of cultivation. The large and extensive forests of valuable timber will soon be a source of much revenue to the county, and it would be an act of injustice to the people of Santa Cruz County to deprive them of that which will, in a short time, add greatly to the wealth and prosperity of the county, and, as a consequence, lighten their burden of taxation.

On the other hand, the friends of the bill urge as an argument in favor of the reduction of Santa Cruz County, that San Mateo County will assume her proportion of the debt now existing against Santa Cruz County. But we do not deem this by any means adequate compensation for the large amount of valuable territory proposed by this bill to be taken away from Santa Cruz County. It is proposed to take one third of the territory of Santa Cruz County and to pay only one twelfth (1-12) of the debt of said county.

All of which is respectfully submitted, with a recommendation that the bill do not pass.

FAIRCHILD,
PARDEE.

Mr. Angney, Chairman of 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. 523—An Act to fix the fees of grand and trial jurors in criminal cases in the County of Tulare—report a substitute for the same and recommend its passage.

Also, Assembly Bill No 534—An Act for the erection of county buildings in the County of Lake, and other matters in relation thereto—re-

port the same back with amendment and recommend its passage as amended.

ANGNEY, Chairman.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 237—An Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia.

Also, Assembly Bill No. 200—An Act to authorize the City Council of Oakland to purchase and erect a city hall, and to issue bonds of said city and provide for the payment of the same

Also, Assembly Bill No 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

Also, Assembly Bill No. 173—An Act to create the Seventeenth Judicial District.

LEE, Chairman.

Mr. Tully verbally reported Assembly Bill No. —, with amendment and recommended its passage as amended.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 348—An Act to authorize Antonio Georgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands included in Tide Land Survey Number Eighty-two, County of Alameda—have had the same under consideration, and report back to the Assembly a substitute for said bill, and recommend the passage of the same.

Also, Assembly Bill No. 514—An Act supplemetary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Also, Assembly Bill No. 537—An Act supplemental to and amendatory of an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 540—An Act supplemental to and amendatory of an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto. approved February first, eighteen hundred and sixty-eight.

The Committee report these bills back to the Assembly—the whole subject matter relating solely to the City and County of Los Angeles—and the Acts being intended to take the place of a contract between the City and County of Los Angeles on the one part, and the proposed railroad on the other part; and the delegation from Los Angeles supporting

the bills, the committee have not changed their provisions, and make no recommendations.

Also, Assembly Bill No. 538—An Act to authorize Benjamin D. Wilson, W. D. Hanniger, J. De Battle Shorb, John S. Griffin, and their associates, to construct and maintain a turnpike road from some point at or near the Arroyo Seco, in the County of Los Angeles, across the mountains to or in the vicinity of Rock Creek—and recommend that it do not pass.

Also, Assembly Bill No. 470—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State—and recommend its passage

Also, Assembly Bill No. 515—An Act to repeal an Act entitled an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three—and recommend its passage

Also, Assembly Bill No. 516—An Act to authorize the construction of a turnpike from Mayfield to Pescadero—and recommend that it do not pass

Also, Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company—and recommend its passage.

Also, Senate Bill No. 137—An Act amendatory of and supplemental to 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—and recommend its passage

Also, Senate Bill No. 270—An Act to incorporate the Town of Suisun—and report the same back to the Assembly without recommendation.

Also, the committee have had under consideration, Assembly Bill No. 273—An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts, and also a substitute for the above entitled Act—and report the bill, with the substitute as amended, back to the House, and recommend the passage of the substitute.

MOORE, Chairman.

On motion of Mr Church, Assembly Bill No. 348, above reported, was ordered to the top of file for to-morrow.

REPORTS OF SELECT COMMITTEES.

Mr. Martin, from the Sonoma delegation, made the following report:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County—have had the same under consideration and report the same back and recommend its passage.

MARTIN, for Delegation.

Mr. Moore, from the Santa Clara delegation, made the following report:

Mr. SPEAKER: The Santa Clara delegation to whom was referred Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three—have had the said bill under consideration and report it back to the Assembly and recommend its passage.

Also, Assembly Bill No. 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a County Jail—have considered the same, report the bill back to the Assembly, with amendments, and recommend its passage as amended.

MOORE, for Delegation.

Mr. Ayer, from the Calaveras delegation, made the following report:

Mr. SPEAKER: The Calaveras delegation, to whom was referred Assembly Bill No. 234—An Act to fund the debt of Calaveras County—have had the same under consideration and respectfully report the same back to the House, with a substitute for said bill, and recommend the passage of the substitute.

AYER, *for Delegation.*

MOTIONS AND RESOLUTIONS.

Mr. Cochran offered the following resolution:

Resolved, That the petition of J. W. Ball, for relief, which was reported to the House several days since by the Committee on Claims, and laid on the table, be taken from the table and referred back to the Committee on Claims.

Adopted.

Mr. Hayes offered the following:

Resolved, That a bill fixing the boundaries of San Diego County, and a bill to provide for surveying and marking the southern boundary of this State, with the papers relating thereto, be withdrawn from the Committee on Federal Relations, and referred to the Committee on Counties and County Boundaries, with instructions to report on Friday next.

Adopted.

Mr. Dwinelle offered the following:

Resolved, That Assembly Bill No. — —An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State, be placed at the head of the file for to-morrow.

Adopted.

On motion of Mr. Middleton, the vote by which Assembly Bill No. 356 passed, was reconsidered by unanimous consent.

Mr. Tully offered the following Joint Resolution:

WHEREAS, Joint Resolutions of Congress proposing an amendment to the Constitution of the United States were proposed by the —— Congress, and submitted to the several States of the Union for their adoption or rejection, in accordance with the provisions of the Constitution of the United States; therefore, be it

Resolved, By the Assembly of the State of California, the Senate concurring, that the aforesaid proposed amendments to the Constitution of the United States be and are hereby rejected.

Read first and second times and referred to the Committee on Federal Relations, with instructions to report at an early day.

On motion of Mr. Biggs, the bills made the special orders for to-day at twelve o'clock, also all bills relating to the removal or permanent location of the State Capital, were laid on the table.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
March 2d, 1868.

Mr SPEAKER: I am directed to inform your honorable body that the Senate on the 28th ultimo adopted Senate Concurrent Resolution No. 59, relative to purchasing two copies of the picture known as "First in Peace," for the use of the two houses of the Legislature.

W. F. HUESTIS,
Assistant Secretary.

Senate Concurrent Resolution No. 59, was read and concurred in.

RESOLUTION.

Mr. Waldron, by leave, introduced the following resolution:

Resolved, That the State Prison Committee be requested at an early day to visit Rocklin, on the line of the Central Pacific Railroad, for the purpose of examining the proposed site for a Branch State Prison, in order to enable the Committee to report on the bill now pending for that purpose

Adopted.

NOTICES.

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

By Mr. Tully—An Act concerning roads and highways in the County of Monterey.

Also, an Act to confer upon the Board of Supervisors of Monterey County the power to grant road and bridge franchises, and fix the rate of tolls thereon.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. James—An Act to grant to Frederick W. Kuelp, Theodore Riser, A. Langenberger and others, the right to construct a wharf in the County of Los Angeles.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Oliver—An Act to re-incorporate the City of Stockton.

Read first and second times and referred to the San Joaquin delegation.

By Mr. Davies—An Act to provide a fund for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto

Read first and second times and referred to the Mono and Inyo delegations.

Also, an Act to divide the County of Mono into Supervisor districts, fixing compensation of the Board of Supervisors and providing payment for the same, and defining their powers and duties.

Read first and second times and referred to the Mono and Inyo delegations.

By Mr. Wand—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Meagher—An Act granting the right to Andrew N. Bell and Victor Beaudry to maintain a ferry on Owens Lake, Inyo County.

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

By Mr McElhany—An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California between the City of San José and San Bernardino, approved March twentieth, eighteen hundred sixty-six.

Read first and second times and placed on file.

By Mr. Lee—An Act relating to promises of marriage.

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

By Mr. Comte—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento.

Read first and second times and referred to the Sacramento delegation.

GENERAL FILE.

Speaker in the chair.

On motion of Mr. Middleton, Assembly Bill No. 356—An Act to declare a creek in Sections Thirty-five and Thirty-six, Township Three south, Range Three west, Mount Diablo, navigable—was taken up.

Mr. Westmoreland moved to reconsider the vote by which the amendment to section one was adopted.

The motion prevailed and the amendment was rejected.

Read third time and passed.

Assembly Bill No. 244—An Act supplemental to an Act to authorize

married women to execute powers of attorney, approved April thirteenth, eighteen hundred and sixty-three.

Read third time and passed.

Mr. Bird in the chair.

Assembly Bill No. 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz.

Mr. Pardee moved to indefinitely postpone.

Mr. Warfield moved the previous question.

Sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Pardee, Meagher and Warfield, and the House refused by the following vote:

AYES—Messrs. Ayer, Battelle, Church, Comte, Days, Dornin, Dryer, Fairchild, Jones, Morrow, Ord, Pardee, Spencer, Tuttle, Waldron, Westmoreland, White, Willets, Mr. Speaker—19.

NOES—Messrs. Ables, Bever, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Clark, Coggins, Connely, Crigler, Cureton, Davies, Downer, Dwinelle, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Kelly, Lee, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newsom, Oliver, O'Malley, Papy, Payne, Rector, Rollins, Russ, Scudder, Smith, Spilman, Steele, Tully, Wand, Warfield, Wolleb—52.

Substitute adopted and the bill ordered engrossed.

REPORT.

On motion of Mr Coggins, the rules were suspended to allow the Committee on Public Expenditures and Accounts to make a report.

Mr. Brown of Tulare, Chairman of the Committee on Public Accounts and Expenditures, made the following report, which was adopted:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts, having examined and found correct the following accounts, beg leave to to report the same, and recommend the adoption of the annexed resolution:

To whom due.	Amount.
J R Lee, two days	$4 00
J H. Rule, three days	6 00
George Loomis, one day	2 00
B D. Egens, two days	4 00
S S Haas, one day	2 00
J Q Adams, two days	4 00
M. Hickey, four days	8 00
T. Moulton, four days	8 00
C. A. Horton, four days	8 00
J H. Twidell, three days	6 00
M Meddleton, three days	6 00
W. T. Preston, two days	4 00
M. Cogan, two days	4 00

To whom due.	Amount.
M. L. Fornbohn, four days	8 00
W. C. Root, four days	8 00
F Smith, four days	8 00
H. W. Blanchard, three days	6 00
W. G Barton, three days	6 00
J. Corroll, three days	6 00
William Brown, three days	6 00
William Knechand, three days	6 00
William Woodland, three days	6 00
W. H. Peters, four days	8 00
J. McLaughlin, five days	10 00
William McGill, four days	8 00
J. S. Stanbury, four days	8 00
H. McAleer, four days	8 00
John Leed, three days	6 00
J. Hoesch, three days	6 00
C. W. Hilt, four days	8 00
M. Staples, three days	6 00
P. Bogan, two days	4 00
B. Benas, two days	4 00
S. G. Hilborn, two days	4 00
J. K. Hubbee, two days	4 00
C. A. Kilder, one day	2 00
S. C Fowler, two days	4 00
J. Reed, two days	4 00
J. W. Kerns, three days	6 00
H. Pendegast, one day	2 00
J. Cheney, three days	6 00
J. Dehn, four days	8 00
H. E. Patter, four days (eight dollars) and twelve miles (three dollars)	11 00
R. Clark, four days	8 00
J. McAvey, four days	8 00
J S. Likin, three days	6 00
J. Oakley, two days	4 00
M. Glennon, two days	4 00
J. J. Woods, two days	4 00
J. E Ryan, one day	2 00
J. Welsh, three days	6 00
A. A. Valless, two days	4 00
R S. Duncan, three days	6 00

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly, in favor of the above named persons, for the amount set opposite their names.

BROWN of Tulare, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 365—An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six.

Ordered engrossed.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

Amendments adopted and bill ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 198—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board, approved April twenty-seventh, eighteen hundred and sixty-three.

Amended, amendment adopted.

On motion of Mr Church, the bill was indefinitely postponed.

Mr. Tully moved to reconsider the vote by which Assembly Bill No. 84 passed on yesterday, but subsequently, by leave, withdrew the motion.

Senate Bill No. 291—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

Read a third time and passed.

Assembly Bill No. 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed.

RESOLUTION.

The rules were suspended to allow Mr. Middleton to introduce the following resolution:

Resolved, That Assembly Bill No 127, an Act to fix and define the boundaries of San Mateo and Santa Cruz Counties, be re-committed, with instructions to amend section two, and fix the sum which San Mateo County shall pay to Santa Cruz at five thousand dollars.

Adopted.

GENERAL FILE RESUMED.

Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 390—An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State, certain fees.

Considered in Committee of the Whole.

Mr. Bird in the chair.

IN ASSEMBLY.

Reported back with amendments, and passage recommended.

Amendments adopted, rules suspended, bill considered engrossed, read a time and passed.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

LEAVE OF ABSENCE.

The Committee on Public Buildings and Grounds were granted leave of absence for the remainder of the day.

SPECIAL ORDER.

Assembly Bill No. 145—An Act to amend sections seven and eleven of an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three.

Mr. Willets moved that Assembly Bills Nos. 145. 146 and 147 be referred back to the Judiciary Committee, with instructions to so amend as to make a grand jury to consist of not to exceed fifteen, or less than thirteen in number.

Withdrawn by leave.

Mr. Church offered an amendment, which was lost.

On the engrossment of the bill the ayes and noes were demanded by Messrs. Tully, Crigler and Waldron, and the House refused by the following vote:

AYES—Messrs. Bird, Caldwell, Clark, Comte, Cureton, Davies, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Hayes, Kelley, Moore, Newsom, Ord, Papy, Pardee, Payne, Rector, Rollins, Spilman, Steele, Wand, Warfield, Willets, Wolleb—30.

NOES—Messrs. Ables, Ayer, Battelle, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Cochran, Coggins, Connely, Crigler, Days, Dornin, Downer, Dryer, Green, Jones, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Morrow, Oliver, Russ, Scudder, Smith, Spencer, Tully, Tuttle, Waldron, Westmoreland, White, Mr. Speaker—35.

Mr. Buckbee gave notice that, on to-morrow, he should move to reconsider the vote by which the House refused to engross Assembly Bill No. 145.

On motion of Mr. Steele, the other bills being the special order—to

wit: Assembly Bills Nos. 146 and 147—were temporarily laid on the table.

On motion of Mr. Green, the rules were suspended to allow him to introduce a bill which, by leave, was subsequently withdrawn.

Assembly Bill No. 503—An Act to grant to Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and collect toll thereon.

Amended, amendments adopted, and bill ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and and passed.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries;

Also, Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State, between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, in Santa Cruz County;

Also, Assembly Bill No. 361—An Act to amend an Act entitled an Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amended and approved, January seventeenth, eighteen hundred and sixty-six;

Also, Assembly Bill No 301—An Act to amend section two of an Act entitled an Act in relation to levying county taxes in the county of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six;

Also, Assembly Joint Resolution No. 8, relative to erecting a lighthouse at the Town of Trinidad;

Also, Assembly Bill No. 76—An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes;

Also, Assembly Bill No. 256—An Act to provide for the collection of the revenue in and for Lake County and other matters relating thereto;

Also, Assembly Bill No 311—An Act to provide for the payment of the Registers and Receivers of the United States Land Office in this State certain fees;

Also, Assembly Bill No 360—An Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven;

Also, substitute for Assembly Bill No. 363—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Bill No. 374—An Act to provide for the payment of the outstanding indebtedness of Solano County;

Also, Assembly Concurrent Resolution No. 26, asking postal facilities from Red Bluff, in Tehama County;

And this day, at fifteen minutes past one o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

GENERAL FILE.

Assembly Bill No. 536 (substitute for Assembly Bills Nos. 154, 310 and 325)—An Act for the relief of certain parties therein named.

Adopted as substitute for Assembly Bill No. 154.

Mr. Steele moved the previous question.

Sustained.

On the engrossment of the bill, the ayes and noes were demanded by Messrs Scudder, Mahon and Wand, and the bill was ordered engrossed by the following vote:

AYES—Messrs. Biggs, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Coggins. Comte, Crigler. Cureton, Davies, Days, Dornin, Downer, Dryer, Ellis, Fairchild. Gildea, Gregory, Hayes, James, Jones, Kelley, Lee, Mahon, Martin, Mattingly, McElhany, Meagher, Mentzell, Morrow, Oliver, O'Malley, Payne, Rector, Russ, Scudder, Smith, Waldron, Wand, Westmoreland, White, Wolleb—44.

NOES—Messrs. Angney, Bird, Buckbee, Church, Connely, Dwinelle, Farish, Giltner, Middleton, Moore, Newsom, Papy, Pardee, Spencer, Spilman, Steele, Tully, Tuttle, Warfield, Willets, Mr. Speaker—21.

At five o'clock and fifteen minutes P. M., on motion of Mr. Giltner, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wesdnesday, March 4th, 1868.

House met at two o'clock P. M., pursuant to adjournment.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

PETITIONS.

Mr. Angney presented the memorial of L. Prevost, asking the Legislature to authorize a subscription for twenty-two thousand volumes of his Silk Growing Manual.

Received and ordered printed.

Mr. Mentzell presented a petition asking the repeal of the Sunday Law.

Received and referred to Committee on Public Morals.

Mr. Coggins presented a remonstrance of citizens of the northern and eastern portions of Sacramento County against the repeal of the Fence Law.

Referred to the Sacrameto delegation.

Mr. Gregory presented a petition from Amador County, asking that stock be permitted to run at large.

Referred to the Committee on Agriculture.

Mr. Angney presented a remonstrance of the citizens of the Town of Vallejo against the passage of Assembly Bill No. 362—An Act to incorporate the City of Vallejo

Received and referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr Meagher, from the Committee on Counties and County Boundaries, verbally reported back Assembly Bill No 127, amended according to instructions, and recommended its passage as amended.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 371, and a substitute therefor, entitled an Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchant's Dry Dock Company—respectfully report that they have had the same under consideration, and herewith report said bill, and a majority of the committee recommend the passage of said substitute, with the amendment made thereto by the committee.

The committee have also considered Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title—and recommend its passage, with an amendment made by the committee.

Also, Assembly Bill No. 490—An Act to define the duties and liabilities of pawnbrokers, pledgers and dealers in second hand goods—and recommend that it do not pass.

Also, Assembly Bill No. 328—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 report the same with a substitute and recommend the passage of the substitute.

Also, Assembly Bill No. 552—An Act authorizing John Hayes and Maria Hayes, guardians of William C Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale—and recommend that it do not pass

Also, Assembly Bill No. 489—An Act to prevent seduction—and recommend its passage with an amendment made by the committee.

STEELE, Chairman.

Mr. Dwinelle, from the Judiciary Committee, made the following minority report:

Mr. SPEAKER: The undersigned, a minority of the Committee on the Judiciary, to whom was referred Assembly Bill No. 371 and a substitute therefor—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the

Merchants' Dry Dock Company—respectfully report that, by an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one, commonly called the "San Francisco Water Lot Bill," certain water lot property in San Francisco was confirmed to private owners for the term of ninety-nine years, which property was bounded on the outside by a line which, by that Act, was enacted to be and remain a permanent water front of said city, and to be kept cleared free from all obstructions whatsoever for the space of five hundred yards therefrom; that this enactment constituted an inviolable contract on the part of the State with the owners of lands bounded by said water front, that the same should be forever kept free from obstructions; that the mooring for a term of years of a floating dry dock along any portion of such water front would be an obstruction in violation of said statutory contract—as great an obstruction as the erection of a brick warehouse would be—and that the object of the above entitled Act is to give to the Harbor Commissioners the power to commit such a violation. The undersigned therefore report that the proposed Act would be unconstitutional and void, and that it ought not to pass.

DWINELLE,
MOORE.

Mr. Steele, from the Judiciary Committee, also made the following report:

Mr. Speaker: Assembly Bills Nos. 73 and 484 proposing, in effect, to nullify the Act of Congress providing a circulating medium of Treasury notes, commonly called "legal tenders," and establish in the State of California a specie basis only, we recommend the indefinite postponement of both of said bills.

STEELE,
DWINELLE,
MOORE,
COMTE,
BUCKBEE,
CURETON,
TUTTLE,
HAYS,
PAPY.

[For report, see Appendix.]

Mr. Farish, from the Committee on Ways and Means, made the following report:

Mr. Speaker: The undersigned, being a majority of your Committee on Ways and Means, beg leave to report that they have had under consideration Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation—and herewith report the same back and recommend its passage. It is unnecessary for us to give at any great length the reasons that control our judgment in this matter. The simple fact that real estate owners have already paid tax upon the full value of their property, and that by established custom the mortgagers stipulate in the mortgage that in the event the State enforces the collection of the tax on mortgages, they, the mortgagers, will pay such tax, thereby making not only double, but oftentimes triple taxation, cannot fail, in the judgment of your committee—if the State enforce its

collection—to work disastrously. Bearing heavily as it does upon small borrowers and to a certain extent clogging the industry and enterprise of the State, it seems to us eminently proper that the Legislature should come to their relief and remit this tax.

FARISH,
WAND,
SCUDDER,
FRISBIE,
CHURCH,
AYER.

Mr. Willets gave notice that on to-morrow he would submit a minority report from the Committee on Ways and Means.

Mr. Tully, from the Committee on Federal Relations, made the following report:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 11, relative to the proposed amendments to the Constitution of the United States, have had the same under consideration, and report the same back with an amendment, and recommend the adoption of the amendment, and also recommend that the said amendments to the Federal Constitution be rejected.

TULLY, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Ellis, from the Los Angeles delegation, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 565—An Act to grant to Frederick W. Kuelf, Theodore Riser, A. Langerberger and others the right to construct a wharf in the County of Los Angeles—have had the same under consideration, report it back and recommend its passage.

ELLIS, for Delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration Assembly Bill No. 369—An Act amendatory of and supplementary to an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of the city and county, approved April twenty-seventh, eighteen hundred and sixty-three—and have made some amendments thereto, and they recommend the passage of the bill as amended.

They have also had under consideration Assembly Bill No. 213—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors—and have amended the same, and recommend that it be reported back as a substitute for Senate Bill No. 90, which was referred to them, entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the appointment

of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two, and that it be passed as amended.

CONNELY, for Delegation.

The Committee on Public Buildings and Grounds were granted leave of absence to attend to committee business.

Mr. Comte, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 561—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento—report the same back, with amendments, and recits passage amended.

COMTE,
BIGGS,
WOLLEB,
LEE.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 3d, 1868

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 165—An Act to authorize Z. B. Heywood and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Moore offered a resolution providing for printing general and special files, and that all the bills of a general character go on the general file, and all bills of a special character be placed on the special file, said files to be considered on separate days, etc.

Laid over one day under the rule.

On motion of Mr. Angney, Assembly Bill No. 473 was taken from the table and ordered to the top of the file for to-morrow.

Mr. Coggins gave notice that he should on to-morrow submit a minority report from the Sacramento delegation, in reference to Assembly Bill No. 561.

NOTICES.

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

By Mr Rollins—An Act to authorize an appropriation of money for the purpose of having a statue made in honor of Col. E. D. Baker, deceased, and having the same placed in the Hall of Statues, at Washington, District of Columbia, as provided for by section second of an Act of Congress, approved July second, eighteen hundred and sixty-four, and to create a Board of Trustees to carry out the object of such appropriation.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Ables—An Act concerning roads in the County of Marin.

Read first and second times and referred to the Marin delegation.

By Mr. Wolleb (by request)—An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Buckbee—An Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty six.

Read first and second time and placed on file.

By Mr Spilman—An Act to enable James Spect to float certain claims to swamp and overflowed lands in Sutter County.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr Wand—An Act to authorize Thomas H. Holt, J. Clark, J. H. Blumenbury and associates, to construct a railroad on certain streets in San Francisco.

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

By Mr. Frisbie—An Act to authorize certain parties to construct a wharf in the County of Solano

Read first and second times and placed on file.

By Mr. Dwinelle—An Act to amend 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.

Also, an Act in relation to promises made for the purpose of reviving certain debts and claims.

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

Also, an Act to amend section twenty-one 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.

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

By Mr. Connely—An Act for the relief of William Fitzpatrick.

Read first and second times and placed on file.

By Mr. Angney—An Act to develope silk culture in, and promote immigration to California.

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

GENERAL FILE.

On motion of Mr Buckbee, Assembly Bill No. 127—An Act to fix and establish the boundaries of San Mateo County—was taken up, amended, amendment adopted, read a third time and passed.

Assembly Bill No. 348 (substitute for Assembly Bill No. 348)—An Act to authorize Antonio Georgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands included in tide land survey number eighty-two, Alameda County.

Substitute adopted and ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 535—An Act to provide for the payment of certain bonds in the County of San Joaquin.

Amended, and amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 470—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State.

Rules suspended, bill considered engrossed, read a third time and passed.

REPORT.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No. 450—An Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine.

Also, Assembly Bill No 232—An Act to amend section three hundred and thirty-seven of the Civil Practice Act, in relation to the mode of making appeals.

Also, Assembly Bill No. 269—An Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three

Also, Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant.)

Also, Assembly Bill No 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington.

Also, Assembly Bill No. 401—An Act to provide for the improvement of that part of Carson River situated in Alpine County, and for that purpose granting to the Board of Supervisors of said Alpine County the right to charge and collect tolls for the floating and transportation of wood, saw logs and lumber, down the said portion of Carson River.

BATCHELDER, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No 135—An Act concerning roads and highways in the State of California.

Laid on the table.

On motion of Mr Moore, Assembly Bill No. 135 was ordered to the top of file for to-morrow.

Assembly Bill No. 359—An Act to provide for the appointment of a Chaplain for the State Prison.

Mr. Giltner moved to refer the bill to the Committee on Public Morals, with special instructions.

Mr Dwinelle moved to amend by referring to the Committee on Public Morals, with instructions to report a new bill.

The ayes and noes were demanded by Messrs. Westmoreland, O'Malley and Waldron, and the bill was so referred, by the following vote:

AYES—Messrs. Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Clark, Coggins, Comte, Connely, Days, Dwinelle, Fairchild. Farish, Frisbie, Gildea, Giltner, Gregory, Hayes, James, Jones, Mace, Mahon, Martin, Mattingly, Meagher, Mentzell, Middleton, O'Malley, Ord, Papy, Rector, Russ, Steele, Tully, Wand, Warfield, Willets, Wolleb, Mr. Speaker—40.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa. Church. Crigler, Cureton, Davies, Dornin, Downer, Dryer, Kelley, Mardis, McElhany, Moore, Morrow, Newsom, Pardee, Payne, Rollins, Scudder, Smith, Spencer, Spilman, Tuttle, Waldron, Westmoreland, White—31.

Mr Dwinelle had leave of absence on committee business.

Assembly Bill No. 306—An Act granting to the City of Monterey the water front of said city, in the Bay of Monterey.

Read a third time and passed.

Senate Bill No 75—An Act to fix the time for electing Representatives to Congress.

Read a third time and passed.

REPORT.

Mr. Tully (by leave), for Committee on Public Lands, reported Assembly Bill No. 271, and recommended it to the favorable consideration of the House.

Also, Assembly Bills Nos. 275 and 272, and recommended that they do not pass.

[For report, see Appendix]

The report and bills reported therein were referred to the Committee on Commerce and Navigation, and ordered printed.

GENERAL FILE RESUMED.

Assembly Bill No. 550—An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 549—An Act to fix the terms of the County Court of the County of Monterey.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals

Amended; amendments adopted, bill read third time and passed.

Assembly Bill No. 544—An Act to re-district the County of Monterey, and to provide for the election of Supervisors.

Referred to the Monterey delegation.

Assembly Bill No. 421 (substitute for Assembly Bill No. 421)—An Act for the more effectual prevention of cruelty to animals.

Rules suspended, bill considered engrossed and read third time.

On its passage, the ayes and noes were demanded by Messrs. Canavan, Bird and White, and the bill passed by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa Brown of Tulare, Caldwell, Church, Clark, Coggins, Comte, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Gildea, Giltner, Gregory, Hayes, James, Jones, Kelley, Martin, Meagher, Middleton Oliver, Ord, Papy, Pardee, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, Wolleb—52

NOES—Messrs. Buckbee, Canavan, Cochran, Mattingly, Mentzell, Morrow, Newsom, Rector, White, Willets—10.

Assembly Bill No. 279—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.

Temporarily laid on the table.

MESSAGE FROM THE GOVERNOR.

On motion of Mr. Canavan, the rules were suspended and the following message from the Governor was taken up.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 4th, 1868.

To the Assembly of the State of California:

I return herewith, to your honorable body, without my approval, Assembly Bill No. 30, an Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect tolls for travel thereon.

This bill is obnoxious, and many of the objections are stated in a similar bill previously returned to your honorable body, and those objections it is needless to repeat.

It grants a special franchise, when the general law makes ample provision for every legitimate purpose.

H. H. HAIGHT, Governor.

Assembly Bill No. 30—Returned without the Governor's approval, was made special order for to-morrow at twelve o'clock.

GENERAL FILE RESUMED.

Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society, San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. O'Malley, Assembly Bill No. 369, was ordered to top of file for to-morrow.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M the House reassembled.
Speaker in the chair.
Roll called
Quorum present.
Messrs Scudder and Farish were granted leave of absence on committee duty.

RESOLUTION.

Mr. Dornin, by leave, offered the following:

Resolved, That two hundred and forty additional copies of Assembly Bill No 519 be printed.

Laid over one day under the rules.

REPORT.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, by leave, made the following report:

Mr SPEAKER: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 321—An Act to provide for the permanent improvement of a certain portion of the water front of the City and County of San Francisco, for the purposes of commerce and navigation—report the same back and recommend its passage as amended.
Also, Assembly Bill No 481—An Act to provide for the disposition of certain lands in the City and County of San Francisco, State of California—report the same back and recommend its passage.

MIDDLETON, Chairman.

GENERAL FILE.

Assembly Bill No. 440—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs relating thereto, approved May twentieth, eighteen hundred and sixty-one.
Ordered to the file for to-morrow.
Assembly Bill No 161—An Act to amend an Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State.
Indefinitely postponed
Assembly Bill No. 257—An Act to amend an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty.
Indefinitely postponed.
Assembly Bill No. 402—An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.
Indefinitely postponed.
Assembly Bill No 233 ordered to the file for to-morrow.
Assembly Bill No. 377 ordered to the file for to-morrow.
Assembly Bill No. 393 ordered to the file for to-morrow.

Assembly Bill No. 499—An Act to fix the time for holding County Court and Probate Court in the County of Yolo.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 409—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Title amended and bill ordered engrossed

On motion of Mr. Dwinelle, Assembly Bill No. 348 was recalled from the possession of the Engrossing Clerk, amended and passed by unanimous consent.

Assembly Bill No 426—An Act to condemn lands in all cases where corporations are interested.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

The Committee on Indian Affairs were granted leave of absence to attend to committee business.

Assembly Bill No. 353—An Act for the preservation of fish and game.

Referred to the Committee on Agriculture, with special instructions.

Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and firearms.

Recommitted to the Committee on Agriculture.

Mr. Gregory had leave of absence for the remainder of the day.

Assembly Bill No. 475—An Act to encourage the destruction of wild animals, and pay a bounty for the scalps thereof.

Committee amendment was lost.

Proposed amendments were lost.

Mr. Wolleb moved the previous question.

Sustained.

An amendment offered by Mr. Mahon was adopted.

On the engrossment of the bill the ayes and noes were demanded by Messrs. Giltner, Warfield and Meagher, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Brown of Contra Costa, Brown of Tulare, Canavan, Crigler, Days, Fairchild, Newsom, O'Malley—10.

NOES—Messrs. Batchelder, Bever, Biggs, Bird, Buckbee, Caldwell, Church, Coggins, Comte, Connelly, Cureton, Dornin, Downer, Frisbie, Giltner, Gregory, Jones, Kelley, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Morrow, Oliver, Papy, Pardee, Payne, Russ, Smith, Spencer, Tully, Waldron, Wand, Warfield, Westmoreland, White, Willets, Mr. Speaker—43

Mr. Tully gave notice that on to-morrow he should move to reconsider the vote by which the House refused to engross Assembly Bill No 475.

Senate Bill No. 153—An Act concerning insane convicts at the State Prison.

Read a third time and passed.

Assembly Bill No. 351—An Act supplementary to an Act entitled an Act for the encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two.

Received and referred to the Committee on Ways and Means.

Assembly Bill No. 391—An Act extending the time for the construction of the work provided for by an Act entitled an Act granting the

right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns therein named, passed April first, eighteen hundred and sixty-four.

Ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 314—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

Read third time and passed

Senate Bill No 307—An Act granting leave of absence to George H. Whitman, District Attorney of Mono County.

Amended, amendment adopted and read a third time.

On its passage, the ayes and noes were demanded by Messrs. Moore, Brown of Tulare and Clark, and the bill passed by the following vote:

AYES—Messrs. Ables, Angney, Battelle, Bever, Biggs, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Comte, Crigler, Cureton, Davies, Days, Dryer, Dwinelle, Ellis, Fairchild, Frisbie, Hayes, Jones, Kelley, Mace, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Morrow, Oliver, Pardee, Payne, Rollins, Russ, Spencer, Waldron, Wand, Warfield, White, Wolleb—42

NOES—Messrs Bird, Clark, Cochran, Coggins, Connely, Green, James, Martin, Moore, Newsom, Papy, Smith, Steele, Tully, Westmoreland, Willets—16.

Mr Dwinelle moved to reconsider the vote by which the bill passed.

The motion, by leave, was withdrawn.

At four o'clock and thirty-five minutes P. M., the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 5th. 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by Rev. O. P. Fitzgerald.

Journal of yesterday read and approved.

PETITIONS.

Mr. Rollins presented a petition from an organization styled the "Grand Army of the Republic," in reference to an invitation extended

by Congress to each of the States to place statues in the old hall of the House of Representatives of two of its eminent citizens, said organization suggesting the name of Colonel Edward Dickinson Baker for the distinguished honor before mentioned, etc Said petition signed by James Coe, O. C. Miller, Edward Ingham, James N. Olney, Wm. Gouverneur Morris, John F. Sheehan.

Petition received and read

Mr Warfield moved to indefinitely postpone action on the petition.

Motions and points of order were made by a number of members.

Mr. Tuttle rose to a point of order, and referred to rule five of the House.

Sustained.

Mr. Gildea moved to lay the petition on the table

The ayes and noes were demanded by Messrs. O'Malley, Cureton and Gildea, and the motion prevailed by the following vote:

AYES—Messrs. Angney, Bird. Brown of Tulare, Caldwell. Canavan, Cochran, Comte, Connely, Crigler, Cureton. Ellis, Fairchild, Farish, Gildea, Giltner, Gregory. Hayes, James. Kelley. Lee, Mace, Mahon. Mardis, Martin. Mattingly, Meagher, Mentzell, Middleton, Newsom, O'Malley, Ord, Papy, Payne, Russ, Scudder, Spilman, Steele, Tully, Wand, Warfield, Willets, Wolleb, Mr. Speaker—43.

NOES—Messrs Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee. Church, Clark, Coggins, Davies, Days, Dornin. Downer, Dryer. Dwinelle, Green, Jones. McElhany, Moore, Morrow. Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron. White—29.

The Speaker presented a communication from the Mayor of San Francisco, accompanied by a tracing from a map of outside or pueblo lands of San Francisco, so called, there being no official map of said lands

The documents were received and referred to the Judiciary Committee.

Mr. Warfield presented a petition from voters and taxpayers of the Town of Sonoma, praying the passage of a law appointing three commissioners, who will be authorized to transfer the plaza in said town for school purposes, etc.

Received and temporarily laid on the table.

Mr. Morrow presented a petition from citizens of San Joaquin County, remonstrating against the passage a law known as the Anti-Fence Law.

Received and referred to the Committee on Agriculture.

REPORTS OF STANDING COMMITTEES.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary to whom was referred Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six—with a substitute for said bill passed by the Senate. respectfully report that they have considered said bill and substitute, and recommend that the Assembly do not concur with the action of the Senate in the adoption of said substitute.

The committee have also considered Assembly Bill No. 216—An Act

to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three—and a majority of the committee recommend that the bill do not pass.

Also, Assembly Bill No. 492—An Act to amend an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—and recommend its passage

Also, Assembly Bill No. 486—An Act to legalize the assessment of taxes for the fiscal year commencing on the first of March, in the year eighteen hundred and sixty-seven, in the County of Lake, State of California, and other acts of the Board of Supervisors of Lake County done at a special meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven—the committee recommend that this bill be referred to the delegation from Lake County, with the advice that they cause the subject matter thereof to be provided for in two separate bills: one to legalize the assessments, and the other to legalize the acts of the Board of Supervisors, to comply with section twenty-five, of Article four, of the Constitution of the State of California.

Also, Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances—and recommend its passage.

Also, substitute for Senate Bill No. 121—An Act to provide for the sale of escheated estates—and recommend its passage.

Also, Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, A. D eighteen hundred and fifty—and recommend its passage.

Also, substitute for Senate Bill No. 233—An Act in relation to witnesses—and recommend its passage.

Also, Assembly Bill No. 551—An Act to amend an Act entitled an Act to authorize District Judges in certain cases to sign records and settle statements, approved April twelfth, eighteen hundred and fifty-nine—and recommend its passage, with an amendment made by the committee.

Also, Assembly Bill No. 491—An Act to provide for the appointment of trustees in certain cases—and recommend its passage.

Also, Assembly Bill No 493—An Act concerning defenses in certain proceedings based on judgments recovered for delinquent taxes—and recommend its passage, with an amendment made by the committee.

Also, Assembly Bill No. 370—An Act to establish a Court in the City and County of San Francisco, to be called the Criminal Court of the City and County of San Francisco. The committee report this bill with a substitute and recommend the passage of the substitute.

STEELE, Chairman.

Mr. Steele, from the Judiciary Committee, made the following minority report:

Mr. SPEAKER: The undersigned, members of the Judiciary Committee, do not concur in the recommendation of the majority that Assembly Bill No. 216 do not pass. In coming to our conclusions adverse to the

majority of the committee, we are governed by the following reasons, as set forth in their report to the House to-day.

STEELE,
MOORE.

[For report, see Appendix.]

Mr. Mahon, Chairman of the Committee on Public Printing, made the following report:

Mr. SPEAKER: The Committee on Public Printing, to whom was referred the report of the Commissioner to the Paris Exposition of eighteen hundred and sixty-seven, have had the same under consideration, and in view of the importance of the report to the mining, agricultural and mechanical interests of this State, recommend the passage of the accompanying joint resolution.

MAHON, Chairman.

Mr. Farish, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER: The undersigned, Committee on Ways and Means, beg leave to report that they have had under consideration Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six—and herewith report the same back and recommend its passage.

FARISH, for Committee.

[For report, see Appendix.]

Mr Church, from the Committee on Ways and Means, made the following report:

Mr SPEAKER: The Committee on Ways and Means have had Senate Bill No 288—an Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight—under consideration, and the majority of said committee have instructed me to report the same back with amendments, and to recommend the passage of the bill as amended.

CHURCH, for Committee.

Mr Mace, Chairman of 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. 573—An Act to enable Jonas Spect to float certain claims to swamp and overflowed lands in Sutter County, have had the same under consideration, and report the bill back and recommend its passage.

MACE, Chairman.

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 337—An Act more strictly defin-

ing the duties of the Board of Supervisors and other officers of Humboldt County, to place the affairs of that county on a cash basis, and reduce public expenditures and taxation therein—have had said bill under consideration, and find that it refers almost exclusively to the financial affairs of said county; and as the Committee on Ways and Means have heretofore taken cognizance of such questions, your committee recommend that this bill be referred to that Committee.

MEAGHER, Chairman.

The bill was so referred.

Mr. Willets was granted until to-morrow to make a minority report from the Committee on Ways and Means.

Mr. Rector, Chairman of the Committee on Indian Affairs, made the following report:

Mr SPEAKER: The Committee on Indian Affairs, to whom was referred Assembly Bill No. 221—An Act concerning conveyances by Indian Pueblos for public purposes—have had the same under consideration, and beg leave to report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 347—An Act to repeal section thirteen of an Act entitled an Act to provide for binding minors as apprentices, clerks and servants, approved April tenth, eighteen hundred and fifty-eight—and report the same back and recommend its passage.

Also, Senate Joint Resolution No. 43, and recommend its adoption.

RECTOR, Chairman.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 60—An Act for the protection of game—have had the same under consideration, and beg leave to report the bill back, and recommend its indefinite postponement.

KELLEY, Chairman.

Mr. Wand, Chairman of the Committee on Mileage, made the following report:

Mr. SPEAKER: Your Committee on Mileage respectfully report the following amounts due the Committee on State Hospitals, to wit:

To whom due.	Amount.
R L. Mattingly	$91 20
B. A Mardis	91 20
Warner Oliver	91 20
C G. Spencer	91 20
J. B. Warfield	91 20

and recommend the adoption of the following resolution:

Resolved by the Assembly, That the Controller of State is hereby required to draw his warrant on the State Treasurer, payable out of the Contingent Fund of the Assembly, for the following amounts:

In favor of R Mattingly, for ninety-one dollars and twenty cents.
In favor of B. A Mardis, for ninety-one dollars and twenty cents.
In favor of Warner Oliver, for ninety-one dollars and twenty cents.
In favor of C G. Spencer, for ninety-one dollars and twenty cents.
In favor of J. B. Warfield, for ninety-one dollars and twenty cents.

WAND, Chairman.

The resolution was adopted.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims have had under consideration the several bills referred to them, hereafter named, and ask leave to make the following report, to wit:

Assembly Bill No. 410—An Act to appropriate moneys to pay the claim of A. J. F. Phelan—which was a second time referred to the committee, and after having again considered the merits of this bill they have been unable to arrive at any different conclusion than that which they came to on its first reference. They therefore again recommend that the bill be indefinitely postponed.

Also, Senate Bill No. 67—An Act for the relief of H B. Underhill, late District Attorney of San Joaquin County.

The committee believe that under the Act of the Legislature (Statutes of eighteen hundred and sixty-five and eighteen hundred and sixty-six, page two hundred and forty-four) providing for the release of the bondsmen of Evans, County Treasurer of San Joaquin County, from liability to the State and county, on the judgment obtained against them, he should, before entering a release of the same, have required of them payment of his fees for prosecuting the case, inasmuch as the statute named required that the bondsmen should pay all the costs before satisfaction of the judgment could be demanded by them, and the committee deem his fees to be a part of such costs. They therefore recommend that the bill be indefinitely postponed.

Also, Assembly Bill No. 507—An Act for the relief of Ira B Folsom. The committee deem this claim devoid of merit, and they therefore recommend that the bill be indefinitely postponed.

Also, Assembly Bill No. 477—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier. The committee believe, from the proofs placed before them, that this is a just claim; they herewith report a substitute for the original bill, and recommend the passage of the substitute.

CONNELY, Chairman.

Mr. Angney, Chairman of 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. 430—An Act to authorize the County Treasurer of Santa Barbara County to set aside certain moneys for certain purposes—report that they have examined the same, and find it so loosely drawn and so open to abuse, leaving to the Treasurer so great discretion, and the County of Santa Barbara so exposed to the payment of unjust,

illegal and improper demands, that it is difficult to understand the intent of the author; they therefore deem it best to report back the said bill, with a recommendation that it do not pass.

ANGNEY, for Committee.

Mr. Angney, 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 436—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—recommend the reference of the bill to the Committee on the Judiciary.

ANGNEY, for Committee.

Mr. Angney, 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 532—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five—report back the same and recommend its passage.

The same committee, to whom was referred Assembly Bill No. 351—An Act supplementary to an Act for the encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two—have carefully examined the same and report it back with amendments, and recommend its passage as amended.

ANGNEY, for Committee.

Mr. Angney, 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 522—An Act amendatory of and supplementary to an Act making the office of County Treasurer of Trinity County a salaried office, approved March twenty-first, eighteen hundred and sixty-two—have had the same under consideration, and report it back with a recommendation that it do not pass. In view of the fact that a bill is now pending before the Assembly which provides a salary for the County Treasurer of said County of Trinity, which makes provision for the officer named, and which attains the object sought by this bill, it was unanimously agreed to make the report herein indicated. This is an exercise of special legislation, while the general Act proposed furnishes the proper remedy.

ANGNEY, for Committee.

Mr. Angney, 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. 258—An Act to exempt Exempt Firemen from

the payment of State poll tax—have examined the same, report it back, and recommend its indefinite postponement.

ANGNEY, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Ayer, from the Calaveras delegation, made the following report:

Mr SPEAKER: The Calaveras delegation, to whom were referred Assembly Bill No 286—An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County; and Assembly Bill No 508—An Act to create a Redemption Fund for the County of Calaveras—have had the same under consideration, and respectfully report them back to the House, and recommend their passage.

AYER, for Delegation.

Mr. Mattingly, from the San Mateo delegation, made the following report:

Mr. SPEAKER: The San Mateo delegation, to whom was referred Senate Bill No. 214—concerning roads and highways in the County of San Mateo—have had the same under consideration and report the same back, and recommend its passage.

MATTINGLY, for Delegation.

Mr. Ables, from the Marin delegation, made the following report:

Mr. SPEAKER: The Marin delegation, to whom was referred Assembly Bill No. 572—An Act concerning roads in the County of Marin—have had the same under consideration, and respectfully report it back, and recommend its passage.

ABLES, for Delegation.

Mr. Church, from the Alameda delegation, made the following report:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No 466—An Act to provide for the erection of a jail and County Recorder's office building in the County of Alameda—have had the same under consideration, amended it, and recommend its passage as amended.

Also, have considered Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two—and report the same back, and recommend its passage.

CHURCH, for Delegation.

MOTIONS AND RESOLUTIONS.

Mr. Scudder offered a resolution providing for holding night sessions. Laid over one day.

The following resolution, offered by Mr Dornin, was taken up:

Resolved, That two hundred and forty additional copies of Assembly Bill No. 519 be printed.

Adopted.

The resolution offered by Mr. Moore, on yesterday, relative to printing general and special files, was taken up and temporarily laid on the table.

The concurrent resolution accompanying the report of the Committee on Printing, providing for printing the report of Commissioner to the Paris Exhibition, was taken up and laid over for one day.

Mr. Comte offered a resolution that three hundred and sixty additional copies of the report of the Special Committee on County Statistics be printed.

Laid over for one day.

Mr. Canavan offered the following resolution:

Resolved, That two hundred and forty copies of Assembly Bill No. 179 be printed for the use of this House.

Lost.

Mr. Warfield offered the following resolution:

Resolved by the Assembly, That the San Francisco delegation, to whom was referred Assembly Bill No 281—An Act to authorize George Hearst and others to lay down gas pipes in the streets of the City of San Francisco—be instructed to report back to this House the said bill on Friday, the sixth day of March, A. D. eighteen hundred and sixty-eighth.

Adopted.

REPORTS.

Mr Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed Assembly Bill No 424—An Act to fix the salaries and compensation of the County Judge, District Attorney and County Treasurer of the County of Alpine.

Also, Assembly Bill No. 452—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco, and issuing process on the same.

Also, Assembly Bill No 442—An Act supplementary to and amendatory of an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three, and the various Acts supplementary thereto and amendatory thereof.

Also, Assembly Bill No 476—An Act to provide for the removal of dead animals, and to prevent nuisances in the City and County of San Francisco.

Also, Assembly Bill No 183—An Act to regulate the bond of the County Treasurer of Santa Clara County

Also, Assembly Bill No. 201—An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of the county for fifty thousand dollars, for the purpose of raising a fund to construct a wagon and turnpike road from some point near Hydesville, in that county, to the southern boundary line of that county, and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof.

Also, Assembly Bill No. 356—An Act declaring navigable a certain creek in Sections Thirty-five and Thirty-six, Township Three south, Range Three west, Mount Diablo meridian

Also, substitute for Assembly Bill No 348—An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands in Alameda County.

Also, substitute for Assembly Bill No 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz

LEE, Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 4th, 1868

Mr. SPEAKER: The Senate, on this day, passed Assembly Bill No. 468—An Act to authorize the Board of Supervisors of El Dorado County to meet as a Board of Equalization on the fifth day of March, A D. eighteen hundred and sixty-eight.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 4th, 1868

Mr. SPEAKER: I am instructed to inform the Assembly that the Senate, on the twenty-eighth ultimo passed, under a suspension of the rules, Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company and to provide for the payment of the same.

Also, on the twenty-ninth ultimo, passed Senate Bill No. 358—An Act to provide for refunding the funded debt of Siskiyou County, California.

Also, on same day, Senate Bill No 362—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty three

Also, on this day, under a suspension of the rules, Assembly Bill No. 116—An Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District Number Two.

Also, under a suspension of the rules, Assembly Bill No 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

W. F. HEUSTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 358, above reported, was read first and second times and referred to the Siskiyou delegation.

Senate Bill No. 362, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 259, above reported, was read first and second times and referred to the Sonoma, Napa and Solano delegations.

NOTICES.

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

By Mr. White—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada, to provide for the election of a Road Commissioner and to define his duties, and to sell at public sale the keeping in repair and improvement of the public roads of said county to the highest bidder

By Mr. Gildea—An Act to except the City of Placerville from the operations of the Registry Law at municipal elections.

Also, an Act to empower Assessors in El Dorado County to assess certain property in El Dorado for the year eighteen hundred and sixty-six and collect the taxes thereon.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Buckbee—An Act to amend section two hundred and five of an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

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

By Mr. Cureton—An Act supplementary to and amendatory of an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

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

By Mr. Rollins—An Act to authorize an appropriation of money for the purpose of having a statue made in honor of Col. E. D. Baker, deceased, and having the same placed in the Hall of Statues at Washington, D. C., as provided for by section two of an Act of Congress approved July second, A. D. eighteen hundred and sixty-four, and to create a Board of Trustees to carry out the object of such appropriation.

Read first and second times and referred to the Committee on Ways and Means, with instructions to strike out the name of Col. E. D. Baker and insert that of General Wright

On motion of Mr. Tuttle, Assembly Bill No. 124 was made the special order for to-morrow at twelve o'clock.

By Mr. Payne—An Act to amend an Act entitled an Act to regulate the fees of certain officers in Amador County, approved April sixth, eighteen hundred and fifty-nine.

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

By Mr. Martin—An Act concerning the municipal elections to be held in the City of Petaluma, Sonoma County.

Read first and second times and referred to the Sonoma delegation.

By Mr. Warfield—An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma and other matters relating thereto; to define the powers and duties of said Commissioners and to repeal all other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act.

Read first and second times and referred to the Sonoma delegation.

By Mr. Pardee—An Act to authorize and empower Horace Templeton, Thomas W. Moore, William S. Chapman and Clinton Gurnes, or their assigns, to float logs and other timber down Pescadero Creek, in

Santa Cruz County, to remove from the channel of said creek all obstructions which may interfere with logging on the same, and to construct and maintain dams, booms, and piers in said creek, for the term of twenty years.

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

By Mr. Jones—An Act to appropriate money to carry into effect the provisions of an Act therein named.

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

By Mr. Church—An Act declaring certain streams in the County of Alameda navigable.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr Moore—An Act to amend section two hundred and nineteen of an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State.

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

By Mr Pardee—An Act to incorporate the Town of Watsonville, Santa Cruz County, California.

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

By Mr. Dwinelle—An Act to create and organize the University of California.

Read first and second times and referred to Joint Committee on Agricultural and Mechanic Arts College, and, under a suspension of the rules, four hundred and eighty copies of the bill were ordered printed.

SPECIAL FILE.

On motion of Mr. Batchelder, the Governor's message, returning to the House Assembly Bill No. 30, without his approval, and made the special order for twelve o'clock to-day, was taken up.

The question being, Shall the bill pass notwithstanding the objections of the Governor? the roll was called and the House refused by the following vote:

AYE—Mr. Morrow—1.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Church, Cochran, Coggins, Comte, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Fairchild, Frisbie, Gildea, Giltner, Gregory, Hayes, James, Lee, Mace, Mahon, Mardis, Martin, Meagher, Mentzell, Middleton, Moore, Newsom, O'Malley, Ord, Papy, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Wolleb, Mr. Speaker—62.

GENERAL FILE.

Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers.

Mr. O'Malley in the chair.

Considered in Committee of the Whole, Mr. O'Malley in the chair.

IN ASSEMBLY.

The bill was reported back by the Committee of the Whole, who were granted further time to conclude their deliberations.

A message from the Governor and also from the Senate were received.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Wolleb was granted leave of absence.

On motion of Mr. Tuttle, Assembly Bill No. 135 was ordered to top of file for to-morrow.

The House went into Committee of the Whole to further consider Assembly Bill No. 478.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back with amendments, and the committee granted leave to set again to further consider the bill.

On motion of Mr. Westmoreland, the bill was ordered to the top of the file for to-morrow.

REPORTS.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 380—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes;

Also, Assembly Bill No. 207—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four;

Also, Assembly Bill No 102—An Act granting to the mining counties of this State the foreign miners' tax collected in said counties, severally;

Also, Assembly Bill No. 368—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes in the County of Tulare;

Also, Assembly Bill No. 355—An Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty;

Also, Assembly Bill No. 352—An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds;

Also, Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four;

And on this day, at forty-five minutes past twelve o'clock, presented the same to the Governor for his approval

AYER, for Committee.

Mr. Payne, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 468—An Act to authorize the Board of Supervisors of El Dorado County to meet as a Board of Equalization on the fifth of March, A. D. eighteen hundred and sixty-eight;

And this day, at half past two o'clock P. M., presented the same to the Governor for his approval.

PAYNE, for Committee.

Mr. Tully, according to notice, moved to reconsider the vote by which the House refused to engross Assembly Bill No. 475.

The House refused to reconsider the vote.

GENERAL FILE.

Assembly Bill No. 369—An Act amendatory of and supplemental to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of the city and county, approved April twenty-seventh, eighteen hundred and sixty-three.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 416 (substitute)—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty, and amended February twenty-ninth, eighteen hundred and sixty-four

The rules were suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Read third time and passed.

MESSAGE FROM THE SENATE.

On motion of Mr. Warfield, the following Senate message was taken up:

SENATE CHAMBER,
March 5th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, under a suspension of the rules, and ordered the same to be immediately transmitted to the Assembly, Senate Bill No. 417—An Act for the relief of J. S. Downes.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 417, above reported, was read first and second times and ordered to top of the file for to-morrow.

GENERAL FILE RESUMED.

Senate Bill No. 330—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against the same.

Amendments adopted, and bill read a third time and passed.

Assembly Bill No. 141 (substitute for Senate Bill No. 13)—An Act to amend section two hundred and nineteen 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, as amended by subsequent enactments.

House receded from its amendments to Senate bill.

Read a third time and passed.

Assembly Bill No. 209 (substitute for Assembly Bills Nos. 14, 40, 90, 123, 125, 185 and 187—An Act to amend sections one hundred and sixty-five, one hundred and eighty-nine, two hundred and three, two hundred and sixty-four, two hundred and sixty-five, four hundred and forty-eight, five hundred and forty-three, five hundred and eighty-two and six hundred and twenty-eight 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, as amended by subsequent Acts.

Amended, and amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

REPORT OF SPECIAL COMMITTEE.

Mr. Steele (by leave) made the following report:

Mr. SPEAKER: The special committee, to whom was referred Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California—respectfully report the same back with amendments thereto attached, and recommend the passage of the bill as amended.

STEELE (Chairman),
MACE,
BEVER,
FARISH.

[For report, see Appendix.]

At five o'clock and fifteen minutes P. M., on motion of Mr. Cochran, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 6th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved

Messrs. Dwinelle and Rector were granted leave of absence for the remainder of the day.

PETITIONS.

Mr. Giltner presented a petition from citizens of Mariposa County, opposing the passage of Senate Bill No. 2.

Received and referred to Committee on Agriculture.

Mr. Hayes presented a petition from citizens of San Diego, praying, among other things, that they be protected against Indians, and providing for a reservation for said Indians, etc.

INTRODUCTION OF BILLS.

On motion of Mr. Biggs, the rules were suspended to allow him to introduce bills, as follows:

An Act to supply deficient records in County Clerk's office, in the County of Sacramento

Read first and second times and referred to the Sacramento delegation.

Also, an Act to provide revenue for the support of the Government of this State.

Read first and second times and placed on file.

REPORTS OF STANDING COMMITTEES.

Mr. Mace, 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 474—An Act to provide for the management and sale of the lands belonging to the State—have had the same under consideration and report it back with amendments, and recommend its passage as amended.

MACE, Chairman.

Mr. Russ, from the Committee on Internal Improvements, made the following report:

Mr. SPEAKER: The Committee on Internal Improvements, to whom was referred Senate Bill No. 342—An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges—have had the same under consideration, and report it back and respectfully recommend its passage.

RUSS, for Committee.

Mr. Willetts, from the Committee on Ways and Means, made the following minority report:

Mr. SPEAKER: The undersigned, from the Committee on Ways and Means, beg leave to present a minority report on Assembly Bill No. 300—An Act to abate the tax on mortgages—believing that the Act in question, involving matters of the greatest importance affecting the financial resources of our State, to an extent entirely beyond our present means of ascertaining, should receive the most careful consideration before it should become a law The theory of taxation recognizes an equality in the distribution of the burdens of government.

WILLITTS, for Minority.

[For report, see Appendix]

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered, and herewith report Assembly Bill No 488—An Act to amend an Act entitled an Act to authorize guardians of minors, idiots and lunatics to receive and remove from this State any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight—and recommend its passage, with the amendments made thereto by the committee.

Also, Assembly Bill No. 485—An Act amendatory of and supplemental to 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, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six—that they approve the bill, but as it applies only to one county, whilst it is of general interest to the State, your committee think it should be referred to the Committee on Mines and Mining Interests, who now have the subject under consideration

Also, Assembly Bill No. 576—An Act to amend section twenty-one of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one—and recommend its passage as amended by the committee.

Also, Assembly Bill No. 577—An Act in relation to promises made for the purpose of reviving certain debts and claims—and recommend its passage.

Also, Assembly Bill No. 553—An Act to provide for the protection of certain lands in the County of Sutter from overflow—and recommend its reference to the Committee on Swamp and Overflowed Lands.

The bill was so referred.

Also, Assembly Bill No. 487—An Act granting Francis M Stone and others certain rights and immunities for fishing purposes, in Tulare Lake—and recommend its reference to the delegations from counties bordering on Tulare Lake.

Also, Assembly Bill No. 39—An Act amendatory of and supplementary to an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one—and recommend the passage of the accompanying substitute for said bill

Also. Assembly Bill No. 581—An Act to amend section two hundred and five of an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—and recommend its passage.

STEELE, Chairman.

Mr. Crigler, Chairman of the Committee on State Prison, made the following report:

Mr. SPEAKER: The undersigned Committee on State Prison, to whom was referred substitute for Senate Bill No. 306, beg leave to submit that they have had the same under consideration, and report the bill back and recommend its passage.

CRIGLER, Chairman.

On motion of Mr. Brown of Contra Costa, the rules were suspended, and Senate Bill No. 306 —An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison—was taken up, read a third time and passed.

Mr. Kelley, from the Committee on Agriculture, made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 580—An Act supplementary to and amendatory of an Act entitled an Act to protect sheep. Cashmere and Angora goats, against the ravages of dogs, approved April thirteenth, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report the bill back, and recommend its passage.

Also, Assembly Bill No. 524—An Act to encourage the production and manufacture of sugar from sugar beets in California—report the bill back with an amendment to the first section, and recommend the passage of the same as amended.

Also, Assembly Bills Nos. 525 and 526—Acts concerning hogs running at large in the Counties of Mono and Monterey—report the same back, and recommend their passage.

KELLEY, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Martin, from the Sonoma delegation, made the following report:

Mr SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No 585—An Act concerning the municipal election to be held in the City of Petaluma, Sonoma County—have had the same under consideration and report it back with an amendment, and recommend its passage.

MARTIN, for Delegation.

Mr. Crigler, from the Lake delegation, made the following report:

Mr. SPEAKER: The delegation from Lake County, to whom was referred Assembly Bill No. 486, by recommendation of the Committee on the Judiciary, would respectfully report that said bill and recommendation have been under consideration, and report the same back with two substitutes, and recommend the passage of the substitutes.

CRIGLER, for Delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration the following bills, referred to them, and ask leave to report, as follows:

Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets—have made an amendment thereto, and recommend the passage of the bill as amended

Also, Assembly Bill No. 281—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City and County of San Francisco—a majority of the delegation recommend that the bill be indefinitely postponed.

Also, Assembly Bill No. 268—An Act to authorize H. T. Templeton and S P. Middleton, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco—a majority of the delegation recommend that the bill be indefinitely postponed.

CONNELY, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 4th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 361—An Act to amend an Act entitled an Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amended and approved, January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 363—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 311—An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees.

Also, Assembly Bill No. 301—An Act to amend section two of an Act entitled an Act in relation to levying county taxes in the County of San

Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 76—An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

Also, Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries.

Also, Assembly Bill No. 360—An Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven.

Also, Assembly Bill No. 374—An Act to provide for the payment of the outstanding indebtedness of Fresno County.

Also, Assembly Bill No. 256—An Act to provide for the collection of the revenue in and for Lake County and other matters relating thereto.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

The following resolution, offered by Mr. Comte on yesterday, was taken up:

Resolved, That the State Printer be instructed to print three hundred and sixty copies of the report of the Special Committee on County Statistics, additional to the one hundred and twenty copies thereof heretofore ordered to be printed.

Adopted

The following resolution, offered by Mr. Scudder on Saturday, was taken up:

Resolved, That on and after Monday, March ninth, the Assembly hold a night session, together with the day session, commencing at seven o'clock.

Laid on the table.

The following resolution, accompanying the report of the Committee on Printing on yesterday, was taken up:

Resolved by the Assembly, the Senate concurring, That the report of the Commissioner to the Paris Exposition of eighteen hundred and sixty-seven be embodied in the Transactions of the California State Agricultural Society for eighteen hundred and sixty-six and eighteen hundred and sixty-seven, and that the same number of copies of the Commissioner's report be printed as has been ordered printed of the State Agricultural Society's transactions for the year aforesaid.

Adopted.

On motion of Mr. Giltner, Senate Bill No 111 was taken from the table and referred to the Committee on Agriculture

Mr. Days offered the following resolution:

Resolved, That the sum of twelve dollars be allowed to James Linen for framing the picture "First in Peace," and that the Controller be

instructed to draw his warrant on the Contingent Fund of the Assembly for the same.

Adopted.

Mr. Batchelder offered a resolution in relation to holding evening sessions, to commence on the evening of March tenth.

Laid over one day under the rules.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 5th, 1868.

Mr. SPEAKER: The Senate on this day amended and passed substitute for Assembly Bill No. 262—An Act to amend an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

Also, concurred in Assembly amendments to Senate Bill No. 307—An Act granting leave of absence to Geo. N. Whitman, District Attorney of Mono County.

G. W. DIXON,
Assistant Clerk.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 307, above reported, was returned to the Senate being improperly sent to the Assembly.

Assembly Bill No. 262 was read and Senate amendments concurred in.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Waldron—An Act to fix the salary of the District Attorney of Placer County.

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

Also, an Act fixing the salaries of the Assessors of Placer County.

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

Also, an Act to fix the salary of the Treasurer of Placer County.

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

Also, an Act to amend section five of an Act entitled an Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Supervisors and Clerk of the Board of Equalization, from the office of County Clerk, in the County of Placer, approved February eleventh, eighteen hundred and fifty-eight, as amended by an Act approved May eighteenth, eighteen hundred and sixty-one.

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

Also, an Act to repeal an Act entitled an Act concerning the office of District Attorney of the County of Placer, approved March twenty-second, eighteen hundred and sixty-six.

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

Also, an Act to amend sections one, two and three of an Act entitled an Act concerning the office of County Clerk of Placer County.

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

By Mr. Spencer—An Act to provide for the transfer of certain funds in the County of Placer.

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

By Mr. Frisbie—An Act entitled 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.

Also, an Act to authorize the establishment of a steam ferry between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County.

Read first and second times and referred to the Solano and Contra Costa delegations.

By Mr. White—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

Read first and second times and referred to the Nevada delegation, and ordered printed.

By Mr. Warfield—An Act to confer powers on Boards of Supervisors in respect to railroad stopping places.

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

Also, an Act to provide for the construction and use of a canal in Islais Creek.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Lupton (by request)—An Act to establish a Municipal Court in the City and County of San Francisco, to be called the Superior Court of the City of San Francisco.

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

By Mr. Buckbee—An Act to repeal an Act to provide for the election of Supervisors of certain counties in this State, approved April fourth, eighteen hundred and sixty-four.

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

By Mr. Warfield—An Act to amend the practice in civil cases in the Courts of this State.

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

By Mr. Coggins—An Act to authorize J S. Woods, William Shattuck, Frank H. Cummings, Daniel W. Clark, S. E Wilson, E. D. Shirland, and their associates and assigns, to lay down gas pipes in the City of Sacramento, County of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Brown of Contra Costa—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquines, for the purpose of fishing.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

Read first and second times and referred to the Contra Costa delegation.

By Mr. Brown of Tulare (by request)—An Act granting leave of absence to W. C. Stratton, State Librarian.

Read first and second times and placed on file.

By Mr. Lupton—An Act to extend the provisions of an Act entitled an Act supplementary to an Act entitled an Act concerning conveyances,

passed April sixteenth, eighteen hundred and fifty, approved April thirtieth, eighteen hundred and sixty.

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

By Mr. Bird—An Act to amend section eight of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

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

RESOLUTIONS.

Mr. Frisbie offered a joint resolution amending sections thirty-four, thirty-five and thirty-six, of Article four of the Constitution.

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

Also, a concurrent resolution, granting leave of absence to J. B. Carrington, a Justice of the Peace and Roadmaster, in the County of Solano, which was adopted.

GENERAL FILE.

Senate Bill No. 417—An Act for the relief of James S. Downes.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Reported back without amendments, passage recommended, read a third time and passed.

Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers.

Considered in Committee of the Whole.

Mr. O'Malley in the chair.

IN ASSEMBLY.

The bill was reported back with amendments, and the committee granted further time to consider it.

SPECIAL ORDER.

Assembly No. 124—An Act to amend an Act entitled an Act regulating the assessment and taxation of railroads and other roads, for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

On motion of Mr. Tuttle, the printed bill was substituted for the original bill.

On motion of Mr. Tuttle, all after the enacting clause of the bill was stricken out, a substitute inserted and adopted, title amended, and bill ordered engrossed

The Committee on Public Buildings and Grounds were granted leave of absence for the remainder of the day to attend to committee duty.

Assembly Bill No. 371 ordered second on file for to-morrow.

Assembly Bill No. 478 again considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back by the committee, who reported progress, and were granted leave to sit again.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

REPORT.

Mr. Mahon, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 454—An Act concerning roads and highways in the County of Sacramento.

Also, Assembly Bill No. 197—An Act to authorize the County Recorder of the City and County of San Francisco to appoint an additional deputy.

Also, Assembly Bill No. 225—An Act concerning railroad companies in the City and County of San Francisco.

Also, Assembly Bill No. 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

Also, Assembly Bill No 443—An Act to give additional powers to the Board of Supervisors of Santa Barbara County to levy a road tax.

Also, Assembly Bill No. 418—An Act to lower the grade of Sansome street, from Broadway street to Lombard street, in the City and County of San Francisco.

Also, Assembly Bill No. 431 —An Act concerning the ancient Jewish Order of Kesher-shel-Barsel.

Also, Assembly Bill No. 445—An Act to amend section thirty-eight of an Act regulating elections.

Also, Assembly Bill No. 536 (substitute for Assembly Bills Nos 154, 310 and 325)—An Act for the relief of certain parties therein named.

MAHON, for Committee.

Assembly Bill No. 478 again considered in Committee of the Whole.
Speaker in the chair.

IN ASSEMBLY.

Bill reported back with amendments, and passage recommended.

On motion of Mr. Gildea, all the amendments made to the bill in the Committee of the Whole were adopted.

Amended, and amendments adopted.

Mr. Buckbee moved to recommit to the Special Committee on Fees and Salaries, with special instructions.

Mr. Warfield moved the previous question.

Sustained

The motion to recommit was lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs Buckbee, Coggins and Angney, and ordered engrossed, by the following vote:

AYES—Messrs. Ables, Angney, Bever, Brown of Contra Costa, Brown

of Tulare, Caldwell, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Davies, Days, Dryer, Ellis, Frisbie, Gregory, Green, Hayes, Kelley, Lee, Lupton, Mardis, Martin, Mattingly, Meagher, Mentzell, Moore, Morrow, Newsom, Oliver, Ord, Pardee, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Mr Speaker—52.

NOES—Messrs. Ayer, Buckbee, Downer, Gildea, Giltner, Jones, McElhany—7.

Rules suspended, bill considered engrossed, read a third time and passed.

The Speaker presented a communication in reference to a lecture to be delivered in the Assembly Chamber this evening, by Mrs. Laura DeForce Jordan.

On motion of Mr Church, Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight—was taken up and considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back with amendments, and passage recommended; amendments adopted, bill read a third time and passed.

Mr. Warfield, from special committee, by leave, made the following report:

Mr. SPEAKER: The Sonoma, Napa and Solano delegations, to whom was referred Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company, and provide for their payment—have had the same under consideration, and report it back with an amendment, and recommend its passage.

WARFIELD, for Delegations.

Senate Bill No 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six—was taken up and considered in Committee of the Whole.

Mr. Lupton in the chair.

IN ASSEMBLY.

Bill reported back, passage recommended, and read a third time.

Mr. Coggins moved to recommit to a special committee of five, with special instructions.

Mr. Farish moved the previous question.

Sustained

The motion to recommit was lost on a division.

On the passage of the bill, the ayes and noes were demanded by Messrs. Spencer, Meagher and Farish, and it passed by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Battelle, Bird, Broderson, Brown

of Contra Costa, Brown of Tulare, Church, Comte, Connely, Crigler, Davies, Days, Dornin, Downer, Dryer, Ellis, Fairchild, Farish, Frisbie, Gildea, Green, Hayes, Jones, Kelly, Lupton, Mace, Mahon, Mardis, McElhany, Middleton, Morrow, Oliver, Papy, Pardee, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Waldron, Wand, Warfield, White, Willets—48.

NOES—Messrs. Bever, Cochran, Coggins, Gregory, Martin, Mattingly, Meagher, Mentzel, Moore, Newsom, Payne, Rector, Rollins, Tuttle, Mr. Speaker—15.

Mr. Dornin gave notice that on to-morrow he would move to reconsider the vote by which the bill passed.

SENATE MESSAGE.

The following Senate message was taken up:

SENATE CHAMBER,
March 6th, 1868.

Mr. SPEAKER: I am instructed to inform the Assembly that the Senate on this day adopted Senate Concurrent Resolution No. 62, requesting the Governor to return to the Senate, Senate Bill No. 306.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 62, above reported, was read and adopted in concurrence.

On motion of Mr. Kelley, Assembly Bill No. 524 was recommitted to the Committee on Agriculture.

At five o'clock and thirty minutes P. M., on motion of Mr. Ayer, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 7th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Mr. Cochran was granted leave of absence for three days.
Mr. Bird had leave of absence for one day.

Mr. Mahon, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 369—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the power and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of the city and county, approved April twenty-seventh, eighteen hundred and sixty-three.

MAHON, for Committee.

Mr. Mahon, Chairman of the Committee on Sunday Laws, made the following report:

Mr SPEAKER: The Committee on Sunday Laws, to whom have been referred all bills in relation thereto, have carefully considered the same and report a substitute therefor, which substitute, it is hoped, may be adopted by this House, being in all respects the most reasonable bill which has yet been presented on this vexed question.

MAHON, Chairman.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 591, declaring certain streams in the County of Alameda navigable, report the same back and recommend its passage.

Also, Assembly Bill No. 606, and recommend its passage.

Also, Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo—report the same back as amended, and recommend its passage.

Also, Assembly Bill No. 531—An Act to encourage the manufacture of steel in this State—report the same back with a substitute, and recommend the passage of the substitute as amended.

Also, Assembly Bill No. 398—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of this State, certain rights and privileges—report the same back and recommend its passage.

Also, Assembly Bill No. 599—An Act to provide for the construction and use of a canal in Islais Creek—report the same back, and recommend its passage as amended.

They have had under consideration Assembly Bill No. 272—An Act to grant to the heirs of Miguel de Pedroena, deceased, the title of the State of California in certain property, situate on the water front of the Town of New San Diego.

Also, Assembly Bill No. 275, of a like character to the above. Your committee recommend that they do not pass.

Also, Assembly Bill No. 271—An Act to grant W. K. Davis the title of the State of California in certain property, situate on the water front of the Town of New San Diego—and recommend it do not pass.

MIDDLETON, Chairman.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and firearms—have had the bill under consideration and beg leave to report the same back and recommend its passage.

Also, Senate Bill No. 234—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one

Also, Assembly Bill No. 495—An Act to regulate the taking up and posting of stray animals—report the same back and recommend their passage.

KELLY, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Steele, Chairman of the special committee appointed to investigate and report upon Assembly Bill No. 129, to provide for the sale of salt marsh and tide lands in San Francisco, reported a bill of expense incurred in the course of the investigation.

The report and accompanying bills were referred to the Committee on Public Expenditures and Accounts.

Mr. Fairchild, from the Siskiyou delegation, made the following report:

Mr. SPEAKER: The Siskiyou delegation. to whom was referred Senate Bill No. 358, have had the same under consideration and beg leave to report the bill back and recommend its passage.

FAIRCHILD, for Delegation.

Mr. Comte, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 239, beg leave to report that they have had the same under consideration and report the same back with the recommendation that it pass.

COMTE,
LEE,
WOLLEB,
COGGINS,
BIGGS.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 6th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 207—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three; and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 355—An Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty.

Also, Assembly Bill No. 468—An Act to authorize the Board of Supervisors of El Dorado County to meet as a Board of Equalization on the fifth day of March, eighteen hundred and sixty-eight.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

The following resolution, offered by Mr Batchelder on yesterday, was taken up:

Resolved, That on and after Tuesday, March tenth, the Assembly hold evening sessions on Monday, Wednesday and Friday of each week, commencing at seven and a half o'clock P. M., and that at such sessions only local or special bills shall be considered; that the Clerk cause a file of all such bills to be made out in their regular order for the use of such evening sessions.

On motion of Mr. Brown of Contra Costa, the resolution was amended by striking out "Monday."

On motion of Mr. Church, the resolution was laid on the table.

Mr. Tuttle offered a joint resolution requesting our Senators and Representatives in Congress to use their influence with the Postmaster-General to have a Mail Agent appointed, whose duty it shall be to travel on the mail cars and open and distribute the way mail between the different towns, and deliver the letters at their places of destination on the line of the Central Pacific Railroad.

Read first and second times, rules suspended, and, by unanimous consent, read third time and passed.

Mr. Lee offered the following resolution:

Resolved, That the State Prison Committee be and are hereby authorized to visit Folsom at as early a day as possible, for the purpose of examing the site there for a Branch State Prison.

Adopted.

Mr. Moore moved to reconsider the vote by which Senate Bill No. 220 passed on yesterday

Mr. Canavan moved to postpone the further consideration of the motion and make it the special order for Tuesday next at two o'clock.

Mr. Waldron moved the previous question.

Lost.

Mr. Canavan, by leave, withdrew his motion to postpone.

Mr. Rollins in the chair.

Mr. Lupton moved the previous question.

Sustained.

On the motion of Mr Moore to reconsider, the ayes and noes were demanded by Messrs. Moore, Brown of Tulare, and Church, and the House refused by the following vote:

AYES—Messrs. Angney, Batchelder, Bever, Buckbee, Caldwell, Canavan, Clark, Coggins, Crigler, Cureton, Fairchild, Giltner, Gregory, Green, James, Martin, Meagher, Mentzell, Moore, Newsom, Ord, Payne, Rollins, Tully, Mr. Speaker—25.

NOES—Messrs. Ables, Ayer, Battelle, Brown of Contra Costa, Brown of Tulare, Church, Comte, Connely, Davies, Days, Downer, Dryer, Dwinelle, Ellis, Farish, Frisbie, Hayes, Jones, Kelley, Lupton, Mace, Mahon, Mardis, Mattingly, McElhany, Middleton, Morrow, Oliver, O'Malley, Papy, Pardee, Rector, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Wolleb—46.

Mr. Greene offered a resolution limiting the time of speaking on any one question.

Laid over one day.

REPORTS.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled Assembly Bill No. 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board;

Also, Assembly Bill No. 262—An Act to amend an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six;

Also, Assembly Bill No. 183—An Act to regulate the bond of the County Treasurer of Santa Clara County;

And this day, at fifteen minutes past eleven o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed substitute for Assembly Bill No 376—An Act to amend sections one, five and eight of an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba. approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 550—An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County.

Also, Assembly Bill No. 499—An Act to fix the time of holding the County Court and Probate Court in the County of Yolo.

Also, Assembly Bill No. 535—An Act to provide for the payment of the interest on certain bonds in the County of San Joaquin.

Also, Assembly Bill No. 455—An Act to authorize and empower John Dobleer. William Carson, David R. Jones and Hans H. Buhne, or their assigns. to construct and maintain dams, booms and piers, on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same.

Also, Assembly Bill No. 503—An Act to grant to Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and to collect toll thereon.

Also, Assembly Bill No 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

BATCHELDER,
RECTOR,
For Committee.

Mr. Tully, Chairman of Committee on Public Lands, by leave, made the following report:

Mr. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 467—An Act for the protection of laurel and other valuable cabinet and shipbuilding woods growing upon the public domain of this State, and to provide for a Board of Timber Commissioners to take charge of the same—have had the same under consideration, and report it back with the accompanying substitute, and recommend the adoption of said substitute.

Also, Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property—have considered the same, and recommend its passage, with the accompanying amendments.

TULLY, Chairman.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
March 6th, 1868.

Mr. SPEAKER: The Senate on yesterday passed Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns.

Also, Assembly Bill No. 299—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Fran-

cisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

Also, Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino.

Also, amended and passed Assembly Bill No. 220—An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks.

Also, Assembly Bill No 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of ———, eighteen hundred and sixty-six.

Also, Assembly Bill No 389—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

Also, Assembly Bill No. 345—An Act to provide for the payment of assessments against the property of the Government of the United States, for street improvements in the City and County of San Francisco.

Also, Senate Bill No. 200—An Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-two, and all Acts amendatory thereof and supplementary thereto.

Also, passed Assembly Bill No. 332—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisor in the County of San Diego.

Also, Assembly Bill No 420—An Act to fix the compensation of the Board of Supervisors of Tulare County.

Also, Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, and the several Acts amendatory thereto.

Also, Assembly Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Also, Senate substitute for Assembly Bill No. 239—An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots.

Also, on the twenty-sixth ultimo, passed Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, A. D. eighteen hundred and fifty-four.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 6th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on this day passed the following bills, to wit:

Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad

on certain streets therein named, in the City and County of San Francisco.

Senate Bill No. 215—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further power upon the Governor of this in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Senate Bill No. 320—An Act for the encouragement of silk culture in this State.

And, under a suspension of the rules, passed Assembly Bill No. 459—An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five.

And, on the twenty-eight ultimo, under a suspension of the rules, passed Senate Concurrent Resolution No. 56, memorial to Congress on the claims of J. M. Hutchings and J. C. Lamon.

And, on the third instant, under a suspension of the rules, passed Senate Bill No. 403—An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight.

And, on the fourth instant, under a suspension of the rules, passed Senate Concurrent Resolution No. 11, proposed amendments to the Constitution of the State of California.

Also, Senate Concurrent Resolution No. 20, proposed amendments to the Constitution of the State of California.

Also, Senate Bill No. 274, proposed amendments to the Constitution of the State of California.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 6th, 1868.

Mr. SPEAKER: The Senate on the fifth instant, under a suspension of the rules, passed Senate Bill No. 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 7th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate on the sixth instant passed Assembly Bill No. 383—An Act to amend an Act to provide for the election of Township Assessors in

the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four.

Also, the Senate refused to concur in a portion of Assembly amendments to Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 199, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 285, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 274, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 215, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 20, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 11, above reported, was read first and second times and referred to the Judiciary Committee.

Senate substitute for Assembly Bill No. 239, above reported, was read first and second times and referred to the Judiciary Committee, to report on Monday next.

Senate Bill No. 200, above reported, was read first and second times and referred to the Committee on Printing.

Senate Bill No. 242, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No. 7, above reported, was read first and second times and referred to the Santa Barbara delegation

Assembly Bill No 345, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Assembly Bill No. 193, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Assembly Bill No. 389, above reported, with Senate amendments to the bill; amendments adopted in concurrence

Assembly Bill No. 180, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Assembly Bill No. 220, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Assembly Bill No. 420, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Senate Bill No. 266, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 227, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 294, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 403, above reported, was read first and second times and referred to the Yuba delegation.

Senate Concurrent Resolution No. 56, above reported, read first and second times and referred to the Committee on Federal Relations.

Senate Bill No. 320, above reported, was read first and second times and referred to the Committee on Agriculture.

Senate Bill No. 355, above reported, was read first and second times and placed on file.

Senate Bill No. 288, above reported.

The House refused to recede from its amendments to the bill, and on motion of Mr. Gildea, a Committee of Free Conference, to consist of three members, was ordered.

The Speaker appointed as such committee, Messrs. Gildea, Davies and Angney.

REPORT.

Mr. Lupton, Chairman of the Committee on Federal Relations, by leave, made the following report:

Mr. SPEAKER: The Committee on Federal Relations have had under consideration Assembly Concurrent Resolutions No. 46—Relative to instructing the Senators and requesting the Representatives of the State to procure the passage of a law to prevent the employment of persons who do not speak the English language, on board any vessel of the United States propelled by steam—and report the same back, and recommend the passage of the same.

The purpose of the resolutions and the petition accompanying the same is so well set forth in said resolutions and petition as to render it unnecessary for your committee to explain further the objects thereof, except to remark that we believe proper regard for the lives of passengers travelling at sea, upon steam vessels, demand the passage of such a law as asked for in the resolutions and petition.

LUPTON, Chairman.

The resolutions were ordered on the top of the file for Tuesday.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Special Committee on Sunday Laws—An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Read first and second times and ordered to head of file for Tuesday next.

By Mr. Warfield—An Act for the better protection of the State Treasury.

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

By Mr. Tully—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Registry Laws.

Also, an Act to grant to Matthew Tarpy, his associates and assigns,

the right to construct and maintain a turnpike or wagon road in the County of Monterey, and to collect tolls on the same.

Read first and second times and referred to the Commitee on Roads and Highways.

By Mr. Frisbie—An Act to regulate the issue and transfer of warehouse receipts and other vouchers, and to prohibit fraud therein.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hayes—An Act to authorize the construction and maintenance of a wharf at the Town of New San Diego, on the Bay of San Diego, by William H. Davis, his associates or assigns.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Kelley—An Act for the relief of Rebecca C. Hoagland.

Read first and second times and referred to Judiciary Committee.

By Mr. Lee—An Act to provide for the establishment and maintenance of a Branch State Prison, in the Township of Granite, in the County of Sacramento.

Read first and second times and referred to the Committee on State Prison, and ordered printed.

By Mr. Brown of Tulare—An Act to amend an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and also, to amend an Act entitled an Act amendatory of and supplementary to an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, approved March fifth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Connely—An Act supplemental to an Act entitled an Act to establish the lines and grades of streets in the City and County of San Francisco, approved April fourth, eighteen hundred and sixty-four.

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

Also, an Act to amend sections one and four of an Act relating to bills of exchange and promissory notes.

Read first and second times and referred to Judiciary Committee.

By Mr. Dwinelle—An Act to amend an Act entitled an Act supplementary to 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, passed April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and placed on file.

By Mr. Lupton—An Act to provide for the visitation and inspection of the jails and prisons of the State.

Read first and second times and referred to the State Prison Committee.

Also, concurrent resolution relative to instructing Senators and requesting Representatives to secure the passage of a law granting to the Northern Pacific Railroad Company sufficient aid to secure its construction.

Read first and second times and referred to the Committee on Public Lands.

GENERAL FILE.

Assembly Bill No. 371 (substitute for Assembly Bill No· 371), to authorize and direct the Board of State Harbor Commissioners to execute and deliver a lease of a portion of the water front of San Francisco to the Merchants' Dry Dock Company.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

LEAVE OF ABSENCE.

Messrs. Brown of Contra Costa, Mardis, Russ, Rector, Frisbie, Scudder and Middleton were granted leave of absence until Tuesday next.

GENERAL FILE RESUMED.

Consideration of Assembly Bill No. 371 resumed.

Amended, amendment adopted and ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 7th, 1868.

Mr. SPEAKER: The Senate, on this day, passed Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

W. F. HUESTIS,
Assistant Secretary.

Senate Bill No. 205, above reported, was read first and second times and placed on file.

GENERAL FILE RESUMED.

Mr. Farish moved to take up Assembly Bill No. 129.

Lost.

On motion of Mr. Farish, Assembly Bills Nos. 129 and 321 were made the special order for Wednesday next, at eleven o'clock.

Assembly Bill No. 135—An Act concerning roads and highways in the State of California.

Ordered first on file for Tuesday next.

Assembly Bill No. 559—An Act to exempt millers from serving upon juries in the County of Stanislaus.

Ordered engrossed.

MESSAGE FROM THE SENATE.

The following Senate message was taken up:

SENATE CHAMBER,
March 7th, 1868.

Mr. SPEAKER: I am directed to respectfully inform your honorable body that the Senate this day adopted Senate Concurrent Resolution No. 62, for the correction of Senate Bill No. 306.

JOHN WHITE, Secretary.

Senate Concurrent Resolution No. 62 was adopted in concurrence.

GENERAL FILE.

Assembly Joint Resolution No. 3, relative to appropriating fifty thousand dollars by Congress for turning the River of San Diego into False Bay, and otherwise to improve the Harbor of San Diego.

Read a third time and passed.

Senate Bill No. 262—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland.

Amendments adopted.

Read a third time and passed.

Assembly Bill No. 440—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 336—An Act to provide for the relief of the indigent sick of San Mateo County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

Amendment adopted.

Read a third time and passed.

Assembly Bill No. 533—An Act to confer certain powers upon the Sacramento Gas Company, and others.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 378—An Act to provide for the levying and collection of a special tax, to be used in the construction of bridges in the County of Tehama.

Amended and amendment adopted.

Read a third time and passed.

Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation

thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company.

Read a third time and passed.

Senate Bill No. 317—An Act concerning the Clerk of the Board of Supervisors of Napa County.

Read third time and passed

Senate Bill No. 261—An Act to provide funds for the school department of the City of Oakland, and to authorize the payment of certain indebtedness.

Read a third time and passed.

Assembly Concurrent Resolution No. 32, relative to the establishment of a tri-weekly mail route from Crystal Peak, Nevada, via Sardino Valley, Sierraville, etc.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers, for rafting logs and timber.

Read a third time and passed.

Senate Bill No. 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six.

Referred to the San Joaquin delegation.

On motion of Mr. Mace, Assembly Bill No .474 was ordered to the top of the file for Wednesday next.

Mr. Tully offered a resolution, which was ruled out of order, there being objections.

REPORT.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 371—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchants' Floating Dry Dock Company.

BATCHELDER, for Committee.

GENERAL FILE RESUMED.

Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Read a third time

Mr. Ayer moved the previous question.

Sustained

On the passage of the bill, the ayes and noes were demanded by Messrs. Ryland, Church and Mentzell, and it passed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Buckbee, Church, Coggins, Comte, Days, Dornin, Downer, Dryer, Fairchild, Green, James,

Jones, Lee, Martin, McElhany, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, Wand, Westmoreland, White, Wolleb—31.

NOES—Messrs. Brown of Tulare, Clark, Connelly, Crigler, Dwinelle, Ellis, Farish, Giltner, Gregory, Mace, Mahon, Mattingly, Meagher, Mentzell, Moore, Newsom, Ord, Papy, Payne, Spilman, Tully, Warfield, Willets, Mr. Speaker—24.

On motion of Mr. Comte, Assembly Bill No. 343 was ordered fourth on file for Wednesday next.

Assembly Bill No. 57—An Act to repeal an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourteenth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 234 (substitute)—An Act in relation to the funded indebtedness of Calaveras County, and to provide for the funding of unpaid claims against said county.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 370 (substitute for Assembly Bill No. 370)—An Act to establish a Court in the City and County of San Francisco, to be called the San Francisco Criminal Court.

Substitute adopted.

Amended and amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 538—An Act to authorize Benjamin D. Wilson, M. D. Hanninger, J. De Battle Shorb, John S Griffin and their associates to construct and maintain a turnpike road from some point at or near the Arroyo Seco, in the County of Los Angeles, across the mountains to or in the vicinity of Rock Creek.

Indefinitely postponed.

Assembly Bill No. 515—An Act to repeal an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, approved April twenty-seventh, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 377—An Act to amend section two hundred and forty-seven of the Civil Practice Act.

Amendment recommended by committee.

Lost.

Ordered engrossed and title amended.

Assembly Bill No. 393—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, bill considered engrossed, read a third time and passed.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Steele, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 9th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of Saturday read and approved.
Mr. O'Malley had leave of absence for one day.
Mr. Biggs had leave of absence for two days.

PETITIONS.

Mr. Meagher presented a petition from citizens of San Francisco for the equal distribution of the pueblo and public lands, and a protest against ordinances numbers seven hundred and thirty-three and seven hundred and forty-eight of said city

Received and referred to the Judiciary Committee.

Mr. Downer presented a memorial from residents of Saint Louis and and Cedar Grove, Sierra County, petitioning for the passage of a law creating a State Board of Equalization, etc.

Received and referred to the Joint Committee on Revenue Laws.

REPORTS OF STANDING COMMITTEES.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered and herewith report Assembly Bill No. 388—An Act to provide for the protection of stock from contagious diseases—and recommend its passage, with the amendments made by the committee.

Also, Senate substitute for Assembly Bill No. 239—An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots—and report the same without recommendation.

Also, Assembly Bill No. 436—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 reference to the Special Joint Committee on Revenue Laws.

Also, Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four—and recommend its passage, with an amendment to section one, made by the committee.

Also, Assembly Bill No. 594—An Act to amend section eight of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—and recommend its passage.

Also, Assembly Bill No. 626—An Act to amend sections one and four of an Act relating to bills of exchange and promissory notes—and recommend its passage, with the amendments made by the committee.

Also, Assembly Bill No. 602—An Act to repeal an Act to provide for

the election of Supervisors of certain counties in this State, approved April fourth, eighteen hundred and sixty-four—and recommend its passage.

Also, Assembly Bill No. 230—An Act to amend section twenty-seven of the Civil Practice Act, in relation to filing notice of pendency of actions—and recommend its passage, with the amendments made by the committee.

STEELE, Chairman.

Assembly Bill No. 436, above reported, was referred to the Special Joint Committee on Revenue Laws.

Mr. Lupton in the chair.

Mr. Crigler, Chairman of the Committee on State Prison, made the following report:

Mr. SPEAKER: The undersigned, Committee on State Prison, to whom was referred Assembly Bill No 628—An Act to provide for the visitation and inspection of the jails and prisons of the State—beg leave to submit that they have had the same under consideration, and report it back and recommend the passage of the bill.

CRIGLER, Chairman.

Mr. Wand, Chairman of the Committee on Mileage, made the following report:

Mr. SPEAKER: Your Committee on Mileage have had Assembly Bills Nos. 189 and 21 under consideration, and beg leave to report the same back, accompanied by a substitute for both bills—the passage of which is respectfully recommended.

WAND, Chairman.

Mr. Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 370—An Act to establish a Court in the City and County of San Francisco, to be called the San Francisco Criminal Court.

Also, Assembly Bill No. 391—An Act extending the time for the construction of the work provided for by an Act entitled an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns, therein named, approved April first, eighteen hundred and sixty-four.

Also, Assembly Bill No 515—An Act to repeal an Act entitled an Act granting the right of way, and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred sixty-three.

Also, Assembly Bill No. 409—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Also, Assembly Bill No. 470—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State.

Also, Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society, San Francisco.

Also, Assembly Bill No. 426—An Act to condemn lands in all cases where corporations are interested.

Also, Assembly Bill No. 549—An Act to fix the terms of the County Court and Probate Court in the County of Monterey.

Also, Assembly Bill No. 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.

LEE, Chairman.

REPORTS OF SELECT COMMITTEES

Mr. Meagher, for the Tuolumne, Mono and Inyo delegations, made the following report:

Mr. SPEAKER: The Tuolumne, Mono, and Inyo delegations, to whom was referred Assembly Bill No. 563—An Act to provide a fund for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto;

Also, Assembly Bill No 564—An Act to divide the County of Mono into Supervisor Districts, fixing the compensation of the Board of Supervisors and payment for the same, and defining their powers and duties;

Have had said bills under consideration, and report the same back to the House with amendments, and recommend their passage as amended.

MEAGHER, for Delegation.

Mr. Hayes, from the San Diego delegation, made the following report:

Mr. SPEAKER: The San Diego delegation to whom was referred a bill entitled an Act to re-incorporate the City of San Diego—has attentively considered the bill referred to him, and begs leave to report that the best interests of the City of San Diego will be subserved by not re-incorporating its population at the present session of the Legislature, but there are some additional powers which the President and Trustees are competent to receive under their present organization, and these are believed to be sufficiently provided for in the accompanying substitute, the passage of which is recommended.

Also, an Act for the relief of the County Treasurer of San Diego County—and recommend that the bill do not pass, the compensation of the County Treasurer having already been amply provided for by other laws.

HAYES, for Delegation.

Mr. Brown of Tulare made the following report:

Mr. SPEAKER: The delegations bordering on Tulare Lake have had under consideration Assembly Bill No. 487—An Act granting Francis M. Stone and others certain rights and immunities for fishing purposes in Tulare Lake—beg leave to report the same back to the House and recommend its passage.

BROWN,
MACE, for Delegations.

Mr. Spencer, from the Placer delegation, made the following report:

Mr. SPEAKER: Your committee to whom was referred Assembly Bills Nos. 608, 601. 609. 610, 611, 612 and 613—report the same back and recommend their passage.

WALDRON,
TUTTLE,
SPENCER. Delegation.

Mr. Warfield, from the Sonoma delegation, made the following report:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 584—An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto; to define the powers and duties of said Commissioners, and to repeal other Acts relating to said pueblo or city, the provisions of which are inconsistent with the provisions of this Act—have had the same under consideration, and report it back recommending its passage.

WARFIELD, for Delegation.

Mr. McElhany, from the San Luis Obispo delegation, made the following report:

Mr. SPEAKER: The San Luis Obispo delegation, to whom was referred Senate Bill No. 7—An Act to settle the titles to lands in the Town of San Luis Obispo—have had the same under consideration, and report it back, with a recommendation that it pass.

McELHANY, for Delegation.

Mr. Smith, for the Yuba delegation, made the following report:

Mr. SPEAKER: The Yuba delegation, to whom was referred Senate Bill No. 403—An Act to amend sections two and three of an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight—report the same back with an amendment, and recommend that it pass as amended.

SMITH, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 7th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 380—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

Also, Assembly Bill No. 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Ryland offered the following resolution:

Resolved, That hereafter bills on the general file shall be placed in the following order:

First—All Assembly bills on their passage.

Second—All Senate bills on their third reading or passage.

Third—All Assembly bills on their engrossment.

Laid over one day, under the rules.

Mr. Rollins offered the following resolution:

Resolved, That the use of the Assembly Chamber is hereby granted to the Rev Henry W. Brown for religious service on Sunday evening, March fifteenth.

Adopted.

Mr. Davies offered the following resolution:

Resolved, That the Sergeant-at-Arms be requested to furnish postage stamps or express envelopes to each member of the Assembly requiring the same, to the amount of ten dollars, in addition to the former allowance.

Adopted.

On motion of Mr. Warfield, the resolution offered by Mr. Batchelder on Saturday, in reference to holding night sessions, was taken up.

Laid on the table.

Speaker in the chair.

The resolution offered by Mr. Green on Saturday, in reference to limiting the speaking on any one question, was taken up.

Laid on the table.

Mr. Dwinelle offered the following resolution:

Resolved, That Assembly Bill No. 377—An Act to amend section two hundred and forty-seven of the Civil Practice Act—be recommitted to the Standing Committee on the Judiciary.

Adopted.

On motion of Mr. Steele, Assembly Bill No 490 was taken from the file and referred to the Judiciary Committee

On motion of Mr. Kelley. Assembly Bill No. 500 was taken from the table and placed on file for to-morrow.

On motion of Mr. Lupton, Assembly Bill No. 395 was ordered to be retained at the Clerk's desk.

Mr. Lee offered the following resolution:

Resolved, That the Engrossing Clerk be and is hereby authorized to appoint an assistant or assistants whenever the Committee on Engrossment may deem the same necessary, said Clerk or Clerks to receive the same per diem allowed other Engrossing Clerks, payable out of the Assembly Contingent Fund.

Adopted.

On motion of Mr. Jones, Assembly Bill No 522 was taken from the file and laid on the table.

On motion of Mr. Lee, Senate Bill No. 137 was taken from the file and ordered third on file for Wednesday.

On motion of Mr. Church, Assembly Bill No. 555 was taken from the file and referred to the Alameda delegation.

On motion of Mr. Clark. Assembly Bill No. 485 was ordered to the Committee on Mines and Mining Interests.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
March 7th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on yesterday passed, under a suspension of the rules, the following bills:

Senate Bill No. 322—An Act to authorize John S Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon Creek, and to collect tolls for the use of the same.

Senate Bill No. 332—An Act to repeal an Act entitled an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four.

Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Clara.

Senate Bill No. 374—An Act for the relief of the North American Steamship Company.

Senate Bill No 366—An Act to provide for the payment of Mrs. E. Wright, salary due her as Teacher in Jefferson School District Number One, in San Mateo County.

Senate Bill No. 367—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County.

Senate Bill No. 178—An Act to carry out the provisions of an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six.

Senate Bill No. 347—An Act amendatory of and supplementary to 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

Senate Bill No. 243—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 upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight

Senate Bill No. 308—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same.

And this day passed :

Senate Bill No. 309—An Act to re-incorporate the Town of Santa Clara.

Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara.

Assembly Bill No 51—An Act to pay Robert H. Anderson and Matt Burris their expenses in attending a criminal case as witnesses, in Sacramento County.

Senate Bill No. 23—An Act granting certain rights and water privileges to the California Dry Dock Company.

Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Substitute for Assembly Bill No. 79—An Act to authorize the County Judges and Probate Judges of this State to hold terms or parts of terms of the County Court and Probate Court in counties other than those for which they were respectively elected.

Senate Bill No. 337—An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 322, above reported, was read first and second times and referred to the Mendocino delegation.

Senate Bill No. 332, above reported, was read first and second times and referred to the Committee on Military Affairs.

Senate Bill No. 245, above reported, was read first and second times and placed on file.

Senate Bill No. 374, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No 366, above reported, was read first and second times and referred to the San Mateo delegation.

Senate Bill No. 367, above reported, was read first and second times and referred to the Klamath delegation.

Substitute for Senate Bill No. 178, above reported, was read first and second times and referred to the Committee on Ways and Means, and subsequently, on motion of Mr Lupton, referred to the Judiciary Committee.

Senate Bill No. 347, above reported, was read first and second times and referred to the Calaveras delegation.

Senate Bill No. 243, above reported, was read first and second times and referred to the Committee on Ways and Means.

Senate Bill No 308, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No. 309, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No 129, above reported, was read first and second times and referred to the Kern and Santa Barbara delegations.

Senate Bill No. 23. above reported, was read first and second times and referred to San Francisco delegation.

Substitute for Senate Bill No. 268, above reported, was read first and second times and referred to the San Francisco delegation.

Senate Bill No. 337, above reported, was read first and second times and referred to the State Prison Committee.

Mr. Batchelder gave notice of a motion to reconsider the vote by which a resolution passed to-day, to allow members a further amount of postage stamps.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Downer—An Act in relation to the County Superintendent of Public Schools in the County of Sierra.

Read first and second times and referred to the Sierra delegation.

By Mr Buckbee—An Act to prevent stallions from running at large in certain counties in this State.

Read first and second times and placed on file.

Also, an Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Read first and second times and referred to Judiciary Committee

By Mr Wand—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

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

By Mr. McElhany—An Act to authorize Miguel Burke to remove certain human remains.

Read first and second times and placed on file.

By Mr. Davies—An Act to authorize the Board of Supervisors of the County of Tuolumne to subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

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

By Mr. Hayes—An Act to authorize Miguel Pedrorena, Miguel Aguirre, their associates and assigns, to construct and maintain a wharf at the Town of New San Diego, on the Bay of San Diego.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to confirm a certain conveyance of pueblo lands of the Pueblo, now City of San Diego, to José A. Aguirre and others

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

By Mr. Coggins—An Act to provide for the purchase of the Sacramento and Yolo bridge and for the construction of a wagon road leading thereto.

Read first and second times and referred to the Sacramento and Yolo delegations.

By Mr. Connely—An Act to provide for the appointment of a short

hand reporter for the Criminal Court of the City and County of San Francisco.

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

By Mr. Spencer—An Act concerning the foreign miners' license tax in the County of Placer.

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

By Mr. Mentzell—An Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times and referred to the Calaveras delegation.

REPORT.

Mr. Gildea, from the Conference Committee, by leave, made the following report:

Mr. SPEAKER: The Joint Committee of Conference on the disagreeing vote of the two Houses on the Assembly amendments numbers two, three, four and five to Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight—after conference, unanimously recommend as follows:

First—That the Senate concur in Assembly amendments numbers two and five

Second—That Assembly amendment number three be stricken out.

Third—That Assembly amendment number four be amended, as follows: Strike out, in lines seven and eight, the words "three thousand three hundred dollars," and insert "two thousand two hundred and fifty dollars.

GILDEA,
DAVIES,
ANGNEY,
Assembly Committee.
TUBBS,
MANDEVILLE,
EWER,
Senate Committee.

The report was received, and the recommendations of the committee agreed to.

GENERAL FILE.

Assembly Bill No. 233—An Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty and four hundred and forty-two of the Civil Practice Act, in relation to proceedings to perpetuate testimony.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a County Jail.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

Read a third time and passed.

Senate Bill No. 270—An Act to incorporate the Town of Suisun.

Laid on the table.

Assembly Bill No. 561—An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six.

Referred to the Committee on Corporations.

Assembly Bill No. 514—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Referred to the Judiciary Committee.

Assembly Bill No. 540—An Act supplemental to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the Los Angeles and San Pedro Railroad Company, etc.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 537—An Act supplemental to and amendatory of an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 534—An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 516—An Act to authorize the construction of a turnpike from Mayfield to Pescadero.

Indefinitely postponed.

Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county. approved April twenty-first, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 523 (substitute)—An Act to fix the compensation of grand and trial jurors in the County of Tulare.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Joint Resolution No. 45, relative to railroad lands.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.
Mr. Clark had leave of absence for the remainder of the day, to attend to committee business.
On motion of Mr. Tully, Assembly Joint Resolution No. 11 was made the special order for to-morrow at eleven o'clock A. M.

SENATE MESSAGES.

On motion of Mr. Batchelder, the following Senate messages were taken up:

SENATE CHAMBER,
March 9th, 1868.

Mr. SPEAKER: The Senate on this day passed, under a suspension of the rules, Senate Bill No. 449—An Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February twenty-fifth, eighteen hundred and sixty-eight;
Also, Senate Bill No. 450—An Act to authorize the Trustees of the City of Petaluma, and their successors in office, to execute a certain trust;
And ordered the same to be immediately transmitted to the Assembly.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER,
March 9th, 1868.

Mr. SPEAKER: I am directed by the Senate to request your honorable body to return Senate Bill No. 23, the same having been transmitted by mistake.

JOHN WHITE,
Secretary.

The bill was returned.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 450, above reported, was read first and second times and referred to the Judiciary Committee.
Senate Bill No. 449, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

GENERAL FILE RESUMED.

Consideration of Senate Joint Resolution No. 45 resumed.
Amendment lost.
Read a third time and passed.
Assembly Bill No. 273 (substitute)—An Act concerning the San Diego

and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 328—Substitute for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments

Ordered to take its order at the top of the file for to-morrow.

Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title.

Amendment adopted, read a third time and passed.

Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation.

Mr. Wand moved to have the bill take its place in order on top of file for to-morrow.

On which the ayes and noes were demanded by Messrs. Farish, Brown of Tulare and Ayer, and the House so ordered by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Broderson, Brown of Tulare, Caldwell, Church, Comte, Connely, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Gildea, Gregory, Green, Hayes, Mace, Mahon, McElhany, Meagher, Mentzell, Ord, Papy, Payne, Rollins, Spencer, Tully, Wand, Warfield, Westmoreland, White, Wolleb—38.

NOES—Messrs. Angney, Batchelder, Bird, Canavan, Coggins, Crigler, Cureton, Ellis, Giltner, James, Jones, Kelley, Lee, Lupton, Martin, Mattingly, Moore, Morrow, Newell, Newsom, Oliver, Pardee, Smith, Spilman, Tuttle, Waldron, Willets, Mr. Speaker—28.

Assembly Bill No. 73—An Act to amend an Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State.

Ordered to top of the file for Wednesday in its order.

Assembly Bill No. 484—An Act in reference to the wages of workingmen and mechanics.

Ordered to top of the file for Wednesday in its order.

The Committee on Public Buildings and Grounds were granted leave of absence on committee duty.

Assembly Bill No. 565—An Act to grant to Frederick W. Kuelp, Theodore Riser, A. Langenberger and others, the right to construct a wharf in the County of Los Angeles.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 552—An Act to authorize John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale.

Amended, amendment adopted.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Gregory, Buckbee and Church, and the House refused, by the following vote:

AYES—Messrs. Ayer, Comte, Connely, Crigler, Dryer, Dwinelle, Hayes, Lupton, McElhany, Meagher, Ord, Papy, Wand, Warfield, Wolleb, Mr. Speaker—16.

NOES—Messrs. Ables, Angney, Bever, Buckbee, Caldwell, Church, Clark, Coggins, Cureton, Davies, Days, Dornin, Downer, Fairchild, Giltner, Gregory, Green, Kelley, Lee, Martin, Moore, Morrow, Newell, Newsom, Oliver, Payne, Rollins, Smith, Spencer, Spilman, Tuttle, Waldron, Westmoreland, White, Willets—35.

Mr. Westmoreland gave notice that on to-morrow he would move to reconsider the vote just taken.

Assembly Bill No. 562—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento.

Amendments adopted.

Mr. Coggins moved to amend section one by striking out from the thirtieth line the words "the same street," and inserting the words "either of the same streets."

Lost.

Amended, amendment adopted.

Mr. Coggins moved to amend section four by adding the words "but the right and power to reduce the rates of fare shall remain vested in the Legislature of the State."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Coggins, White and Buckbee, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Battelle, Bever, Buckbee, Church, Coggins, Dornin, Downer, Dryer, Giltner, Gregory, Kelley, McElhany, Moore, Morrow, Oliver, Rollins, Waldron, Westmoreland, White—21.

NOES—Messrs. Ayer, Bird, Broderson, Caldwell, Comte, Connely, Crigler, Cureton, Davies, Dwinelle, Fairchild, Farish, Gildea, Green, Lee, Lupton, Mahon, Martin, Mattingly, Newell, Ord, Papy, Payne, Spilman, Tully, Wand, Warfield, Wolleb—28.

Mr. Coggins moved to amend section seven by striking out the words "two years from the first of September, eighteen hundred and sixty-eight," and inserting the words "by the first of December, eighteen hundred and sixty-nine."

Lost.

Amended, amendment adopted.

Rules suspended, bill considered engrossed, and read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. White, Coggins and Buckbee, and it passed by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Battelle, Bever, Bird, Broderson, Brown of Tulare, Caldwell, Church, Clark, Comte, Connely, Crigler, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Fairchild, Gildea, Giltner, Gregory, Green, Hayes, Jones, Kelley, Lee, Lupton, Mace, Mahon, Martin, Mattingly, Meagher, Mentzell, Morrow, Newell, Oliver, Ord, Papy, Pardee, Payne, Rollins, Smith, Spencer, Spilman, Waldron, Wand, Warfield, Willets, Wolleb, Mr. Speaker—53

NOES—Messrs. Coggins, McElhany, Westmoreland, White—4.

Assembly Bill No. 579—An Act for the relief of William Fitzpatrick.

Rules suspended, bill considered engrossed, read a third time and and passed.

Assembly Bill No. 481—An Act to provide for the disposition of certain lands in the City and County of San Francisco.

Ordered to file for to-morrow.

Assembly Bill No. 489—An Act to prevent seduction.

Ordered to file for to-morrow.

Assembly Bill No. 570—An Act supplementary and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Referred to the Sacrameto delegation.

Assembly Bill No. 213 (proposed substitute for Senate Bill No. 90)—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of wines and liquors.

Substitute adopted, as amended, for Senate Bill No. 90.

Amendments adopted

Read third time and passed.

Assembly Bill No. 571—An Act amendatory of and supplemental to an Act entitled an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

Amended, amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 578—An Act to authorize certain parties to construct a wharf in the County of Solano

Ordered to file for to-morrow.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Connely, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 10th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Brown of Contra Costa, in the chair.

PETITIONS.

Mr. Hayes presented a communication from the Orphan Asylum of Los Angeles, asking an appropriation to aid their charitable institution.

Received and referred to the Committee on Ways and Means.

Mr. Coggins presented a remonstrance from residents of Sacramento

City, against the passage of any bill granting to individuals or corporations any of the city front of said city

Received and referred to the Sacramento delegation.

REPORTS OF STANDING COMMITTEES.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims have had under consideration the following bills, which were referred to them, and ask leave to make the following report, to wit:

Assembly Bill No 505—An Act for the relief of W. B. Ross, Sheriff of Kern County. This is a claim for an allowance for the loss of thirteen foreign miners' licenses, per four dollars each. The proofs presented to the committee establish the fact as to their loss, and they therefore recommend the passage of the bill.

Also, Assembly Bill No. 548—An Act for the relief of T. M. Brown. This is a claim for money and expenses alleged to have been paid by the claimant for the capture of Indian Frank, the murderer of R L. Stockton, the Indian Agent at Hoopa Valley Reservation, in the year eighteen hundred and sixty-seven. No proclamation having been made by the Governor offering a reward for the capture of this criminal, the committee do not consider the claim to be a just one against the State. They therefore recommend that the bill be indefinitely postponed.

Also, Assembly Bill No. 556—An Act for the relief of Samuel J. Garrison and L P. Hall. This is a claim for five thousand dollars, for the destruction of a printing press and material in the Town of Visalia, in Tulare County, by California Volunteers in the service of the United States. The troops who, it is alleged, destroyed the property in question, were completely under the authority and control of United States officers stationed in this State, and the State authorities had no control whatever over them. The claim is therefore one for which the United States is liable, and not the State of California. The committee recommend that the bill be indefinitely postponed

Also, Assembly No. 590—An Act to appropriate money to carry into effect the provisions of an Act therein named—an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California, approved April fourth, eighteen hundred and sixty-four; directs that the Secretary of State shall procure for the County Judge of Trinity County certain volumes of the Supreme Court Reports, to supply the place of volumes which, it is alleged, had been destroyed, but the Act made no appropriation to enable the Secretary of State to carry out the provisions of the Act, and he has not, therefore, furnished the volumes The committee are unwilling to recommend an appropriation for a purpose of this character. The several counties of the State have once been supplied with these reports, and should the precedent be established of supplying them again, when demanded, it may become necessary for the State to incur the expense of publishing a new edition of these reports. The committee recommend that the bill be indefinitely postponed.

CONNELY, Chairman.

Mr. Mace, Chairman of 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. 553, have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

MACE, Chairman.

Mr. Angney, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER: The Committee on Ways and Means, to whom was Senate Bill No. 243—An Act to amend 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—have had the same under consideration, and report it back with a recommendation that it pass.

ANGNEY, for Committee.

Mr Spilman, Chairman of the Committee on Public Morals, made the following report:

Mr. SPEAKER: The Committee on Public Morals, to whom was referred Assembly Bill No. 227, do hereby respectfully report the same back and recommend the indefinite postponement of the same.

SPILMAN, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Downer, from the Sierra delegation, made the following report:

Mr. SPEAKER: The Sierra delegation, to whom was referred Assembly Bill No. 633—An Act in relation to the County Superintendent of Public Schools in the County of Sierra—have had the same under consideration, and beg leave to report that the bill merely adopts a principle in regard to County Superintendents of Public Schools which has recently received the approval of the Assembly in the "Salary Bill," and seeks to apply it to the County of Sierra immediately, instead of waiting two years. Your committee therefore recommend the passage of the bill.

DOWNER,
BATTELLE.

Mr. Cureton, from the Mendocino delegation, made the following report:

Mr. SPEAKER: The Mendocino delegation, to whom was referred Senate Bill No. 322, have had the same under consideration, and beg leave to report the same back, and recommend that it pass.

CURETON, for Delegation.

Mr. Oliver, from the San Joaquin delegation, made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 210—An Act amendatory of and supplemental to an Act entitled an Act to improve the navigation of the Mokelumne River, approved April fourth, eighteen hundred and sixty-four, and of the Act amendatory thereof, approved March seventeenth, eighteen hundred and sixty-six—have have had the same under consideration, and report it back to the House, and recommend its passage.

OLIVER, for Delegation.

Mr. Day, from the Nevada delegation, made the following report:

Mr. SPEAKER: The Nevada delegation, to whom was referred Assembly Bill No 597—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada—have had the same under consideration, report it back, and recommend its passage.

DAYS, for Delegation.

Mr. Mattingly, from the San Mateo delegation, made the following report:

Mr. SPEAKER: The San Mateo delegation, to whom was referred Senate Bill No. 366—An Act to provide for the payment of Mrs. E. Wright, salary due her as teacher in Jefferson School District Number One, in San Mateo County—have had the same under consideration, report it back, and recommend its passage.

MATTINGLY, for Delegation.

Mr. McElhany, from the Kern and Santa Barbara delegations, made the following report:

Mr. SPEAKER: The Kern and Santa Barbara delegations having had Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara—under consideration, beg leave to report the same back to the House, and recommend its passage.

McELHANY, for Delegation.

Mr. Church, from the Alameda delegation, made the following report:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 555—An Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein—beg leave to report that they have considered said bill, amended the same, and recommend its passage as amended.

CHURCH, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 9th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 262—An Act to amend an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 368—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes in the County of Tulare.

Also, Assembly Bill No. 183—An Act to regulate the bond of the County Treasurer of Santa Clara County.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

The following resolution, offered by Mr. Ryland on yesterday, was taken up:

Resolved, That hereafter bills on the general file shall be placed in the following order thereon:

First—All Assembly bills on their passage.

Second—All Senate bills on their third reading or passage; and

Third—All Assembly bills on their engrossment.

On motion of Mr. Dornin, the resolution was amended as follows:

"And no bill shall have precedence, either as a special order or otherwise, except the Appropriation bill or bills affecting the revenue."

The resolution was lost.

Mr. Scudder offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That when the Legislature adjourns on Monday afternoon, March sixteenth, it adjourn until Wednesday, March eighteenth, for the purpose of honoring Saint Patrick's day.

Laid on the table.

Mr. Wolleb offered the following resolution:

Resolved, That Assembly Bills Nos. 323 and 105 be made the special order for Thursday, March twelfth, at eleven o'clock A. M.

On motion of Mr. Dwinelle, the motion was amended so as to read head of file for that day.

Adopted as amended.

Mr. Spencer offered the following resolution:

Resolved, That the Committee on Corporations are requested to report back to the House on to-morrow all bills relating to the reduction of fares and freight on railroads in this State.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Spencer, Tuttle and Waldron, and it was adopted by the following vote:

AYES—Messrs. Ables, Angney, Batchelder, Bever, Bird, Broderson, Brown of Contra Costa, Caldwell, Church, Coggins, Comte, Connely, Crigler, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Giltner, Green, Hayes, James, Jones, Kelley, Mahon, Mardis, Martin, McElhany, Mentzell, Middleton, Moore, Newell, Newsom, Oliver, Ord, Pardee, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tuttle, Waldron, Wand, Warfield, White, Willets, Wolleb—53.

NOES—Messrs. Battelle, Cureton, Mattingly, Morrow, Tully, Westmoreland—6.

Mr Steele gave notice that he should on to-morrow move to reconsider the vote just taken

Mr. Westmoreland, in accordance with notice, moved to reconsider the vote by which the House on yesterday refused to engross Assembly Bill No. 552.

SPECIAL ORDER.

Assembly Joint Resolution No. 11, relative to proposed amendments to the Constitution of the United States.

On motion of Mr. Days, it was postponed and made the special order for Thursday evening, at seven o'clock.

MOTIONS AND RESOLUTIONS.

Mr. Westmoreland's motion to reconsider was resumed.

Mr. Church moved the previous question.

Sustained.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Westmoreland, Meagher and Ayer, and the House refused by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Connely, Crigler, Cureton, Davies, Dryer, Dwinelle, Farish, Hayes, Jones, Mahon, Mattingly, Meagher, Middleton, Morrow, Ord, Papy, Pardee, Rector, Russ, Waldron, Wand, Westmoreland, Wolleb—28.

NOES—Messrs. Bird, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Coggins, Comte, Days, Dornin, Downer, Fairchild, Giltner, Gregory, Green, Kelley, Lee, Mace, Mardis, Martin, McElhany, Mentzell, Moore, Newell, Newsom, Oliver, Payne, Rollins, Smith, Spilman, Steele, Tuttle, White Willets—34.

Mr. Connely offered the following resolution:

Resolved, The the Special Committee, to whom was referred the bills in relation to the Registry Law, be requested to report on the subject at an early day.

Adopted.

Mr. Green, for Committee on Education, reported back Senate Concurrent Resolution No 58.

Laid on the table.

Mr. Coggins moved to take from the file Assembly Bill No. 398 and refer it to the Sacramento and Yolo delegations.

Lost.

Mr. Warfield moved to take up and consider Senate Bill No. 259, on file of to-day.

Carried

Mr. Warfield, by leave, withdrew the bill temporarily, an amendment being missing.

On motion of Mr Comte, the vote making Assembly Joint Resolution No. 11 the special order for Thursday evening was reconsidered, and it was made the special order for Tuesday evening, the seventeenth, at seven o'clock.

NOTICE.

Notice of the introduction of a bill was given, as follows:

By Mr. Fairchild—An Act to authorize James M. Luttrell to sell certain real estate in the City of Oakland

Mr. Lee, from the Engrossing Committee, reported back Assembly Bill No. 449, having been improperly indorsed and sent to that Committee.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Steele—An Act to provide for the better observance of the first day of the week, known as Sunday.

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

Also, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

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

By Mr Cureton—An Act to authorize James Kenny and his assigns to construct and maintain a chute or landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same.

Read first and second times and referred to the Lake and Mendocino delegations.

By Mr. Buckbee—An Act to amend an Act entitled an Act supplementary to an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four.

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

By Mr. Rollins—An Act to exempt certain property named herein, from execution.

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

By Mr Bird—An Act to provide for the collection of a road tax, and its application on the public roads, in the County of El Dorado.

Read first and second times and placed on file.

By Mr Davies—An Act to provide a fund for the redemption of, and prescribing the manner of redeeming, the outstanding county warrants drawn upon the Treasure of Tuolumne County, and further to provide

a fund for the payment of the current expenses of said Tuolumne County.

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

SENATE MESSAGE.

On motion of Mr. Hayes, the following Senate message was taken up:

SENATE CHAMBER,
March 10th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth instant, passed, under a suspension of the rules, Senate Bill No 428—An Act to provide for the government of the County of San Diego.

Also, Senate Bill No. 340—An Act supplementary and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April seventeenth, eighteen hundred and sixty-two.

Also, Senate Bill No. 344—An Act to amend an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three.

And, on yesterday, passed the following bills:

Senate Bill No 85—An Act to extend a franchise heretofore granted to J. K. Hackett and Charles T. Judah, to use and continue a wharf, and to charge and collect wharfage.

Also, Senate Bill No. 226—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, etc.

Also, Senate Bill No. 28—An Act to appropriate money to pay Bond Number Thirty-four, issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

Also, Senate Bill No. 371—An Act to legalize certain evidences of indebtedness.

Also, Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 428, above reported, read first and second times and referred to the San Diego delegation.

Substitute for Senate Bill No. 344, above reported, read first and second times and referred to the Committee on Public Lands.

Senate Bill No 340, above reported, read first and second times and referred to the Mendocino delegation

Senate Bill No 226, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 85, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 252, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 28, above reported, read first and second times and referred to the Committee on Claims.

Senate Bill No. 371, above reported, read first and second times and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill No. 135—An Act concerning roads and highways in the State of California.

Amended, and amendments adopted.

On motion of Mr. Batchelder, the printed bill was substituted for the original bill.

Further amendments adopted.

Mr. Rollins moved to dispense with the further reading of the bill.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

REPORTS.

Mr. Brown of Contra Costa, by leave, made the following report:

Mr. SPEAKER: The Contra Costa delegation reports back Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Comapny, and to provide for the payment of the same—and recommend its passage.

BROWN, for Delegation.

Mr. Brown of Contra Costa, by leave, offered a bill for an Act to amend an Act entitled an Act to authorize the formation of corporations, to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four.

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

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 345—An Act to provide for the payment of assessments against the property of the Government of the United States for street improvements, in the City and County of San Francisco;

Also, Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns;

Also, Assembly Bill No. 420—An Act to fix the compensation of the Board of Supervisors of Tulare County;

Also, Assembly Bill No 116—An Act to provide for the drainage of the

City of Sacramento, and of the lands of Swamp Land District number two;

Also, Assembly Bill No 332—An Act to legalize the election of Supervisors and to define the duration of the office of Supervisor in the County of San Diego;

Also, Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street, through Market Plaza, in said city;

Also, Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino;

Also, Assembly Bill No. 383—An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four;

Also, Assembly Bill No. 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of May, A. D. eighteen hundred and sixty-six.

And this day, at forty-five minutes past one o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

Messrs Lee and Batchelder had leave of absence to attend to committee business.

GENERAL FILE.

Assembly Bill No 135 resumed.

Mr. Rollins renewed his motion to dispense with the reading of the bill

Mr Jones offered an amendment.

Mr. Buckbee offered an amendment to the amendment.

Adopted.

Mr. Brown of Contra Costa in the chair.

Mr. Moore, by leave, withdrew the bill from the further consideration of the House.

Assembly Bill No. 328—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.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 616—An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Mr. Oliver moved to have the bill printed and made the special order for Friday, at 2 o'clock P. M.

Mr. Gildea moved the previous question.

Mr. Buckbee rose to a point of order, that no member could, after speaking to the question, move the previous question before taking his seat.

Mr. Gildea appealed.

The House refused to sustain the Chair.

On ordering the main question the ayes and noes were demanded by Messrs Spencer, Waldron and Oliver, and the previous question was sustained by the following vote:

AYES—Messrs. Angney, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Comte, Connelly, Crigler Cureton, Dryer, Dwinelle, Ellis, Farish, Gildea, Giltner, Gregory, Hayes, Kelley, Mahon, Mardis, Mattingly, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Papy, Payne, Russ, Scudder, Spilman, Tully, Wand, Westmoreland, Wolleb—38.

NOES—Messrs. Ables, Ayer, Battelle, Bever, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Fairchild, Green, James, Jones, McElhany, Meagher, Morrow, Oliver, Rollins, Smith, Spencer, Waldron, White—24.

On the motion to make the special order for Friday, the ayes and noes were demanded by Messrs. Giltner, Canavan and Coggins, and the House refused by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Buckbee, Church, Coggins, Days, Dornin, Downer, Dwinelle, Gregory, Jones, Morrow, Oliver, Pardee, Rector, Rollins, Smith, Spencer, Waldron, Westmoreland, White—23.

NOES—Messrs. Angney, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Comte, Connely, Crigler, Cureton, Dryer, Ellis, Fairchild, Farish, Gildea, Giltner, Green, Hayes, James, Kelley, Mahon, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Papy, Payne, Russ, Scudder, Spilman, Tully, Wand, Willets, Wolleb—40.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Buckbee, Brown of Tulare and Coggins, and the bill was ordered engrossed by the following vote:

AYES—Messrs. Angney, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Clark, Comte, Connely, Crigler, Cureton, Davies, Dryer, Ellis, Fairchild, Farish, Gildea, Giltner, Green, James, Kelley, Mahon, Mardis, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Papy, Payne, Russ, Scudder, Spilman, Tully, Wand, Westmoreland, Wolleb—41.

NOES—Messrs. Ables, Ayer, Battelle, Bever, Brown of Contra Costa, Church, Coggins, Days, Dornin, Downer, Dwinelle, Gregory, Hayes, Jones, Meagher, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Waldron, White, Willets—24.

Mr. Buckbee gave notice of a reconsideration of the vote just taken.

Mr. Scudder moved to suspend the rules and put the bill on its passage.

The ayes and noes were demanded by Messrs. Farish, Ayer and Coggins, and the House refused, not two thirds voting in the affirmative:

AYES—Messrs. Angney, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Comte, Connely, Crigler, Cureton, Dryer, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, James, Kelley, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Papy, Payne, Rector, Russ, Scudder, Spilman, Tully, Wand, Westmoreland, Willets, Wolleb—45.

NOES—Messrs Ables, Ayer, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Dwinelle,

Hayes, Jones, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, White—24.

Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation.

Mr. Willets offered an amendment.

Mr. Connely offered an amendment to the amendment.

REPORT.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed:

Substitute for Assembly Bill No. 421—An Act for the more effectual prevention of cruelty to animals.

Also, substitute for Assembly Bill No 416—An Act amendatory of an Act entitled an Act to define the boundaries, and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, and amended February twenty-ninth, eighteen hundred and sixty-four.

Also, Assembly Bill No 559—An Act to exempt millers from serving upon juries in the County of Stanislaus.

Also, Assembly Bill No 57—An Act to repeal an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco, to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 390—An Act to provide for the payment of services rendered by Registers and Receivers of United States Land Offices.

Also, Assembly Bill No. 107—An Act to incorporate the City of Monterey.

Also, Assembly Bill No. 377—An Act to amend section two hundred and forty-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, Assembly Bill No 579—An Act for the relief of William Fitzpatrick

Also, Assembly Bill No 562—An Act granting to certain parties therein named, the right to lay a railroad track along certain streets in the City of Sacramento.

LEE, Chairman.

GENERAL FILE RESUMED.

Mr. Broderson offered affidavits of James DeFremery, Miles D Sweeny, E W Burr and G. Drowille, in reference to Assembly Bill No 300—stated they contained information bearing upon the bill now under consideration, and moved they be read.

The ayes and noes were demanded by Messrs. Farish, Gildea and Broderson, and the House so ordered by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Beaver, Broderson, Brown of Contra Costa, Brown of Tulare, Caldwell, Church, Clark, Coggins, Comte,

Connely, Crigler, Davies, Days, Downer, Dryer, Ellis, Farish, Frisbie, Gildea, Gregory, Green, Hayes, Jones, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Newsom, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Spencer, Spilman, Tully, Wand, Warfield, Westmoreland, White, Wolleb—51.

NOES—Messrs. Angney, Batchelder, Bird, Giltner, James, Kelley, Lee, Moore, Morrow, Newell, Oliver, Tuttle, Waldron, Willets—14.

The affidavits were then read.

At five o'clock and ten minutes P. M. Mr. Coggins moved to adjourn.

The ayes and noes were demanded by Messrs. Farish, Brown of Tulare, and Ayer, and the House refused, by the following vote:

AYES—Messrs. Angney, Batchelder, Bird, Buckbee, Caldwell, Canavan, Clark, Coggins, Crigler, Cureton, Giltner, Gregory, Hayes, James, Lee, Lupton, Martin, Moore, Morrow, Newsom, Oliver, Spencer, Spilman, Steele, Waldron, Willets—26

NOES—Messrs. Ables, Ayer, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Church, Comte, Connely, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Farish, Frisbie, Gildea, Green, Jones, Kelly, Mace, Mahon, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Newell, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Tully, Tuttle, Wand, Westmoreland, White, Wolleb—47.

Mr. Coggins moved to refer to the Judiciary Committee, with instructions to report day after to-morrow.

Mr. Connely, by leave, withdrew his amendment.

Mr. Farish offered an amendment as a substitute for the amendment of Mr. Willets.

At five o'clock and thirty minutes P. M. Mr Moore moved to adjourn.

Lost, on a division

Mr. Meagher moved the previous question.

Messrs. Farish, Frisbie and Canavan demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Bird, Broderson, Brown of Tulare, Caldwell, Clark, Comte, Connely, Davies, Downer, Dryer, Dwinelle, Kelley, Mace, Mahon, Martin, Mattingly, McElhany, Meagher, Middleton, Newell, Papy, Payne, Russ, Scudder, Wand, Westmoreland, Wolleb—31.

NOES—Messrs Angney, Batchelder, Buckbee, Canavan, Church, Coggins, Crigler, Cureton, Days, Dornin, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Lee, Lupton, Mentzell, Moore, Morrow, Newsom, Oliver, Ord, Pardee, Rollins, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Warfield, White, Willets—39.

At five o'clock and forty five minutes P. M. Mr. Canavan moved to adjourn.

The ayes and noes were demanded by the requisite number, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Batchelder, Bird, Brown of Contra Costa, Buckbee, Canavan, Church, Coggins, Crigler, Cureton, Days, Giltner, Gregory, James, Jones, Kelley, Lee, Martin, Moore, Morrow,

Newell, Newsom, Oliver, Ord, Pardee, Rector, Smith, Spencer, Spilman, Steele, Tuttle, Waldron, Warfield, Willets—35.

NOES—Messrs. Ayer, Battelle, Bever, Broderson, Brown of Tulare, Caldwell, Clark, Comte, Connely, Davies, Dornin, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Green, Hayes, Lupton, Mace, Mahon, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Papy, Payne, Rollins, Russ, Scudder, Tully, Wand, Westmoreland, White, Wolleb—38.

Mr. Farish moved to place the bill at the top of file for to-morrow.

Carried.

At five o'clock and fifty-five minutes P. M., on motion of Mr. Buckbee, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 11th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Mr. Phelps.

Mr. O'Malley, Speaker pro tem., in the chair.

Journal of yesterday read and approved.

PETITIONS.

Mr. Middleton presented a memorial of citizens and property owners in San Francisco, in favor of granting the Central Railroad Company of said city the right to extend their road.

Received and referred to the San Francisco delegation.

Mr. Cureton presented communications from the Board of Supervisors of Mendocino County, in reference to obtaining the passage of a law to regulate the compensation of county officers of said county.

Received and referred to Judiciary Committee.

Mr. Cochran presented petitions from residents and tax-payers of Butte County, in reference to the Public School Fund of said county.

Received and referred to the Committee on Education

Mr. Moore presented a petition of residents of Santa Clara County, asking the passage of a bill for the manufacturing of silk, known as Assembly Bill No. 351.

Mr. Waldron presented a remonstrance of citizens of Placer County against any change in the Fence Laws of that county.

Received and referred to Committee on Agriculture.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 209 (substitute for Assembly Bills Nos. 14, 40, 90, 123, 125, 185 and 187)—An Act to amend sections one hundred and sixty-five, one hundred and eighty-nine, two hundred and three, two hundred and sixty-four, two hundred and sixty-five, four hundred and forty-eight, five hundred and forty-three, five hundred and eighty-two and six hundred and twenty-eight 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, as amended by subsequent Acts.

Also, Assembly Bill No. 124—An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto

Also, Assembly Bill No 540—An Act supplemental to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, Assembly Concurrent Resolution No 32, relative to the establishment of a tri-weekly mail route from Crystal Peak, Nevada, via Sardine Valley, Sierraville, etc.

Also, substitute for Assembly Bill No. 336—An Act to provide for the relief of the indigent sick of San Mateo County.

Also, Assembly Bill No 440—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the mangement of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers.

Also, Assembly Bill No. 365—An Act amendatory of and supplementary to an Act to authorize the construction of a tram-road or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six.

LEE, Chairman.

Mr. Angney, Chairman of 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. 247—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four—report the same back and recommend its passage.

ANGNEY, Chairman.

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 425—An Act to define and establish the boundaries of Alpine County and to annex a portion of Mono County thereto—have had the said bill under consideration and report the same back without recommendation.

The committee have also had under consideration Assembly Bill No. 382—An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries and provide for its organization, approved April eighteenth, eighteen hundred and sixty-four—and report the same and recommend its passage.

MEAGHER, Chairman.

Mr. Pardee, 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 Assembly Bill No. 334—An Act to restore the county boundaries of the Counties of Sierra, Yuba and Plumas—have had said bill under consideration and report it back with a substitute, and a majority of the committee recommend the passage of the substitute.

PARDEE,
DOWNER,
MEAGHER,
GREEN,
FAIRCHILD.

Mr. Brown of Tulare, Chairman of the Committee on Public Accounts and Expenditures, made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures, having had under consideration Assembly Bill No. 497—An Act to circulate information relative to the resources of the State of California—beg leave to report the same back to the House and recommend that it be indefinitely postponed.

BROWN of Tulare, Chairman.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 524—An Act to encourage the production and manufacture of sugar from sugar beets in California—have had the same under consideration and beg leave to report back the bill with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 320—An Act for the encouragement of silk culture in this State—report it back and recommend it be indefinitely postponed.

Also, Assembly Bill No. 630—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six—report the same back and recommend that it be indefinitely postponed.

KELLEY, Chairman.

Mr. Spilman, Chairman of the Committee on Public Morals, made the following report:

Mr. SPEAKER: The Committee on Public Morals, to whom was referred Assembly Bill No. 566—An Act relating to promises of marriage—do hereby respectfully report the same back and recommend its passage.

SPILMAN, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration the following bills referred to them, and ask leave to report as follows:

Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco, approved April twenty-second, eighteen hundred sixty-three, approved April fourth, eighteen hundred and sixty-four. They recommend that the bill be indefinitely postponed.

Also, Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company. They have amended the bill and recommend its passage as amended.

The San Francisco delegation also ask leave to report back to the House, Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco—and recommend that it be referred to the Committee on Commerce and Navigation.

CONNELY, Chairman.

The bill was so referred.

Mr. Cureton, from the Mendocino delegation, made the following report:

Mr. SPEAKER: The Mendocino delegation, to whom was referred Senate Bill No. 340—An Act supplementary to and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two—have had the same under consideration, and recommend that it pass.

CURETON, for Delegation.

Mr. Cureton, from the Lake and Mendocino delegations, made the following report:

Mr. SPEAKER: The Lake and Mendocino delegations, to whom was referred Assembly Bill No. 648—An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffey's Cove, and collect toll for the use of the same—have had the same under consideration, and recommend that it pass.

CURETON,
CRIGLER,
For Delegations.

Mr. Hayes, from the San Diego delegation, made the following report:

Mr. SPEAKER: The undersigned begs leave to report back Senate Bill No. 428—An Act for the government of the County of San Diego—and recommends the passage thereof as a measure well calculated to establish order, economy and a due responsibility in the conduct of the financial affairs of the county.

HAYES, for Delegation.

On motion of Mr. Hayes, the rules were suspended, and Senate Bill No. 428, above reported, was taken up, read a third time and passed.

MOTIONS AND RESOLUTIONS.

Mr. Bird offered the following resolution:

Resolved, That A. Benedict, Minute Clerk of the Assembly, is hereby authorized to complete and compile the Appendix of the Assembly, and furnish the State Printer copy thereof, and of the Minutes of the House, and such other copying as may not be completed upon the adjournment of the Legislature, at the rate of twenty cents per folio; and the Secretary of State shall estimate and certify the same, upon which certificate the Controller of State is hereby authorized to draw his warrant, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Bird offered the following resolution:

Resolved, That the Committee on Public Expenditures and Accounts be allowed a Clerk, at eight dollars per diem.

On motion of Mr. Angney, the resolution was amended to read "five dollars," instead of "eight," and adopted as amended.

Mr. Angney gave notice of a motion to reconsider the vote by which the resolution in reference to the Appendix passed.

Mr. Tuttle offered a joint resolution relating to American claims against England for destruction of our merchant vessels

Read first and second times and referred to the Committee on Federal Relations, with instructions to report the same on Monday next.

On motion of Mr Steele, pursuant to notice, the vote by which a resolution passed, on yesterday, instructing the Committee on Corporations to report certain bills to-day, was reconsidered.

The resolution was amended, instructing the committee to report said bills on Saturday next.

Adopted as amended.

On motion of Mr. Farish, the bills made the special order and set for eleven o'clock A. M., to-day, were postponed until two o'clock P. M.

Mr. Gildea offered the following resolution:

Resolved, That the Special Committee, to whom was referred the bills relating to the Registry Law be requested to report the same to-morrow.

Laid on the table.

On motion of Mr Warfield, Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company, and to

provide for the payment of the same—was taken up, Assembly amendments adopted, read a third time and passed.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
March 10th, 1868.

Mr. SPEAKER: I am instructed to inform your honorable body that the Senate has this day adopted Senate Concurrent Resolution No. 64, requesting the return of a certain bill from the Governor.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 10th, 1868.

Mr. SPEAKER: The Senate on yesterday passed the following bills:

Assembly Bill No. 447—An Act to re-district the County of Los Angeles and provide for the election of Supervisors.

Assembly Bill No. 289—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Assembly Bill No 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for repairs of the banks of the Los Angeles River in the city, to levy a tax for street improvements, and for lighting the streets of said city with gas.

Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Assembly Bill No. 192—An Act to provide for paving the streets in the City and County of San Francisco.

Assembly Bill No 448—An Act to stay the collection of certain taxes in Fresno County.

Assembly Bill No. 168—An Act for the relief of the Treasurer of Sacramento County.

Assembly Bill No 447—An Act to re-district the County of Los Angeles and to provide for the election of Supervisors

Also, amended and passed Assembly Bill No. 54—An Act to protect the wages of labor.

Also, amended and passed Assembly Bill No. 190—An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

And refused to order to a third reading Assembly Bill No. 143—An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses.

Also, indefinitely postponed Assembly Bill No. 298—An Act to grant certain parties herein named the right to construct and maintain a turnpike or toll road from or near the Town of Millerton, Fresno County, to Crane Valley.

Also, indefinitely postponed Assembly Bill No. 260—An Act entitled an Act to authorize Evert C. Evertson, his heirs or assigns, to remove the remains of deceased persons from an abandoned graveyard in the City of Los Angeles.

Also, refused to concur in Assembly Concurrent Resolution No. 49, granting leave of absence to J. B Carrington, a Justice of the Peace and Roadmaster in the County of Solano.

Also, concurred in Assembly Concurrent Resolution No. 50, relative to printing the report of the Commissioner to the Paris Exhibition of eighteen hundred and sixty-seven.

Also, appointed a Committee of Free Conference on the disagreeing vote on Assembly Bill No 50—An Act to amend an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty, and appointed Messrs. Belden, Hager and Curtis to represent the Senate on said committee.

Also, on this day passed, with amendment, Assembly Bill No 306—An Act granting to the City of Monterey the water front of said city, in the Bay of Monterey.

And on the seventh instant passed, under a suspension of the rules, the following Senate bills, to wit:

Senate Bill No 136—An Act to authorize Montgomerey Godley, administrator with the will annexed of the estate of Charles G. McChesney, deceased, to sell certain lands belonging to the estate of said deceased

Senate Bill No. 282—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Senate Bill No. 351—An Act to amend an Act to provide for the conveyance of mining claims, approved April thirteenth, eighteen hundred and sixty.

Senate Bill No. 438—An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin.

Senate Bill No. 441—An Act to provide for levying a special tax to construct a public school house in Nevada School District, in the County of Nevada.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 11th, 1868.

MR. SPEAKER: The Senate on yesterday passed Assembly Bill No. 435—An Act granting leave of absence from the State to Thomas R. Bard, Supervisor of Santa Barbara County.

Also, amended and passed Assembly Bill No. 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters

Also, passed the following bills:

Assembly Bill No 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County.

Assembly Bill No 75—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No. 446—An Act to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county.

Assembly Bill No 454—An Act concerning roads and highways in the City and County of Sacramento.

Senate Bill No 426—An Act to provide for the construction of a wagon road connecting the Mariposa Big Tree Grove with the Yosemite Valley.

Senate Bill No. 232—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.

Assembly Bill No 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No. 464—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April fourth, eighteen hundred and sixty-three.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 64, above reported, adopted in concurrence and ordered transmitted immediately to the Senate.

Assembly Bill No. 306, above reported; the House refused to concur in Senate amendments.

On Assembly Bill No 50, above reported, the Chair appointed as a Committee of Free Conference, Messrs. Steele, Dwinelle and Moore.

Assembly Bill No. 54, above reported; Senate amendments adopted in concurrence.

Senate Bill No 441, above reported, was read first and second times and referred to the Nevada delegation.

Senate Bill No. 438, above reported, was read first and second times and referred to the San Joaquin delegation.

Senate Bill No. 351, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 332, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 282, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 136, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 172, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Assembly Bill No. 2, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Assembly Bill No. 75, above reported, with Senate amendments to the bill; amendments adopted in concurrence.

Assembly Bill No. 190, above reported with Senate amendments to the bill; amendments adopted in concurrence.

REPORTS.

The following reports were offered, by leave:

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. Speaker: The Committee on Corporations, to whom was referred Assembly Bill No. 561—An Act amendatory of an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San Francisco and San Bernardino—have

had the same under consideration, and report the bill to the Assembly and recommend its passage.

Also, Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four—and recommend its passage.

Also, Senate Bill No. 309—An Act to incorporate the Town of Santa Clara—and recommend its passage.

Also. Senate Bill No. 308—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same —and report the bill back to the Assembly with amendments, and recommend its passage.

MOORE, Chairman.

Mr. Rector, for the Klamath delegation, made the following report:

Mr. SPEAKER: The Klamath delegation, to whom was referred Senate Bill No 367—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six—have had the same under consideration, report the same back, and recommend its passage.

RECTOR, for Delegation.

Mr. Lupton, Chairman of the Committee on Federal Relations, made the following report:

Mr. SPEAKER: The Committee on Federal Relations have carefully considered the petition of citizens of Butte County, and the memorial of the Central State Council of the Anti-Coolie Association, relative to the continued importation and immigration to the Pacific Coast of large numbers of Chinese (which petition and memorial were heretofore referred to your committee), and in view of the importance of the subject, as affecting the future welfare of the people of our State, we have drawn up a series of concurrent resolutions which we beg leave to submit herewith, and to recommend that the same be adopted by this House.

We also return, herewith, the resolutions relating to the same subject which were heretofore introduced and referred to this committee, the resolutions now reported seeming to meet the views expressed in said resolutions.

LUPTON, Chairman.

The resolutions above reported were read first and second times and placed on file, and ordered printed.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Frisbie—An Act to authorize certain persons to construct a wharf in Solano County.

Read first and second times and referred to the Solano delegation.

By Mr. Fairchild—An Act to further provide for filling of vacancies in office in this State.

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

By Mr. Tully—An Act concerning public roads and highways in the County of Monterey.

Read first and second times and referred to the Monterey delegation.

By Mr. Scudder—An Act relating to uncalled for balances in banks and savings and loan societies.

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

By Mr. Westmoreland—An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, eighteen hundred and sixty-eight.

Read first and second times and placed on file.

By Mr. Connely—An Act concerning the office of Prosecuting Attorney, in the Police Court of the City and County of San Francisco.

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

By Mr. Papy—An Act to authorize the sale and conveyance to William A. Palmer, Wales L. Palmer, Israel W. Knox and Charles H. Knox, their associates and assigns, certain overflowed lands in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation

By Mr. Dwinelle—An Act to construct and maintain a canal or navigable channel, in Alameda County.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to provide against the failure of testimony in certain cases.

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

GENERAL FILE.

Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation.

Mr. Moore offered a substitute for the bill.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

On motion of Mr. Connely, the special order, postponed to this hour, was again postponed until the conclusion of the consideration of Assembly Bill No. 300.

Mr. Wand moved the previous question.

Lost on a division.

Mr. Bird moved to refer the bill and substitute to the Judiciary Committee.

The ayes and noes were demanded by Messrs. Mahon, Giltner and and Farish, and the House refused, by the following vote:

AYES—Messrs Ables, Angney. Batchelder, Biggs, Bird, Canavan, Cochran, Coggins, Crigler, Fairchild, Giltner, Gregory, James, Jones, Kelley, Lee, Lupton, Mardis, Martin, Moore, Morrow, Newell, Oliver, Pardee, Smith, Steele, Tuttle, Waldron, Willets—29.

NOES—Messrs. Ayer, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Comte, Connely, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Farish, Frisbie, Gildea, Green, Mace, Mahon, Mattingly, McElhany, Meagher, Mentzell, Middleton, Newsom, O'Malley, Ord, Papy, Payne, Rector, Rollins, Russ, Scudder, Spencer, Tully, Wand, Westmoreland, White, Wolleb, Mr. Speaker—47.

On the adoption of the substitute offered by Mr. Moore, the ayes and noes were demanded by Messrs Spencer, Waldron and Farish, and the substitute was lost, by the following vote:

AYES—Messrs. Angney, Batchelder, Bird, Canavan, Cochran, Coggins, Crigler, Ellis, Fairchild, Giltner, Gregory, Hayes, James, Jones, Kelley, Lee, Lupton, Moore, Morrow, Oliver, Pardee, Spencer, Steele, Tuttle, Waldron, Willets—26.

NOES—Messrs Ables, Ayer, Battelle, Bever, Biggs, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Clark, Comte, Connely, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Green, Mace, Mahon, Martin, Mattingly, McElhany, Meagher, Mentzel, Middleton, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Rollins, Russ, Scudder, Tully, Wand, Westmoreland, White, Wolleb—46.

Mr. Farish offered a substitute for the bill.

Mr. Farish moved the previous question.

Sustained.

On the adoption of the substitute offered by Mr. Farish, the ayes and noes were demanded by Messrs. Moore, Batchelder and Angney, and the same was adopted, by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Clark, Comte, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Newell, O'Malley, Ord, Papy, Payne, Rector, Rollins, Russ, Scudder, Smith, Tully, Wand, Westmoreland, White, Wolleb—45.

NOES—Messrs. Batchelder, Bird, Canavan, Church, Cochran, Coggins, Crigler, Ellis, Fairchild, Giltner, Gregory, Hayes, James, Jones, Kelley, Lee, Moore, Morrow, Newsom, Oliver, Pardee, Spencer, Steele, Tuttle, Waldron, Willets—26.

On the engrossment of the bill, the ayes and noes were demanded by Messrs Tuttle, Spencer and Crigler, and it was ordered engrossed by the following vote:

AYES—Messrs. Ayer, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Clark, Comte, Connely, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Mace, Mahon, McElhany, Meagher, Mentzell, Middleton, O'Mal-

ley, Ord, Papy, Payne, Rector, Rollins, Russ, Scudder, Tully, Wand, Westmoreland, White, Wollet, Mr. Speaker—40.

NOES—Messrs Ables, Augney, Batchelder, Bird, Canavan, Church, Cochran, Coggins, Crigler, Days, Ellis, Fairchild, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mardis, Martin, Mattingly, Moore, Morrow, Newell, Newsom, Oliver, Pardee, Smith, Spencer, Steele, Tuttle, Waldron, Willets—36.

At five o'clock and thirty minutes P. M., on motion of Mr. Moore, the House adjourned.

J. J. O'MALLEY, Speaker pro tem.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 12th, 1868.

House met pursuant to adjournment.
Mr. O'Malley, Speaker pro tem, in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved

LEAVE OF ABSENCE.

Mr. Ryland was granted indefinite leave of absence on account of ill health.

Messrs. Mahon, Rector and Lee had leave of absence on committee duty.

Master Hall, paper folder, had leave of absence granted him.

The Committee on State Prison were granted leave of absence for two days, on committee business.

PETITION.

Mr Dwinelle presented a petition from residents and property holders in the City of Oakland, asking to grant unto G T. Marye, D Chiradelli, G. W. Dent and associates, the right to construct a new channel for the Bay of San Francisco into San Antonio Creek, in Alameda County.

Received and referred to Committee on Commerce and Navigation.

REPORTS OF STANDING COMMITTEES.

Mr. Clark, Chairman of the Committee on Mines and Mining Interests, in pursuance to a resolution instructing that committee to visit the rooms of the State Geologist, to inquire into the progress of the State Geological Survey and report thereon, made a lengthy report.

The report was ordered printed.

[For report, see Appendix.]

Mr. Buckbee, from the Committee on Counties and County Boundaries, submitted a minority report in reference to Assembly Bill No. 334—An Act to restore the county boundaries of the Counties of Sierra, Yuba and Plumas.

[For report, see Appendix.]

Mr Angney, Chairman of 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 655—An Act relating to uncalled for balances in banks and savings and loans societies—have had the same under advisement, and report it back with a recommendation that it pass.

ANGNEY, for Committee.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 616—An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Also, Assembly Bill No. 533—An Act to confer certain powers upon the Sacramento Gas Company and others.

BATCHELDER, for Committee.

Mr. Brown of Tulare, Chairman of the Committee on Public Accounts and Expenditures, made the following report:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts, having examined and found correct the following accounts, beg leave to report the same, and recommend the adoption of the accompanying resolution:

To whom due.	Amount.
O P Fitzgerald, for Spectator	$120 00
F. Klotz, for wood	28 75
D S Woodward, for oil and brooms	7 25
W. C. Allen, for room rent for Judiciary Committee	40 00
W. G. English, for room rent for two months (six rooms)	320 00
J L Van Proag, for sponge and chamois	1 00
W. S Green, for Colusa Sun	66 00
R H. McDonald & Co, for alcohol	4 00
M. W. Finnell, for repairing clerk's desk	4 00
Occidental and Vanguard Association, for papers	57 00
Capp & Co, for Golden Era	93 00
Solano Herald, for papers	12 00
William Arthur, for Union Democrat	32 00
A. D. Jones, for Havilah Courier	15 00

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assemby, as follows:

In favor of O. P. Fitzgerald, for one hundred and twenty dollars.
In favor of F. Klotz, for twenty-eight dollars and seventy-five cents.
In favor of D. S. Woodward, for seven dollars and twenty-five cents.
In favor of W. C. Allen, for forty dollars.
In favor of W. G. English, for three hundred and twenty dollars.
In favor of J. L. Van Proag, for one dollar.
In favor of W. S. Green, for sixty six dollars.
In favor of R. H. McDonald & Co., for four dollars.
In favor of M. W. Finnell, for four dollars.
In favor of Occidental and Vanguard Association, for fifty-seven dollars.
In favor of Capp & Co., for ninety-three dollars.
In favor of Solano Herald, for twelve dollars.
In favor of William Arthur, for thirty-two dollars.
In favor of A. D. Jones, for fifteen dollars.

BROWN of Tulare, Chairman.

The resolution was adopted.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 333—An Act to provide for the construction and use of the Mission Creek Canal, in the City and County of San Francisco—report the same back with amendments, and recommend its passage as amended.

MIDDLETON, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 644—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—respectfully report that they have had the same under consideration, in connection with a petition from members of the San Francisco bar, for the removal of the Supreme Court to San Francisco. The Committee believe that the removal of the Supreme Court to San Francisco is very generally desired by members of the bar, and they therefore recommend the passage of the bill.

The Committee have also considered Assembly Bill No. 622—An Act for the relief of Rebecca C. Hoagland—and recommend its passage.

Also, Assembly Bill No. 638—An Act to confirm a certain conveyance of pueblo lands of the Pueblo (now City) of San Diego, to José A. Aguirre and others. The Committee report a substitute for this bill, and recommend the passage of the substitute.

Also, Assembly Bill No. 635—An Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one—and recommend its passage.

Also, Assembly Bill No. 490—An Act to define the duties and liabili-

ties of pawnbrokers, pledgees and dealers in second hand goods—and recommend its passage with the amendments made by the committee.

Also, Assembly Bill No. 656—An Act to provide against the failure of testimony in certain cases—and recommend its passage with an amendment made by the committee.

STEELE, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Connely, for the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration the following bills, which were referred them, and ask leave to make the following report:

Assembly Bill. No. 652—An Act concerning the office of Prosecuting Attorney, in the Police Court of the City and County of San Francisco—they recommend the passage of the bill.

Also, Assembly Bill No. 629—An Act to provide for the appointment of a short hand reporter for the Criminal Court of the City and County of San Francisco—they recommend the passage of the bill with an amendment which they have made to it.

CONNELY, for Delegation.

Mr. Rollins, from the Nevada delegation, made the following report:

Mr. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 441—An Act to provide for levying a special tax, to construct a public school-house in Nevada School District, in Nevada County—report the same back to the Assembly, and recommend its passage.

ROLLINS, for Delegation.

Mr. Brown of Contra Costa, for the Contra Costa delegation, made the following report:

Mr. SPEAKER: The Contra Costa delegation has had under consideration Assembly Bill No. 529—An Act to prevent hogs from running at large in that county—report the bill back with amendments, and recommend its passage as amended.

BROWN, for Delegation.

Mr. Mentzell, from the Calaveras delegation, made the following report:

Mr. SPEAKER: The Calaveras delegation, to whom was referred Senate Bill No. 397, have had the same under consideration, respectfully report the bill back, and recommend its passage.

MENTZELL, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 11th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino.

Also, Assembly Bill No. 332—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisor, in the County of San Diego.

Also, Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street, through Market Plaza, in said city.

Also, Assembly Bill No. 180—An Act to legalize an election of town officers in the town of Arcata, Humboldt County, held in the month of May, A. D. eighteen hundred and sixty-seven.

H. H. HAIGHT, Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 11th, 1868.

Mr. SPEAKER: The Senate, on the ninth instant passed, under a suspension of the rules, Senate Bill No. 204—An Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 11th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate, on the ninth instant, passed Senate Bill No 398.

Also. Senate Bill No. 443.

Also, Senate Bill No. 293.

JOHN WHITE, Secretary.

ASSEMBLY CHAMBER,
March 11th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the ninth instant. passed, under a suspension of the rules, Senate Bill No. 453—An Act for the relief of the Common School Fund of Butte County.

Also, on this day, passed Senate Concurrent Resolution No. 23, proposed amendments to the Constitution of the State of California.

Also, passed Senate Bill No. 23—An Act granting certain rights and water privileges to the California Dry Dock Company.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 12th, 1868

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on yesterday, adopted Senate Concurrent Resolution No. 65, instructing the Enrolling Clerk of the Senate to re-enrol Senate Bill No. 147, and to correct an error in the number of the section amended, etc., and ask the early concurrence of the Assembly therein.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Substitute for Senate Bill No. 204, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Concurrent Resolution No 23, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 398, above reported, was read first and second times and referred to the Committee on Claims.

Senate Bill No. 448, above reported, was read first and second times and referred to the Los Angeles and Tulare delegations

Senate Bill No 293, above reported, was read first and second times and referred to San Francisco delegation.

Senate Bill No. 453, above reported, was read first and second times and referred to the Butte County delegation.

Substitute for Senate Bill No. 23, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Concurrent Resolution No. 65, above reported, was adopted in concurrence.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Middleton—An Act to authorize an investigation of the management of the Industrial School of the City and County of San Francisco.

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

By Mr. Martin—An Act to ratify and confirm a certain ordinance of the City of Petaluma, in relation to supplying said city with water.

Read first and second times and referred to the Sonoma delegation.

By Mr. Bird (by request)—An Act to provide for the permanent establishment of the water front of the City and County of San Francisco, and for the construction of a sea wall.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Meagher—An Act to amend an Act entitled an Act to protect

agriculture and to prevent the trespassing of animals upon private property, passed March twenty-sixth, eighteen hundred and sixty-six.

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

By Mr. Moore—An Act to authorize the execution of a certain conveyance to S. M. Slowe.

Read first and second times and placed on file.

By Mr. Green—An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight.

Read first and second times, and, by unanimous consent, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Coggins—An Act to facilitate the City of Sacramento in procuring material to raise its streets and levees; also, petition referring to the same.

Read first and second times and referred to the Sacramento delegation.

By Mr. Connely—An Act concerning the leasing of the water front of the City and County of San Francisco by the Board of State Harbor Commissioners.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Mentzell—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

Read first and second times and placed on file.

REPORT.

Mr. Mahon, from the Committee on Engrossment, made the following report:

Mr. Speaker: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation.

Also, Assembly Bill No. 537—An Act supplemental to and amendatory of an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses in Sacramento County.

Also, Assembly No. 233—An Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty, and four hundred and forty-two 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, Assembly Bill No 213 (substitute for Senate Bill No. 90)—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of wines and liquors

Also, substitute for Assembly Bill No 523—An Act to fix the compensation of grand and trial jurors in the County of Tulare.

Also, substitute for Assembly Bill No. 273—An Act concerning the

San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts.

Also, Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to hold chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three.

Also, Assembly Bill No 565—An Act to grant to Frederick W. Kuelp, Theodore Riser, A. Langenberger and others the right to construct a wharf in the County of Los Angeles.

Also, substitute for Assembly Bill No. 234—An Act in relation to the funded indebtedness of Calaveras County, and to provide for the funding of unpaid claims against said county.

MAHON, for Committee.

The Committee on Public Buildings and Grounds were granted leave of absence on committee duty.

MOTIONS.

On motion of Mr. Farish, Assembly Bills Nos 129 and 321, were made the special order for to-morrow at twelve o'clock M.

On motion of Mr Connely, Assembly Bill No. 227 was taken from the file and referred to the San Francisco delegation.

Mr. Angney, in pursuance to notice, moved to reconsider the vote by which a resolution in reference to completing the Appendix of the House, passed on yesterday.

The House refused to reconsider.

GENERAL FILE.

Assembly Bill No. 323—An Act to regulate the military of the State of California.

Speaker pro tem. in the chair.

Amendments adopted.

Mr. Canavan offered, as a substitute for the bill under consideration, Assembly Bill No. 105.

Mr. Steele moved that all bills in relation to the militia of the State be referred to a committee of five, two of the committee to consist of the authors of those bills, and three more of members conversant with military affairs, with instructions to report a system of military organization, by Tuesday morning next.

Mr. Canavan offered an amendment, that the author of neither bill be on the committee.

Adopted.

Mr Green offered the following amendment: "And the said committee are instructed to report a bill which will not cost in time of peace a sum to exceed ten thousand dollars per annum."

Adopted

And the motion as amended was agreed to.

Speaker pro tem. in the chair

The Special Committee on Registry Laws were granted leave of absence to attend to committee business.

Assembly Concurrent Resolution No. 46—Relative to instructing the Senators and requesting the Representatives of the State to procure the passage of a law to prevent the employment of persons who do not

speak the English language, on board vessels of the United States propelled by steam.

Mr. Mahon offered an amendment.

Mr. Brown of Contra Costa, offered an amendment to the amendment.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

Mr. Hayes had leave of absence for the remainder of the day.

Mr. Connelly verbally reported back Assembly Bill No. 224—and the bill was referred to the Judiciary Committee.

REPORTS.

Mr. Tully, by leave, made the following report:

Mr. SPEAKER: The select committee to whom was referred Assembly Bill No. 32—An Act to authorize Leopold Miller, Charles Fox and others to establish and maintain slaughter houses within certain limits of the City and County of San Francisco—with instructions to report a substitute fixing the price of lands therein named, having considered the same, herewith report a substitute, by which it is hoped the object sought will be satisfactorily accomplished.

Your committee, not having been able to agree upon the price or value of said lands, owing to the limited information at their command, have deemed it more proper to leave the value of said lands to be determined by the Board of Harbor Commissioners.

You committee find that the lands adjoining and back of the blocks in question were sold some time since at three dollars per acre; also, the blocks east of there were sold for seventy-five dollars per block two years since.

Therefore, your committee recommend the adoption of the substitute, and believe it will accomplish the desired object and protect the interest of the State.

TULLY, for Committee.

Mr. Tully, for the Monterey delegation, made the following report:

Mr. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 651—An Act concerning roads and highways in Monterey County—have had the same under consideration, and report the same back and recommend its passage.

TULLY, for Delegation

Mr. Biggs, from the Sacramento delegation, by leave, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom has been referred Assembly Bill No. 570—An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred

sixty-six—have had the same under consideration, and report the same with amendment, and recommend its passage.

COMTE,
LEE,
WOLLEB,
COGGINS,
BIGGS.

GENERAL FILE.

Assembly Concurrent Resolution No 46 resumed.

The amendment offered by Mr. Brown of Contra Costa was lost.

Mr Canavan offered a substitute to the amendment of Mr. Mahon.

Mr. Mahon withdrew his amendment.

The substitute of Mr. Canavan was lost.

Mr Connely moved the previous question.

Sustained

On the adoption of the resolution the ayes and noes were demanded by Messrs Lupton, Gildea and Brown of Contra Costa, and the same was adopted by the following vote:

AYES—Messrs. Biggs, Bird, Brown of Tulare, Caldwell, Canavan, Cochran, Comte, Cureton, Downer, Ellis, Giltner, Gregory, Green, James, Kelley, Lupton, Mace, Mahon, Martin, Mattingly, Newell, Newsom, O'Malley, Ord, Payne, Rector, Spilman, Tully, Tuttle, Wand, White, Wolleb—32.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Davies, Days, Dryer, Dwinelle, Mentzell, Middleton, Morrow, Papy, Rollins, Russ, Smith, Waldron, Westmoreland, Willets—24.

Mr. Buckbee gave notice that on to-morrow he should move to reconsider the vote by which the resolution passed.

Mr. Dwinelle offered a protest, which the House refused to have read.

Assembly Bill No. 474—An Act to provide for the management and sale of the lands belonging to the State.

Amended, and amendments adopted.

Mr. Dornin moved a call of the House.

Carried.

Before the roll was called, on motion of Mr. Meagher, further proceedings under the call were dispensed with.

Mr. Cochran offered an amendment.

Lost

Mr Green moved to strike out the brackets wherever they occur in the bill

Carried.

Amendments offered and adopted to the various sections of the bill.

Mr. White offered an amendment to section twenty-eight.

Lost.

On motion of Mr. Dwinelle, the rules were suspended, the bill considered engrossed, read a third time and passed.

The following special committee was appointed on the military bills: Messrs. Steele, Tully, Angney, Rollins and Mahon.

Mr. Coggins offered a resolution, which was read.
At five o'clock P. M., on motion of Mr. Tuttle, the House adjourned.

J. J. O'MALLEY, Speaker pro tem.
JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 13th, 1868.

House met pursuant to adjournment.
Mr O'Malley (Speaker pro tem.) in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Mr. Dwinelle had leave of absence for one hour; Mr. Lee for one day, and Mr. Warfield for four days.

REPORTS OF STANDING COMMITTEES.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, by leave, made the following report:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred the following bills, have had the same under consideration, and report the same back, as follows:
Assembly Bill No. 624—report the same back and recommend its passage.
Also, Senate Bill No. 85—report the same back and recommend its passage.
Also, Senate Bill No. 252—report the same back and recommend its passage.
Also, Senate Bill No. 40—report the same back and recommend its passage.
Also, Assembly Bill No. 657—report the same back with amendments, and recommend its passage.
Also, Assembly Bill No. 621—report the same back as amended, and recommend its passage.
Also, Assembly Bill No. 636—report the same back as amended, and recommend its passage.
Also, report back Assembly Bill No. 620, and recommend its reference to the Judiciary Committee.
Also, Assembly Bill No. 374—report the same back and recommend its passage.

MIDDLETON, Chairman.

Assembly Bill No. 620, above reported, was referred to the Judiciary Committee.

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 104—An Act to define the boundaries of San Diego County—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

MEAGHER, Chairman.

Mr Mahon, Chairman of the Committee on Public Printing, made the following report:

Mr. SPEAKER: The Committee on Public Printing, to whom have been referred Assembly Bill No. 413—An Act to amend section twelve of an Act entitled an Act to create the office of State Printer and to define his duties, etc.;

Also, Senate Bill No. 200—An Act to amend an Act entitled an Act to create the office of State Printer and to define his duties. etc ;

Have had the same under consideration, have amended the same and recommend their passage as amended.

MAHON, Chairman.

Mr. Wolleb, Chairman of the Committee on Military Affairs, made the following report:

Mr SPEAKER: The undersigned, of the Committee on Military Affairs, to whom was referred Senate Bill No. 332—An Act to repeal an Act entitled an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four—have had the same under consideration, and report it back recommending its passage.

WOLLEB, Chairman.

Mr. Farish, Chairman of the Committee on Elections made the following report:

Mr. SPEAKER: Your Committee on Elections have had under consideration Assembly Bill No. 434, and report the same back with a substitute, and recommend the passage of the substitute.

Your committee have also had under consideration Assembly Bill No. 554, and report the same back with a substitute, and recommend the passage of the substitute.

FARISH, Chairman.

Mr Rector, Chairman of the Committee on Indian Affairs, made the following report:

Mr SPEAKER: The Committee on Indian Affairs, to whom was referred Assembly Joint Memorial No 1, concerning the payment by the United States of damages done by Indians in the years eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three, in the Counties of Humboldt, Klamath, Del Norte and Trinity, have had the same under consideration, and beg leave to report the same back and recommend its adoption.

RECTOR, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 666—An Act to authorize an investigation of the Industrial School of the City and County of San Francisco—have had the same under consideration, and report the bill back to the Assembly and recommend its passage

Also, Assembly Bill No. 641—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four—and recommend its passage as amended.

Also, Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, Santa Cruz County, California—and amend the bill by striking out section eighth, and recommend the passage of the Act as amended.

Also, Senate Bill No. 223—An Act to amend an Act entitled an Act to amend 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, approved April twenty-seventh, eighteen hundred and sixty-three—and recommend its passage.

Also, Assembly Bill No. 512—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, and the Acts amendatory of said Act—with amendments, and recommend the passage of the same as amended

Also, Assembly Bill No 568—An Act granting the right to Andrew N. Bell and Victor Beaudry to maintain a ferry on Owens Lake, Inyo County—and recommend its passage.

The Committee on Corporations have had under consideration Assembly Bill No 603—An Act to confer power on Boards of Supervisors in respect to railroad stopping places—and report the same back herewith, and recommend the indefinite postponement thereof.

MOORE, Chairman.

The Committee on Corporations introduced a bill for an Act to aid in carrying out the provisions of the Acts of Congress relating to the Western Pacific Railroad Company, and other matters relating thereto.

Read first and second times and placed on file.

Mr. Wand, Chairman of the Committee on Mileage, made the following report:

Mr. SPEAKER: The Committee on Mileage beg leave to present the following report of mileage due the Commitee on Mines, for visiting the Geological Department of San Francisco:

To whom due.	Amount.
L. B. Clark, two hundred and thirty-four miles	$46 80
Charles Gildea, two hundred and thirty-four miles	46 80
Frank Giltner, two hundred and thirty-four miles	46 80
Perry Dryer, two hundred and thirty-four miles	46 80
J. B. Gregory, two hundred and thirty-four miles	46 80
J. D. White, two hundred and thirty-four miles	46 80
T. S. Bever, two hundred and thirty-four miles	46 80

and recommend the adoption of the following resolution:

Resolved, That the Controller of State is hereby requested to draw his warrant on the State Treasurer, payable out of the Contingent Fund of the Assembly, as follows:

In favor of L. B Clark, for forty-six dollars and eighty cents;
In favor of Charles Gildea, for forty-six dollars and eighty cents;
In favor of Frank Giltner, for forty-six dollars and eighty cents;
In favor of Perry Dryer, for forty-six dollars and eighty cents;
In favor of J. B. Gregory, for forty-six dollars and eighty cents;
In favor of J. D. White, for forty-six dollars and eighty cents;
In favor of T. S. Bever, for forty-six dollars and eighty cents.

All of which is respectfully submitted.

WAND, Chairman.

The resolution was adopted.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 328—An Act to amend section forty-six of an Act entitled an Act to regulate proceeding in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Assembly Bill No. 522—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county, and to erect a county jail.

Also, Assembly Bill No. 571—An Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 534—An Act to provide for the erection of county buildings in the County of Lake, and other matters relating thereto.

BATCHELDER, for Committee.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes;

Also, Assembly Bill No. 389—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 299—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof;

Also, Assembly Bill No. 464—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April sixth, eighteen hundred sixty-three;

Also, Assembly Bill No. 220—An Act to legalize acknowlegements of deeds of husband and wife taken before and certified by County Clerks;

Also, Assembly Bill No. 168—An Act for the relief of the Treasurer of Sacramento County;

Also, Assembly Bill No. 79—An Act to authorize the County Judges and Probate Judges of this State to hold terms or parts of terms of the County Court and Probate Court in counties other than those for which they were respectively elected;

Also, Assembly Bill No. 192—An Act to provide for paving the streets in the City and County of San Francisco;

Also, Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara;

And this day, at thirty minutes past one o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Coggins, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 659—An Act to facilitate the City of Sacramento in procuring material to raise its streets and levees—have had the same under consideration and respectfully recommend its passage.

COGGINS,
COMTE,
WOLLEB,
BIGGS.

Mr. Oliver, from the San Joaquin delegation, made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Senate Bill No. 438, have had the same under consideration, and report the bill back to the House and recommend its passage.

OLIVER, for Delegation.

Mr. Steele made the following minority report:

Mr. SPEAKER: The special committee to whom was referred the sev- bills, numbered 4, 423, 618 and 502, upon the questions involving the repeal and amendment of the Registry Law, would respectfully report that we have had the same under consideration and cannot agree upon a majority report.

The undersigned minority recommend that bills Nos. 4, 423 and 502 do not pass, and that bill No. 618, providing for the repeal of the Act, do pass.

STEELE, Chairman,
ANGNEY.

Mr. Martin, from the Sonoma delegation, made the following report:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 660—An Act to ratify and confirm a certain ordinance of the City of Petaluma, in relation to supplying said city with water—have had the same under consideration and report the same back with the recommendation that it pass.

MARTIN, for Delegation.

Mr. Brown of Tulare, for the Los Angeles and Tulare delegations, verbally reported back Senate Bill No. 448, and recommended its passage.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 12th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 116—An Act to provide for the drainage of the City of Sacramento, and of the lands of Swamp Land District number two.

Also, Assembly Bill No. 420—An Act to fix the compensation of the Board of Supervisors of Tulare County.

Also, Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 12th, 1868.

To the Assembly of the State of California:

I herewith return to your honorable body, without my approval, Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State, between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, in Santa Cruz County.

This bill is open to the same objection, the soundness of which has been repeatedly recognized by both branches of the Legislature—to wit: that it grants a special franchise where the general law makes ample provision for every legitimate purpose. The only argument presented to me in favor of this bill is, that it would save the grantees the fees for

filing a certificate under the general law, which would involve an expense of about fifteen dollars.

The same argument could be presented in favor of other grants of special franchises, which, upon reconsideration, have been rejected by your honorable body.

H. H. HAIGHT, Governor.

On motion of Mr. Ayer, the consideration of the Governor's message, returning to the House Assembly Bill No 162, without his approval, was made the special order for to-morrow (Saturday) at twelve o'clock M.

MOTIONS AND RESOLUTIONS.

Mr. Rollins offered the following resolutions:

Resolved, That the Chief Clerk of the Assembly, after the adjournment on Saturday next, be directed to separate the special and local bills then remaining on the general file, from those of a general and public nature; and, in connection with other bills of a special nature, reported from committees of the Assembly, or reported from the Senate, to make up a special file for consideration at evening sessions of the Assembly, until the special file shall be disposed of. Such file of special bills shall be printed; and at no evening session shall any unconnected with the special file be considered except by a vote of two thirds of the Assembly; and it is further

Resolved, That on and after Monday next the Assembly will hold evening sessions from half-past seven o'clock P M, for the consideration of said special file; *provided*, that this resolution shall not be so construed to prevent the consideration of said special file in sessions during the day, after the general file is disposed of, and the Assembly may be inclined so to do.

Laid over one day, under the rules.

Mr. Rollins offered the following:

WHEREAS, This Assembly is continually memorializing Congress, requesting our Representatives and instructing our Senators to do certain things and use their influence for certain purposes; now, therefore, be it

Resolved, That this Assembly hereafter, in memorializing Congress, reserve the right to curse the radical majority of that honorable body which, in the opinion of our great chief, is unconstitutional and hanging on the verge of the Government.

Laid on the table.

On motion of Mr. Church, he was granted leave to withdraw Assembly Bill No. 539—An Act to authorize the County of Alameda to aid in the construction of the San Francisco and Oakland Railroad and the San Francisco and Alameda Railroad.

Mr. Buckbee, in pursuance to notice given yesterday, moved to reconsider the vote by which the Assembly passed Concurrent Resolution No. 46.

Mr. Ayer moved the previous question.

Sustained.

On the motion to reconsider, the ayes and noes were demanded by

Messrs. Buckbee, Days and Ayer, and the motion prevailed by the following vote:

AYES—Messrs. Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Jones, Mentzell, Moore, Morrow, Newell, Oliver, Pardee, Rollins, Russ, Smith, Spencer, Tully, Waldron, Westmoreland, White, Willets—31.

NOES—Messrs Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Cureton, Ellis, Giltner, Hayes, James, Kelley, Mace, Mahon, Mardis, Martin, Meagher, Newsom, O'Malley, Payne, Rector, Steele, Tuttle, Wand, Watson, Wolleb—30.

Mr. Canavan moved to postpone the further consideration of the resolution and make it the special order for Monday next, at twelve o'clock M.

Mr. Battelle moved to amend by fixing the time at seven o'clock P. M., on Monday.

Mr. Comte moved a call of the House.

Lost.

Mr. Cochran moved to lay the resolution the table.

The ayes and noes were demanded by Messrs Meagher, Canavan and Gildea, and the House refused by the following vote:

AYES—Messrs, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Jones, Mentzell, Middleton, Morrow, Oliver, Papy, Pardee, Rollins, Russ, Smith, Spencer, Waldron, Westmoreland, Willets—29.

NOES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Cureton, Ellis, Gildea, Giltner, Gregory, Hayes, Kelley, Mace, Mahon, Mattingly, Meagher, Moore, Newsom, O'Malley, Payne, Rector, Tully, Tuttle, Wand, Watson, White, Wolleb—32.

Mr. Gildea moved to amend the motion to postpone, and make the resolution the special order for this evening, at half-past seven o'clock.

Mr. Meagher moved the previous question.

Sustained.

The motion of Mr. Gildea was lost, on a division.

The motion of Mr. Battelle, to postpone until Monday evening and make it the special order for seven o'clock, was agreed to.

Mr. Broderson moved to place Assembly Bill No. 616 at the top of the file to-morrow.

Lost.

Assembly Bill No. 410—An Act to appropriate money to pay the claim of A. J. F. Phelan—was, on motion of Mr. Dornin, withdrawn from the House.

On motion of Mr. Bird, the usual number of copies of Assembly Bill No. 658 were ordered printed.

On motion of Mr. Oliver, Senate Bill No. 438 was taken up, under suspension of the rules—An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin.

Read third time and passed.

On motion of Mr. Martin, the rules were suspended to take up Assembly Bill No. 660, said bill having been favorably reported by the Sonoma

delegation to-day—An Act to ratify and confirm a certain ordinance of the City of Petaluma in relation to supplying said city with water.

Rules suspended, bill considered engrossed, read a third time and passed.

SPECIAL ORDER.

Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

Amendments adopted.

Mr. Moore offered an amendment to section five.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker pro tem in the chair.

Roll called.

Quorum present.

SPECIAL ORDER RESUMED.

Assembly Bill No. 129 resumed.

Mr. Moore withdrew his amendment.

Amendments adopted.

Mr. Middleton moved to lay the bill on the table temporarily until the next bill, also made the special order for to-day, could be read and considered.

The ayes and noes were demanded by Messrs. Tuttle, Giltner, and Brown of Tulare, and the House refused by the following vote:

AYES—Messrs. Bird, Canavan, Cochran, Coggins, Connely, Cureton, Dryer, Dwinelle, Gildea, Hayes, James. Middleton, Newell, Newsom, O'Malley, Papy, Pardee, Rector, Smith, Westmoreland—20.

NOES—Messrs. Angney, Batchelder. Battelle, Bever, Biggs, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Days, Dornin, Downer, Farish, Giltner, Gregory, Jones, Kelley, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Morrow, Oliver, Payne, Rollins, Russ, Spencer, Tully, Tuttle, Waldron, Wand, White, Willets, Wolleb—39.

Mr. Middleton moved to strike out all after the enacting clause of the bill under consideration, and insert Assembly Bill No. 321 as a substitute.

The bill offered as a substitute was being read, with its amendments.

Mr Tuttle rose to a point of order, and said the substitute must first be adopted before the amendment contained in the substitute could be acted on.

The Chair overruled the point of order, stating that the amendment was being treated as an amendment to an amendment.

Mr. Tuttle appealed.

The question being, Shall the decision of the Chair stand as the judgment of the House? the Chair was sustained.

Mr. Middleton, by leave, withdrew the substitute first offered, and submitted another.

Amendments adopted.

Mr. Middleton moved to refer the bills to a committee of three, with instructions to report on Tuesday next.

Mr. Wolleb moved the previous question.

Sustained.

On the question of referring the bills, the ayes and noes were demanded by Messrs. Canavan, Tuttle and Giltner, and the House refused by the following vote:

AYES—Messrs. Ayer, Bird, Brown of Contra Costa, Canavan, Cochran, Coggins, Connely, Cureton, Dryer, Dwinelle, Frisbie, Gildea, Gregory, Hayes, James, Jones, Kelley, Mahon, Mattingly, Middleton, Moore, Newell, Oliver, O'Malley, Papy, Pardee, Rector, Rollins, Steele, Watson, Westmoreland—31.

NOES—Messrs. Angney, Batchelder, Battelle, Biggs, Broderson, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Comte, Days, Downer, Farish, Giltner, Mardis, Martin, McElhany, Meagher, Mentzell, Morrow, Newsom, Payne, Russ, Scudder, Smith, Spencer, Tully, Tuttle, Waldron, Wand, White, Willets, Wolleb—34.

On the adoption of the substitute, the ayes and noes were demanded by Messrs Giltner, Farish and Waldron.

Mr. Papy moved that the substitute be read.

Lost.

The vote was taken, and the House refused to adopt the substitute by the following vote:

AYES—Messrs. Ayer, Church, Coggins, Connely, James, Middleton—6.

NOES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Clark, Cochran, Comte, Cureton, Days, Dornin, Downer, Dryer, Farish, Gildea, Giltner, Gregory, Green, Hayes, Jones, Kelley, Mace, Mardis, Martin, Mattingly, McElhany, Mentzell, Morrow, Newell, Newsom, Oliver, Payne, Rollins, Russ, Scudder, Smith, Spencer, Steele, Tully, Tuttle, Waldron, Wand, Watson, White, Willets, Wolleb—51.

At four o'clock and forty minutes P. M., Mr. Moore moved to adjourn.

The ayes and noes were demanded by Messrs. Batchelder, Giltner and Green, and the House refused, by the following vote:

AYES—Messrs. Ayer, Bird, Brown of Contra Costa, Canavan, Cochran, Coggins, Cureton, Dryer, Dwinelle, Hayes, James, Kelley, Mattingly, Moore, Newsom, Oliver, Papy, Pardee, Rector, Steele, Watson, Westmoreland—22.

NOES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Broderson, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Comte, Connely, Days, Dornin, Downer, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Jones, Mace, Mardis, Martin, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Payne, Rollins, Russ, Scudder, Smith, Spencer, Tully, Tuttle, Waldron, Wand, White, Willets, Wolleb—45.

Mr. Farish moved to have the bill read as amended.

Mr. Tully rose to a point of order; said it was not necessary to make a motion when any member desired any paper read.

Mr. Farish withdrew his motion.

On the engrossment of the bill, the ayes and noes were demanded by by Messrs Tuttle, Giltner and Brown of Tulare, and it was ordered engrossed by the following vote:

AYES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Broderson. Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Comte, Connely, Cureton, Days, Dornin, Downer, Dryer, Dwinelle, Farish, Giltner, Hayes, Mace, Mardis, Martin, McElhany, Meagher, Mentzell, Newsom, O'Malley, Payne, Rollins, Russ, Scudder, Smith, Spencer, Tully. Tuttle, Waldron, Wand, White, Willets, Wolleb—44.

NOES—Messrs. Cochran, Coggins, Gildea. James, Morrow, Newell, Watson—7.

On motion of Mr. Biggs, the rules were suspended to take up Assembly Bill No. 570—An Act supplementary and amendatory of an Act to protect agriculture and to prevent the trespassing of certain animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

RESOLUTION.

Mr. Buckbee offered the following resolution:

Resolved, That the Committee on Claims be requested to report Assembly Bill No. 170—An Act to appropriate money to pay the claim of W. D. Harriman and William G. Woods—referred to them on the tenth of February last.

Adopted.

At five o'clock P. M., on motion of Mr. Mace, the House adjourned.

J. J. O'MALLEY, Speaker pro. tem.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 14th, 1868.

House met pursuant to adjournment.

Mr. O'Malley, Speaker pro tem., in the chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

RESIGNATION.

Mr. Cureton offered the following resignation, as a member of the Judiciary Committee:

Mr. SPEAKER: At the opening of the present session of the Legislature I was honored by our worthy Speaker with a position on the Judiciary Committee. At the time of my appointment I hoped to attend the meetings of the committee regularly, but I have been in such ill

health that it has been utterly impossible for me to attend as punctually as I desired, and for the reason that I cannot now attend the meetings of the committee, on account of illness of myself and family, and for the further reason that a vast amount of business is now before the committee, requiring the deliberation of all its members, I beg to resign the position I now occupy on said committee, thanking our estimable Speaker for the honor he has conferred upon me, and hoping that my place will be filled by one more capable than myself.

WM. H. CURETON.

PETITIONS.

Mr. Cochran presented a petition from citizens of Butte County, in reference to the Public School Funds, as applicable to that county.

Received and referred to the Committee on Education.

Mr. McElhany presented a petition of residents and taxpayers of San Buenaventura, Santa Barbara County, praying the repeal of the law incorporating said town.

Received and referred to the Santa Barbara delegation.

Mr. Steele tendered his resignation as Chairman of the Special Committee on Military Bills, and returned bills sent to him as such Chairman.

Resignation accepted, and the Chair appointed as said committee Messrs. Tully, Mace, Rollins, Angney and Mahon.

REPORTS OF STANDING COMMITTEES.

Mr. Angney, 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. 617—An Act for the better protection of the State Treasury—have had the same under advisement, and report it back with amendment.

ANGNEY, for Committee.

Mr. Clark, Chairman of the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No 542, have had the same under consideration, and beg leave to report it back and recommend its passage.

Also, Assembly Bill No 485—concerning the County of Calaveras—have had the same under consideration, and recommend its passage.

CLARK, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered, and herewith report Senate substitute for Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B.

Dexter, to sell certain property at private sale—and a majority of the committee recommend its passage.

Also, Assembly Bill No. 596—An Act to extend the provisions of an Act entitled an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, approved April thirtieth, eighteen hundred and sixty—and recommend its passage.

Also, substitute for Senate Bill No. 204—An Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six—and recommend its passage with the amendments made by the committee.

STEELE, Chairman.

Mr. Steele, from the Judiciary Committee, made the following minority report:

Mr. SPEAKER: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate substitute for Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale—respectfully report, that this bill is one of a class against which the committee have heretofore expressed their dissent on several occasions; and in this particular case, the undersigned believe that ample power in the premises is given by Article three thousand three hundred and eighty-two, Hittell's Digest, section twenty-one; title, "Guardians" By that section a sale of real estate is authorized upon order of the Probate Court "when it shall appear to the satisfaction of the Court, upon the petition of the guardian, that it would be for the benefit of his ward that his real estate, or some part thereof, should be sold, in order that the proceeds thereof may be put out at interest or invested in some productive stock, or in the improvement or security of any other real estate of said ward." A desire to change the nature of the investment seems to be the only reason for asking the passage of this bill, and the undersigned, believing that sufficient authority is already given by the section cited above, recommend the indefinite postponement of the bill.

STEELE,
MOORE.

REPORT OF SPECIAL COMMITTEE.

Mr. Dwinelle, from the Joint Committee on the Agricultural, Mining and Mechanical Arts College, made the following report:

Mr. SPEAKER: The Joint Committee on the Agricultural, Mining and Mechanical Arts College, to whom was referred Assembly Bill No. 583—An Act to create and organize the University of California—respectfully report that they have had the bill under consideration, and report the same back with amendments, and recommend the passage of the same as amended.

DWINELLE, for Committee.

The bill was ordered to the top of file for Monday.

Mr. Buckbee, from the Lassen delegation, made the following report:

Mr. SPEAKER: Your committee, to whom was referred Assembly Bill No. 501—An Act authorizing the Board of Supervisors of Lassen County

to levy taxes for county purposes—beg leave to report that said bill has received due consideration, and report the same back without amendment, and recommend its passage.

BUCKBEE, for Delegation.

Mr. Buckbee moved to place the bill at the top of the file for Tuesday next.

Lost.

Mr. Connely, for the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration the following bills, which were referred to them, and ask leave to make the following report:

Assembly Bill No. 322—An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six. They have made some amendments to the bill, and recommend its passage as amended.

Also, Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law. They recommend the passage of the bill.

Also, Assembly Bill No. 625—An Act supplemental to an Act entitled an Act to establish the lines and grades of streets in the City and County of San Francisco, approved April fourth, eighteen hundred and sixty-four. They have made some amendments to the bill, and they recommend its passage as amended.

CONNELY, Chairman.

Mr. Brown of Contra Costa verbally reported, from the Solano and Contra Costa delegation, Assembly Bill No. 615, with amendments, and recommended its passage.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 13th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 383—An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 79—An Act to authorize the County Judges and Probate Judges of this State to hold terms, or parts of terms, of the County Court and Probate Court in counties other than those for which they were respectively elected.

Also, Assembly Bill No. 299—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

Also, Assembly Bill No. 464—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April sixth, eighteen hundred and sixty-three.

Also, Assembly Bill No 345—An Act to provide for the payment of assessments against the property of the Government of the United States, for street improvements in the City and County of San Francisco.

H. H. HAIGHT, Governor.

Mr. Frisbie was granted leave to withdraw the following bill:

Assembly Bill No. 578—An Act to authorize certain parties to construct a wharf in the County of Solano.

REPORT.

Mr. Mattingly, from the San Mateo delegation, made the following report:

Mr. SPEAKER: The delegation to whom was referred Assembly Bill No. 194—For the relief of Charles Charvalho—have had the same under consideration, and report the same back with amendments.

MATTINGLY, for Delegation.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Steele, the rules were suspended and the following bill on the file taken up:

Assembly Bill No. 139 (Senate substitute)—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

Senate amendments read, and the House refused to concur in the same.

On motion of Mr. Steele, a Committee of Free Conference, to consist of three, was ordered.

The Chair appointed as such committee, Messrs. Steele, Buckbee and Comte.

On motion of Mr. Mardis, the rules were suspended and substitute for Senate Bill No. 204—An Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six—was taken up.

Amended; amendments adopted, bill read a third time and passed.

The Chair appointed Mr. Rollins on the Judiciary Committee, *vice* Mr. Cureton, resigned.

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

Resolved, That the usual number of copies of Assembly Bill No. 129 be printed, as passed to engrossment by this House yesterday, and that the Engrossing Clerk be instructed to furnish the State Printer with a copy thereof.

On motion of Mr. Gildea, Assembly Bills Nos. 4, 618 and 502 were taken from the file and made special order for Wednesday next, at two o'clock P. M.

Mr. Tuttle moved to take up Assembly Bill No. 247.
Lost.
Mr. Coggins offered the following resolution:

Resolved, That C. A. Tuttle, E. Steele, T. A. Brown, J. H. Moore and D. Connely be appointed a committee to report a plan to facilitate the progress of the business of the House; that they consider the matter of holding evening sessions, of classifying bills on the general file, of making the most important bills the special order, of limiting speeches on general bills to five minutes and on important bills to fifteen minutes, etc.; and that the committee be requested to report their recommendations as soon as practicable.

Adopted.
Mr. Broderson moved to make Assembly Bill No. 616 special order for Monday next.
Lost.
Mr. Biggs offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That W. C. Van Arnum be and is hereby allowed one dollar per day from the third day of December, A. D eighteen hundred and sixty-seven, to the thirtieth day of March, A. D. eighteen hundred and sixty-eight, for hoisting and lowering the flag on the State Capitol building, payable one half out of the Contingent Fund of the Assembly and one half out of the Contingent Fund of the Senate; and the Controller of State is hereby directed to draw his warrant on the State Treasurer for the payment of the same.

Adopted.
Mr. Frisbie moved to make Assembly Bill No. 398 the special order for Monday next at twelve o'clock.
Lost.
Mr. Days offered the following:

Resolved, That the standing rules of the Assembly be and they are hereby suspended for the remainder of the session.

Laid over one day.
Mr. Gildea moved to have printed Assembly Bills Nos. 618 and 502.
Mr. Brown of Contra Costa, moved to amend by adding the bill reported from the Judiciary Committee to-day.
The motion prevailed as amended.
The resolution offered by Mr. Rollins on yesterday, relative to the preparation of general and special files, to be considered at day and evening sessions respectively, was taken.
Mr. Batchelder moved to lay on the table.
Lost.
Mr. Coggins moved to refer to the special committee of five.
Carried
On motion of Mr. Hayes, Assembly Bills Nos. 271, 272 and 275 were taken from the file and referred to the Judiciary Committee.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER.
March 13th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER,
March 12th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, under a suspension of the rules, Senate Bill No. 485—An Act for the relief of Anna Leč.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 13th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate on yesterday passed the following bills:

Senate Bill No. 124—An Act for the relief of the City of Benicia.

Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice, in criminal cases, in San Mateo County.

Senate Bill No. 386 (substitute for Senate Bills Nos. 24, 156 and 209)—An Act to appropriate money to pay the outstanding Indian War Bonds of the State of California, issued since January, eighteen hundred and fifty-four, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Senate Bill No. 361—An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, and entitled 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 other Acts amendatory thereto.

Senate Bill No. 336—An Act to authorize the guardian of Minnie Lock, Belle Lock and Willie H. Lock, infant heir of Frederick A. Woodward, deceased, to lease certain real estate in the City and County of San Francisco.

Substitute for Senate Bill No. 263—An Act for the relief of J. D. Patterson.

Assembly Bill No. 193—An Act to create the Seventeenth Judicial District.

Also, concurred in Assembly Concurrent Resolution No. 32, relative to the establishment of a tri-weekly mail route from Crystal Peak, Nevada, via Sardine Valley, Sierraville, etc.

And on this day passed Assembly Bill No. 313—An Act authorizing the Board of Supervisors of Sutter County to enter upon and condemn and take possession of a certain tract of land to be used as a public graveyard.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 13th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate on the tenth instant passed Senate Bills Nos. 334 and 335, in relation to the insurance business of the State of California.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 386 (substitute for Senate Bills Nos. 24, 156 and 209), above reported, read first and second times and referred to Committee on Claims.

Senate Bill No. 485, above reported, was read first and second times and referred to Committee on Claims.

Substitute for Senate Bill No. 263, above reported, was read first and second times and referred to Committee on Claims.

Senate Bill No 361, above reported, was read first and second times and referred to the Judiciary Committee.

Substitute for Senate Bill No. 124, above reported, was read first and second times and referred to Committee on Ways and Means.

Senate Bill No. 155, above reported, was read first and second times and placed on file

Senate Bill No. 336, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 334, above reported, was read first and second times.

Mr. Ayer moved to place at head of file for Wednesday next, and refer to Committee on Corporations.

Mr. Frisbie moved the previous question.

Sustained.

On placing the bill at the head of file for Wednesday, the ayes and noes were demanded by Messrs. Dornin, Ayer and Meagher, and the House refused by the following vote:

AYES—Messrs. Ayer, Bird, Broderson, Buckbee, Caldwell, Canavan, Clark, Comte, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Fairchild, Giltner, Mace, Mattingly, McElhany, Mentzell, Middleton, Newsom, Payne, Russ, Spencer, Steele, Tuttle, Watson, Westmoreland, Wolleb —30.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Biggs, Brown of Contra Costa, Brown of Tulare, Church, Cochran, Coggins, Crigler, Days, Dornin, Ellis, Farish, Frisbie, Green, Hayes, James, Jones, Mahon, Martin, Meagher, Moore, Morrow, Oliver, O'Malley, Pardee, Rector, Rollins, Scudder, Smith, Spilman, Tully, Waldron, Wand, White, Willets—39.

The bill was referred to Committee on Corporations.

Senate Bill No. 335, above reported, was read first and second times and referred to Committee on Corporations.

SPECIAL ORDER.

Governor's Veto Message of Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line of telegraph in this State.

On the question, Shall the bill pass notwithstanding the objections of the Governor? the roll was called, and House refused by the following vote:

AYE—Mr. McElhany—1.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Farish, Frisbie, Giltner, Gregory, Green, Hayes, James, Jones, Lee, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Pardee, Payne, Rector, Rollins, Russ, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Watson, White, Willets, Wolleb—68.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 13th, 1868.

Mr. SPEAKER: The Senate this day passed the following bills, viz:

Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools.

Assembly Bill No. 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one.

Amended and passed Assembly Bill No 109—An Act amendatory of and supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Also, indefinitely postponed Assembly Bill No. 329—An Act to incorporate the Santa Cruz Savings Bank.

W. F. HUESTIS,
Assistant Secretary.

Substitute for Assembly Bill No. 109, above reported, read first and second times and placed on file.

On motion of Mr. Comte, Assembly Bill No 622 was taken from the file and referred to the Sacramento and Yolo delegations.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Middleton—An Act to enable the City of Oakland to settle its controversies.

Read first and second times and placed at head of file for Monday.

By Mr. Coggins—An Act to confer additional powers on the Trustees of the City of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Spilman—An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendments thereto, passed May ninth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

By Mr. Connely—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Tuttle—An Act for the relief of John Kneeland.

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

By Mr. Hayes—An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Louis Rose, his associates and assigns.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego by Joseph S. Manassa, Marcus Schiller, David B. Hoffman, their associates and assigns.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act supplementary to an Act entitled an Act to provide for the government of the County of San Diego, approved March thirteenth, eighteen hundred and sixty-eight.

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

By Mr. Westmoreland—An Act to confer further powers upon the Board of Trustees of the Town of Eureka.

Read first and second times and placed on file.

By Mr. Pardee—An Act for levying and collecting taxes for school purposes in the County of Santa Cruz.

Read first and second times and referred to the Committee on Education.

By Mr Mentzell—An Act to create the office of County Assessor in Calaveras County, define his duties and fix his compensation.

Read first and second times and referred to the Calaveras delegation.

By Mr. Meagher—An Act for the relief of Owen Curran.

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

By Mr Westmoreland—An Act to authorize and empower E. P. Figg and C. C. Hayden, or their assigns, to construct and maintain dams, booms and piers on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering on the same.

Read first and second times and referred to the Committee on Internal Improvements.

By Mr. Gregory—An Act for the relief of James W. Bicknell.

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

Also, an Act for the relief of Francis McGrath.

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

By Mr. Buckbee—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco, heretofore sought to be conveyed under the provisions of the Act passed May third, eighteen hundred and

fifty-four, entitled an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes.

Read first and second times and placed second on file for Monday next.

By Mr Frisbie—An Act authorizing R. D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano.

Read first and second times and placed on file

By Mr. Tully—An Act to amend an Act to create Boards of Supervisors in the counties of this State and to define their duties and powers.

Read first and second times and placed on file.

By Mr. Newsom—An Act concerning Roadmasters in the County of Stanislaus.

Read first and second times and placed on file.

By Mr. Bird—An Act to encourage and develope the Angora or Cashmere goat enterprise in this State.

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

By Mr. Martin—An Act to authorize the construction of a wharf in the City of Petaluma.

Read first and second times and placed on file.

By Mr. Green—An Act to authorize the Controller to credit J. Hop Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts.

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

By Mr. Lee—An Act amendatory of and supplementary to an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington, to certain parties therein named, approved April third, eighteen hundred and fifty-seven.

Read first and second times and referred to the Sacramento and Yolo delegations.

By Mr. Rector—An Act to grant to Richard Dugan and his associates a road franchise in the County of Del Norte.

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

REPORT.

Mr. Cochran, from the Butte delegation, by leave, made the following report:

Mr. SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 453—An Act for the relief of the Common School Fund of Butte County—report that they have considered the same, and recommend that it pass.

COCHRAN, for Delegation.

GENERAL FILE.

Mr. Frisbie moved to take up Senate Bill No. 137—An Act amendatory of and supplementary to 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.

Carried.

Read a third time and passed.

Mr. Tully offered the following:

Resolved, That the Committee on Public Lands be empowered to appoint a clerk for the same, at the usual per diem allowed other committee clerks, and payable out of the Contingent Fund of the Assembly.

Adopted.

Assembly Bill No. 73—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Mr. Buckee moved to indefinitely postpone.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

GENERAL FILE RESUMED.

Assembly Bill No. 73 resumed.

Mr. Wolleb moved the previous question.

Carried.

Amendments adopted.

On the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Spencer, Mentzell and Buckbee, and the House refused by the following vote:

AYES—Messrs. Ables, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Comte, Connely, Crigler, Davies, Downer, Fairchild, Frisbie, Hayes, Moore, Morrow, Oliver, Papy, Rollins, Russ, Spencer, Steele, Waldron, Watson, Willets—25.

NOES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Canavan, Clark, Cochran, Cureton, Days, Dornin, Dryer, Ellis, Farish, Gildea, Giltner, Gregory, James, Jones, Lee, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzel, Middleton, Newell, Newsom, O'Malley, Ord, Pardee, Payne, Scudder, Smith, Spilman, Tuttle, Wand, White, Wolleb—42.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Clark, Brown of Tulare and Brown of Contra Costa, and it was ordered engrossed by the following vote:

AYES—Messrs. Angney, Battelle, Bever, Biggs, Broderson, Brown of Tulare, Canavan, Clark, Cochran, Cureton, Days, Dornin, Dryer, Ellis, Farish, Gildea, Giltner, Gregory, James, Jones, Lee, Mace, Mahon, Mardis, Mattingly, McElhany, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Pardee, Payne, Scudder, Smith, Spilman, Tuttle, Wand, White, Wolleb—42.

NOES—Messrs. Ables, Bird, Brown of Contra Costa, Buckbee, Church, Coggins, Comte, Connely, Crigler, Davies, Downer, Fairchild, Frisbie, Hayes, Martin, Moore, Morrow, Oliver, Papy, Rollins, Russ, Spencer, Steele, Waldron, Watson, Willets—26.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California

BATCHELDER, for Committee.

Mr. Gildea moved to suspend the rules to put Assembly Bill No. 73 on its passage, but subsequently withdrew the motion.

Mr. Brown of Contra Costa made the following report:

Mr. SPEAKER: Your committee, to whom was referred Assembly resolutions in relation to so regulating the order of business as to have bills of a special nature considered in evening sessions, and bills of a general nature considered during the day sessions, and to hold day sessions for that purpose, respectfully report the following resolutions and recommend their adoption:

Resolved, That the Chief Clerk of the House be directed, on and after Monday, March sixteenth, to separate all bills on the file of a public character from those which are special, and that those of a special character be printed separately from general bills, and that those of a general nature be headed "general bills," and those of a special nature be headed "special bills," and that the House, on and after said Monday, hold evening sessions, commencing each evening at seven o'clock, and at each evening session the House shall consider only such special bills; and that during the day sessions the House consider only general bills while on the file, until the general file is disposed of, and then consider special bills.

Resolved, That during evening sessions no resolutions or motions, or business of any kind, except for a call of the House to adjourn, be considered or entertained, except such special bills; and at such times no member shall speak more than five minutes upon any one bill. All bills providing for paying money into or taking money from the State Treasury shall be considered general bills, and nothing herein contained shall deprive the House from considering bills out of their order.

TUTTLE,
STEELE,
MOORE,
CONNELY,
BROWN,
Committee.

Mr. Coggins moved to amend the report so as to make the time of meeting at half past seven P. M.

Lost.

The resolutions accompanying the report were adopted.

Mr. Steele, from the Assembly Free Conference Committee, made the following report:

Mr Speaker: The Assembly Committee of Free Conference, appointed to meet a like committee, to consider the differences existing between the two bodies of the Legislature of the State of California, upon Assembly Bill No 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirtieth, eighteen hundred and fifty—would respectfully report that they have had a conference with the Senate committee, and the result of the conference is, that a majority of the committee recommend the adoption of the Senate amendments, and that this House pass the bill as amended.

STEELE, Chairman.

Mr. Angney, by leave, introduced an Act to appropriate money for contingent expenses of the Legislature.

Read first and second times and placed on top of file for Monday next.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr Speaker: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters;

Also, Assembly Bill No. 454—An Act concerning roads and highways in the County of Sacramento;

Also, Assembly Bill No. 190—An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County;

Also, Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one;

Also, Assembly Bill No. 448—An Act to stay the collection of certain taxes in Fresno County;

Also, Assembly Bill No. 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County;

Also, Assembly Bill No 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee;

Also, Assembly Bill No. 289—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill No. 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Bill No 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for repairs of the banks of the Los Angeles River in the city; to levy a tax for street improvements, and for lighting the streets of said city with gas;

And this day, at forty-five minutes past one o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

GENERAL FILE.

Assembly Bill No. 484—An Act in reference to the wages of working-

Mr. Meagher moved to lay on the table, but withdrew his motion to enable Mr. Brown of Contra Costa to offer an amendment, as follows:

Add to the end of section ——: "The Act of Congress providing for the issue of legal tender notes is hereby repealed."

The amendment was lost.

Mr. Meagher renewed his motion to lay on the table.

The ayes and noes were demanded by Messrs Coggins, Meagher and Brown of Tulare, and the House refused by the following vote:

AYES—Messrs. Biggs, Bird, Broderson, Canavan, Clark, Cochran, Cureton, Dryer, Gildea, Giltner, Gregory, Hayes, Jones, Lee, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Ord, Pardee, Scudder, Spilman, Tuttle, Wand—27.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Brown of Contra Costa, Brown of Tulare, Church, Coggins, Comte, Connely, Crigler, Davies, Downer, Fairchild, Frisbie, James, Mace, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Papy, Rollins, Russ, Smith, Steele, Waldron, Willets, Mr. Speaker—32.

Mr. Comte moved the previous question.

Carried.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Smith, Cureton and Meagher, and the House refused by the following vote:

AYES—Messrs. Ayer, Brown of Contra Costa, Downer, Hayes, Oliver, Rollins, Steele—7.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Tulare, Buckbee, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dryer, Fairchild, Gildea, Giltner, Gregory, James, Jones, Lee, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Morrow, Newell, Newsom, O'Malley, Papy, Pardee, Payne, Russ, Scudder, Smith, Spencer, Spilman, Tuttle, Waldron, Wand, White, Willets, Wolleb, Mr. Speaker—54.

The bill was ordered engrossed.

Mr. Wand moved to suspend the rules and put the bill upon its passage.

The ayes and noes were demanded by Messrs. Steele, Payne and Downer, and the motion prevailed by the following vote:

AYES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Tulare, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Cureton, Dryer, Fairchild, Gildea, Giltner, Gregory, James, Lee, Mace, Mahon, Mardis, Mattingly, Meagher, Mentzell, Newell, Newsom, O'Malley, Ord, Payne, Russ, Scudder, Smith, Spencer, Spilman, Tuttle, Wand, White, Wolleb—42.

NOES—Messrs. Ables, Ayer, Brown of Contra Costa, Crigler, Davies, Downer, Frisbie, Hayes, Jones, Martin, Moore, Morrow, Oliver, Pardee, Steele, Waldron, Willets—17.

On the passage of the bill, the ayes and noes were demanded by Messrs. Church, Brown of Contra Costa and Brown of Tulare, and it

AYES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Contra Costa, Brown of Tulare, Canavan, Church, Clark, Cochran, Coggins, Comte, Cureton, Dryer, Fairchild, Farish, Gildea, Giltner, Gregory, James, Lee, Mace, Mahon, Mardis, Mattingly, Meagher, Mentzell, Newell, Newsom, Oliver, O'Malley, Ord, Pardee, Payne, Russ, Scudder, Smith, Spencer, Spilman, Waldron, Wand, White, Willets, Wolleb—46.

NOES—Messrs. Ables, Ayer, Buckbee, Crigler, Davies, Downer, Hayes, Jones, Morrow, Tuttle—10.

Mr. Brown of Contra Costa gave notice that on Monday he should move a reconsideration of the vote just taken.

At forty-five minutes past four o'clock, Mr. Cochran moved to adjourn. Lost.

Assembly Bill No. 343—An Act granting a wharf franchise in the City of Sacramento.

On motion of Mr. Comte, the bill was referred to the Sacramento delegation with special instructions, and verbally reported back with amendments as instructed.

Amendments adopted.

On motion of Mr. Comte, the rules were suspended, the bill considered engrossed and put upon its passage.

The ayes and noes were demanded by Messrs. Coggins, Buckbee and Ayer, and it passed by the following vote:

AYES—Messrs. Angney, Ayer, Batchelder, Biggs, Bird, Brown of Tulare, Buckbee, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Davies, Dryer, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Hayes, James, Lee, Mace, Mahon, Mardis, Mattingly, Meagher, Mentzell, Newell, Newsom, O'Malley, Ord, Pardee, Russ, Scudder, Smith, Spilman, Wand, Willets—42.

NOES—Messrs. Battelle, Bever, Church, Coggins, Downer, McElhany, Morrow, Oliver, Waldron, White, Wolleb—11.

At five o'clock P. M., on motion of Mr. Buckbee, the House adjourned.

J. J. O'MALLEY, Speaker pro tem.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 16th, 1868.

House met pursuant to adjournment.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Wm. T. Lucky.

Journal of Saturday read and approved.

Mr. Tully had leave of absence for one day.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 474—An Act to provide for the management and sale of the land belonging to the State

DAYS, for Committee.

Mr. Meagher, from the Committee on Counties and County Boundaries, reported Assembly Bill No. 302—An Act to provide for surveying and establishing the southern boundary of the State of California, as between this State and the Territory of Arizona.

On motion of Mr. Hayes, the reading was dispensed with and the report ordered printed.

[For report, see Appendix.]

Mr. Spencer, from the Committee on State Hospitals, made a report in relation to charitable institutions aided by the State of California, of which the usual number of copies were ordered printed.

[For report, see Appendix.]

Mr. Green, Chairman of the Committee on Education, made the following report:

Mr. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 669—An Act to provide for levying and collecting taxes for school purposes in the County of Santa Cruz—have had the same under consideration, and report the same back with amendments and recommend its passage as amended.

GREEN, Chairman.

Mr Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 671—An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Joseph S Manassa, Marcus Schiller, David B. Floffman, their associates and assigns—respectfully report the same back and recommend its passage.

Also, Assembly Bill No. 675—An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Louis Rose, his associates and assigns—and recommend its passage.

MIDDLETON, Chairman.

Mr. Angney, Chairman of the Committee on Ways and Means, made the following report:

Mr. SPEAKER: The Committee on Ways and Means have had under consideration the matter of appropriations for the support of the State of California for the twentieth and twenty-first fiscal years, and herewith report a bill for the consideration of the Assembly.

ANGNEY, for Committee.

The Committee on Ways and Means, introduced the following:

An Act making appropriations for the support of the civil Government of the State of California for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy.

Read first and second times, placed on file and ordered printed.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 620—An Act to regulate the issue and transfer of warehouse receipts and other vouchers, and to prohibit fraud therein—respectfully report that they have considered and herewith report the same, and recommend its passage.

The Committee have also considered Assembly Bill No. 647—An Act to exempt certain property named herein from execution—and recommend its passage, with an amendment made thereto by the committee.

Also, Assembly Bill No. 653—An Act to further provide for filling of vacancies in office in this State—and recommend its passage

Also, Senate Bill No 450—An Act to authorize the Trustees of the City of Petaluma and their successors in office to execute a certain trust—and report the same without recommendation.

Also, Assembly Bill No 264—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—and report the same without recommendation.

Also, Assembly Bill No. 251—An Act to amend section thirteen of 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 report the same without recommendation.

Also, Assembly Bill No. 219—An Act concerning the office of Reporter of the Supreme Court—and report the same without recommendation.

Also, Assembly Bill No 406—An Act to fund the debt of Alpine County—and report the same without recommendation.

Also, Assembly Bill No. 378—An Act defining the duties of Supreme Court Reporter—and report the same back without recommendation.

Also, Assembly Bill No. 379—An Act to amend an Act for the relief of insolvent debtors and protection of creditors—passed May fourth, eighteen hundred and fifty-two—and report the same without recommendation.

Also, Senate Bill No. 362—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three—and report the same without recommendation.

Also, substitute for Senate Bill No 179—An Act amendatory of and supplementary to an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six—and report the same without recommendation.

Also, Assembly Bill No 514—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—and report the same without recommendation.

Also, Senate Bill No. 136—An Act to authorize Montgomery Godley, administrator with the will annexed of the estate of Charles G McChesney, deceased, to sell certain land belonging to the estate of said deceased —and report the same without recommendation.

Also, Assembly Bill No. 252—An Act to authorize Jane Spencer and Golder Field. administrators of the estate of Daniel L. Spencer, deceased, to sell land belonging to the estate—and report the same without recommedation.

Also, Senate Bill No. 371—An Act to legalize certain evidences of indebtedness—and report the same without recommendation.

Also, Assembly Bill No. 586—An Act to amend an Act entitled an Act to regulate the fees of certain officers in Amador County, approved April sixth, eighteen hundred and fifty-nine—and report the same without recommendation.

Also, Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—and report the same without recommendation.

Also, Assembly Bill No 392—An Act in relation to liens of mechanics and others—and report the same without recommendation.

Also, Assembly Bill No. 280—An Act for securing liens of mechanics and others—(and two petitions accompanying the same), and report the same without recommendation.

STEELE, Chairman.

Mr. Newell, Chairman of the Committee on Internal Improvements, made the following report:

Mr. Speaker: The Committee on Internal Improvements, to whom was referred Assembly Bill No. ——, to authorize and empower E. P. Figg and C. C. Hayden, or their assigns, to construct and maintain dams, booms and piers on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering on the same—would respectfully report the same back and recommend its passage.

NEWELL, Chairman.

Mr. Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr. Speaker: The committee to whom was referred Assembly Bill No. 179—An Act concerning roads and highways in the County of Mendocino—respectfully report that they have had the said bill under consideration, and report it back with amendments and recommend its passage.

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act concerning public ferries and bridges. approved April eighteenth, eighteen hundred and fifty-five—have considered the same and report it back, with recommendation that it pass.

ORD, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 362—An Act to incorporate the City of Vallejo—have had the same under consideration, report the bill back to the Assembly with a substitute, and recommend the passage of the substitute.

MOORE, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims have considered Assembly Bill No. 506—An Act to pay the claim of Mark W. Higgins—and have amended the same, and ask leave to report it back to the House without recommendation.

The Committee on Claims have also considered Assembly Bill No. 170—An Act to appropriate money to pay the claims of W. D. Harriman and William G. Wood—and ask leave to report as follows:

An account has been presented to the committee, verified by W. G. Wood, one of the claimants, for the sum of seven thousand six hundred and twenty-seven dollars, and the committee have amended the bill to correspond to that amount, and they recommend that the bill, with the account, be referred to the Judiciary Committee, to ascertain if there is authority of law to justify the payment of the claim by the State.

CONNELY, Chairman.

Assembly Bill No. 170 was referred to the Judiciary Committee.

Mr. Batchelder, from the Committee on Claims, made the following majority report:

Mr SPEAKER: The undersigned, a majority of the Committee on Claims, to whom was referred Senate Bill No. 485—An Act for the relief of Anna Lee—have had the same under consideration, and find that the said Anna Lee is the widow of the late Hon. Harvey Lee, who was commissioned and appointed District Judge of and for the Sixteenth Judicial District—composed of the Counties of Alpine, Mono, Kern and Inyo—and that about two months afterward, in the month of June, eighteen hundred and sixty-six, the said Harvey Lee was accidentally killed, leaving a widow and several small children; that since that period she has exhausted, in the support of herself and her children, all of her limited means, and is now unable to provide food for the sustenance of herself and children. In view of the facts here presented, we think the aid asked for should be granted. The amount of fourteen hundred dollars, provided for under this bill, added to the amount of salary received by the said Harvey Lee up to the time of his death, will make six months pay.

BATCHELDER,
LEE,
MEAGHER.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed Assembly Bill No. 570—An Act supplementary

to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 73—An Act to amend an Act entitled 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-seventh, eighteen hundred and sixty-three

Also, Assembly Bill No 660—An Act to ratify and confirm a certain ordinance of the City of Petaluma, in relation to supplying said city with water.

BATCHELDER, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Watson, from the Los Angeles delegation, made the following report:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Senate amendments to Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson, and associates, to build a wharf or wharves at the port of San Pedro, in the County of Los Angeles—report the same back and recommend that the House do not concur in said amendments.

WATSON, for Delegation.

The House refused to concur in Senate amendments to Assembly Bill No. 64.

Mr. Connely, for the San Francisco delegation, made the following report:

Mr SPEAKER: The San Francisco delegation have had under consideration the following bills, which were referred to them, and ask leave to report as follows:

Assembly Bill No. 456—An Act granting to the Market Street Railway Company, of San Francisco, certain rights therein named. They have amended the same and recommend its passage as amended.

Also, Assembly Bill No 543—An Act to authorize Robert Betze and others to lay down and maintain a railroad in the City and County of San Francisco. They have amended the bill and recommend its passage as amended.

Also, Assembly Bill No. 293—An Act to amend an Act entitled 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 April nineteenth, 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 Article four, approved April twenty-fifth, eighteen hundred and sixty-three. They have made some amendments to the bill and recommend its passage as amended.

CONNELY, Chairman.

Mr. Lee, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom has been referred Assembly Bill No. 498—An Act to amend section eleven of an Act entitled an Act to protect agriculture and to prevent the trespass of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six—beg leave to report back a substitute for the same, and recommend its passage.

LEE, for Delegation.

Mr. Mentzell, from the Calaveras delegation, made the following report:

Mr. SPEAKER: The Calaveras delegation, to whom was referred Assembly Bill No. 688, have had the same under consideration, respectfully report the same back and recommend its passage.

MENTZELL, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 14th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes

Also, Assembly Bill No 389—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 353—An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Meagher offered the following, which was unanimously adopted:

Resolved, That one dollar per day, in addition to the compensation now allowed, be paid to Henry J Keefe, Postmaster of the Assembly, from the commencement to the close of the session; and the Controller is hereby authorized and directed to draw his warrant on the Contingent Fund for payment of the same.

Mr. Brown of Contra Costa, moved to reconsider the vote by which Assembly Bill No. 484—An Act in reference to the wages of working men and mechanics—passed on Saturday.

Mr. Green moved the previous question

On the question to reconsider the vote by which Assembly Bill No. 484 passed, the ayes and noes were demanded by Messrs. Meagher, Watson and Giltner, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Biggs, Brown of Contra Costa, Buckbee, Caldwell, Connely, Crigler, Davies, Days, Dornin, Downer, Frisbie, Gildea, Green, Hayes, Jones, Kelley, Mahon, Martin, Mattingly, McElhany, Middleton, Moore, Morrow, Ord, Papy, Pardee, Rollins, Spencer, Steele, Tuttle, Waldron, Wand, Watson, Westmoreland—38.

NOES—Messrs. Angney, Batchelder. Bird, Broderson, Brown of Tulare, Church, Clark, Coggins, Cureton, Dryer. Fairchild, Giltner, Gregory, James, Mace, Mardis, Meagher, Mentzell, Newsom, Oliver, O'Malley, Payne, Rector, Russ, Smith, Spilman, White, Wolleb—28.

Mr. Moore offered the following resolution:

Resolved, That Assembly Bills Nos. 280 and 392—Acts for the securing of liens of mechanics and others—be made the special order for Thursday next, at two o'clock P. M.

Adopted.

Mr. Kelley offered the following:

Resolved by the Assembly. That the special committee, composed of the delegations of the Counties of Sacramento and Yolo, to whom was referred Assembly Bill No. 622—An Act for the relief of Rebecca C. Hoagland—be and are hereby instructed to report the same to this House for its further action, on Tuesday, the seventeenth of March, eighteen hundred and sixty-eight.

Mr. Tuttle moved that the Chairman of the Committee on Corporations be requested to report all bills in the hands of that committee providing for a reduction of the fare and freight on the Central Pacific Railroad.

Subsequently withdrew the motion.

Mr. White renewed the motion.

Mr Moore returned one of the bills without report, stating that the report was written, but had not been submitted to all the members of the committee.

Mr. Steele offered the following:

Resolved, That the Committee on Mines and Mining Interests be and they hereby are instructed to report back Bill No. ——An Act to provide for taking up and holding mining claims—on Wednesday morning next.

Mr. Rollins gave notice that he should submit a minority report upon the railroad bills.

Mr. Angney moved that Assembly Bill No. 473—An Act for the removal and permanent location of the seat of Government of the State of California—be taken from the table and set for Wednesday next, at twelve o'clock M.

The motion was amended. "to take from the table and place on file."

Mr. Frisbie moved the previous question.

On the motion, as amended, the ayes and noes were demanded by Messrs. Giltner, Brown of Tulare and Caldwell, and prevailed by the following vote:

AYES—Messrs. Ables, Angney, Batchelder, Bever, Buckbee, Caldwell, Canavan, Church, Connely, Cureton, Days, Dwinelle, Farish, Frisbie, Gildea, Giltner, Hayes, James, Mace, Mardis, Martin, Mattingly, McElhany, Meagher, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Pardee, Payne, Scudder, Smith, Spilman, Steele, Wand, Watson, Westmoreland, Willets—41.

NOES—Messrs Ayer, Battelle, Biggs, Bird, Broderson, Brown of Tulare, Clark, Cochran, Coggins, Comte, Crigler, Davies, Dornin, Downer, Dryer, Fairchild, Gregory, Jones, Kelley, Lee, Mahon, Mentzell, Morrow, Oliver, Papy, Rector, Rollins, Russ, Spencer, Tuttle, Waldron, White, Wolleb—33.

Mr. Batchelder moved to take Assembly No. 216 from the special file and place it in its order on the general file.

Mr. White offered the following:

Resolved, That during the day sessions of this Legislature, held on and after Wednesday, March eighteenth, no member shall occupy more than five minutes in any one speech on any resolution or bill, or amendment to any resolution or bill, or on any motion, resolution or bill on which a separate vote may be taken under the rules of this House.

Laid over one day.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 14th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on yesterday passed, under a suspension of the rules, the following bills:

Senate Bill No. 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

Also, Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Also, Senate Bill No. 496—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of the State—certain rights and privileges.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 14th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate has passed the following bills:

Substitute for Senate Bill No. 316—An Act to provide for the collection of the revenue in and for the County of Napa.

Senate Bill No. 349—An Act supplemental to an Act entitled an Act to create Boards of Supervisors in the counties of this State, and to define their powers and duties, approved March twentieth, eighteen hun-

dred and fifty-five, and the several Acts amendatory thereof and supplementary thereto

Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Substitute for Senate Bill No. 146—An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State

Assembly Bill No. 503—An Act to grant to Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and to collect toll thereon.

Assembly Bill No. 470—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State

Assembly Bill No 200—An Act to authorize the City Council of Oakland to purchase land and erect a City Hall, and to issue bonds of said city, and provide for the payment of the same.

Assembly Bill No. 662—An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight

Also, adopted and passed substitute for Assembly Bill No. 134—An Act in relation to the county officers of the County of Sierra.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 496, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No. 360, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 296, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Mr. Gildea moved to refer Assembly Bill No. 484 to its author, with special instructions to amend.

Motion withdrawn.

Substitute for Assembly Bill No 134—Senate amendments not concurred in.

Substitute for Senate Bill No. 146, above reported, was read first and second times and referred to the Committee on Agriculture.

Senate Bill No. 276, above reported, was read first and second times and referred to San Francisco delegation.

Senate Bill No. 349, above reported, was read first and second times and referred to the Committee on Counties and County Boundaries.

Substitute for Senate Bill No 316, above reported, was read first and second times and referred to the Napa delegation.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Watson—An Act for the encouragement of agricultural societies in this State.

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

By Mr. Waldron—An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor.

Read first and second times and placed on file.

By Mr. Green—An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another.

Read first and second times and placed on file.

Also, an Act concerning the assets of certain swamp land districts.

Read first and second times and placed on file.

By Mr. Lee—An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times and placed on file.

By Mr. Dwinelle—An Act to prevent losses to the State and to counties from irregularities committed or suffered in relation to official bonds.

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

Also, an Act to amend an Act entitled an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty.

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

By Mr. Payne—An Act granting leave of absence to Francis A. S. Jones, Recorder and Auditor of Alpine County, California.

Read first and second times and placed on file.

By Mr. McElbany—An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura, approved March tenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

GENERAL FILE.

Assembly Bill No. 679—An Act to appropriate money for contingent expenses of the Legislature.

Considered in Committee of the Whole.

Reported back with passage recommended.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco, heretofore sought to be conveyed under the provision of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States, for certain purposes.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Brown of Tulare, by leave, offered the following resolution:

Resolved, That when the House adjourns to-day, it adjourns until Wednesday, March eighteenth.

Mr. Connely moved the previous question.

On the adoption of the resolution, the ayes and noes were demanded

by Messrs. Kelley, Westmoreland and O'Malley, and the House refused to adopt, by the following vote:

AYES—Messrs. Biggs, Broderson, Brown of Tulare, Canavan, Clark, Comte, Cureton, Fairchild, Gildea, Meagher, Newsom, O'Malley, Ord —14.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Caldwell, Church, Coggins, Connely, Crigler, Days, Dornin, Downer, Dryer, Dwinelle, Farish, Giltner, Gregory, Green, Hayes, James, Kelley, Mardis, Martin, Mattingly, Mentzell, Middleton, Moore, Morrow, Newell, Oliver, Papy, Pardee, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Tuttle, Waldron, Watson, Westmoreland, White, Willets—49.

Assembly Bill No. 583—An Act to create and organize the University of California.

Mr Dwinelle moved that the committee have leave to withdraw the amendment at the end of section one.

Carried.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M the House reassembled.

Speaker pro tem. in the chair.

Roll called.

Quorum present.

Mr. Moore handed in the Railroad Bills Nos —.

GENERAL FILE RESUMED.

Assembly Bill No. 583 resumed.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Angney moved to take up Assembly Bill No 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

Carried.

Mr. Watson in the chair.

Mr. Frisbie moved the previous question.

Carried.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Angney and Frisbie, and it passed by the following vote:

AYES—Messrs. Ables Angney, Batchelder, Battelle, Bever, Biggs, Broderson, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Hayes, James, Mahon, Mardis, Martin, Meagher, Mentzell, Moore, Newsom Oliver, Ord, Pardee Payne, Rector, Rollins, Russ, Scudder, Spencer, Spilman, Tuttle, Watson, White, Willets, Wolleb—50.

NOES—Messrs. Bird, Canavan, Cochran, Coggins, Dryer, Gregory, Middleton, Morrow, Newell, Smith, Waldron, Westmoreland—12.

REPORT.

Mr. Payne, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz;

And this day, at twenty minutes past two o'clock P. M., presented the same to the Governor for his approval

PAYNE, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No 343—An Act granting a wharf franchise in the City of Sacramento.

BATCHELDER, for Committee

GENERAL FILE.

Senate Concurrent Resolution No. 43, relative to the Mendocino Indian Reservation.

Concurred in.

Assembly Bill No. 532—An Act to amend an Act entitled an Act to create Boards of Supervisors in the counties of this State, and to define their duties

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 351—An Act supplementary to an Act entitled an Act for the encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two.

Considered in Committee of the Whole.

Reported with amendments and passage recommended.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time.

On its passage, the ayes and noes were demanded by Messrs. Lee, Spencer and Tuttle, and passed by the following vote:

AYES—Messrs Ables, Angney, Ayer, Bever, Biggs, Broderson, Brown of Contra Costa, Buckbee, Church, Clark, Coggins, Connely, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Frisbie, Gregory, Hayes, James, Mace, Mahon, Martin, Mattingly, Meagher, Moore, Morrow, Oliver, Ord, Pardee, Rollins, Russ, Scudder, White, Willets, Wolleb—38.

NOES—Messrs. Batchelder, Battelle, Bird, Caldwell, Comte, Cureton, Jones, Lee Mardis, Newsom, Smith, Spencer, Spilman, Tuttle, Waldron, Watson—16

Assembly Bill No. 258—An Act to exempt exempt firemen from the payment of State poll tax

Withdrawn by Mr Scudder, by leave.

Assembly Bill No 221 (substitute for Assembly Bill No 221)—An Act concerning conveyances by Indian pueblos for public purposes.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 347—An Act to repeal section thirteen of an Act entitled an Act to provide for binding minors as apprentices, clerks and servants, approved April fourteenth, eighteen hundred and fifty-eight

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 507—An Act for the relief of Ira B. Folsom.

Withdrawn by Mr. Mace, by leave.

Assembly Bill No. 388—An Act to provide for the protection of stock from contagious diseases.

Amended.

Mr. Batchelder moved the previous question.

Carried.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Green, Clark and Brown of Tulare. and it was ordered engrossed by the following vote:

AYES—Messrs. Ables, Ayer. Batchelder, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Clark, Coggins, Comte, Days, Dornin, Downer, Dryer, Fairchild, Frisbie. Gildea, Gregory, Hayes, Jones, Kelley, Mace, Mahon, Mardis, Martin, Middleton, Moore, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, Westmoreland, White—38

NOES—Messrs Angney, Biggs, Bird, Caldwell, Canavan, Cochran, Connely, Crigler, Farish, Giltner, Green. James, Lee, Mattingly, Meagher, Mentzell, Newell, Newsom, Ord, Payne, Rector, Russ, Spilman, Wand, Watson, Willets, Wolleb—27.

Assembly Bill No. 641—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

Read a third time and passed.

Assembly Bill No 551—An Act to amend an Act entitled an Act to authorize District Judges in certain cases to sign records and settle statements, approved April twelfth, eighteen hundred and fifty-nine.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Willetts, by leave, offered the following resolution:

Resolved, That Senate Bill No. 472—An Act for the relief of D. L. Britton—be referred to the Committee on Claims, said bill being in Senate messages not yet read.

Adopted.

Senate Bill No. 233 (substitute)—An Act in relation to witnesses.

Read a third time and passed.

Senate Bill No. 131—An Act to provide for the sale of escheated estates

Read a third time and passed.

Assembly Bill No. 492 (substitute for Assembly Bill No. 98)—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids or substances.

Read a third time and passed.

Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Westmoreland gave notice that on to-morrow he should move to reconsider the vote by which Assembly Bill No. 483 was passed

Assembly Bill No. 491—An Act to provide for the appointment of trustees in certain cases

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 60—An Act for the protection of game.

Indefinitely postponed.

At four o'clock and forty-five minutes, Mr. Frisbie moved to adjourn.

Lost.

Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb, and Blind, approved March thirty-first, eighteen hundred and sixty-six.

Passed on the file.

Assembly Bill No. 493—An Act concerning defences in certain proceedings based on judgments recovered for delinquent taxes.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed

At fifty minutes past four o'clock, Mr. Dornin moved to adjourn.

Lost.

Assembly Bill No. 576—An Act to amend section twenty-one of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State.

Returned to file for to-morrow.

Assembly Bill No. 39—An Act amendatory of and supplementary to an Act entitled an Act concerning County Recorders.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 577—An Act in relation to reviving certain debts and claims.

Returned to file.

At four o'clock and fifty-five minutes, Mr. Clark moved to adjourn.

Lost.

Mr. Meagher moved to suspend the rules to take up a message just received from the Senate.

Lost.

Assembly Bill No. 581—An Act to amend section two hundred and five of an Act to regulate proceedings in criminal cases.

Rules suspended, bill considered engrossed, read a third time and passed.

At five o'clock P. M., Mr. Middleton moved to take a recess till seven P. M.

Withdrawn.

At three minutes past five P. M., Mr. Middleton renewed his motion, and the House adjourned till seven P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.

Mr. Watson in the chair.

Roll called

Quorum present.

MESSAGE FROM THE SENATE.

On motion of Mr. Mace, the special order was postponed to take up the following Senate message:

SENATE CHAMBER,
March 16th, 1868.

Mr. SPEAKER: I am directed by the Senate to inform the Assembly that the Senate on this day adopted Senate Concurrent Resolution No. 66, relative to adjournment to-morrow.

JOHN WHITE, Secretary.

The resolution was read and concurred in.

SPECIAL ORDER.

Assembly Joint Resolution No 46, relative to passage of Congressional law to prevent the employment of persons, who do not speak the English language, on board any vessel of the United States propelled by steam.

The resolution was adopted.

Mr. Westmoreland gave notice of his intention to move a reconsideration of the vote by which Assembly Joint Resolution No 46 was adopted.

SPECIAL FILE.

Assembly Bill No. 677—An Act to enable the City of Oakland to settle its controversies

Rules suspended, bill considered engrossed, read a third time and passed.

The members of the Judiciary Committee had leave of absence for two hours

Senate Bill No. 270—An Act to incorporate the Town of Suisun.

Read a third time

On the passage of the bill, the ayes and noes were demanded by Messrs. Clark, Mentzell and Frisbie, and the House refused by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Broderson, Brown of Tulare, Comte, Kelley, Lee, Mardis, Middleton, Morrow, O'Malley, Pardee, Smith, Spencer, Waldron, Watson, Westmoreland—19.

NOES—Messrs Angney, Bever, Biggs, Bird, Canavan, Church, Clark, Coggins, Connely, Crigler, Davies, Days, Dryer, Ellis, Fairchild, Frisbie, Giltner, Gregory, Hayes, James, Jones, Mace, Martin, Mattingly, McElhany, Mentzell, Newsom Oliver, Payne, Russ, Scudder, Spilman, Wand, White, Willets, Mr. Speaker—36

Mr Frisbie gave notice of a motion to reconsider the vote just taken.

The Special Committee on Military Affairs had leave of absence for the evening

Assembly Bill No. 572—An Act concerning roads in the County of Marin.

Further reading dispensed with.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 477 (substitute)—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 508—An Act to create a Redemption Fund for the County of Calaveras.

Further reading dispensed with.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 466—An Act to provide for the erection of a Jail and County Recorder's office building in Alameda County.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

Rules suspended, bill considered engrossed, read a third time and passed

Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Ordered to general file.

Senate bill No 214—An Act concerning roads and highways in the County of San Mateo.

Further reading dispensed with.

Read a third time and passed.

Assembly Bill No. 430—An Act to authorize the County Treasurer of Santa Barbara County to set aside certain moneys for certain purposes.

Mr. Cochran moved to indefinitely postpone.

Lost.

Bill laid on the table.

Speaker pro tem. in the chair.

Assembly Bill No. 286—An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 573—An Act to enable Joseph Spect to float certain claims to swamp and overflowed lands in Sutter County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 486—An Act to legalize the assessment of taxes for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven, in the County of Lake.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 614 (also reported as a substitute for Assembly Bill No. 486).

By unanimous consent, read first and second times, and, under a suspension of the rules, read a third time and passed.

Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

Read a third time and passed

Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 591—An Act declaring certain streams in the County of Alameda navigable

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 555—An Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 525—An Act concerning hogs found running at large in the County of Mono

Amended, amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended

Assembly Bill No. 593—An Act to supply deficient records in the County Clerk's office in the County of Sacramento

Ordered engrossed.

Assembly Bill No 526—An Act concerning hogs found running at large in the County of Monterey

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 536 (substitute for Assembly Bills Nos. 154, 310 and 225)—An Act for the relief of certain parties herein named.

Read a third time

On its passage, the ayes and noes were demanded by Messrs. Farish, Connely, and Brown of Tulare, and passed by the following vote:

AYES—Messrs. Biggs, Bird, Broderson, Canavan, Clark, Cochran, Coggins, Comte, Connely, Crigler, Dornin, Dryer, Ellis, Fairchild, Gildea, Giltner, Green, James, Jones, Kelly, Mardis, Mattingly, Meagher, Mentzell, Scudder, Smith, Spilman, Wand, Westmoreland, White—30.

NOES—Messrs. Ables, Ayer, Batchelder, Brown of Contra Costa,

Brown of Tulare, Buckbee, Church, Dwinelle, Farish, Frisbie, Gregory, McElhany, Middleton, Moore, Newell, Newsom, Oliver, Spencer, Waldron—18.

Mr. Connely gave notice that on to-morrow he should move to reconsider the vote just taken.

At twenty-five minutes past nine o'clock, Mr. Meagher moved to adjourn.

Lost.

Senate Bill No. 342—An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges.

Read third time and passed

Assembly Bill No. 605—An Act granting leave of absence to W. C. Stratton, State Librarian

Amended, amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

At nine o'clock and fifty minutes P M, on motion of Mr. Smith, the House adjourned.

J. J. O'MALLEY, Speaker pro tem.

W. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 17th, 1868

House met pursuant to adjournment.

Mr. O'Malley (Speaker pro tem.) in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr Ellis had leave of absence for one day.

Mr. Watson moved to postpone reading the Journal until half-past seven o'clock this evening.

Lost, on a division.

Journal read and approved.

Mr. Bird, by leave, withdrew from the further consideration of the House, Assembly Bill No. 658—said bill being now in the hands of the Committee on Commerce and Navigation.

REPORTS OF STANDING COMMITTEES.

Mr. Steele, for the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary herewith report Assembly Bill No. 672—An Act supplementary to an Act entitled an Act to provide for the government of the County of San Diego, approved March thirteenth, eighteen hundred and sixty-eight—and recommend its passage with an amendment made by the committee.

Also, Assembly Bill No. 698—An Act to amend an Act entitled an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty—and recommend its passage

Also, Assembly Bill No 697—An Act to prevent losses to the State and to counties from irregularities committed or suffered in relation to official bonds—and recommend its passage

Also, Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco—and recommend its passage with an amendment made thereto by the committee

Also, Senate Bill No 285—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals—and recommend its passage

Also, Assembly Bill No 680—An Act to grant to Richard Dugan and his associates a road franchise in the County of Del Norte—and recommend it be indefinitely postponed.

STEELE, Chairman.

Mr. Mace, 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. 527—An Act creating a special Swamp Land District in Yolo County—have had the same under consideration, and report the same back amended, and recommend the passage of the same as amended.

MACE, Chairman.

Mr. Canavan, Chairman of Committee on Public Buildings and Grounds, made the following report:

Mr. Speaker: Your Committee on Public Buildings and Grounds have had under consideration Assembly Bill No ——An Act to provide a suitable residence for the Governor—and beg leave to report that, in the opinion of your committee, the Governor of the State should be provided with a suitable residence at the expense of the State; but your committee believe that we should first complete a State Capitol before we purchase or construct a residence for the Governor. We recommend that the bill do not pass.

CANAVAN, Chairman

Mr. Middleton, Chairman of 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 567—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed lands in the City and County of San Francisco—report the same back and recommend its passage

Also, Senate Bill No 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco—and recommend its passage.

Also, Senate Bill No. 23—An Act granting certain rights and water

privileges to the California Dry Dock Company—and recommend its passage.

Also, Senate Bill No 384—An Act to regulate the rates of dockage and wharfage at the Port of San Francisco—report the same back with amendments, and recommend its passage as amended.

MIDDLETON, Chairman.

Mr Rector, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 581—An Act to amend section two hundred and five of an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Assembly Bill No 351—An Act supplementary to an Act entitled an Act for encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two.

Also, Assembly Bill No 493—An Act concerning defences in certain proceedings based on judgments recovered for delinquent taxes.

Also, substitute for Assembly Bill No 221—An Act concerning conveyances by Indian pueblos for public purposes

Also, Assembly Bill No 491—An Act to provide for the appointment of Trustees in certain cases

Also, Assembly Bill No 347—An Act to repeal section thirteen of an Act entitled an Act to provide for binding minors as apprentices, clerks and servants, approved April tenth, eighteen hundred and fifty-eight.

Also, Assembly Bill No 551—An Act to amend an Act entitled an Act to authorize District Judges in certain cases to sign records and settle statements, approved April twelfth, eighteen hundred and fifty-nine.

Also, Assembly Bill No 532—An Act to amend an Act entitled an Act to create Boards of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five

Also, Assembly Bill No. 492—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, substitute for Assembly Bill No 39—An Act amendatory of and supplementary to an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one

Also, Assembly Bill No. 641—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four.

RECTOR, for Committee.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 263—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz,

approved March thirty-first, eighteen hundred and sixty-six—report the bill back with a substitute, and recommend the passage of the substitute.

MOORE, Chairman.

Mr. Farish, Chairman of the Committee on Elections, made the following report:

Mr. SPEAKER: Your Committee on Elections, to whom was referred Senate Bill No. 162, after considering the same, report the bill back and recommend its passage.

FARISH, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Rollins, for the Placer and Nevada delegations, made the following report:

Mr. SPEAKER: The Placer and Nevada delegations, to whom was referred Assembly Bill No. 415—An Act to provide for the improvement of the Truckee River—have had the same under consideration, and report the same back to the Assembly and recommend that it be indefinitely postponed.

ROLLINS, for Delegations.

Mr. Crigler, from the Napa delegation, made the following report:

Mr. SPEAKER: The delegation from Napa County, to whom was referred Senate Bill No. 316, have had the same under consideration and beg leave to report back without amendment, and recommend its passage.

CRIGLER, for Delegation.

Mr. Connely, for the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties—which was referred to them, and ask leave to report the same back and recommend its passage.

Also, Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named in the City and County of San Francisco. They have amended the title of the bill, and they recommend its passage as amended.

Also, Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six. They ask leave to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Oliver, from the San Joaquin delegation, made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No 560—An Act to re-incorporate the City of Stockton—have had the same under consideration and report it back to the House with amendments, and recommend its passage as amended.

OLIVER, for Delegation.

Mr. Clark, Chairman of the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 88—An Act to regulate the taking up and holding of mining claims in the State of California—have had the same under consideration and unanimously recommend that it be indefinitely postponed.

CLARK, Chairman.

Mr. Angney made the following report:

Mr SPEAKER: The special committee, to whom was referred Assembly Bill No. 105—An Act in relation to the militia of the State; and also Assembly Bill No. — —An Act to regulate the military of the State of California—with instructions to report a system of military organization which, in times of peace, will not cost a sum to exceed ten thousand dollars—have had the said bills under consideration, and report a substitute therefor, which they recommend to the Assembly.

ANGNEY,
ROLLINS,
MACE,
TULLY.

Mr. Comte, from the Sacramento and Yolo delegations, submitted the following majority and minority reports:

Mr. SPEAKER: The undersigned, composing a majority of the Sacramento and Yolo delegations, to whom was referred Assembly Bill No. 622—An Act for the relief of Rebecca C. Hoagland—beg leave to report back a substitute for said bill, and recommend the passage of the substitute.

COMTE,
LEE,
BIGGS,
WOLLEB,
COGGINS.

Mr. SPEAKER: The delegations of Sacramento and Yolo Counties, to whom was referred Assembly Bill No. 622—An Act for the relief of Rebecca C Hoagland—have had the same under consideration, and have been unable to agree; the undersigned begs leave to report the bill back and recommend its passage.

KELLEY, for Yolo Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 16th, 1868

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for the repairs of the banks of the Los Angeles River, in the city; to levy a tax for street improvements, and for lighting the streets of said city with gas.

Also, Assembly Bill No 289—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco

Also, Assembly Bill No 454—An Act concerning roads and highways in the County of Sacramento

Also, Assembly Bill No 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters

Also, Assembly Bill No. 448—An Act to stay the collection of certain taxes in Fresno County.

Also, Assembly Bill No 172—An Act to legalize the incorporation of the Towns of Healdsburg and Santa Rosa, in Sonoma County

Also, Assembly Bill No 89—An Act to provide for the more certain execution of express trusts in case of death of the last surviving trustee

Also, Assembly Bill No 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty six.

Also, Assembly Bill No 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estate of deceased persons, passed May first, eighteen hundred and fifty-one.

Also, Assembly Bill No 192—An Act to provide for paving the streets in the City and County of San Francisco.

H. H HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 13th, 1868

To the Assembly of the State of California:

I herewith return to your honorable body, without my approval, Assembly Bill No 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four.

The effect of this Act is to repeal the one which it seeks to amend, and to leave holders of mining property without any limitation against stale claims to their property, for a year from the time when this Act would take effect, if approved. This result could not have been contemplated by the author of the bill, nor by the Legislature for no one would advocate a measure opening the door to litigations for the posses-

sion of mining claims the title to which rests, to a great extent, upon parol evidence.

The object of the bill was to reduce the time of limitation from two years to one year, but in seeking to accomplish that object, the bill destroys the protection now afforded, by lapse of time, against suits founded on old possessory claims, because the period of limitation prescribed by this bill would not be operative until a year after the Act takes effect, and in the meantime the protection afforded by the law now in force would be taken away. The mere suggestion of this result will be sufficient, doubtless, to satisfy your honorable body that the bill ought not to become a law.

H. H. HAIGHT, Governor.

CONSIDERATION OF GOVERNOR'S MESSAGE.

Mr Mattingly moved to make the consideration of the Governor's message, returning without his approval Assembly Bill No. 167, the special order for to-morrow at twelve o'clock M.

Lost

Mr Brown of Contra Costa moved to refer to the Judiciary Committee, with instructions to report to-morrow

Lost on a division

Mr White moved to refer to the Judiciary Committee without instructions

Mr. Watson moved the previous question.

Sustained.

The motion to refer was lost, on a division

The question being, Shall the bill pass notwithstanding the objections of the Governor? the roll was called and the House refused by the following vote:

AYES—Messrs Battelle, Clark, Cochran, Dryer, McElhany, White, Willets—7

NOES—Messrs Angney, Batchelder, Bever, Biggs, Bird, Brown of Contra Costa, Brown of Tulare, Caldwell, Church, Coggins, Connely, Crigler, Cureton, Days, Dornin, Fairchild, Farish, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mace, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O Malley, Ord, Papy, Pardee, Rector, Rollins, Russ, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, Wolleb—56.

On motion of Mr Scudder, Assembly Bill No. 489—An Act to prevent seduction—was ordered to the top of the file for Thursday.

REPORT.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 677—An Act to enable the City of Oakland to settle its controversies.

Also, Assembly Bill No. 388—An Act to provide for the protection of stock from contagious diseases.

Also, Assembly Bill No. 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco, heretofore sought to be conveyed under the provisions of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes.

BATCHELDER, for Committee.

RECONSIDERATION.

Mr. Farish moved to reconsider the vote by which Assembly Bill No. 483 passed, on yesterday.

Mr. Westmoreland rose to a point of order; said he did not understand any notice had been given to reconsider such vote to-day, and that the motion he made on yesterday was only intended for action at that time.

Overruled.

Mr. Lupton moved the previous question.

Sustained.

At eleven o'clock and forty-five minutes A. M., Mr. Westmoreland moved to adjourn.

Lost.

On the main question, to reconsider the vote by which Assembly Bill No. 483 passed, the ayes and noes were demanded by Messrs. Giltner, Cureton and Lupton, and the motion prevailed by the following vote:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Connely, Crigler, Cureton, Fairchild, Farish, Giltner, Gregory, Green, Hayes, James, Kelley, Lee, Lupton, Mace, Mardis, Martin, Mattingly, Middleton, Newell, Newsom, O'Malley, Ord, Payne, Rector, Russ, Scudder, Spilman, Wand, Warfield, Watson, White, Wolleb—41.

NOES—Messrs. Ables, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Comte, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie Jones, McElhany, Mentzell, Moore, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tully, Tuttle, Waldron, Westmoreland, Willets—30.

Mr. Watson in the chair

Mr. Scudder moved to reconsider the vote by which Assembly Bill No. 536 passed, on yesterday.

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

Carried.

On motion of Mr. Lupton, the rules were suspended to allow him to introduce a bill for an Act for the relief of William O'Shea.

Read first time.

Mr. Westmoreland objected to the second reading of the bill, and rose to a point of order, referring to rule seven.

The point of order was sustained.

Mr. Angney moved to place Assembly Bill No. 105, and the other military bills, at the top of the file for to-morrow.

PROTEST.

Mr. Buckbee rose to a question of privilege, and offered the following protest, which was ordered spread upon the Journal:

Mr. SPEAKER: The undersigned, a representative of the Counties of Plumas and Lassen in this body, respectfully enters his protest against the action of the Assembly this day, in voting to reconsider Assembly Bill No 483, because the said bill was on yesterday passed under the rules of this House, and no motion to reconsider was given on the day on which the bill passed, and that in consequence of such failure on the part of any member of this House to give such notice, the House has no power to reconsider; for the truth of this fact the undersigned refers to the Journal of this body for yesterday, the sixteenth day of March, eighteen hundred and sixty-eight.

JOHN R. BUCKBEE.

At twelve o'clock M., in accordance with a concurrent resolution passed on yesterday, the House took a recess until half-past seven o'clock P. M.

EVENING SESSION.

At half-past seven o'clock P. M. the House reassembled.
Speaker pro tem. in the chair.
Roll called.
Quorum present.

SPECIAL ORDER.

Assembly Joint Resolution No. 11, relative to proposed amendments to the Constitution of the United States, was taken up.

Mr. Westmoreland moved to postpone, and make it the special order for Tuesday next.

Ruled out of order.

Mr. Dwinelle moved the previous question.

Sustained.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Giltner, Gildea and Warfield, and the amendment was adopted by the following vote:

AYES—Messrs. Angney, Batchelder. Battelle, Biggs, Broderson, Brown of Tulare, Buckbee. Canavan, Clark. Cochran, Coggins, Comte, Connely, Crigler, Days, Dryer, Dwinelle, Fairchild, Farish, Giltner, Gregory, Green, Hayes, Jones, Mace, Mardis, Mattingly. McElhany, Meagher, Mentzell, Moore, Morrow, Newsom, Oliver, O'Malley, Payne, Spencer, Tully, Westmoreland, White—40.

NOES—Messrs. Ables, Ayer, Bever, Bird, Brown of Contra Costa, Caldwell, Cureton, Davies, Dornin, Ellis, Gildea, Lee, Lupton, Mahon, Martin, Middleton, Newell, Papy, Rollins, Russ, Smith, Tuttle, Waldron, Wand, Warfield, Watson, Wolleb—27.

On the adoption of the resolution as amended, the ayes and noes were demanded by Messrs. Canavan, Giltner and Lee, and the House refused by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Jones, Morrow, Oliver, Rollins, Smith, Spencer, Tuttle, Waldron, White—24.

NOES—Messrs. Angney, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Papy, Payne, Russ, Tully, Wand, Warfield, Watson, Westmoreland, Willets—46.

At eight o'clock and five minutes P. M., on motion of Mr. Moore, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 18th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Mr Spilman had leave of absence for three days, Mr. Ord for two days, and Mr. Scudder for one day.

PETITIONS.

Mr. Green presented a petition from T. R Eldredge, in reference to translating into the Spanish language certain State documents, etc.

Received and referred to the Committee on Ways and Means.

Mr. Dwinelle presented a protest of the City of Oakland against the passage of Assembly Bill No. 657—An Act to construct a canal or navigable channel in Alameda County.

Received and placed on file.

Mr. Coggins presented a remonstrance of citizens of Sacramento and Yolo Counties against the passage of a bill granting an extension for twenty years of the charter to the Sacramento and Yolo Bridge Company.

Received and referred to the Sacramento and Yolo delegations.

Mr. Lee presented a petition from citizens of Sacramento and Yolo Counties, in favor of granting the Sacramento and Yolo Bridge Company an extension of time of charter.

Received and referred to the Sacramento and Yolo delegations.

Mr. Crigler, Chairman of the Committee on State Prison, made the following report:

Mr. SPEAKER: Your Committee on State Prison, to whom was referred the consideration of Assembly Bills Nos. 460 and 623—An Act to provide for the establishment and maintenance of a State Prison at the Town of Rocklin; and an Act to provide for the establishment and maintenance of a Branch Prison in the Township of Granite, in the County of Sacramento—having considered the same, beg leave to report a substitute for both bills and recommend the adoption thereof.

Your committee, after mature and careful thought upon the subject, and an examination of both of the proposed localities, are satisfied that the interests of the State will be subserved by the establishment of a Branch State Prison, provided that a proper site is selected for the location thereof.

Your committee have visited the two localities mentioned in the substitute bill herewith reported, and have no hesitation in saying that either of them offers great advantages for the purposes sought. They both contain quarries of granite of the finest quality and unlimited quantity, the neighborhood of each is reported to be healthy, and both are easily accessible for two thirds of the entire State. They are both connected with navigable water by railroads already in operation.

Your committee are of the opinion that by the employment of convict labor—as is evidently contemplated by the Act to which this is supplemental—the Branch Prison can be built of the finest material, which will cost nothing, almost exclusively by the convicts themselves. And we are further of the opinion that after the first appropriation, which, considering the magnitude of the project, need not be large, the branch can, at either of the proposed sites, become a self-sustaining institution. We are led to this belief from the fact that the State can constantly employ her convicts at the Branch Prison upon material which costs nothing, and in a species of labor requiring but little skill, few and cheap tools, the product of which can be speedily and at small expense transported to an ever ready market.

We therefore recommend that the sum of thirty thousand dollars be appropriated out of the appropriation heretofore recommended by this committee for the erection of new workshops, etc., at San Quentin, for the purpose of carrying out the object of the Act this day reported, believing that said appropriation will be ample for present and all future purposes.

CRIGLER, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bill No. 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco; also, No. 224—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco; also, No 312—An Act to provide for the disposition of the pueblo lands of the City and County of San Francisco; also, No. 461—An Act to provide for the distribution of the public lands of the City and County of San Francisco—

have had the same under advisement, and as they severally relate to the same subject matter, respectfully report the same back with the following suggestions and recommendations, viz: The several bills, though relating to the same subject matter, presents two entirely antagonistic objects; Bills Nos. 312 and 461 claiming, upon one theory and assumption, a control and disposition of the property commonly designated as the outside or pueblo lands of San Francisco, whilst Bills Nos. 223 and 224, resting upon a different basis, purpose other disposition of the same lands.

STEELE, Chairman.

Report ordered printed.

[For report, see Appendix.]

Mr. Hayes made the following minority report from the Judiciary Committee:

Mr. SPEAKER: The undersigned, of the Committee on the Judiciary, asks leave to introduce the accompanying bill—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco, etc.—as a substitute for Bills Nos 223 (or 224), 312, 461, and all other bills before the Assembly on the same subject; and to have until Friday, the twentieth instant, to file a further minority report, briefly expressing his views upon this important subject.

BENJ. HAYES.

Mr. Middleton moved to place Assembly Bills Nos. 223 and 224, reported from the Judiciary Committee to-day, first on special file for this evening.

Mr. Biggs moved the previous question.

Sustained.

The motion to place at top of special file was lost, on a division.

Mr. Wand, Chairman of the Committee on Mileage, made the following report:

Mr. SPEAKER: The Committee on Mileage beg leave to present the following report of mileage, due the Committee on Agricultural, Mining and Mechanic Arts College, and recommend the adoption of the accompanying resolution:

To whom due.	Amount.
O'Malley	$52 50
Dwinelle	52 50
Green	52 50
Ayer	52 50
Angney	52 50

Resolved, That the Controller of State is hereby requested to draw his warrants on the Contingent Fund of the Assembly for the following sums, to wit:

In favor of O'Malley, for fifty-two dollars and fifty cents;

In favor of Dwinelle, for fifty-two dollars and fifty cents;

In favor of Green, for fifty-two dollars and fifty cents;
In favor of Ayer, for fifty-two dollars and fifty cents;
In favor of Angney, for fifty-two dollars and fifty cents.

WAND, Chairman.

The resolution was adopted.

Mr. Wand, Chairman of the Committee on Mileage, made the following report:

Mr. SPEAKER: The Committee on Mileage respectfully report the following sums due the State Prison Committee, for mileage to Rocklin and Folsom, viz:

To whom due.	Amount.
John C. Crigler	$20 00
B R Spilman	20 00
Thomas J. Ables	20 00
B. J. Broderson	20 00
J. A. Fairchild	20 00
W. M. Ord	20 00
W. A. Davies	20 00

and recommend the adoption of the following resolution:

Resolved, That the Controller of State is hereby requested to draw his warrants on the Contingent Fund of the Assembly for the sums following, to wit:
In favor of John C. Crigler, for twenty dollars;
In favor of B. R. Spilman, for twenty dollars;
In favor of Thomas J. Ables, for twenty dollars;
In favor of B. J. Broderson, for twenty dollars;
In favor of J. A. Fairchild, for twenty dollars;
In favor of W. M. Ord, for twenty dollars;
In favor of W. A. Davis, for twenty dollars.

WAND, Chairman.

The resolution was adopted.

Mr. Brown of Tulare, Chairman of the Committee on Public Accounts and Expenditures, made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures, having examined and found correct the following accounts, beg leave to report the same, and recommend the adoption of the following resolution:

To whom due.	Amount.
Sergeant-at-Arms, mileage and serving papers for Committee on Salt Marsh and Tide Lands, sixty dollars; mounting maps, three dollars	$63 00
Tubbs & Patten, for office rent for committee	10 00
J. Shea, for carriage hire for committee	26 00
John Mullen, for platting maps for committee and other services	52 00
E. Steele, for mileage, forty-six dollars and eighty cents; expressage on maps, fifty cents	47 30
John Middleton, for mileage	46 80
R. P. Mace, for mileage	46 80
T. S. Bever, for mileage	46 80
T. E. Farish, for mileage	46 80
D. W. Clark, for gas fixtures for committee rooms	44 50
A. C. Bidwell, for wood and coal furnished Assembly committee rooms	87 25

Resolved, That the Controller of State be and he is hereby authorized and required to draw his warrants in favor of the above named persons.

BROWN of Tulare, Chairman.

On motion of Mr. Westmoreland, the resolution was amended to read, "on the Contingent Fund of the Assembly," inserted after the word "warrants."

The resolution was then adopted as amended.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 503—An Act to supply deficient records in the County Clerk's office in the County of Sacramento.

Also, Assembly Bill No. 525—An Act concerning hogs found running at large in the Counties of Mono and Inyo.

Also, substitute for Assembly Bill No 477—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

Also, substitute for Assembly Bill No. 486—An Act to legalize the assessment of taxes in the County of Lake and State of California, for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven.

Also, Assembly Bill No. 591—An Act declaring certain streams in the County of Alameda navigable.

Also, Assembly Bill No. 508—An Act to create a Redemption Fund for the County of Calaveras.

Also, Assembly Bill No 605—An Act granting leave of absence to W. C. Stratton, State Librarian.

Also, Assembly Bill No 555—An Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein.

Also, Assembly Bill No. 583—An Act to create and organize the University of California.

DAYS, for Committee.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims have considered Senate Bill No. 472—An Act for the relief of David L Britton—and ask leave to report the same back to the House and recommend its passage.

CONNELY, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Angney, from the Santa Clara delegation, made the following report:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 545—An Act to confirm and legalize certain contracts entered into by Peter Donahue and others—have had the same under consideration, and report the same back with a recommendation that the bill pass.

RYLAND,
ANGNEY,
For Delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have had under consideration the following bills, which were referred to them, and ask leave to report as follows:

Assembly Bill No 569—An Act to authorize Thomas H. Holt, J. Clark, J. H. Blumenberg and associates to construct a railroad on certain streets in San Francisco. They have made some amendments to the bill, and they recommend its passage as amended.

Also, Assembly Bill No. 357—An Act amendatory of sections one and eight of an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three. They present a substitute therefor and recommend the passage of the substitute.

Also, Senate Bill No. 221—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco. They present a substitute therefor, and recommend the passage of the substitute.

CONNELY, Chairman.

Mr Lee, from the Sacramento and Yolo delegations, made the following report:

Mr. SPEAKER: The Sacramento and Yolo delegations, to whom was referred Assembly Bill No. 692—An Act amendatory of and supplemen-

tary to an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington—beg leave to report the same back with amendments, and recommend its passage.

BIGGS,
WOLLEB,
LEE.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 17th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 102—An Act granting to the mining counties of this State the foreign miners' tax collected in said counties, severally.

Also, Assembly Bill No. 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Rollins, Assembly Bill No. 91 was ordered to top of file for Friday.

Mr. Westmoreland offered the following resolution:

Resolved, That the Committee on Corporations be and they are hereby instructed to report back to the Assembly, on to-morrow, Thursday, the nineteenth of March, eighteen hundred and sixty-eight, Senate Bills Nos. 334 and 335, and that said bills be placed at the top of the file for Friday, the twentieth of March.

Mr. O'Malley moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Coggins, Buckbee and Ayer, and the House refused by the following vote:

AYES—Messrs. Davs, Fairchild, James, Martin, Meagher, Newell, Newsom, O'Malley, Wand—9.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Ellis, Frisbie, Gildea, Giltner, Gregory, Jones, Kelley, Lee, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Morrow, Oliver, Papy, Pardee, Payne, Rollins, Smith, Spencer, Steele, Tully, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—59.

Mr. Gildea moved to amend the resolution by ordering the bills to take their place on the file.

Mr. Watson moved the previous question.

Sustained.

The amendment was lost, on a division.

Mr. White called for a division of the resolution.

The Speaker decided the resolution was a whole, and the Chair could not divide it.

Mr. White appealed, and the Speaker was sustained.

The resolution was then adopted.

Mr. Dwinelle offered the following resolution:

Resolved, That Assembly Bill No. 657—An Act to construct a canal or navigable channel in Alameda County—be returned to its author.

Adopted.

Mr. Connely offered the following protest, which was ordered spread upon the Journal:

The undersigned, having voted in favor of Assembly Bill No. 568—An Act for the relief of certain parties therein named—for the purpose of giving notice of the reconsideration of the vote by which the bill was passed—which notice was given by him—and the reconsideration having been moved under that notice by another member, and an indefinite postponement of that motion having been made and carried without an opportunity being afforded, in consequence of the ruling of the Speaker temporarily occupying the chair at the time, of having the ayes and noes called, so that he could have his name placed upon the record in favor of said reconsideration—he therefore desires that this, his protest, may be spread upon the Journal against the passage of said bill.

D. W. CONNELY.

Mr. Tully offered the following resolution:

Resolved, That the Senate be and hereby is requested to return to this House immediately, Assembly Bill No. 306—An Act granting to the City of Monterey the title to the water front of said city—for the purpose of concurring in the second Senate amendment thereto.

Adopted.

Mr. Newell offered a concurrent resolution requesting our Senators and Representatives in Congress to use their most earnest endeavors for the repeal or reduction of the present revenue tax on native grape brandy manufactured by citizens of this State; and that his Excellency the Governor be requested to furnish a copy of said resolution to each of our Senators and Representatives in Congress.

Read first and second times and placed on file.

Mr. White offered the following resolution:

Resolved, That Assembly Bills Nos. 432 and 131, reported by the Committee on Corporations, which are not now on file for general bills, be placed in the position on said file they should have occupied, and in the order above named.

Adopted.

Mr. Angney moved to place Assembly Bill No. 105—An Act in relation to the militia of the State of California—at the head of the file for to-day.

Mr. Batchelder moved to amend by placing it second on file.
Lost.
The resolution was lost, on a division.
On motion of Mr. Buckbee, the bill was taken from the table and ordered to the file in its order.
Mr. Dornin offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to furnish the members of the Assembly with copies of Senate Bills Nos. 334 and 335, relative to insurance business.

On motion of Mr. Tuttle, the resolution was laid on the table.
Mr. Gildea offered the following resolution:

Resolved, That Assembly Bill No. 484 be taken from the file and referred to its author, with special instructions to amend by striking out all after the words "section one" and inserting "gold and silver shall alone be paid in satisfaction for all labor of whatever character hereafter performed in this State, in the absence of a specific contract, either oral or written, to the contrary."

Lost.
Mr. Buckbee offered the following resolution:

Resolved, That the Committee on Judiciary be instructed to report back to this House on to-morrow Assembly Bill No. 170.

Lost.
Mr. Frisbie moved to instruct the Committee on Corporations to report back Assembly Bill No. 496, and that the same take the place of Assembly Bill No. 398.
Carried.
Mr. Ayer offered the following resolution:

Resolved, That two additional members be added to the Committee on Enrolment.

Adopted.
The resolution offered by Mr. White on the sixteenth was taken up:

Resolved, That during the day sessions of this Legislature, held on and after Wednesday, March eighteenth, no member shall occupy more than five minutes in any one speech on any resolution or bill, or amendment to any resolution or bill, or on any motion, resolution or bill on which a separate vote may be taken under the rules of the House.

Mr. Coggins moved to amend by excepting special orders.
Lost.
The resolution was adopted.
Mr. Spencer moved to reconsider the vote instructing the Judiciary Committee to report Assembly Bill No. 371.
The vote was reconsidered.
Mr. Batchelder offered the following resolution:

Resolved, That on and after Thursday, March nineteenth, no bill shall

(except by a two third vote of members present) be placed out of its regular order, on either the general or special file of business.

Laid over one day, under the rules.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 348—An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands in Alameda County;

And this day, at fifteen minutes past twelve o'clock, transmitted the same to the Governor, for his approval.

AYER, for Committee.

Speaker in the chair.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
March 16th, 1868.

Mr. SPEAKER: I am instructed by the Senate to transmit to the Assembly the accompanying petition against the passage of Senate Bills Nos. 334 and 335, relative to the insurance business of this State.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 16th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on the fourteenth instant passed, under a suspension of the rules, the following bills:

Senate Bill No 397—An Act to provide for funding the debt of the Road Fund in Tulare County.

Senate Bill No. 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco

Senate Bill No. 472—An Act for the relief of David L. Britton.

Senate Bill No. 506—An Act to authorize the Board of Supervisors of El Dorado County to appropriate money for the relief of David L. Britton.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 17th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate on yesterday passed Assembly bill No. 476—An Act to provide for the removal of dead animals in the City and County of San Francisco.

Also, Assembly Bill No. 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

Also, concurred in first and third amendments to substitute for Senate Bill No. 204, and refused to concur in second amendment thereto, entitled an Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER,
March 17th, 1868.

Mr. SPEAKER: I an directed to inform your honorable body that the Senate has passed Senate Bill No. 507 (substitute for Assembly Bills Nos. 78, 211 and 320)—An Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda

Also, Assembly Bill No. 348—An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to construct and maintain a wharf in Alameda County.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 17th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth instant, passed the following bills, viz:

Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures.

Senate Bill No. 396—An Act to create a Contingent Fund for the County of Kern.

Senate Bill No. 400—An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers in the County of Butte, approved May third, eighteen hundred and sixty-one.

Senate Bill No. 409—An Act relative to the County Treasurer of Lake County.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 18th, 1868.

Mr. SPEAKER: The Senate, on the sixteenth instant, passed substitute for Assembly Bill No. 337—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchants' Floating Dry Dock Company.

Also, Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 18th, 1868.

Mr SPEAKER: I am directed to transmit to the Assembly a Senate resolution requesting the return of Senate Bill No. 387, for correction.

JOHN WHITE, Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 507 (substitute for Assembly Bills Nos. 78, 211 and 320), above reported, read first and second times and referred to Committee on Claims, with instructions to report back the bill to-morrow.

Senate Bill No. 204, above reported; House receded from its amendments.

Assembly Bill No. 367, above reported; Senate amendments adopted in concurrence.

Senate Bill No. 387, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 506, above reported, was read first and second times and referred to Committee on Claims.

Senate Bill No. 397, above reported, was read first and second times and referred to the Tulare delegation.

Senate Bill No 72, above reported, was read first and second times and referred to the Committee on Counties and County Boundaries.

Senate Bill No. 395, above reported, was read first and second times and referred to the Nevada delegation.

Senate Bill No 396, above reported, was read first and second times and referred to the Tulare and Kern delegations.

Senate Bill No. 400, above reported, was read first and second times and referred to the Butte delegation.

Senate Bill No. 409, above reported, was read first and second times and referred to the Napa and Lake delegations.

Senate Bill No. 387 was returned to the Senate, as per request by resolution.

Assembly Bill No. 306; Senate amendment to section one adopted in concurrence.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Church—An Act to enable the County of Alameda to purchase a tract of land and use the same for charitable purposes and establish a home for the unfortunate.

Read first and second times and referred to the Alameda delegation.

By Mr. Lee—An Act amendatory of and supplemental to an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

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

By Mr Fairchild—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. Buckbee—An Act to repeal parts of an Act authorizing the

Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six

Read first and second times and placed on file

Also, an Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof.

Read first and second times and placed on file.

By Mr. Rector—An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the County of Klamath.

Read first and second times and placed on file.

By Mr. Mentzel—An Act to further extend the time for the completion of the Campo Seco and Mokelumne Hill Turnpike Road.

Read first and second times and placed on file.

By Mr Oliver—An Act to extend the time of commencing the construction of the Stockton and Copperopolis Railroad, also that of the Stanislaus and Mariposa Railroad

Read first and second times and placed on file.

By Mr Cochran—An Act to amend section nine of an Act to amend an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

Read first and second times and placed on file

Also. an Act concerning non-residents and the liability of their agents and others.

Read first and second times and placed on file.

By Mr. Pardee—An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Spencer—An Act concerning roads and highways in the County of Placer

Read first and second times and placed on file.

By Mr. White—An Act to prevent extortionate service in certain occupations

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

By Mr. Bird—An Act to fix the salaries of State officers and clerks, and the pay of members of the Legislature and employés.

Read first and second times and placed on file, and ordered printed.

By Mr. Connely—An Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

Read first and second times and placed on file, and ordered printed.

By Mr. Brown of Contra Costa—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Contra Costa delegation.

By Mr. Days—Proposed amendments to the Constitution of the State of California.

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

On motion of Mr. Angney, the House went into Committee of the Whole to consider Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of this State.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back and the Committee allowed further time to conclude their deliberations

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Messrs Giltner and Wolleb were granted indefinite leave of absence, on account of sickness.

Mr. Farish moved to postpone the special order set for this hour, until the conclusion of the consideration of Assembly Bill No. 693.

Carried.

On motion of Mr. Farish, the House went into Committee of the Whole to further consider Assembly Bill No. 693.

Speaker in the chair.

IN ASSEMBLY.

The bill was reported back to the House and the Committee granted leave to sit again.

The Speaker appointed Messrs. Green and Coggins as members of the Enrolling Committee.

PROTEST.

Mr. Westmoreland, by leave, entered the following protest:

Mr SPEAKER: By leave of the Assembly, and by right, I desire to enter this solemn protest against the action of this body, in rejecting certain proposed amendments to the Constitution of the United States, on the seventeenth day of March, A. D. eighteen hundred and sixty-eight

The measure referred to matters, the importance of which can neither be exaggerated or diminished They stand alone in importance, and make the foundation of all civil liberty in this republic.

It was my desire to have moved a reconsideration of the vote by which these amendments were rejected; circumstances well known prevented me from doing so; hence this protest, that my name may stand properly recorded on this measure.

The amendments, in substance, are as follows:

First—All persons born in the United States and subject to the jurisdiction of that Government are citizens thereof.

Second—All persons naturalized in the United States are citizens thereof.

Third—No State shall make any law which shall abridge the privileges of any citizen.

Fourth—No State shall enforce any law abridging the privileges or immunities of citizens.

Fifth—No State shall deprive any citizen of life, liberty or property, without due process of law.

Sixth—No State shall deny to any person within its jurisdiction the equal protection of its laws

Seventh—Representation shall be according to the voting population.

Eighth—The States, severally, may regulate the exercise of the voting franchise in its borders.

Ninth—If any State disfranchises any citizens, the representation of such State shall be reduced proportionally to such reduction.

Tenth—Traitors shall neither vote nor hold office.

Eleventh—But a two thirds vote of Congress may remove either of these disabilities.

Twelfth—The United States debt shall never be repudiated.

Thirteenth—The rebel debt shall never be paid.

I am unable to dissent from either of these propositions In common with all other loyal men, I believe each one of them. If our nation does not mean the affirmations named it is not worth preserving.

CHAS. WESTMORELAND,
Member of California Assembly.

At five o'clock and thirty minutes P. M., on motion of Mr. Cochran, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

SPECIAL FILE.

Assembly Bill No. 585—An Act concerning the municipal elections to be held in City of Petaluma, Sonoma County.

Amended, amendment adopted, and title amended.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 627—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Oakland.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Tuttle gave notice that on to-morrow he should move to reconsider the vote by which a resolution was adopted to-day, instructing the Committee on Corporations to report, on Thursday, Senate Bills Nos. 334 and 335.

Assembly Bills Nos 32 and 481, on the special file, were ordered to the general file.

Assembly Bill No. 629—An Act to provide for the appointment of a

short-hand reporter for the Criminal Court of the City and County of San Francisco.

Laid on the table.

Assembly Bill No 652—An Act concerning the office of Prosecuting Attorney in the Police Court of the City and County of San Francisco.

Amended and amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 441—An Act to provide for levying a special tax to construct a public school-house in Nevada School District, in the County of Nevada.

On motion of Mr Papy, the further reading was dispensed with.

Read a third time and passed.

Senate Bill No 347—An Act amendatory of and supplementary to 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.

Read a third time and passed.

Assembly Bill No. 268—An Act to authorize H. T. Templeton and S. P. Middleton, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco.

Indefinitely postponed.

Assembly Bill No 281—An Act to authorize George Hearst, Louis Schloss, S. W Glazier, W A. Bollinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City and County of San Francisco.

Mr. Watson in the chair.

Mr. O'Malley moved to indefinitely postpone the bill.

Mr. Cochran moved the previous question.

Sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs Farish, Church and Wand, and the House refused by the following vote:

AYES—Messrs. Canavan, Lupton, Meagher, O'Malley—4.

NOES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Davies, Days, Dornin, Downer, Dryer, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Mace, Mardis, Martin, Mattingly, McElhany, Mentzell, Moore, Morrow, Newsom, Oliver, Papy, Pardee, Rollins, Smith, Spencer, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets—56.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. O'Malley, Church and Clark, and it was ordered engrossed by the following vote:

AYES—Messrs. Angney, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Comte, Crigler, Davies, Days, Dornin, Downer, Dryer, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Mace, Mardis, Martin, Mattingly, McElhany, Mentzell, Moore,

Morrow, Newsom, Oliver, Papy, Pardee, Rollins, Smith, Spencer, Tully, Tuttle, Waldron, Wand, Warfield, Watson, White, Willets—55.

NOES—Messrs. Canavan, Connely, Lupton, Mahon, Meagher, Middleton, O'Malley—7.

On motion of Mr. Farish, the rules were suspended to put the bill on its final passage.

Read a third time.

Mr. Middleton moved to recommit, with an amendment as special instructions.

Lost.

Mr. Lupton moved to recommit, with other special instructions.

Mr. Farish moved the previous question.

Sustained.

On the motion to recommit, the ayes and noes were demanded by Messrs Lupton, O'Malley and Canavan, and the House refused by the following vote:

AYES—Messrs Bever, Bird, Canavan, Comte, Connelly, Dryer, Gildea, Green, Lupton, Mahon, Meagher, Mentzell, Middleton, O'Malley, Smith, Waldron—16.

NOES—Messrs Angney, Batchelder, Battelle, Biggs, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Crigler, Davies, Days, Dornin, Downer, Ellis, Fairchild, Farish, Frisbie, Giltner, Gregory, Hayes, James, Kelley, Mace, Mardis, Martin, Mattingly, McElhany, Moore, Morrow, Newsom, Oliver, Pardee, Rollins, Spencer, Tully, Tuttle, Wand, Warfield, Watson, White, Willets—44.

At nine o'clock and fifteen minutes, Mr. Lupton moved to adjourn.

Lost.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lupton, Wand and O'Malley, and it passed by the following vote:

AYES—Messrs Angney, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Comte, Crigler, Davies, Days, Dornin, Downer, Dryer, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Hayes, James, Jones, Kelley, Mace, Mardis, Martin, Mattingly, McElhany, Moore, Morrow, Newsom, Oliver, O'Malley, Pardee, Rollins, Smith, Spencer, Tully, Tuttle, Waldron, Wand, Warfield, Watson, White, Willets,—52.

NOES—Messrs. Canavan, Connely, Green, Lupton, Meagher, Mentzell, Middleton—7.

Mr. O'Malley gave notice that on to-morrow he should move to reconsider the vote by which Assembly Bill No 281 passed

Assembly Bill No. 663—An Act to authorize certain conveyances to S M. Stowe.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 651—An Act concerning public roads and highways in the County of Monterey.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 638—An Act to confirm a certain conveyance of

lands situated in the Pueblo (now City) of San Diego to José A. Aguirre and others.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 529—An Act to prevent hogs from running at large in the County of Contra Costa

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 233—An Act to provide for the construction and use of Mission Street Canal, in the City and County of San Francisco.

Amendments adopted

Amended, amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 665—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 448—An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern.

Read a third time and passed.

Assembly Bill No 568—An Act granting to Andrew N. Bell and Victor Beaudry the right to maintain a ferry on Owens Lake, Inyo County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, Santa Cruz County.

Amendment adopted.

Amended, amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 666—An Act to authorize the investigation of the management of the Industrial School of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

At ten o'clock and ten minutes P. M., Mr. Newsom moved to adjourn.

Lost.

Senate Bill No. 85—An Act to extend a franchise heretofore granted to J. K. Hackett and Charles D. Judah, to use and continue a wharf and to charge and collect wharfage.

Read a third time and passed.

Senate Bill No. 239—An Act to provide for the grading of the public alleys and the construction of sewers therein in the City of Sacramento.

Read a third time and passed.

Assembly Bill No. 398—An Act to confer on the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws, certain rights and privileges.

Withdrawn.

Senate Bill No. 496 taken up—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of the State, certain rights and privileges.

Mr. Comte offered an amendment to section four.

At eleven o'clock and five minutes P. M., Mr. Church moved to adjourn.
Lost.
Mr Farish moved the previous question.
Sustained.
On adopting the amendment offered by Mr Comte, the ayes and noes were demanded by Messrs. Clark, Church and Farish.
Roll called, and no quorum voting.
Mr. Bird moved a call of the House.
Carried.
Roll called.
Before the result was announced, on motion of Mr. Ayer, further proceedings under the call were dispensed with.
The vote was taken, as previously demanded, and the amendment adopted by the following vote:

AYES—Messrs Ables, Angney, Biggs, Bird, Church, Coggins, Comte, Crigler, Davies, Days, Dornin, Dryer, Green, James, Jones, Martin, Mattingly, Meagher, Morrow, Newsom, Pardee, Rollins, Tully, Wand, White—25.
NOES—Messrs. Ayer, Bever, Brown of Contra Costa, Clark, Cochran, Downer, Fairchild, Farish, Frisbie, Gregory, Hayes, Kelley, Mace, Mahon, McElhany, Middleton, Oliver, Steele, Tuttle, Waldron, Warfield, Watson, Westmoreland—23.

At eleven o'clock and twenty minutes P. M., Mr. O'Malley moved to adjourn.
Lost.
The bill was read a third time and passed
At eleven o'clock and twenty-five minutes P. M., on motion of Mr. Mattingly, the House adjourned.

C. T. RYLAND, Speaker.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 19th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved
Mr. Russ had indefinite leave of absence on account of sickness.
Mr. Tuttle was granted leave of absence for one day.
Mr. Spencer moved to reconsider the vote by which a resolution was adopted instructing the Committee on Corporations to report certain bills to-day.

The Speaker ruled that the motion should properly come under the head of motions and resolutions.

REPORTS OF STANDING COMMITTEES.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 614 (substitute for Assembly Bill No. 486)—An Act to legalize the acts of the Board of Supervisors of Lake County, California, done at a special meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven.

Also, Assembly Bill No. 466—An Act to provide for the erection of a jail and County Recorder's office building, in Alameda County.

Also, Assembly Bill No 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

Also, Assembly Bill No 286—An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County.

Also, Assembly Bill No. 526—An Act concerning hogs found running at large in the County of Monterey.

Also, Assembly Bill No. 573—An Act to enable Jonas Spect to float certain claims to swamp and overflowed lands in Sutter County.

BATCHELDER, for Committee.

The Speaker presented the following communication, which was received and placed on file:

STATE OF CALIFORNIA, OFFICE OF SURVEYOR-GENERAL,
Sacramento, March 18th, 1868.

Hon. C. T RYLAND,
Speaker of the House:

SIR: In compliance with an Act of the Legislature, passed on the —— day of February, A. D. eighteen hundred and sixty-eight, entitled an Act to make a preliminary examination and survey for an additional outlet for the flood waters of the Sacramento Valley, I have the honor to submit the following report:

On the twenty-ninth day of February I appointed Mr. Amos Mathew, surveyor and civil engineer, to make said survey, in accordance with the provisions of the Act. His report, with the field notes, plats and estimates, were submitted to me to-day, and I find them so full and complete that I deem it unnecessary to add anything more to them. They are herewith submitted.

Very respectfully, your obedient servant,

JOHN W. BOST,
Surveyor-General.

[For report, see Appendix.]

Mr. Tully, Chairman of Committee on Public Lands, made the following report:

Mr SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 397—An Act to amend section four 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 to the Act amendatory thereof, approved April twenty-second, eighteen hundred and sixty-one—have had the same under consideration, and report the same back and recommend its passage.

Also, substitute for Senate Bill No. 344—An Act to amend an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three—which is reported back, and its passage recommended.

Also, Assembly concurrent resolution asking aid of Congress for the Northern Pacific Railroad—which is also reported back with a recommendation that it do pass.

TULLY, Chairman.

Mr. Lupton, Chairman of the Committee on Federal Relations, made the following report:

Mr. SPEAKER: The Committee on Federal Relations have considered Assembly Joint Resolutions No 13, relating to American claims against England for destruction of our merchant vessels, which were heretofore referred to this committee.

The subject considered in said resolutions has been amicably progressing towards settlement between our own Government and that of Great Britain. It was but a day or two since that this fact was confirmed by one of the leading and most prominent statesmen of England.

We therefore think it would be exceedingly injudicious for this Legislature to express so forcible an opinion upon the subject as is proposed. If the spirit of these resolutions should be adopted as the rule of action by Congress, such action would at least greatly hazard the peaceful settlement of the matter, and possibly lead to a sanguinary, and, as it appears at present, an unnecessary war. We think, therefore, the matter can safely be left in the hands of the Federal Government for settlement, without the necessity of present suggestions on the part of our State Legislature. We therefore recommend that said resolutions be not adopted.

LUPTON, Chairman,
TULLY,
DOWNER,
BROWN,
BIRD,
HAYES.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California—have had the same under consideration, and ask leave to make the following report:

The bonds proposed to be paid under the provisions of this bill are of

a class a part of which has been paid, as is ascertained by reference to the books of the Controller, at an average rate of fifty-one per cent. of their amounts, and the committee do not believe that the holders of these bonds can justly claim from the State their payment in full.

There is in the State Treasury fourteen thousand five hundred and twenty-two dollars and eighty-seven cents, in legal tender notes, remaining of an appropriation made by Congress for the payment of bonds of this class, and the bonds mentioned in this bill being the only ones outstanding (except bonds given for spoliations, which it seems to be conceded are not to be paid at all), the committee believe that this balance remaining in the Treasury belongs to the holders of these bonds, and should be devoted to their payment. By so doing, it will pay them at an average rate of five hundred and eighty-four dollars and eighty cents on the thousand of their face.

The committee have drawn up a substitute for the original bill, to correspond with this allowance, and they recommend the passage of the substitute.

CONNELY, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Brown of Tulare, from the Tulare delegation, made the following report:

Mr. SPEAKER: The Tulare delegation, to whom was referred Senate Bill No 396—An Act to create a Contingent Fund for the County of Kern—having considered the same, would beg leave to report it back to the House and recommend its passage

Also, Senate Bill No. 397—An Act to provide for funding the debt of the Road Fund in Tulare County—having considered the same, report it back to the House and recommend its passage.

BROWN of Tulare, for Delegation.

Mr. Connely, from the Committee on Claims, verbally reported back Senate Bill No. 506, and asked that it be referred to the El Dorado delegation.

The bill was so referred

Mr. Coggins, from the Sacramento and Yolo delegations, made the following report:

Mr. SPEAKER: The undersigned, members of the Sacramento and Yolo delegations, to whom was referred Assembly Bill No. 692—An Act amendatory of and supplementary to an Act to grant the right to construct the Sacramento and Yolo Bridge, approved April third, eighteen hundred and fifty-seven—have had the same under consideration, and respectfully recommend that the bill do not pass.

COGGINS,
COMTE,
KELLEY.

Mr. Coggins, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No 676—An Act to confer additional powers on the Trustees of the City of Sacramento—have had the same under consideration, and respectfully report the same back and recommend that it pass

Also, Assembly Bill No. 604—An Act to authorize J S. Woods, William Shattuck, Frank H. Cummings, Daniel W. Clark, S. E. Wilson, E. D. Shirland, and their associates and assigns, to lay down gas pipes in the City of Sacramento, County of Sacramento—beg leave to report that they have had said bill under consideration, and report the same back with amendments, and recommend its adoption as amended.

COGGINS, for Delegation.

Mr Brown of Contra Costa, for the Contra Costa delegation, made the following report:

Mr. SPEAKER: The Contra Costa delegation reports back Assembly Bill No 719—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six—with amendments, and recommend the passage of the bill as amended.

BROWN, for Delegation.

Mr Crigler, from the Lake and Napa delegations, made the following report:

Mr. SPEAKER: The Lake and Napa delegations, to whom was referred Senate Bill No. 409, beg leave to report that they have had the same under consideration, and report it back without amendment and recommend its passage.

CRIGLER, for Delegations.

Mr Tully, from the Monterey delegation, made the following report:

Mr. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 544—An Act to redistrict the County of Monterey and to provide for the election of Supervisors—have had the same under consideration, and report it back with amendments and recommend its passage as amended.

TULLY, for Delegation

Mr. Dwinelle was granted leave of absence until two o'clock P. M.

MOTIONS AND RESOLUTIONS.

Mr. Broderson moved to place Assembly Bill No. 32 third on the general file.

Lost

Mr Spencer moved to reconsider the vote taken on yesterday by which a resolution was adopted instructing the Committee on Corporations to report Senate Bills Nos. 334 and 335.

Mr Spencer moved the previous question.

Sustained.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Ayer, O'Malley and Clark, and the House refused by the following vote:

AYES—Messrs Ables, Angney, Batchelder, Bird, Brown of Contra Costa, Brown of Tulare, Crigler, Days, Dornin, Fairchild, Farish, Gregory, Green, James, Mahon, Martin, Meagher, Moore, Morrow, Newsom, O'Malley, Pardee, Rollins, Scudder, Wand, Willets, Mr. Speaker—27

NOES—Messrs. Ayer, Battelle, Bever, Biggs, Broderson, Buckbee, Caldwell, Church, Clark, Cochran, Coggins, Comte, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Frisbie, Jones, Lee, Lupton, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Oliver, Ord, Papy, Payne, Rector, Smith, Spencer, Steele, Tully, Waldron, Warfield, Watson, Westmoreland, White, Wolleb—44.

Mr. O'Malley offered the following resolution:

Resolved, That Assembly Bill No. 300 be made the special order for to-day at three o'clock.

Mr. Connely moved the previous question.

Sustained

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Moore, Mace and Clark, and the same was adopted by the following vote:

AYES—Messrs Ayer, Bever, Bird, Broderson, Buckbee, Caldwell, Church, Clark, Cochran, Comte, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Farish, Gildea, Gregory, Green, Hayes, Kelley, Mahon, Mattingly, McElhany, Meagher, Mentzell, Middleton, Newsom, O'Malley, Ord, Payne, Rollins, Scudder, Tully, Wand, Warfield, Watson, Westmoreland, White, Wolleb—42

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Brown of Contra Costa, Brown of Tulare, Coggins, Crigler, Days, Fairchild, James, Jones, Lee, Mace, Martin, Moore, Morrow, Newell, Oliver, Pardee, Smith, Spencer, Steele, Waldron, Willets, Mr. Speaker—26.

On motion of Mr. Wand, Assembly Bill No. 279 was taken from the table and placed on the general file.

Mr. Watson offered the following resolution:

Resolved, That the Committee on the Culture of the Grape be and they are hereby allowed a Clerk for the remainder of the session, at a compensation of five dollars per day, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Steele offered the following resolution:

Resolved, That henceforth no bill shall be taken out of its regular order, unless by a two third vote of the Assembly.

Laid over one day under the rules.

The following resolution, offered by Mr. Batchelder on yesterday, was taken up:

Resolved, That on and after Thursday, March nineteenth, no bill shall (except by a two third vote of the members present) be placed out of its regular order on either the general or special file of business.

Mr. Coggins moved to amend by adding "except when bills of a similar character are under consideration."

Mr. Rollins moved to amend by making the resolution read "on and after twelve o'clock M."

On motion of Mr. O'Malley, the resolution, with the amendments, was laid on the table.

Mr. Days offered the following:

WHEREAS, By a vote of forty-one to twenty-six this House agreed, on Tuesday last, that the resolution on the amendments to the Constitution of the United States be ratified and adopted; therefore, be it

Resolved, That the Clerk be and he is hereby instructed to transmit the resolution and proposed amendments to the Constitution of the United States to the Senate for concurrence.

Laid on the table.

Mr. Moore returned Assembly Bills Nos. 517, 518 and 588, and Senate Bills Nos. 242, 334 and 335.

On motion of Mr. Church, Senate Bill No. 507, reported from the Committee on Claims to-day, was ordered to the top of the file for Saturday.

Mr. Brown of Contra Costa offered the following resolution:

Resolved, That Assembly Bill No. 719 be placed on the file of special bills for this evening.

Adopted.

REPORTS.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims have had under consideration Senate Bill No. 507—An Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda—and they ask leave to report the bill back to the House and recommend its passage.

CONNELY, Chairman.

Mr. Cochran, from the Butte delegation, by leave, made the following report:

Mr. SPEAKER: The Butte delegation, to whom was referred Senate Bill No 400, have had the same under consideration and report the bill back and recommend its passage.

COCHRAN, for Delegation.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
March 18th, 1868.

Mr. SPEAKER: The Senate has passed Senate Bill No. 422—An Act to authorize the guardian of certain minors to sell or mortgage their real estate.

Also, Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 225—An Act concerning railroad companies in the City and County of San Francisco.

Also, Assembly Bill No 431—An Act concerning the ancient Jewish order of Kesher-shel Barsel.

Also, adopted and passed Assembly substitute for Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, refused to recede from Senate amendments to Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six—and have appointed Messrs. Belden, Curtis and Pearce as a Committee of Free Conference on the part of the Senate.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 18th, 1868.

Mr. SPEAKER: I am instructed to inform the Assembly that the Senate on the sixteenth passed Senate Bill No. 424—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four.

Also, Senate Bill No 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs.

Also, Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named.

Also, Assembly Bill No 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-six.

Also, Senate Bill No. 393—An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa.

Also, Assembly Bill No. 679—An Act to appropriate money for the per diem and mileage of the Legislature.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 139, above reported.

The Speaker appointed as a Committee of Free Conference, on the part of the House, Messrs. Brown of Contra Costa, Moore and Rollins.

Senate Bill No. 422, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No 36, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 440, above reported, was read first and second times and ordered placed on special file

Senate Bill No. 138, above reported, was read first and second times and ordered placed on special file.

Senate Bill No. 424, above reported, was read first and second times and ordered placed on special file.

Senate Bill No. 407, above reported, was read first and second times and ordered placed on special file.

Senate Bill No. 393, above reported, was read first and second times and ordered placed on special file

Assembly Bill No. 679, above reported; Senate amendments adopted in concurrence.

REPORT.

Mr. Dornin, from the Nevada delegation, by leave, made the following report:

Mr. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures—respectfully report the same back and recommend its passage.

DORNIN, for Delegation.

The bill was ordered to special file.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Cureton—An Act to increase the number of Notaries Public for Mendocino County.

Read first and second times and referred to the Mendocino and Lake delegations.

By Mr. Scudder—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale.

Read first and second times and referred to the Judiciary Committee

By Mr. Steele—An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four.

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

Also, an Act to amend an Act entitled an Act fixing 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.

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

Also, an Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two

Read first and second times and referred to Judiciary Committee.

By Mr Lupton—An Act to authorize the guardian of Louisa S Beverley and Isabella G. Beverley to sell and convey real estate.

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

Also, an Act to amend an Act entitled an Act to amend section five hundred and forty-three of an Act entitled an Act to regulate proceedings in civil cases in 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.

By Mr Kelley—An Act to provide for a drainage district in the County of Yolo.

Read first and second times and referred to the Yolo delegation.

By Mr. Jones—An Act for the relief of Anna Cochran.

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

By Mr Scudder—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to grant the right to lay down gas pipes in the streets of said city and county, subject to certain restrictions and requirements, approved April twenty-seventh, eighteen hundred and sixty-three.

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

Mr Steele was granted leave of absence for the remainder of the day.

Mr. Meagher in the chair.

By Mr. Connely—An Act to authorize the Central Railroad Company, of San Francisco, to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein.

Read first and second times and placed on special file.

By Mr. Angney—An Act to pay a certain claim

Read first and second times and ordered to general file.

By Mr. Martin—An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six.

Read first and second times and placed on special file.

By Committee on Education—An Act amendatory of and supplemental to an Act entitled an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Read first and second times, placed on general file, and ordered printed.

On motion of Mr. Angney, the House went into Committee of the Whole to further consider Assembly Bill No. 693.

Mr. Meagher in the chair.

IN ASSEMBLY.

Bill reported back, progress reported and the committee granted leave to sit again.

At one o'clock P M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr Coggins, by leave—An Act to prevent Swamp Land District Number Two from overflow.

Read first and second times and referred to the Sacramento delegation.

By Mr. Warfield—An Act to provide for the care and maintenance of the indigent insane persons in this State.

Read first and second times and placed on file.

Subsequently, on motion of Mr. Batchelder, was ordered second on file for Saturday.

REPORTS.

Mr. Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed. Assembly Bill No. 333—An Act to provide for the construction and use of Mission Creek Canal, in the City and County of San Francisco.

LEE, Chairman.

On motion of Mr. Angney, the special order set for two o'clock to-day was postponed until to-morrow at twelve o'clock.

Mr. Hayes, by leave, submitted a minority report from the Judiciary Commitee, in reference to the various bills referred to the committee relating to pueblo lands, setting forth his views at length.

[For report, see Appendix]

On motion of Mr Lee, the documents received from the Surveyor-General this forenoon were referred to the Committee on Swamp and Overflowed Lands.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 429—An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five;

Also, Assembly Bill No. 200—An Act to authorize the City Council of Oakland to purchase land and erect a City Hall, and to issue bonds of said city, and to provide for the payment of the same;

Also, Assembly Bill No. 476—An Act to provide for the removal of dead animals, and to prevent nuisances in the City and County of San Francisco;

Also, Assembly Bill No. 54—An Act to protect the wages of labor;

Also, Assembly Bill No. 662—An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight;

Also, Assembly Bill No. 51—An Act to pay Robert H Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento County;

Also, Assembly Bill No. 371—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchants' Floating Dry Dock Company;

Also, Assembly Bill No. 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one;

Also, Assembly Bill No. 173—An Act to create the Seventeenth Judicial District;

Also, Assembly Bill No. 75—An Act to repeal an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Bill No. 447—An Act to re-district the County of Los Angeles, and to provide for the election of Supervisors;

Also, Assembly Concurrent Resolution No. 32, relative to the establishment of a tri-weekly mail route from Crystal Peak, Nevada, via Sardine Valley, Sierraville;

And this day, at twelve o'clock M., presented the same to the Governor for his approval.

AYER, for Committee.

On motion of Mr. Angney, the House again went into Committee of the Whole, to further consider Assembly Bill No. 693.

IN ASSEMBLY.

Bill reported back, and committee granted leave to sit again.

SPECIAL ORDER.

At three o'clock P. M., the special order was taken up—substitute for Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation.

Mr Willets moved a call of the House.

The ayes and noes were demanded by Messrs. Lee, Smith and Jones, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Batchelder, Biggs, Canavan, Church, Days, Dornin, Downer, Ellis, Green, Hayes, Jones, Lee, Lupton, Mardis, Martin, Mattingly, Moore, Newell, Newsom, Oliver, Papy, Pardee, Smith, Spencer, Waldron, Warfield, Willets, Mr. Speaker—30.

NOES—Messrs Ayer, Battelle, Bever, Broderson, Brown of Tulare, Buckbee, Caldwell, Clark, Coggins, Comte, Connely, Crigler, Cureton, Davies, Dryer, Dwinelle, Fairchild, Farish, Frisbie, Gildea, Gregory, Mace, Mahon, McElhany, Meagher, Mentzell, Middleton, O'Malley, Ord, Payne, Rector, Scudder, Tully, Wand, Watson, Westmoreland, White, Wolleb—38.

Mr. O'Malley moved the previous question.

The ayes and noes were demanded by Messrs Batchelder, Moore and Morrow, and the main question was ordered by the following vote:

AYES—Messrs. Ayer, Bever, Biggs, Broderson, Brown of Tulare, Buckbee, Caldwell, Clark, Comte, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Fairchild, Farish, Frisbie, Green, Hayes, Mace, Mahon, McElhany, Meagher, Mentzell, Middleton, O'Malley, Ord, Papy, Payne, Rector, Scudder, Tully, Wand, Warfield, Watson, Westmoreland, White, Wolleb—39.

NOES—Messrs. Ables, Angney, Batchelder, Canavan, Church, Coggins, Crigler, Days, Dornin, Ellis, Gildea, Gregory, Jones, Lee, Lupton, Mardis, Martin, Mattingly, Moore, Morrow, Newell, Newsom, Oliver, Pardee, Smith, Spencer, Waldron, Willets, Mr. Speaker—29.

Bill read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Church, Moore and Batchelder, and it passed by the following vote:

AYES—Messrs. Ayer, Battelle, Bever, Broderson, Brown of Tulare, Buckbee, Caldwell, Clark, Comte, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Gregory, Hayes, Mace, Mahon, Mattingly, McElhany, Meagher, Mentzell, Middleton, O'Malley, Ord, Papy, Payne, Rector, Scudder, Tully, Wand, Warfield, Watson, Westmoreland, White, Wolleb—40.

NOES—Messrs Ables, Angney, Batchelder, Biggs, Canavan, Church, Coggins, Crigler, Days, Dornin, Ellis, Fairchild, Green, Jones, Lee, Lupton, Mardis, Martin, Moore, Morrow, Newell, Newsom, Oliver, Pardee, Smith, Spencer, Waldron, Willets, Mr Speaker—29.

Mr. O'Malley gave notice that on to-morrow he should move to reconsider the vote just taken

On motion of Mr Angney, the House again went into a Committee of the Whole to consider Assembly Bill No 693.

The bill was reported back with amendments and passage recommended.

Mr. Rector was granted leave of absence for the remainder of the day.

GENERAL FILE.

Assembly Bill No 693.

Amendments adopted.

Mr. Watson moved to amend section one by striking out "two thousand seven hundred dollars" and inserting "four thousand dollars"

The ayes and noes were demanded by Messrs Warfield, Farish and Frisbie, and the House refused by the following vote:

AYES—Messrs. Biggs, Broderson, Brown of Tulare, Buckbee, Caldwell, Comte, Frisbie, Gildea, Hayes, James, Jones, Lee, Mace, Martin, Mattingly, Meagher, Middleton, Oliver, Ord, Papy, Scudder, Warfield, Watson, Westmoreland, Willets, Mr Speaker—26.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Church, Clark, Coggins, Connely, Crigler, Davies, Dornin, Downer, Dwinelle, Fairchild, Gregory, Lupton, Mardis, Mentzell, Morrow, Newell, Newsom, Pardee, Payne, Rollins, Smith, Spencer, Waldron, Wand, White —31.

Amendments adopted.

Mr. Gildea moved to strike out the item of twenty-five thousand dollars as the appropriation to continue the Geological Survey.

Carried, on a division.

Mr. Church moved the previous question.

Sustained.

The bill was ordered engrossed.

Mr. Lupton moved to recommit the bill to the Committe of the Whole with special instructions to insert thirty thousand dollars as an appropriation for the State Geological Survey.

Mr. Gildea moved to amend by inserting sixty thousand dollars.

On the motion of Mr Lupton, the ayes and noes were demanded by

Messrs. Lupton, Clark and Buckbee, and the House refused by the following vote:

AYES—Messrs. Ables, Batchelder, Bever, Broderson, Brown of Contra Costa, Buckbee, Clark, Coggins, Davies. Hayes, Lupton, Martin, Mentzell, Morrow, Newell, Pardee, Rollins, Smith, Wand, Westmoreland, White, Willets—22.

NOES—Messrs. Angney, Battelle, Biggs, Caldwell. Church, Comte, Connely, Crigler, Cureton, Days, Downer, Dryer, Fairchild, Frisbie, Gildea, Giltner, Gregory, James, Lee, Mace. Mardis, McElhany, Meagher, Middleton, Moore, Newsom, Oliver, O'Malley, Ord, Papy, Payne, Scudder, Tully, Warfield, Watson, Mr. Speaker—36.

On the motion of Mr Gildea. the ayes and noes were demanded by Messrs Ryland, Westmoreland and Meagher, and the House refused by the following vote:

AYES—Messrs Bever, Broderson, Brown of Contra Costa, Buckbee, Clark, Coggins, Comte. Connely, Davies. Days, Downer, Dryer, Dwinelle, Frisbie, Gildea, Giltner, Hayes, Lee, Mentzell, Newell, Papy, Pardee, Rollins, Spencer, Wand. Westmoreland, White—27.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Biggs, Brown of Tulare, Caldwell, Church, Crigler, Cureton, Fairchild, Gregory, Green, James, Lupton, Mace, Mardis, Martin, McElhany, Meagher, Middleton, Moore, Morrow, Newsom, Oliver, O'Malley, Ord, Payne, Scudder, Smith, Tully, Waldron, Warfield, Willets, Mr. Speaker—35.

Mr. Scudder moved to suspend the rules and put the bill upon its final passage.

Carried.

The bill was read a third time.

Mr. Gildea moved to recommit to the Committee of the Whole, with special instructions.

Lost.

Mr. Comte moved the previous question.

Sustained.

The bill passed.

At four o'clock and fifteen minutes P. M., on motion of Mr. Spencer, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

SPECIAL FILE.

Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Amendments adopted

Read a third time and passed.

Assembly Bill No 606—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquinez.

Rules suspended, bill considered engrossed, read a third time and passed.

The members of the Judiciary Committee had leave of absence to attend to committee business

Senate Bill No 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company.

Read a third time and passed.

Assembly Bill No. 631—An Act to authorize Miguel Burke to remove certain human remains

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 594—An Act to amend section eight of an Act entitled an Act for providing for the term of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly No. 564—An Act to divide the County of Mono into Supervisor Districts, fixing compensation of the Board of Supervisors and providing payment for the same, and defining their powers and duties.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 563—An Act to provide for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 263 (substitute)—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six

Substitute adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 601—An Act to provide for the transfer of certain funds in the County of Placer.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed

Senate Bill No 403—An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight.

Amendments adopted.

Read a third time and passed.

Assembly Bill No 500—An Act to authorize Yolo County to give its bonds to the California Pacific Railroad Company.

Mr. Crigler moved to return the bill to the file.

Lost.

Ordered engrossed.

On motion of Mr. Tuttle, the vote just taken was reconsidered.

Mr Frisbie offered an amendment.

Withdrawn by leave.

On motion of Mr. Church, the bill was passed on file.

Assembly Bill No. 21 (substitute for Assembly Bills Nos. 21 and 189)—An Act defining the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino, and Mono Counties.

Substitute adopted

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Frisbie, Assembly Bill No. 500 was ordered to top of special file for to-morrow.

Assembly Bill No. 274 (substitute for Assembly Bill No. 274)—An Act to extend the police powers of the President and Trustees of the City of San Diego

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 584—An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Clara.

Amended, amendment adopted, read a third time and passed.

Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Read a third time and passed

Assembly Bill No. 608—An Act to repeal an Act entitled an Act concerning the office of District Attorney of the County of Placer, approved March twenty-second, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 612—An Act to amend sections one, two and three of an Act entitled an Act concerning the office of County Clerk of the County of Placer.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 613—An Act to amend section five of an Act entitled an Act to separate the offices of County Auditor, County Recorder, Clerk of the Board of Supervisors and Clerk of the Board of Equalization from the office of County Clerk in Placer County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 611—An Act to fix the salary of the County Treasurer of Placer County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 609—An Act to fix the salaries of the Assessors of Placer County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 610—An Act to fix the salary of the District Attorney of Placer County

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 487—An Act granting Francis M Stone and others certain rights and immunities for fishing purposes in Tulare County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 633—An Act in relation to the County Superintendent of Public Schools in the County of Sierra

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 553—An Act to provide for the protection of certain lands in the County of Sutter from overflow.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 322—An Act to authorize John S. Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon Creek, in Mendocino County, and to collect tolls for the use of the same.

Read a third time and passed.

Assembly Bill No. 559—An Act to exempt millers from serving upon juries in the County of Stanislaus.

Withdrawn by its author, on leave.

Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara.

Indefinitely postponed.

Assembly Bill No 597—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

Printed copy adopted as a substitute.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 645—An Act to provide for the collection of a road tax and its application on the public roads in the County of El Dorado.

Further reading dispensed with.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 334—An Act to restore the county boundaries of the Counties of Sierra, Yuba and Plumas.

Substitute adopted.

Mr. Dwinelle moved to indefinitely postpone.

Lost.

Mr. Westmoreland moved to pass on the file until to-morrow.

Lost.

Ordered engrossed.

Mr. Battelle moved to suspend the rules and put the bill on its passage.

Lost.

Assembly Bill No. 382—An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries and provide for its organization, approved April first, eighteen hundred and sixty-four.

Passed on the file.

Assembly Bill No. 425—An Act to establish and define the boundaries of Alpine County, and to annex a portion of Mono County thereto.

Indefinitely postponed

At ten o'clock and five minutes P. M., on motion of Mr. Clark, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 20th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Bird and Biggs had leave of absence for one day.

SPECIAL ORDERS.

On motion of Mr. Angney, Assembly Bills Nos. 618, 502 and 4, which were made the special order for Wednesday, the eighteenth, at two o'clock, and postponed until after the consideration of Assembly Bill No. 693, were taken up.

Mr O'Malley (Speaker pro tem.) in the chair.

Assembly Bill No. 618—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise

Mr. Connely offered Assembly Bill No. 705 as a substitute for the bill.

Subsequently withdrawn, by leave.

Mr Coggins moved to postpone the bills under consideration until two o'clock P. M.

Lost.

Mr. Gildea moved to lay Assembly Bill No. 618 on the table.

Lost.

Mr. Angney moved the previous question.

Sustained, on a division.

Mr. Ryland moved to suspend the rules and put the bill on its passage.

The ayes and noes were demanded by Messrs. Brown of Contra Costa, Scudder and Smith, and the House refused, not two-thirds voting in the affirmative:

AYES—Messrs. Angney, Battelle, Broderson, Brown of Tulare, Buckbee, Caldwell, Cochran, Comte, Connely, Crigler, Cureton, Dryer, Ellis, Fairchild, Gildea, Gregory, Hayes, James, Kelley, Lee, Mace, Mahon, Mardis, Martin, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Pardee, Payne, Steele, Tully, Wand, Watson, Wolleb, Mr. Speaker—40.

NOES—Messrs. Ables, Ayer, Bever, Brown of Contra Costa, Church, Coggins, Davies, Days, Dornin, Dwinelle, Frisbie, Jones, Morrow, Oliver, Papy, Scudder, Smith, Spencer, Tuttle, Waldron, Westmoreland, White, Willets—23.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Brown of Contra Costa, Ables and Coggins, and it was ordered engrossed by the following vote:

AYES—Messrs. Angney, Broderson, Brown of Tulare, Caldwell, Cochran, Connely, Crigler, Cureton, Ellis, Fairchild, Gildea, Giltner, Gregory, Green, Hayes, James, Kelley, Lee, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Moore, Newell, Newsom, O'Malley, Ord, Payne, Scudder, Steele, Tully, Wand, Warfield, Watson, Wolleb, Mr. Speaker—39.

NOES—Messrs. Ables, Ayer, Batchelder, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Jones, McElhany, Morrow, Oliver Papy, Smith, Spencer, Tuttle, Waldron, Westmoreland, White, Willets—26.

On motion of Mr. Angney, the bill was ordered to the top of file for to-morrow.

Assembly Bill No. 592—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

On motion of Mr. Connely, Assembly Bill No. 705 was adopted as a substitute.

Assembly Bill No 705—An Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, etc.

Amended, amendments adopted.

Mr. Tuttle moved to amend by striking out section twenty-three, and inserting as follows:

"Section 23. This Act shall take effect upon its passage."

Lost.

On motion of Mr. Connely, the rules were suspended, the bill considered engrossed and put upon its final passage.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs Brown of Contra Costa, White and Broderson, and the bill passed by the following vote:

AYES—Messrs Angney, Biggs, Broderson, Brown of Tulare, Caldwell, Canavan, Connely, Crigler, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, James, Lee, Mahon, Mardis, Meagher, Mentzell, Middleton, Moore, O'Malley, Ord, Pardee, Payne, Rector, Scudder, Spilman, Tully, Wand, Warfield, Willets, Wolleb—34.

NOES—Messrs. Ables, Batchelder, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Cureton, Davies, Days, Downer, Dryer, Dwinelle, Jones, Martin, McElhany, Morrow, Oliver, Rollins, Smith, Spencer, Tuttle, Waldron, Watson, Westmoreland, White—26.

Mr. Watson in the chair.

Assembly Bill No 4—An Act to repeal an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

On motion of Mr. Connely, the bill was laid on the table.

PETITIONS.

Mr Days presented petitions of inhabitants and citizens of Grass Valley, protesting against the passage of certain Senate bills designed to appoint an Insurance Commissioner.

Received and laid on the table.

Mr O'Malley also presented petitions from San Francisco and other places, containing the names of about seventeen thousand persons, against the passage of said bills.

Received and laid on the table

Messrs Crigler, Lee and Biggs also presented petitions from various places, all praying that Senate bills designed to appoint such Insurance Commissioner do not pass.

Received and laid on the table.

Mr Coggins presented petitions of citizens of Sacramento and Yolo Counties, protesting against the passage of a bill granting an extension of time to the Sacramento and Yolo Bridge Company.

Received and referred to the Yolo and Sacramento delegations.

REPORTS OF STANDING COMMITTEES.

Mr Steele, Chairman of the Judiciary Committee, made the following report:

Mr SPEAKER: The Committee on the Judiciary have considered and herewith report, Assembly Bill No 231—An Act to amend section two hundred and fifty-four of the Civil Practice Act

Also, Assembly Bill No. 277, amending section two hundred and three of said Act.

Also, Assembly Bill No 595, amending sections two hundred and thirty-six and three hundred and forty-nine of said Act

Also, Senate Bill No 232, amending section two hundred and thirty-six of said Act

Also, Assembly Bill No 709, amending section two hundred and thirty-three of said Act

Also, Assembly Bill No 574, amending said Act.

The committee recommend that said bills, respectively, do not pass,

the subject matter of said bills having generally been considered or passed upon in other bills

The committee have also considered Senate Bill No. 282, amending section two hundred and eighty of the Civil Practice Act, and recommend its passage.

Also, Senate Bill No 361, amending section two hundred and thirty-two of said Act, and recommend its passage.

Also, Assembly Bill No. 170—An Act to appropriate money to pay the claim of W. D. Harriman and William G. Wood—and a majority recommended its passage as amended by the Committee on Claims.

Also, Assembly Bill No 694—An Act for the encouragement of agricultural societies in this State. The committee see no legal objection to the passage of this bill, but its expediency is a question that should be properly passed upon by the Committee on Agriculture, and we recommend its reference to that committee.

Also, Assembly Bill No 731—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale—and recommend its passage.

STEELE, Chairman.

Assembly Bill No. 694, above reported, was referred to the Committee on Agriculture.

Mr O'Malley, in accordance with notice, moved to reconsider the vote by which Assembly Bill No 300 passed on yesterday

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

Mr. Gildea moved the previous question

The ayes and noes were demanded by Messrs. Moore, Brown of Tulare and Lee, and the main question was ordered by the following vote:

AYES—Messrs. Ayer, Battelle, Bever, Biggs, Broderson, Brown of Tulare, Caldwell, Clark, Comte, Connely, Crigler, Cureton, Davies, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Hayes, Kelley, Mahon, Mattingly, McElhany, Meagher, Mentzell, Middleton, O'Malley, Ord, Papy, Payne, Rector, Scudder, Tully, Wand, Warfield, Watson, Westmoreland, White, Wolleb—40

NOES—Messrs Ables, Angney, Batchelder, Brown of Contra Costa, Church, Coggins, Days, Dornin, Ellis, Fairchild, Giltner, Gregory, James, Jones, Lee, Mardis, Martin, Moore, Morrow, Newell, Newsom, Oliver, Pardee, Smith, Spencer, Tuttle, Waldron, Willets, Mr. Speaker—29.

On the motion of Mr Farish to indefinitely postpone, the ayes and noes were demanded by Messrs. Moore, Clark and Oliver, and the motion prevailed by the following vote:

AYES—Messrs. Ayer, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Caldwell, Clark, Coggins, Comte, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Hayes, Kelley, Mace, Mahon, McElhany, Meagher, Mentzell, Middleton, O'Malley, Ord, Papy, Payne, Rector, Rollins, Scudder, Tully, Wand, Warfield, Watson, Westmoreland, White, Wolleb—41.

NOES—Messrs Ables, Angney, Batchelder, Biggs, Church, Crigler, Days, Dornin, Ellis, Fairchild, Giltner, Gregory, James, Jones, Lee, Mardis, Martin, Moore, Morrow, Newell, Newsom, Oliver, Pardee, Smith, Spencer, Tuttle, Waldron, Willets, Mr. Speaker—29.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 268—An Act to provide an open canal through Channel street, in the City and County of San Francisco—respectfully report the same back with amendments, and recommend the passage of the same as amended.

MIDDLETON, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 281—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco.

Also, Assembly Bill No. 627—An Act to amend an Act entitled an Act supplementary to 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, passed April twenty fourth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No 585—An Act concerning the municipal elections to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County.

Also, Assembly Bill No. 651—An Act concerning public highways in the County of Monterey.

Also, substitute for Assembly Bill No 638—An Act to confirm a certain conveyance of lands situate in the Pueblo (now City) of San Diego.

Also, Assembly Bill No. 663—An Act to authorize the execution of certain conveyances to S. M. Stowe.

Also, Assembly Bill No. 652—An Act concerning the office of Prosecuting Attorney in the Police Court of the City and County of San Francisco.

Also, Assembly Bill No. 666—An Act to authorize an investigation of the management of the Industrial School in the City and County of San Francisco.

Also, Assembly Bill No. 529—An Act to prevent hogs from running at large in the County of Contra Costa.

Also, Assembly Bill No 631—An Act to authorize Miguel Burko to remove certain human remains.

Also, Assembly Bill No. 594—An Act to amend section eight of an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Concurrent Resolution No 46, relative to instructing the Senators and requesting the Representatives of the State to procure the passage of a law to prevent the employment of persons who do not speak the English language on board any vessel of the United States propelled by steam.

Also, Assembly Bill No 568—An Act granting the right to Andrew N Bell and Victor Beaudry to maintain a ferry at Owens Lake, Inyo County.

Also, Assembly Bill No. 665—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

BATCHELDER, for Committee.

Mr. Mace, 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 the report of Amos Matthews to the Surveyor-General, and also the accompanying map and field notes, relating to an Act entitled an Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries, have had the same under consideration, and report them back and recommend that the usual number of copies of the report be printed, and that the map and field notes be placed in the Surveyor-General's office for future reference.

MACE, Chairman.

REPORTS OF SELECT COMMITTEES

Mr. Kelley, from the Yolo delegation, made the following report:

Mr. SPEAKER: The Yolo delegation, to whom was referred Assembly Bill No. 723—An Act to provide for a drainage district in the County of Yolo—have had the bill under consideration, and beg leave to report the same back and recommend its passage.

KELLEY, for Delegation.

Mr. Cureton, from the Lake and Mendocino delegations, made the following report:

Mr. SPEAKER: The Lake and Mendocino delegations, to whom was referred Assembly Bill No. 720—An Act to increase the number of Notaries Public for Mendocino County—have had the same under consideration, and report the same back and recommend its passage.

CURETON,
CRIGLER,
For Delegations.

MOTIONS AND RESOLUTIONS.

Mr. Rollins offered the following resolution:

Resolved, That Assembly Bills Nos. 223, 224, 312 and 461, relating to the pueblo lands of San Francisco, be placed second on the special file for Friday evening, March twentieth.

Adopted.

Mr. Middleton offered the following resolution:

Resolved, That the Engrossing Clerk be instructed to return to this House, Assembly Bill No 444.

Adopted.

Mr Martin rose to a question of privilege, stating that he voted aye yesterday on the passage of Assembly Bill No. 300 for the purpose of moving a reconsideration, and wished his name recorded as voting against the bill

Mr. Spencer made the same request.

So ordered.

On motion of Mr Batchelder, Assembly Bill No. 585, reported from the Engrossing Committee to-day, was, by unanimous consent, referred to the Sonoma delegation, with special instructions to have a clerical error corrected.

On motion of Mr Steele, Assembly Bills Nos. 280 and 392, made the special order for twelve o'clock M, were postponed until three o'clock P. M. to-day.

Speaker in the chair.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 19th, 1868.

Mr SPEAKER: I am directed to inform your honorable body that the Senate this day, under suspension of the rules, passed Senate Bill No. 549—An Act making additional appropriations for stationery, lights and fuel for the Legislature and State officers.

And, for the purpose of expediting its transmission to the Assembly, also suspended the twelfth standing rule of the Senate

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 19th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate has passed Senate Bills Nos. 339, 382, 390, 391, 413, 418, 420, 467, 515. 523, 528, 529, 530, 531. 532, 536. 537, 541, 545 and 548.

Also, Senate Concurrent Resolution No. 61.

Also, return Senate Bill No. 387.

Also, that the Senate has refused to recede from its amendments to Assembly Bill No 64, and have appointed Messrs. Mizner, McDougall and Beach as a Committee of Free Conference on the part of the Senate.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 18th, 1868.

Mr. SPEAKER: The Senate on this day passed Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change

some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 19th, 1868.

Mr. SPEAKER: The Senate, on Monday, March sixteenth, passed Senate Bill No 414—An Act to incorporate the Town of Redwood City.

Also, this day passed, under a suspension of the rules, Assembly Bill No. 605—An Act granting leave of absence to W. C. Stratton, State Librarian.

Also, Assembly Bill No. 677—An Act to enable the City of Oakland to settle its controversies.

Also, under suspension of the rules, passed Senate Bill No. 512—An Act for the relief of William O'Shea.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 549, above reported, was read first and second times.

Mr. Steele move a suspension of the rules to put the bill on its passage. Carried.

The House went into Committee of the Whole to consider the bill. Speaker in the chair.

IN ASSEMBLY.

The bill reported back and passage recommended.

Read a third time and passed.

Senate Bill No. 536, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 531, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 532, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 545, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 512, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 529, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 528, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 339, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 420, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 523, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 530, above reported, was read first and second times and ordered on the special file

Senate Bill No. 414, above reported, was read first and second times and ordered on the special file.

Senate Concurrent Resolution No 61, above reported, was read first second times and ordered on the special file

Senate Bill No 387, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 185, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

On Assembly Bill No 64, above reported, the Chair appointed as a Committee of Free Conference, Messrs. Watson, Wand and Westmoreland

On Assembly Bill No. 134, above reported, the Chair appointed as a Committee of Free Conference. Messrs. Farish, Tuttle and Cochran.

Substitute for Senate Bill No 382, above reported, was read first and second times and referred to the Santa Clara delegation.

Senate Bill No 390, above reported, was read first and second times and referred to the Committee on Agriculture

Senate Bill No. 391, above reported, was read first and second times and referred to the Committee on Agriculture.

Senate Bill No. 413, above reported, was read first and second times and referred to the Sierra delegation.

Senate Bill No. 418, above reported, was read first and second times and referred to the Butte delegation.

Substitute for Senate Bill No 467, above reported, was read first and second times and referred to Committee on Claims.

Senate Bill No. 515, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 537, above reported, was read first and second times and referred to the Siskiyou delegation.

Senate Bill No. 548, above reported, was read first and second times and referred to the Tulare delegation.

Senate Bill No. 541, above reported, was read first time. Objection being made to the second reading, the bill was rejected.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. O'Malley—An Act to provide for the sale and conveyance of tide lands to the House Carpenters' Protective Union

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Frisbie—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Read first and second times and placed on special file.

By Mr. Dwinelle—An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of San Antonio Creek, and to keep the channel of said creek open for navigation.

Read first and second times and placed on special file.

Also, an Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March ——, eighteen hundred and sixty-eight.

Read first and second times and placed on special file.

Also, an Act for the relief of counties and other municipal corporations, in relation to their funded bonds.

Read first and second times and placed on the general file.

By Mr. Buckbee—An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three, and to make said Act applicable to the County of Lassen.

Read first and second times and referred to the Plumas delegation.

By Mr. Mace—An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley.

Read first and second times and placed on special file.

By Mr. Rector—An Act amendatory of and supplementary to an Act entitled an Act granting to the mining counties of this State the foreign miners' tax collected in said counties, severally.

Read first and second times and placed on special file.

By Mr. Fairchild—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited

Read first and second times and referred to the Siskiyou delegation.

Also, an Act to provide a law library for the Supreme Court.

Read first and second times and referred to Judiciary Committee.

By Mr Ellis—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty eight.

Read first and second times and placed on special file.

By Mr Connely—An Act to amend an Act entitled an Act to authorize J. Q. A. Tilton and others to construct and maintain a turnpike road from the point where the main county road crosses the San Mateo Creek, to Half Moon Bay, and to charge and collect tolls for travel thereon, approved March twentieth, eighteen hundred and sixty-six.

Read first and second times and placed on special file.

By Mr Newsom—An Act to provide for the improvement of the navigation of the Stanislaus River.

Read first and second times and placed on special file

By Mr Pardee—An Act to provide for the election of Supervisors in the County of Santa Cruz, and for the division of said county into Supervisor districts.

Read first and second times and referred to the Santa Cruz delegation

By Mr Green—An Act to provide for the purchase of three hundred copies of Cronise's "Natural Wealth of California."

Read first and second times and referred to the Committee on State Library.

GENERAL FILE.

On motion of Mr. Dornin, Senate Bill No 334—An Act creating the office of Insurance Commissioner and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks and security for transacting business in this State—was taken up

Mr. O'Malley moved to refer the bill to the San Francisco delegation.

Lost.

Mr. Dornin moved to indefinitely postpone the bill.

At one o'clock P M the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.
On motion of Mr Coggins, the members were allowed fifteen minutes to speak upon the bill under consideration
Mr Ryland moved to make Assembly Bill No 473, and other bills in relation to the State Capital, the special order for to-morrow at eleven o'clock A M
Carried.
Assembly Bill No. 585 reported back from the Sonoma delegation, with amendment.
Amendment adopted, by unanimous consent.
Read a third time and passed.
Speaker in the chair.

REPORTS.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools;
Also, Assembly Bill No 470—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State;
Also, Assembly Bill No. 172—An Act to amend an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second eighteen hundred and sixty six;
Also, Assembly Bill No. 306—An Act granting to the City of Monterey the title to the water front of said city, in the Bay of Monterey;
Also, Assembly Bill No 679—An Act to appropriate money for the per diem and mileage of the Legislature;
Also, Assembly Bill No 225—An Act concerning railroad companies in the City and County of San Francisco;
Also, Assembly Bill No 431—An Act concerning the Ancient Jewish Order of Kesher-shel Barsei;
Also, Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six;
And this day, at thirty-five minutes past one o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

Mr. Connely, from the Committee on Claims, reported back substitute for Assembly Bill No 467.
The bill was referred to the Nevada delegation.
On motion of Mr Meagher, the special order set for three o'clock, was again postponed until action was concluded on the bills under consideration.

GENERAL FILE RESUMED.

Senate Bill No. 334 resumed.

Mr. Lupton offered an amendment, to strike out all of section two down to and including the word "year" in line thirty-six of said section, according to the written bill.

Mr. Gildea moved to amend the amendment so that section two may read as follows:

"Section 2. The Governor shall appoint the Commissioner, subject to the approval of the Senate. No officer, employé, agent, or any person connected directly or indirectly with any insurance company, shall be appointed to said office."

On the amendment to the amendment, the ayes and noes were demanded by Messrs. Gildea, O'Malley and Farish, and the House refused by the following vote:

AYES—Messrs. Battelle, Canavan, Coggins, Dornin, Fairchild, Farish, Gildea, Mahon, Martin, Meagher, Morrow, Oliver, O'Malley, Pardee, Rollins, Scudder, Tuttle, Wand, Warfield, Mr. Speaker—20.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Biggs, Broderson, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Cochran, Comte, Connely, Crigler, Cureton, Davies, Downer, Dryer, Ellis, Frisbie, Giltner, Gregory, Jones, Kelley, Lee, Lupton, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Papy, Payne, Rector, Smith, Spencer, Steele, Tully, Waldron, Watson, Westmoreland, White, Willets, Wolleb—50.

The amendment of Mr. Lupton was lost.

Mr. Biggs moved the previous question.

The ayes and noes were demanded by Messrs. O'Malley, Buckbee and Moore, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Batchelder, Battelle, Brown of Tulare, Canavan, Church, Coggins, Comte, Crigler, Days, Dornin, Fairchild, Farish, Gildea, Hayes, James, Lee, Mahon, Martin, Meagher, Morrow, Newsom, Oliver, O'Malley, Pardee, Rollins, Scudder, Tuttle, Waldron, Wand, Mr. Speaker—32.

NOES—Messrs. Ayer, Bever, Biggs, Broderson, Buckbee, Caldwell, Clark, Cochran, Connelly, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Frisbie, Giltner, Gregory, Jones, Lupton, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Ord, Papy, Payne, Rector, Smith, Spencer, Steele, Tully, Warfield, Watson, Westmoreland, White, Willets, Wolleb—42.

At four o'clock and ten minutes P. M., Mr Meagher moved to adjourn.

The ayes and noes were demanded by Messrs. Meagher, Watson and Lee, and the House refused by the following vote:

AYES—Messrs Angney, Batchelder, Battelle, Brown of Tulare, Canavan, Crigler, Fairchild, Farish, Gildea, Lee, Lupton, Mahon, Meagher, Morrow, Newsom, Oliver, O'Malley, Papy, Pardee, Rollins, Scudder, Tully, Wand, Mr. Speaker—24

NOES—Messrs. Ables, Ayer, Bever, Biggs, Broderson, Buckbee, Cald-

well, Church, Clark, Cochran, Coggins, Comte, Connely, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Frisbie, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Mace, Mardis, Martin, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Ord, Payne, Rector, Smith, Spencer, Steele, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Willets, Wolleb—52.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Meagher, Buckbee and Morrow, and it passed by the following vote:

AYES—Messrs. Ayer, Bever, Biggs, Broderson, Buckbee, Caldwell, Clark, Cochran, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Frisbie, Giltner, Gregory, Jones, Kelley, Lupton, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Ord, Payne, Rector, Scudder, Smith, Spencer, Steele, Waldron, Warfield, Watson, Westmoreland, White, Wolleb—42.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Brown of Tulare, Canavan, Coggins, Comte, Crigler, Days, Dornin, Fairchild, Farish, Gildea, Green, Hayes, James, Lee, Mahon, Martin, Meagher, Morrow, Newsom, Oliver, O'Malley, Papy, Pardee, Rollins, Tully, Tuttle, Wand, Willets, Mr. Speaker—33.

Mr. Scudder gave notice that on to-morrow he should move to reconsider the vote by which the bill passed.

Mr Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets.

LEE, Chairman.

On motion of Mr. Westmoreland, the special order was again postponed until after Senate Bill No 335 could be acted on.

Senate Bill No 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

Mr. O'Malley moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Ables, O'Malley and Scudder, and the House refused by the following vote:

AYES—Messrs Ables, Angney, Batchelder, Battelle, Brown of Tulare, Caldwell, Canavan, Church, Coggins, Comte, Crigler, Days, Dornin, Ellis, Fairchild, Farish, Gildea, James, Lupton, Mahon, Meagher, Morrow, Oliver, O'Malley, Pardee, Scudder, Tully, Mr. Speaker—28.

NOES—Messrs. Ayer, Bever, Biggs, Broderson, Buckbee, Clark, Cochran, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Frisbie, Giltner, Gregory, Jones, Kelley, Lee, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Payne, Rector, Rollins, Smith, Spencer, Steele, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Willets, Wolleb—43.

Bill read third time.

Mr. Clark moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs. Meagher, Mahon and Giltner, and the bill passed by the following vote:

AYES—Messrs. Ayer, Bever, Biggs, Broderson, Buckbee, Caldwell, Clark, Cochran, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Giltner, Gregory, Jones, Kelley, Lupton, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, O'Malley, Ord, Payne, Rector, Smith, Spencer, Steele, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Willets, Wolleb—41

NOES—Messrs Angney, Batchelder, Battelle, Canavan, Coggins, Comte, Crigler, Days, Dornin, Ellis, Farish, Gildea, Green, Hayes, James, Lee, Mahon, Martin, Meagher, Morrow, Newsom, Oliver, Rollins, Scudder, Tully, Wand—26.

Mr. O'Malley gave notice that on to-morrow he should move to reconsider the vote just taken.

Mr. Steele offered the following resolution, by leave:

Resolved, That when any member calls for the reading of any bill or paper, such member shall pay strict attention to the same during the whole reading thereof.

Adopted.

At four o'clock and fifty minutes P. M., on motion of Mr. Biggs, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Morrow had leave of absence for the evening.

The members of the Judiciary Committee had leave of absence for the evening, on committee duty.

SPECIAL FILE.

Mr. Oliver moved to postpone the Pueblo Land Bill until Tuesday.

The ayes and noes were demanded by Messrs. Oliver, Clark and Middleton, and the House refused by the following vote:

AYES—Messrs. Ables, Batchelder, Battelle, Caldwell, Church, Clark, Cochran, Coggins, Fairchild, Jones, Kelley, Morrow, Oliver, Ord, Rector, Scudder, Smith, Tully, Waldron, Watson—20.

NOES—Messrs. Ayer, Bever, Biggs, Broderson, Canavan, Comte, Crigler, Davies, Downer, Dwinelle, Ellis, Gregory, James, Lee, Mace, Mardis, Martin, McElhany, Meagher, Mentzell, Middleton, Newell, Newsom, Papy, Payne, Rollins, Wand, Warfield, Westmoreland, White, Willets, Mr. Speaker—32.

Assembly Bill No. 223—An Act to confirm certain orders passed by the Board of Supervisors of the City and County of San Francisco.

Amendments adopted

Mr Cochran moved the previous question.

Sustained.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Coggins, Oliver and Clark, and it was ordered engrossed by the following vote:

AYES—Messrs Ables, Ayer, Bever, Biggs, Broderson, Buckbee, Caldwell, Canavan, Cochran, Comte, Crigler, Cureton, Davies, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Giltner, Kelley, Lee, Mace, Mardis, McElhany, Meagher, Mentzell, Middleton, Ord, Papy, Payne, Rollins, Steele, Tully, Tuttle, Wand, Warfield, Watson, Westmoreland, White, Willets—43

NOES—Messrs Angney, Batchelder, Battelle, Brown of Tulare, Church, Clark, Coggins, Downer, Gregory, Hayes, James, Jones, Lupton, Newsom, Oliver, Rector, Scudder, Smith—18.

On motion of Mr. Watson, the rules were suspended and the bill put on its passage.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Batchelder, Coggins and Scudder, and it passed by the following vote:

AYES—Messrs Ables, Ayer, Bever, Biggs, Broderson, Buckbee, Caldwell, Canavan, Cochran, Comte, Crigler, Cureton, Davies, Dornin, Dryer, Ellis, Fairchild, Frisbie, Kelley, Lee, Mace, Mardis, McElhany, Meagher, Mentzell, Middleton, Ord, Papy, Payne, Rector, Rollins, Steele, Tully, Tuttle, Wand, Warfield, Watson, Westmoreland, White, Willets—41.

NOES—Messrs. Angney, Batchelder, Battelle, Brown of Tulare, Church, Clark, Coggins, Downer, Farish, Gregory, Hayes, James, Jones, Lupton, Martin, Newsom, Oliver, Scudder, Smith, Waldron—20.

Assembly Bill No 224—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

Amended, amendment adopted.

Mr Watson moved to suspend the rules, consider the bill engrossed and put it on its passage.

The ayes and noes were demanded by Messrs O'Malley, Scudder and Clark, and the motion prevailed by the following vote:

AYES—Messrs. Ayer, Bever, Biggs, Broderson, Buckbee, Caldwell, Cochran, Comte, Connoly, Crigler, Cureton, Davies, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Kelley, Mace, McElhany, Meagher, Mentzell, Middleton, Ord, Papy, Payne, Rector, Rollins, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets—42.

NOES—Messrs Ables, Angney, Batchelder, Battelle, Brown of Tulare, Church, Clark, Coggins, Downer, Gregory, Hayes, James, Jones, Lupton, Martin, Newsom, Oliver, O'Malley, Scudder—19.

Read a third time and passed.

Assembly bill No 312—An Act to provide for the disposition of the pueblo lands of the City and County of San Francisco.

Laid on the table.

Assembly Bill No. 461—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco.

Indefinitely postponed.

Assembly Bill No. 382—An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries and to provide for its organization, approved April first eighteen hundred and sixty-four.

Ordered to the top of the special file for to-morrow.

Assembly Bill No. 500—An Act to authorize Yolo County to give its bonds to the California Pacific Railroad Company, a corporation organized by and working under the general Railroad Laws of this State.

Printed bill adopted as a substitute.

Amended, amendment adopted.

Mr. Kelly offered an amendment

The ayes and noes were demanded by Messrs Warfield, Lee and Gildea, and the amendment was adopted by the following vote:

AYES—Messrs. Angney, Batchelder, Biggs, Broderson, Church, Clark, Cochran, Coggins, Crigler, Fairchild, Giltner, Gregory, Green, Hayes, James, Jones, Lupton, Mace, Mardis, Martin, Mentzell, Newell, Newsom, Ord, Papy, Rollins, Scudder, Tully, Wand, Watson, White, Willets, Mr. Speaker—33.

NOES—Messrs Ables, Battelle, Buckbee, Caldwell, Davis, Downer, Lee, McElhany, Middleton, Tuttle, Waldron, Warfield, Westmoreland—13.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Frisbie, Assembly Bill No. 362—An Act to incorporate the City of Vallejo—was taken up.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 650—An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, eighteen hundred and sixty-eight.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read a third time and passed

Assembly Bill No 561—An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 322—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named in the City and County of San Francisco.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 308—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José. in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same.

Amended. amendments adopted.

Read a third time and passed.

Assembly Bill No 648—An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 367—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County.

Read a third time and passed.

Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth. eighteen hundred and sixty-six.

Passed on file.

Senate Bill No. 309—An Act to re-incorporate the Town of Santa Clara.

Passed on file.

Assembly Bill No. 621—An Act to authorize the construction and maintenance of a wharf at the Town of New San Diego, by W. H. Davis & Co.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 636—An Act to authorize Miguel Pedrorena, Miguel Aguirre, their associates and assigns, to construct a wharf at the Town of New San Diego.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 669—An Act to facilitate the City of Sacramento in procuring material to raise its streets and levees.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Mr. Angney gave notice that he should, on to-morrow, move to reconsider the vote by which Senate Bill No. 308 passed.

Senate Bill No 40 (substitute)—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town.

Mr Coggins moved to recommit to the Committee on Commerce and Navigation, with instructions to report on Monday next.

Carried.

At ten o'clock P M, Mr. Clark moved to adjourn.

Lost

Mr. Farish gave notice that on to-morrow he should move to reconsider the vote by which Assembly Bills Nos. 223 and 224 passed.

At ten o'clock and ten minutes P M, on motion of Mr. Battelle, the House adjourned.

C. T. RYLAND, Speaker.

W. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 21st, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Journal of yesterday read and approved
The Committee on Public Buildings and Grounds were granted leave of absence for one hour, on committee duty.
Messrs. Brown of Contra Costa and Russ had indefinite leave of absence on account of sickness.
Mr. Farish rose to a question of privilege; said he voted on the passage of Assembly Bills Nos 223 and 224 on yesterday, for the purpose of moving a reconsideration of the vote by which said bills passed; concluding that the sense of the House at present would oppose such reconsideration, he desired to have his vote recorded against the passage of said bills.
Mr. O'Malley also made the same request.
So ordered.
Mr Scudder moved to reconsider the vote by which Senate Bill No. 334 passed on yesterday.
Mr. Papy moved to indefinitely postpone the motion to reconsider.
Mr. Spencer in the chair.
Mr. Watson moved the previous question.
Sustained.
On the motion for the previous question, the ayes and noes were demanded by Messrs Gildea, Watson and O'Malley, and the main question was ordered by the following vote:

AYES—Messrs. Ayer, Bever, Broderson, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Cochran, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Farish, Frisbie, Giltner, Gregory, Kelley, Lee, Mace, Mardis, Martin, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Ord, Papy, Payne, Rector, Smith, Spencer, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb—48.

NOES—Messrs Ables, Angney, Battelle, Coggins, Days, Dornin, Fairchild, Gildea, Mahon, Meagher, Morrow, Newsom, Oliver, O'Malley, Pardee, Rollins, Mr. Speaker—17.

On the indefinite postponement of the motion, the ayes and noes were demanded by the requisite number, and the motion prevailed by the following vote:

AYES—Messrs. Ayer, Bever, Broderson, Buckbee, Caldwell, Church, Clark, Cochran, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Frisbie, Giltner, Gregory, Jones, Kelley, Lee, Mace, Mardis, Mattingly, McElhany, Mentzell, Middleton, Moore, Newell, Ord, Papy, Payne, Rector, Smith, Spencer, Steele, Tully, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Wolleb—44.

NOES—Messrs. Angney, Battelle, Brown of Tulare, Coggins, Comte, Days, Dornin, Fairchild, Farish, Gildea, Green, Mahon, Martin, Meagher, Morrow, Newsom, Oliver, O'Malley, Rollins, Scudder, Wand, Willets, Mr. Speaker—23.

Mr. Ayer moved to reconsider the vote by which Senate Bill No. 335 passed on yesterday.

Mr. Papy moved to indefinitely postpone the motion.

The ayes and noes were demanded by Messrs Meagher, Watson and Ayer, and the motion prevailed by the following vote:

AYES—Messrs. Ayer, Battelle, Bever, Broderson, Buckbee, Caldwell, Church, Clark, Cochran, Connely, Cureton, Davies, Downer, Dryer, Dwinelle, Ellis, Frisbie, Giltner, Gregory, Jones, Kelley, Lee, Mace, Mardis, McElhany, Mentzell, Middleton, Moore, Newell, Ord, Papy, Payne, Rector, Smith, Spencer, Steele, Tully, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Wolleb—44

NOES—Messrs. Brown of Tulare, Coggins, Comte, Days, Dornin, Fairchild, Farish, Gildea, Green, Mahon, Martin, Meagher, Morrow, Newsom, Oliver, O'Malley, Pardee, Rollins, Scudder, Wand, Willets, Mr. Speaker—22.

Mr. Ayer had leave of absence for the remainder of the day

On motion of Mr. Ryland, the special order set for to-day at twelve o'clock, being Assembly Bills Nos. 280 and 292, was postponed until two o'clock to-day.

PETITION.

Mr. Scudder presented a petition from the Exempt Fire Company, in behalf of the exempt firemen of the City of San Francisco, protesting against the passage of a bill exempting certain persons on account of service in the Volunteer Fire Department of that city.

Received and referred to the San Francisco delegation.

REPORTS.

Mr. Angney, 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. 181—An Act to furnish the counties of the State with official plats and field notes of the United States surveys therein—have had the same under advisement, report a substitute therefor and recommend it to the consideration of the House.

ANGNEY, for Committee.

Mr Brown of Tulare, from the Tulare delegation, made the following report:

Mr. SPEAKER: The Tulare delegation, to whom was referred Senate Bill No. 548—An Act to authorize the Board of Supervisors of Tulare County to redistrict the County of Tulare into Supervisor districts—beg leave to report the same back to the House and recommend its passage.

BROWN, for Delegation.

Mr. Scudder, Chairman of the Committee on State Library, made the following report:

Mr. SPEAKER: The Committee on State Library, to whom was referred Assembly Bill No. 749—An Act to provide for the purchase of three hundred copies of Cronise's "Natural Wealth of California"—have had the same under consideration, and report it back with the recommendation that it pass.

SCUDDER, Chairman.

SPECIAL ORDER.

Assembly Bill No. 473—An Act for the removal and permanent location of the seat of Government of the State of California.

Assembly Bill No. 296—An Act to locate the State Capital

Assembly Bill No. 241—An Act for the removal and permanent location of the seat of Government of the State of California.

Assembly Bill No 473 taken up

Mr Westmoreland moved to indefinitely postpone the bill

Mr. Tully offered a substitute for the bill, which was read for information.

Mr. Canavan, Chairman of the Committee on Public Buildings and Grounds, by leave, submitted a report of the committee, which was received.

[For report, see Appendix]

On motion of Mr. Westmoreland, the reading of the entire report was dispensed with, and the findings of the committee in reference to the Capitol building read

On motion of Mr. Canavan, the report was sent to the Senate.

Mr. Wand moved the previous question.

Lost.

Mr. Gildea moved that the rule requiring a recess from one to two o'clock be postponed for the day.

Lost.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M the House reassembled.

Mr. Steele in the chair.

Roll called.

Quorum present.

REPORT.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, by leave, made the following report:

Mr. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 360—An Act declaring Islais Creek,

in the City and County of San Francisco, a navigable stream—report the bill back with an amendment, and recommend the passage of the same as amended.

MIDDLETON, Chairman.

SPECIAL ORDER RESUMED.

Mr. Church moved the previous question.

Sustained.

On adopting the substitute offered by Mr. Tully, the ayes and noes were demanded by Messrs. Rollins, Cureton and Westmoreland, and the House refused by the following vote:

AYES—Messrs Angney, Batchelder, Bird, Broderson, Caldwell, Connely, Downer, Farish, Giltner, Hayes, James, Mahon, Martin, Mattingly, McElhany, Meagher, Moore, Newell, Newsom, Ord, Pardee, Payne, Spencer, Steele, Tully, Tuttle, Warfield, Mr. Speaker—28.

NOES—Messrs Ables, Battelle, Biggs, Brown of Contra Costa, Brown of Tulare, Canavan, Church, Clark, Cochran, Coggins, Comte, Crigler, Cureton, Davies, Days, Dornin, Dryer, Fairchild, Gildea, Gregory, Green, Jones, Kelley, Lee, Mardis, Middleton, Morrow, Oliver, Papy, Rector, Rollins, Smith, Waldron, Wand, Watson, Westmoreland, White, Wolleb—38.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Rollins, Days and Waldron, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Battelle, Biggs, Brown of Contra Costa, Brown of Tulare, Canavan, Church, Clark, Cochran, Coggins, Comte, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Fairchild, Gildea, Gregory, Green, Jones, Kelley, Lee, Mardis, McElhany, Middleton, Morrow, Oliver, Papy, Rector, Rollins, Smith, Spencer, Steele, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Wolleb—44.

NOES—Messrs Angney, Batchelder, Caldwell, Connely, Farish, Giltner, Hayes, James, Mahon, Martin, Mattingly, Meagher, Moore, Newell, Newsom, Ord, Pardee, Payne, Tully, Mr. Speaker—20.

On motion of Mr Comte, the special order was temporarily postponed.

On motion of Mr. Comte, Assembly Bill No 296 was indefinitely postponed.

On motion of Mr. Comte, Assembly Bill No. 241 was indefinitely postponed.

REPORTS.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 561—An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 608—An Act to repeal an Act entitled an Act concerning the office of District Attorney of the County of Placer, approved March twenty-second, eighteen hundred and sixty-six.

Also, Assembly Bill No 563—An Act to provide a fund for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto

Also, Assembly Bill No. 648—An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same.

Also, Assembly Bill No. 606—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquines for the purpose of fishing.

Also, Assembly Bill No 601—An Act to provide for the transfer of certain funds in the County of Placer.

Also, Assembly Bill No. 610—An Act to fix the salary of the District Attorney of Placer County.

Also, Assembly Bill No. 609—An Act fixing the salaries of the Assessors of Placer County

Also, substitute for Assembly Bill No. 334—An Act relating to the boundary line between the Counties of Plumas and Sierra.

Also, substitute for Assembly Bill No. 500—An Act to authorize the County of Yolo to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds.

LEE, Chairman.

Mr. Payne, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa;

Also, Assembly Bill No. 677—An Act to enable the City of Oakland to settle its controversies;

Also, Assembly Bill No. 605—An Act granting leave of absence to W. C. Stratton, State Librarian;

And this day, at fifteen minutes past two o'clock P. M, presented the same to the Governor for his approval.

PAYNE, Chairman.

SPECIAL ORDERS.

Assembly Bill No 280—An Act for securing liens of mechanics and others; also, Assembly Bill No. 392—An Act in relation to liens of mechanics and others

Assembly Bill No 280 was taken up.

Amended, amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 392 was laid on the table.

Mr. Days, from the Nevada delegation, made the following report:

Mr. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 467—An Act for the relief of C. C. Townsend—have had the same under consideration and unanimously recommend its passage.

DAYS, for Delegation.

Mr. Church, from the Alameda delegation, made the following report:

Mr SPEAKER: The Alameda delegation have considered and amended Assembly No. 794—An Act to enable the County of Alameda to purchase a tract of land for a Home for the Unfortunate, etc.—and recommend its passage as amended.

CHURCH, for Delegation.

Mr. Buckbee, from the Plumas delegation, made the following report:

Mr SPEAKER: The undersigned, to whom was referred Assembly Bill No. 750—An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of Plumas—respectfully beg leave to report that the said bill has been carefully considered, and it is reported back by the delegation with a recommendation that the bill do pass.

BUCKBEE, for Delegation.

Mr. Cochran, from the Butte delegation, made the following report:

Mr. SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 418, have examined the bill and report the same back and recommend its passage.

COCHRAN, for Delegation.

Mr. Fairchild, from the Siskiyou delegation, made the following report:

Mr. SPEAKER: The Siskiyou delegation, to whom was referred Assembly Bill No. 747—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited—have had the bill under consideration, and beg leave to report the same back and recommend its passage.

FAIRCHILD, for Delegation.

Mr. Newell, from the El Dorado delegation, made the following report:

Mr. SPEAKER: The El Dorado delegation, to whom was referred Assembly Bill No. 309—An Act to amend section sixth of an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors, in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six—

have had the bill under consideration, and beg leave to report the same back with a substitute for the original bill, and recommend the passage of the substitute.

NEWELL, for Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 21st, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools.

Also, Assembly Bill No 306—An Act granting to the City of Monterey the title to the water front of said City, in the Bay of Monterey.

Also, Assembly Bill No. 172—An Act to amend an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 431—An Act concerning the ancient Jewish Order of Kersher-shel Barsel.

Also, Assembly Bill No 225—An Act concerning railroad companies in the City and County of San Francisco.

Also, Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 54—An Act to protect the wages of labor.

Also, Assembly Bill No. 679—An Act to appropriate money for per diem and mileage of the Legislature.

Also, Assembly Bill No. 470—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State.

Also, Assembly Bill No. 51—An Act to authorize the Board of Supervisors of Sacramento County to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento County.

Also, Assembly Bill No. 220—An Act to legalize acknowledgments of deeds by husband and wife taken before and certified by County Clerks.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 20th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 662—An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 348—An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands in Alameda County.

Also, Assembly Bill No. 200—An Act to authorize the City Council of the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city, and to provide for the payment of the same.

Also, Assembly Bill No. 173—An Act to create the Seventeenth Judicial District.

Also, Assembly Bill No. 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Mace offered the following resolution.

Resolved, That the usual number of copies of the report of Amos Mathews to the Surveyor-General be printed.

Adopted.

The following resolution, offered by Mr. Steele on the nineteenth instant, was taken up:

Resolved, That henceforth no bill shall be taken out of its regular order, unless by a two third vote of the Assembly.

Laid on the table.

Mr. Farish moved that Assembly Bill No. 616 be placed at the top of the file on Monday.

Mr. Cochran moved to amend by taking up the bill and considering it now

Mr. Dwinelle moved a call of the House.

Carried

Roll called.

Quorum present

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

On the motion of Mr. Cochran, the ayes and noes were demanded by Messrs. Church, Waldron and Coggins, and the motion prevailed by the following vote:

AYES—Messrs. Angney, Broderson, Brown of Tulare, Buckbee, Clark, Comte, Connely, Crigler, Cureton, Davies, Dryer, Fairchild, Farish, Gildea, James, Kelley, Mace, Mardis, Mattingly, Mentzell, Middleton, Moore, Newell, Newsom, Papy, Payne, Rector, Steele, Tully, Wand, Westmoreland, White, Wolleb—33.

NOES—Messrs Battelle, Church, Cochran, Coggins, Days, Dornin, Downer, Dwinelle, Gregory, Meagher, Morrow, Oliver, Pardee, Rollins, Tuttle, Waldron, Warfield—17.

GENERAL FILE.

Assembly Bill No. 616—An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Mr. Farish moved the previous question.

Sustained.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Brown of Tulare, Rollins and Days, and it passed by the following vote:

AYES—Messrs. Angney, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Clark, Comto, Connely, Crigler, Cureton, Davies, Dryer, Fairchild, Farish, Gildea, James, Kelley, Mace, Mahon, Mardis, Mattingly, Mentzell, Middleton, Moore, Newell, Newsom, Ord, Papy, Payne, Rollins, Steele, Tully, Wand, Warfield, Westmoreland, White, Wolleb—38.

NOES—Messrs Ables, Batchelder, Battelle, Bever, Church, Cochran, Coggins, Days, Dornin, Downer, Dwinelle, Gregory, Hayes, Jones, Martin, Meagher, Morrow, Oliver, Pardee, Smith, Spencer, Tuttle, Waldron—23.

Mr Rollins gave notice that on Monday he should move to reconsider the vote by which the bill passed

Mr. Tuttle was allowed to change his vote from aye to no, having voted in the affirmative for the purpose of moving a reconsideration.

Mr. Angney moved to take up Assembly Bill No. 105.

REPORT.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

Also, Assembly Bill No. 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 553—An Act to provide for the protection of certain lands in the County of Sutter from overflow.

Also Assembly Bill No. 322—An Act to amend an Act entitled an Act granting to certain parties therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No 224—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

DAYS, for Committee

GENERAL FILE RESUMED.

Mr. Mattingly moved the previous question.

Sustained.

The motion to take up the bill and consider it now prevailed.

Assembly Bill No. 105 (substitute for Assembly Bill No. 323)—An Act in relation to the militia of the State of California.

Substitute adopted.

On motion of Mr Steele, the reading of the bill was dispensed with, excepting the section amended.

Amended, amendment adopted.

Mr. Spencer moved the previous question.
Sustained.
Ordered engrossed.
Rules suspended, bill considered engrossed, read a third time and passed.
On motion of Mr Gildea, Senate Bill No. 472—An Act for the relief of David L. Britton was taken up.
Considered in Committee of the Whole.
Mr. Cochran in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.
Read a third time and passed
Mr Meagher, by leave, introduced a bill for an Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county.
Read first and second times and placed on file.

SENATE MESSAGES.

On motion of Mr. Dwinelle, the following Senate messages were taken up.

SENATE CHAMBER,
March 21st, 1868.

Mr. SPEAKER: The Senate on this day amended and passed Assembly Bill No. 369—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of the city and county, approved April twenty-seventh, eighteen hundred and sixty-three, and also amended the title.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 21st, 1868.

Mr SPEAKER: The Senate on this day amended and passed Assembly Bill No. 583—An Act to create and organize the University of California.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 21st, 1868.

Mr SPEAKER: The Senate on this day passed the following named bills:
Senate Bill No. 559—An Act to fix the compensation of the County Sheriff of the County of San Luis Obispo.
Also, Senate Bill No. 561—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 565—An Act to provide funds to pay the floating debt of Butte County.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER,
March 21st, 1868.

Mr. SPEAKER: The Senate on the eighteenth instant passed Senate Bill No 375—An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, Senate Bill No. 376—An Act to amend an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, on the nineteenth instant, passed Senate Bill No. 555—An Act to provide a proper hospital for the County of Sacramento.

Also, Senate Bill No. 551—An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County.

Also, on the twentieth instant, passed Assembly Bill No 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 21st, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following bills:

Assembly Bill No. 529—An Act to prevent hogs from running at large in the County of Contra Costa.

Also, Assembly Bill No. 526—An Act concerning hogs found running at large in the County of Monterey.

Also, Assembly Bill No. 651—An Act concerning public roads and highways in the County of Monterey.

And on yesterday passed substitute for Senate Bill No. 377—An Act to provide a terminus for the Southern Pacific Railroad Company and the Western Pacific Railroad Company in the City of San Francisco.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 583, above reported; substitute adopted; Senate amendments adopted in concurrence.

Senate Bill No. 559, above reported, was read first and second times and placed on file.

Senate Bill No. 561, above reported, was read first and second times and placed on file.

Senate Bill No 375, above reported, was read first and second times and placed on file.

Senate Bill No. 376. above reported, was read first and second times and placed on file.

Senate Bill No 565, above reported, was read first and second times and referred to the Yuba delegation.

Assembly Bill No. 369, above reported; Senate amendments adopted in concurrence.

Substitute for Senate Bill No. 377, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 555, above reported, was read first and second times and referred to the Sacramento delegation.

Senate Bill No. 551, above reported, was read first and second times, and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Assembly Bill No. 254, above reported; the House refused to concur in Senate amendment.

On motion of Mr. Warfield, Assembly Bill No. 722 was ordered to top of file for Monday.

Mr. Buckbee, from the Committee on Counties and County Boundaries, by leave, verbally reported back Assembly Bill No. 349.

Ordered to file.

REPORTS.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, substitute for Assembly Bill No. 263—An Act supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

BATCHELDER, for Committee.

Mr. Spencer, from the Placer delegation, by leave, made the following report:

Mr. SPEAKER: The Placer delegation, to whom was referred Assembly Bill No. 637—An Act concerning the foreign miners' license tax in Placer County—report the same back with amendments, and recommend its passage.

SPENCER, for Delegation.

On motion of Mr. Papy, Assembly Bill No. 488 was ordered second on file for Monday.

At five o'clock and twenty-five minutes P. M., on motion of Mr. Waldron, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.
Messrs. Wolleb, Rollins, Kelley and Dornin were granted leave of absence for the evening.

SPECIAL FILE.

Senate Bill No 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-six.
Read a third time and passed.
Assembly Bill No. 382—An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries and provide for its organization, approved April first, eighteen hundred and sixty-four.
Substitute adopted.
Rules suspended, bill considered engrossed, read a third time and passed.
Senate Bill No. 358—An Act to provide for the re-funding of the funded debt of Siskiyou County
Taken up, and, on motion of Mr. Steele, read a third time and passed.
Assembly Bill No 522—An Act amendatory of and supplementary to an Act making the office of County Treasurer of Trinty County a salaried office, approved March twenty-first, eighteen hundred and sixty-two.
Laid on the table.
Mr. Canavan moved to take up Assembly Bill No 670, on general file.
Carried.
Assembly Bill No. 670—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.
Rules suspended, bill considered engrossed, read a third time and passed.
Mr. Caldwell, from the Sonoma delegation, by leave, made the following report:

Mr. SPEAKER: The Sonoma delegation. to whom was referred Assembly Senate Bill No. 258—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and to repeal all other Acts so far as they conflict with the provisions thereof—have had the bill under consideration, and report the same back with amendments, and recommend its passage.

CALDWELL, for Delegation.

On motion of Mr. Warfield, the bill above reported was taken up and put on its passage.
Amendment adopted.
Read a third time and passed.
Assembly Bill No. 104 (substitute)—An Act to define the boundaries of San Diego County.
Enacting clause inserted, by leave.
Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 740—An Act supplemental to an Act to authorize the City Council of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March ——, eighteen hundred and sixty-eight.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 578—An Act to authorize certain parties to construct a wharf in the County of Solano

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 374—An Act for the relief of the North American Steamship Company.

Mr. Dwinelle moved to suspend the rules and put the bill on its passage.

Lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Steele, Church and Battelle, and it was ordered engrossed by the following vote:

AYES—Messrs. Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Davies, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Gregory, Green, Hayes, Lee, Ord, Smith, Tully, Tuttle, Waldron, Wand, White, Mr. Speaker—30.

NOES—Messrs. Angney, Batchelder, Battelle, Caldwell, Church, Coggins, Downer, James, Jones, Martin, McElhany, Meagher, Morrow, Newell, Newsom, Papy, Steele, Watson—18.

Substitute for Senate Bill No. 89—An Act to authorize Henry S Dexter, administrator of the estate of Annie B Dexter, to sell certain property at private sale.

Mr Canavan moved the previous question.

Lost.

Mr. Cochran moved the previous question.

Sustained

Read a third time and passed.

Senate Bill No. 453—An Act for the relief of the Common School Fund of Butte County.

Read a third time and passed.

Assembly Bill No. 357—An Act amendatory of sections one and eight of an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three.

Substitute adopted.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 501—An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 625—An Act supplemental to an Act entitled an

Act to establish the lines and grades of streets in the City and County of San Francisco.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Wand in the chair.

Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

Read a third time and passed.

Senate Bill No. 340—An Act supplementary to and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.

The bill was read a third time and passed.

Assembly Bill No 615—An Act to authorize the establishment of a steam ferry between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 485—An Act amendatory of and supplemental to 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, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 684—An Act to authorize the construction of a wharf in the City of Petaluma.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 688—An Act authorizing R D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano.

On motion of Mr. Mahon, the bill was ordered to the top of the file for Tuesday evening.

Assembly Bill No. 689—An Act concerning Road Masters in the County of Stanislaus.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 673—An Act to confer further powers upon the Board of Trustees of the Town of Eureka

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 674—An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendment thereto, passed May ninth, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 293—An Act to amend an Act entitled 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 sixty-six, repealing sections thirty-six and sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two.

Amendment adopted.

Read a third time and passed.

Assembly Bill No. 179—An Act concerning roads and highways in the County of Mendocino.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

At nine o'clock and twenty minutes P. M., Mr. Clark moved to adjourn.

Lost.

Assembly Bill No. 668—An Act to authorize and empower E. P. Figg and C C. Hayden, or their assigns, to construct and maintain dams, booms and piers on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering on the same.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 669—An Act providing for levying and collecting tax for school purposes in the County of Santa Cruz.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 456—An Act granting to the Market Street Railway Company, of San Fransisco, certain rights therein named.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Assembly Bill No. 543—An Act authorizing Robert Betge and others to lay down and maintain a railroad in the City and County of San Francisco.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 586—An Act to amend an Act entitled an Act to regulate the fees of certain officers in Amador County, approved April sixth, eighteen hundred and fifty-nine.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 719—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six

Substituted on the file in place of Assembly Bill No. 252.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 450—An Act to authorize the Trustees of the City of Petaluma, and their successors in office, to execute a certain trust.

Amendments adopted.

Read a third time and passed.

Mr. Ryland gave notice to reconsider

Senate Bill No. 136—An Act to authorize Montgomery Godley, administrator, with the will annexed, of the estate of Charles G. McChesney, deceased, to sell certain lands belonging to the estate of said deceased.

Read a third time and passed.

Assembly Bill No. 406—An Act to fund the debt of Alpine County.

Ordered on file for Tuesday next.

Assembly Bill No. 685—An Act to create the office of County Assessor in Calaveras County, define his duties and fix his compensation.

Ordered to the bottom of the file.

Assembly Bill No. 700—An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura, approved March tenth, eighteen hundred and sixty-six.

Ordered to the top of the file.

Assembly Bill No. 675—An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Louis Rose, his associates and assigns.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 671—An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Joseph S. Manassa, Marcus Schiller, David B. Floffman, their associates and assigns.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 696—An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 699—An Act granting leave of absence to Francis A. S. Jones, Recorder and Auditor of Alpine County, California

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 702—An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 701—An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another

Rules suspended, bill considered engrossed, read a third time and passed

Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

On motion of Mr Morrow, the bill was stricken from the file.

Senate Bill No 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco.

Amendment adopted

Read a third time and passed.

Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Amended, amendments adopted.

Read a third time and passed.

Assembly Bill No. 415—An Act to provide for the improvement of the Truckee River.

Indefinitely postponed.

Assembly Bill No. 680—An Act to grant to Richard Dugan and his associates a road franchise in the County of Del Norte.

Indefinitely postponed.

Senate Bill No. 316 (substitute)—An Act to provide for the collection of the revenue in and for the County of Napa.

On motion of Mr Dwinelle, the bill was referred to the Judiciary Committee, with instructions to report it back on Monday next.

Senate Bill No. 409—An Act relative to the County Treasurer of Lake County.

Read third time and passed.

Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodward, deceased, to lease certain real estate in the City and County of San Francisco

Amendments adopted.

Read third time and passed.

Assembly Bill No. 567—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco.

Ordered fourth on the general file.

At ten o'clock and forty minutes P. M., Mr. Meagher moved to adjourn.

Lost.

Assembly Bill No. 672—An Act supplementary to an Act entitled an Act to provide for the government of the County of San Diego, approved March eighth, eighteen hundred and sixty-eight.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No 138—An Act granting to the Omnibus Railroad Company certain rights therein named.

Referred to the San Francisco delegation.

Assembly Bill No. 560—An Act to reincorporate the City of Stockton.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed

At ten o'clock and fifty-five minutes P. M., on motion of Mr. Gildea, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 23d, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of Saturday read and approved.
Mr. Frisbie had leave of absence for one day.

REPORTS OF STANDING COMMITTEES.

Mr. Meagher, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin—have had said bill under consideration, and report the same back and recommend its passage.

MEAGHER, Chairman.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bills Nos. 21 and 189—An Act defining the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino and Mono Counties.

Also, Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, in Santa Cruz County, California

Also, Assembly Bill No 357—An Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three.

Also, Assembly Bill No 621—An Act to authorize the construction and maintenance of a wharf at the Town of New San Diego, on the Bay of San Diego, by William H. Davis, his associates and assigns

Also, Assembly Bill No 487—An Act granting Francis M Stone and others certain rights and immunities for fishing purposes, in Tulare Lake.

Also, Assembly Bill No. 650—An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 719—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 572—An Act concerning roads in the County of Marin.

Also, Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of the State of California, for the twentieth and twenty-first fiscal year, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy.

Also, Assembly Bill No. 633—An Act in relation to the County Superintendent of Public Schools in the County of Sierra

Also, Assembly Bill No 613—An Act to amend section five of an Act entitled an Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Supervisors and Clerk of the Board of Equalization from the office of County Clerk, in the County of Placer, approved February eleventh, eighteen hundred and fifty-eight, as amended by an Act approved May eighteenth, eighteen hundred sixty-one.

BATCHELDER, for Committee.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. Speaker: The Committee on Commerce and Navigation, to whom was referred Senate Bill No 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease—report the same back and recommend its passage

Also, Senate Bill No 377—An Act to provide a terminus for the Southern Pacific Railroad Company and the Western Pacific Railroad Company, in the City of San Francisco—report the same back and recommend its passage.

Also, Senate Bill No 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco—report the same back and recommend its passage.

Also, Assembly Bill No. 661—An Act concerning the leasing of the water front of the City and County of San Francisco by the Board of State Harbor Commissioners—report the same back and recommend its indefinite postponement.

Also, Assembly Bill No 528—An Act to authorize the sale and conveyance to W. H. Howland, H. B. Angell, E T. King and Cyrus Palmer, their associates and assigns, certain overflowed lands, etc.—recommend its indefinite postponement.

Also, Assembly Bill No. 654—An Act to authorize the sale and conveyance to W. A. Palmer, Wales L. Palmer, Israel W. Knox and Charles H Knox, certain overflowed lands in the City and County of San Francisco—recommend its indefinite postponement.

Also, Senate Bill No 40—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town—report the same back without recommendation.

MIDDLETON, Chairman.

On motion of Mr. Middleton, Senate Bill No. 377, above reported, was ordered printed.

Mr Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims have had under consideration the following bills, which were referred to them, and ask leave to report as follows:

Senate Bill No. 386—An Act to appropriate money to pay the outstanding Indian war bonds of the State of California, issued since January, eighteen hundred and fifty-four, under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplemental thereto.

The bonds mentioned in this bill were issued under an Act of the Legislature passed May third, eighteen hundred and fifty-two, which Act provided that, should the United States not pay them within ten years after the passage of the Act then the State should become liable for and would pay them. The committee believe that this pledge on the part of the State should be redeemed, and they therefore recommend the passage of the bill.

Also, Assembly Bill No. 678—An Act for the relief of John Kneeland.

This is a claim for two hundred and ninety-one dollars and fifty-six cents against the State, arising under a suit in the Fourth Judicial District against John Kneeland and his bondsmen, for alleged neglect of duty in his position of Assessor of Placer County, and the State failing in the prosecution, judgment was entered up on the twenty-seventh of February, eighteen hundred and sixty-seven, against the State for the costs of suit. The Committee believe the claim to be a just one, and they therefore recommend the passage of the bill.

Also, Senate Bill No. 263—An Act for the relief of J. D. Patterson.

This is a claim for the payment of bonds issued by Mono County under the provisions of an Act of the Legislature of the State, passed in eighteen hundred and sixty-three, for the sum of fifteen thousand dollars, and which were assigned to this claimant, who became the contractor to build the road for which the bonds were issued. Now, it is alleged, that in consequence of a large portion of the population and territory of Mono County having been thrown into the State of Nevada by running the line and fixing the eastern boundary of the State of California, the taxable property of the county has become reduced to such an extent as render the county unable to pay her bonds. It is asked, as a matter of justice and right, that the State shall pay them. The committee prefer not to make any recommendation in regard to this claim, but upon a statement of the facts to leave the question to the House to decide as to what is just and right in the premises

Also, Assembly Bill No. 687—An Act for the relief of Owen Curren. The committee recommend the indefinite postponement of the bill

Also, Assembly Bill No. 683—An Act for the relief of James W Beckwell. The committee recommend the indefinite postponement of the bill.

Also, Assembly Bill No. 682—An Act for the relief of Francis McGrath. The committee recommend that the bill be indefinitely postponed.

Also, Assembly Bill No. 691—An Act to authorize the Controller to credit Hoss Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts No proofs having been presented to the committee to substantiate the justice of this claim, they recommend that it be indefinitely postponed.

Also, Senate Bill No. 398—An Act for the relief of J. R. De La Guerre. Upon an examination of the books of the Controller, it is ascertained that the military poll tax receipts for which payment is asked to be made

Treasurer of Santa Barbara County. The committee recommend that the bill be indefinitely postponed.

Also, Assembly Bill No. 729—An Act for the relief of Anna Cochran. The committee recommend that the bill be indefinitely postponed.

Also, Senate Bill No. 28—An Act to appropriate money to pay bond number thirty-four, issued by authority of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

The bond mentioned in this bill is the original of a duplicate issued under the Act mentioned in the title of this bill, which duplicate has been paid by the State. There are suspicions leading to the belief that this claimant has not legally come into the possession of this bond. The committee, therefore, believe that proofs should be required from the claimant upon that point before paying the bond. They recommend the indefinite postponement of the bill.

CONNELY, Chairman.

Mr. Ord, Chairman of the Committee on Roads and Highways, made the following report:

Mr SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 472—An Act concerning roads and fences—have had the same under consideration and report it back without recommendation.

ORD, Chairman.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 391—An Act to prohibit the trapping or snaring of quails to be sold for edible purposes—have had the bill under consideration and report the same back and recommend its passage

Also, Assembly Bill No. 690—An Act to encourage and develop the Angora or Cashmere goat enterprise in this State—report it back and recommend its indefinite postponement.

Also, Senate Bill No 146—An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State—report the same back and recommend its passage.

Also, Senate Bill No. 390—An Act to amend an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five—report the same back and recommend its passage.

KELLEY, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered Assembly Bill No. 730—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—and recommend its passage, with an amendment made by the committee.

Also, Senate Bill No. 515—An Act to fix the terms of the District Court of the First Judicial District of the State of California—and recommend its passage.

Also, Senate Bill No. 275—An Act to amend an Act concerning the Courts of justice of this State and judicial officers—approved April twentieth, eighteen hundred and sixty-three—and recommend its passage, with an amendment made by the committee.

Also, Senate Bill No. 215—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—and recommend its passage, with an amendment made by the committee.

Also, Senate Bill No 351—An Act to amend an Act to provide for the conveyance of mining claims, approved April thirteenth, eighteen hundred and sixty—and recommend its passage.

Also, Assembly Concurrent Resolution No. 13, Assembly Concurrent Resolution No. ——, Assembly Concurrent Resolution No 22 and Senate Bill No. 274—proposed amendments to the Constitution of this State—and recommend their passage.

STEELE, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Angney, from the Santa Clara delegation, made the following report:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 513—An Act to provide for the improvement of the rivers and streams in Santa Clara County—have had the bill under advisement and report back a substitute for the same, and recommend its passage.

ANGNEY, for Delegation.

Mr. Cochran, from the Butte delegation made the following report:

Mr. SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 565—An Act to provide funds to pay the floating debt of Butte County—respectfully report that they have considered the same and report it back, recommending that it pass.

COCHRAN, for Delegation.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr SPEAKER: The San Francisco delegation have had under consideration Assembly Bill No. 509—An Act relating to assessments for street improvements in the City and County of San Francisco—and they ask leave to report it back to the House and recommend its passage.

CONNELY, Chairman.

On motion of Mr. Connely, Assembly Bill No. 509, above reported, was taken up and put on its passage.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Pardee, from the Santa Cruz delegation, made the following report:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 743—An Act to provide for the election of Supervisors

in the County of Santa Cruz, and for the division of said county into Supervisor districts—report the same back with an amendment, and recommend its passage as amended.

PARDEE, for Delegation.

On motion of Mr. Pardee, Assembly Bill No. 743, above reported, was taken up and put on its passage.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

MOTIONS AND RESOLUTIONS.

Mr. Davies offered the following resolution :

Resolved, That Joseph Van Praag, Porter of this Assembly, be and he is hereby allowed the additional sum of one dollar per diem for extra labor, for the whole time of his service as Porter; and the Controller of State is authorized and directed to draw his warrant on the Treasurer for the amount of said services so allowed by virtue of this resolution.

On motion of Mr. Westmoreland, the resolution was amended to read "payable out of the Contingent Fund of the Assembly."

Adopted as amended, by unanimous consent.

Mr. Tuttle moved to take up from the general file Senate bill No. 561 and put it on its passage.

Carried.

Senate Bill No. 561—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads for revenue purposes, and other matters relating thereto.

Read a third time and passed.

Mr. Westmoreland offered the following resolution :

Resolved, That Senate Bill No. 377, granting lands to certain railroads for termini, be placed first on the file for to-morrow, the twenty-fourth of March.

Mr. Watson moved to amend by making the bill the special order for to morrow at two o'clock P. M.

Amendment accepted.

On the adoption of the resolution as amended, the ayes and noes were demanded by Messrs Westmoreland, Watson and Meagher, and the House refused by the following vote :

AYES—Messrs. Ables, Biggs, Broderson, Brown of Contra Costa, Buckbee, Canavan, Cochran, Comte, Davies, Dornin, Dwinelle, Fairchild, Hayes, Mace, McElhany, Middleton, Pardee, Rector, Spencer, Steele, Tully, Warfield, Watson, Westmoreland, Wolleb—25.

NOES—Messrs. Ayer, Angney, Batchelder, Battelle, Bever, Brown of Tulare, Caldwell, Church, Clark, Coggins, Connely, Crigler, Cureton, Days, Downer, Dryer, Farish, Giltner, Green, James, Jones, Lee, Mardis, Martin, Mattingly, Meagher, Mentzell, Moore, Morrow, Newell, Newsom, Ord, Papy, Rollins, Smith, Spilman, Tuttle, Waldron, Wand, White, Mr. Speaker—41.

On motion of Mr. Connely, the bill was made the special order for Wednesday, at two o'clock P. M.

Mr. Watson offered the following concurrent resolution:

Resolved, That his Excellency the Governor be requested to return to this House, Assembly Bill No. 447, for the purpose of correcting errors.

Adopted.

Mr. Comte moved to take up Senate Bill No. 243, on to-day's file, and consider it now.

Carried.

Senate Bill No. 243—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 upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Read a third time.

Mr. Coggins moved to amend.

Lost.

The bill then passed.

On motion of Mr. Rector, Assembly Bill No 548—An Act for the relief of T. M. Brown—on the general file, was taken up.

Considered in Committee of the Whole.

Mr. Steele in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Batchelder was allowed to withdraw from the further consideration of the House, Assembly Bill No. 518—An Act to amend an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, amended March second, eighteen hundred and sixty-four, to read an Act to tax and regulate foreign insurance companies doing business in this State

On motion of Mr. White, Assembly Bill No 432 was ordered fourth on the general file for to-day.

Mr. Mardis moved to take up from the general file Assembly Bill No. 170 and consider the same now.

Lost.

Mr. Westmoreland offered the following resolution:

Resolved, That Assembly Joint Memorial No. 1, on the general file of to-day, be placed sixth on the special file for this evening.

Adopted.

On motion of Mr. Cureton, Assembly Bill No 580, on the general file, was ordered number thirteen on the special file for this evening.

Mr. Tully offered a joint resolution in reference to the appropriations heretofore made by Congress for the United States Surveyor-General's Office, and also a resolution requesting our Senators and Representatives to urge upon the appropriate committee in Congress the necessity of appropriating for the public surveys of the State of California, for the next fiscal year, a sum not less than one hundred thousand dollars

Read first and second times, and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Mr. Mattingly offered the following resolution:

Resolved, That Senate Bill No 185, reported back this morning from the Committee on Commerce and Navigation, be made the special order for to-morrow, at two o'clock P. M.

Mr Buckbee moved the previous question.
Sustained.
On the adoption of the resolution, the ayes and noes were demanded by Messrs. Wand, Canavan and Spencer, and it was adopted by the following vote:

AYES—Messrs. Ables, Ayer, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Cochran, Comte, Connely, Davies, Dornin, Downer, Dryer. Dwinelle, Hayes, Mace, Mahon, Mardis, Mattingly, McElhany, Mentzell, Middleton, Ord, Papy, Payne, Rector, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Wolleb—41

NOES—Messrs. Angney, Batchelder, Brown of Tulare. Church, Clark, Coggins, Crigler, Cureton, Fairchild, Gildea, Giltner. Gregory, Green, Kelley, Lee, Martin, Meagher, Moore, Morrow, Newsom, Oliver, Pardee, Rollins, Wand, Mr. Speaker—25.

Mr. Buckbee moved that Assembly Bills Nos. 639 and 602, numbers twenty-two and twenty-three on to-day's general file, be placed on the special file for this evening
Carried.
On motion of Mr Mattingly, Senate Bill No. 366 was taken from the general file and ordered on the special file.
Speaker in the chair.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
March 21st, 1868.

Mr SPEAKER: I am directed to inform your honorable body that the Senate has passed the following bills:
Assembly Bill No. 148—An Act to grant to certain persons the right of way for a railroad track within the City and County of San Francisco, and to run horse cars thereon—with amendment.
Assembly Bill No. 457—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County
Assembly Bill No 535—An Act to provide for the payment of certain bonds in the County of San Joaquin—with amendment to title.
Assembly Bill No 228—An Act to provide for the protection of the harbor of the City and County of San Francisco.
Assembly Bill No 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.
Assembly Joint Resolution No. 3—Relative to appropriating fifty thousand dollars by Congress for turning the River of San Diego into False Bay, and otherwise to improve the harbor of San Diego
Assembly Bill No 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

Assembly Bill No. 515—An Act to repeal an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 23d, 1868

Mr. SPEAKER: The Senate, on the twenty-first instant, passed the following bills, viz:

Assembly Bill No. 142—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pichoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

Assembly Bill No. 525—An Act concerning hogs found running at large in the Counties of Mono and Inyo.

Assembly Bill No. 508—An Act to create a Redemption Fund for the County of Calaveras.

Assembly Bill No 286—An Act to create a Jury Fund, and to fix the compensation of grand and trial jurors in Calaveras County.

Assembly Joint Resolution No. 12—In relation to requesting our Senators and Representatives in Congress to use their influence to procure the appointment of a Mail Agent on the line of the California Pacific Railroad—with amendment.

Substitute for Assembly Bill No 234—An Act in relation to the funded indebtedness of Calaveras County, and to provide for the funding of unpaid claims against said county.

Assembly Bill No. 499—An Act to fix the time for holding County Court and Probate Court in the County of Yolo.

Assembly Bill No. 197—An Act to authorize the County Recorder of the City and County of San Francisco to appoint an additional deputy.

Assembly Bill No. 614—An Act to legalize the acts of the Board of Supervisors of Lake County, done at a special meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven.

Assembly Bill No. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same—with amendment.

Assembly Bill No. 365—An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No. 452—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco, and issuing process on the same.

Substitute for Assembly Bill No. 416—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty, and amended February twenty-ninth, eighteen hundred and sixty-four.

Assembly Bill No. 533—An Act to confer certain powers upon the Sacramento Gas Company and others—with amendment.

Assembly Bill No. 418—An Act to lower the grade of Sansome street, from Broadway to Lombard streets, in San Francisco.

Assembly Bill No. 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties

of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Assembly Bill No. 562—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento—with amendment.

Assembly Bill No. 372—An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three

Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant).

Assembly Bill No. 107—An Act to incorporate the City of Monterey.

Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society, San Francisco.

Assembly Concurrent Resolution No. 53, relative to allowing pay for raising the flag on the State Capitol.

Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three

Assembly Bill No. 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a county jail

Assembly Bill No. 534—An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto.

Substitute for Assembly Bill No 523—An Act to fix the compensation of grand and trial jurors in the County of Tulare

Assembly Bill No 466—An Act to provide for the erection of a jail and County Recorder's office building, in Alameda County

Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two

Assembly Bill No. 553—An Act to provide for the protection of certain lands in the County of Sutter from overflow.

Assembly Bill No. 336—An Act to provide for the relief of the indigent sick in San Mateo County, with amendments.

Also, adopted and passed substitute for Assembly Bill No 294—An Act amendatory of an Act approved March first, eighteen hundred and sixty-four, entitled an Act to amend an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine.

And indefinitely postponed the two following bills:

Assembly Bill No. 370—An Act to establish a Court in the City and County of San Francisco, to be called the San Francisco Criminal Court.

Assembly Bill No. 343—An Act granting a wharf franchise in the City of Sacramento.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 148, above reported; Senate amendments adopted in concurrence.

Assembly Bill No. 366, above reported; Senate amendments adopted in concurrence.

Assembly Bill No. 553, above reported; Senate amendments adopted in concurrence.

Assembly Bill No. 562, above reported; Senate amendments adopted in concurrence.

Substitute for Assembly Bill No. 336, above reported; Senate amendments adopted in concurrence.

Assembly Bill No. 294, above reported; Senate substitute adopted.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr Oliver—An Act to authorize the Common Council of the City of Stockton to subscribe to railroads

Read first and second times and referred to the San Joaquin delegation.

Also, an Act granting certain parties the right to build a wharf.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to authorize the Board of Supervisors of the County of San Joaquin to take and subscribe one hundred thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company and to the branch of said road, and to provide for the payment of the same, and other matters relating thereto

Read first and second times and referred to the San Joaquin delegation

By Mr. Brown of Contra Costa—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 amendments thereto.

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

By Mr Warfield—An Act to authorize the sale and conveyance of certain submerged lands in the City and County of San Francisco to the California Nail Manufacturing Company.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Tuttle—An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. Price.

Read first and second times and placed on special file.

By Mr. Cochran—An Act to provide funds to pay the floating debt of Butte County

Read first and second times and placed on special file.

GENERAL FILE.

Assembly Bill No. 722—An Act to provide for the care and maintenance of indigent insane persons in the State of California.

Considered in Committee of the Whole.

Mr. Cochran in the chair.

IN ASSEMBLY.

Bill reported back with amendments.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

MESSAGES FROM THE SENATE.

On motion of Mr. Jones, the following Senate messages were taken up:

SENATE CHAMBER,
March 23d, 1868.

Mr SPEAKER: I am directed to inform the Assembly that on the twenty-first instant the Senate passed Senate Bill No. 534—An Act granting the privilege to James B. Peck and his assigns to build and erect a wharf at Saucelito, Marin County.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 23d, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on the twenty-first instant passed Senate Bill No. 466—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto.

Also, on this day passed, under a suspension of the rules, Assembly Bill No. 569—An Act to provide a Sheriff for the County of Trinity, to fill a vacancy caused by the death of James Cochran.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 569, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 466, above reported, was read first and second times and ordered placed on general file.

Senate Bill No. 534, above reported, was read first and second times and ordered placed on special file.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 457—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County;

Also, Assembly Bill No. 228—An Act to provide for the protection of the harbor of the City and County of San Francisco;

Also, Assembly Bill No 503—An Act to grant to Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and to collect toll thereon;

Also, Assembly Bill No. 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey;

Also, Assembly Bill No 529—An Act to prevent hogs from running at large in the County of Contra Costa;

Also, Assembly Joint Resolution No 3, relative to appropriating fifty thousand dollars by Congress for turning the River of San Diego into False Bay, and otherwise to improve the harbor of San Diego;

Also, Assembly Bill No. 583—An Act to create and organize the University of California;

Also, Assembly Bill No 526—An Act concerning hogs found running at large in the County of Monterey;

Also, Assembly Bill No 313—An Act authorizing the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land to be used as a public graveyard;

And this day, at thirty minutes past twelve o'clock M., presented the same to the Governor for his approval.

AYER, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 488—An Act to amend an Act entitled an Act to authorize guardians of minors, idiots and lunatics to receive and remove from this State any property to which said ward may be entitled.

Amendment adopted

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 91—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.

Mr Rollins offered a substitute for the bill

Mr. White moved to strike out section two of the substitute.

Mr Steele in the chair.

Mr. Watson moved the previous question.

Sustained.

On the question to strike out section two of the substitute, the ayes and noes were demanded by Messrs Spencer, White and Meagher, and the motion prevailed by the following vote:

AYES—Messrs Angney, Ayer, Batchelder, Bever, Bird, Broderson, Caldwell, Canavan, Clark, Coggins, Crigler, Days, Dornin, Downer, Fairchild, Gildea, Giltner, Gregory, James, Jones, Kelley, Luptor, Mace, Mahon, Mardis, Martin, McElhany, Meagher, Mentzell, Moore, Morrow, Newsom, Ord, Payne, Rector, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Warfield, White—44

NOES—Messrs Ables, Battelle, Biggs, Brown of Contra Costa, Buckbee, Church, Cochran, Comte, Connely, Cureton, Davies, Dryer, Dwinelle, Ellis, Farish, Green, Hayes, Lee, Mattingly, Middleton, Newell, Oliver, Papy, Pardee, Rollins, Steele, Wand, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—32.

On the adoption of the substitute, the ayes and noes were demanded by Messrs Spencer, Waldron and Coggins, and the substitute was adopted by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Biggs, Broderson, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Church, Clark, Comte, Connely, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Ellis, Farish, Giltner, Gregory, Green, Hayes, James, Jones, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Middleton, Oliver, Papy, Payne, Rollins, Smith, Spencer, Spilman, Tully, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb—53.

NOES—Messrs. Bever, Bird, Coggins, Crigler, Days, Fairchild, Gildea, Kelley, McElhany, Mentzell, Moore, Morrow, Newsom, Ord, Pardee, Steele, Tuttle, Waldron—18.

Ordered engrossed.

Mr. Tuttle moved to suspend the rules and put the bill on its final passage.

The ayes and noes were demanded by Messrs Moore, Coggins and Rollins, and the motion prevailed by the following vote:

AYES—Messrs Ables, Ayer, Batchelder, Battelle, Biggs, Brown of Contra Costa, Brown of Tulare, Buckbee, Canavan, Church, Clark, Comte, Connely, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Farish, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Middleton, Newell, Oliver, Ord, Papy, Rollins, Smith, Spencer, Spilman, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—56.

NOES—Messrs Angney, Bever, Bird, Caldwell, Coggins, Crigler, Fairchild, Mentzell, Moore, Morrow, Newsom, Steele, Tully—13.

Mr. Gildea moved to refer the bill to the Committee on Corporations, with special instructions.

Mr. Westmoreland rose to a point of order, said the instructions were not intelligible as read—it was impossible to determine where the amendments would apply

The point of order was sustained.

Mr. Dwinelle moved the previous question.

Mr Gildea rose to a point of order, said his instructions were corrected and offered before the demand for the previous question.

The instructions, as corrected, were as follows:

Strike out of line eight, seven cents, and insert five cents.
Strike out of line nine, ten cents, and insert eight cents
Strike out of line twelve, nine cents, and insert seven cents.
Strike out of line thirteen, twelve cents, and insert ten cents.
Strike out of line seventeen, ten cents, and insert eight cents.
Strike out of line eighteen, fifteen cents, and insert twelve cents.

The Chair decided that the instructions had not been entertained before the call for the previous question

On the call for the previous question, the ayes and noes were demanded by Messrs Rollins, White and Mahon, and the main question was ordered by the following vote:

AYES—Messrs. Ables, Angney. Ayer, Batchelder, Battelle, Biggs, Bird, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Comte, Connely, Cureton, Davies, Dornin, Downer. Dwinelle, Ellis, Fairchild, Gregory, Green, Kelley, Lee. Lupton, Mace, Mardis, Martin, Mattingly, Middleton, Newell. Oliver, Papy, Smith. Spilman, Steele, Wand, Warfield, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—43.

NOES—Messrs. Bever. Caldwell, Coggins. Crigler, Days, Dryer, Gildea, James, Jones, Mahon, Meagher, Mentzell, Moore, Morrow, Newsom, Ord, Pardee, Rector, Rollins, Tully, Tuttle, Waldron, White—23.

The Chair stated that the question was now on the passage of the bill.

Mr. Gildea rose to a point of order, said that the instructions offered by him were before the House.

Overruled.

Mr. Gildea appealed.

Mr. Watson rose to a point of order, that the House was acting under the previous question and nothing else was now in order

The Speaker sustained the point of order, and said the appeal could not be entertained at this time.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Biggs, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Church, Clark, Cochran, Comte, Connely, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee. Lupton, Mardis, Martin, Mattingly, Meagher, Middleton, Oliver, Papy, Pardee, Rollins, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron. Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—56.

NOES—Messrs. Bird, Coggins, Crigler, Days, Mahon, Mentzell, Moore, Morrow, Newsom, Ord—10.

Mr. Gildea gave notice that he would move to reconsider the vote by which the bill passed.

REPORTS.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 740—An Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight.

Also, substitute for Assembly Bill No. 597—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

Also, Assembly, Bill No 670—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

DAYS, for Committee.

Mr. Lupton made a report from the Committee on Federal Relations, reporting back Assembly Concurrent Resolution No 44, relative to the Neutrality Laws, illegal arrests of American citizens abroad, etc.; said resolution having received the careful attention of the Committee on Federal Relations, the committee reported a substitute for the resolution and recommended the adoption of the substitute.

[For report, see Appendix.]

GENERAL FILE RESUMED.

Assembly Bill No. 567—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco.

Amended, amendments adopted.

Mr Gildea, by leave, withdrew his notice of reconsideration of the vote by which Assembly Bill No. 91 passed.

Mr. Papy moved to indefinitely postpone Assembly Bill No. 567.

Mr Canavan moved the previous question.

Sustained.

The motion to indefinitely postpone the bill was lost.

The bill was ordered engrossed

Mr. Canavan moved to suspend the rules and put the bill on its passage.

The ayes and noes were demanded by Messrs Tuttle, Papy and Angney, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Biggs, Broderson, Buckbee, Canavan, Church, Comte, Crigler, Cureton, Davies, Dornin, Dwinelle, Fairchild, Hayes, James, Jones, Kelley, Lee, Mace, Mahon, Mattingly, Meagher, Middleton, Newell, Newsom, Oliver, Smith, Spilman, Tully, Wand, Warfield, Watson, White, Willets - 37.

NOES—Messrs. Angney, Bever, Caldwell, Connely, Dryer, Farish, Lupton, Martin, Mentzell, Morrow, Papy, Tuttle, Waldron—13.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lupton, Papy and Tuttle, and it passed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Biggs, Broderson, Buckbee, Canavan, Church, Comte, Crigler, Cureton, Davies, Dornin, Dwinelle, Fairchild, Hayes, James, Jones, Kelley, Lee, Mace, Mahon, Mattingly, Meagher, Middleton, Newell, Newsom, Oliver, Smith, Spencer, Spilman, Tully, Tuttle, Wand, Warfield, Watson, White, Willets—39.

NOES—Messrs. Angney, Bever, Caldwell, Connely, Farish, Lupton, Martin, Mentzell, Morrow, Papy, Waldron—11.

Mr. Tuttle gave notice to reconsider the vote just taken.

At five o'clock and twenty minutes P. M. on motion of Mr. Spencer, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

SPECIAL FILE.

Assembly Bill No. 593—An Act to supply deficient records in the County Clerk's office in the County of Sacramento.

Read a third time and passed.

Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice, in criminal cases, in San Mateo County.

Read a third time and passed.

Assembly Bill No. 555—An Act to separate the office of County Recorder from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder therein.

Read a third time and passed.

The members of the Judiciary Committee had leave of absence to atttend to committee duty

Assembly Bill No. 707—An Act concerning roads and highways in the County of Placer.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 545—An Act to confirm and legalize certain contracts entered into by Peter Donohue and others.

Rules suspended, bill considered engrossed. read a third time and passed.

Assembly Bill No. 711—An Act further extending the time for the completion of the Campo Seco and Mokelumne Hill Turnpike Road.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 713—An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty six

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 226—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, etc

Substitute adopted.

Read a third time and passed.

Assembly Bill No. 692—An Act amendatory of and supplementary to an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington, to certain parties therein named. approved April third, eighteen hundred and fifty-seven.

Laid over until to-morrow.

Assembly Joint Memorial No 1, concerning the payment of damages by the United States done by Indians in eighteen hundred and sixty-one. eighteen hundred and sixty-two and eighteen hundred and sixty-three. in the County of Humboldt. etc

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 309—An Act to reincorporate the Town of Santa Clara.

Ordered to top of special file for to-morrow.

Assembly Bill No 569—An Act to authorize Thomas H. Holt, J. Clarke, J H. Blumenberg and associates, to construct a railroad on certain streets in San Francisco.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 710—An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the County of Klamath.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 714—An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 580—An Act supplementary to and amendatory of an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Mr. Martin and others offered to amend by inserting Sonoma, Stanislaus, Merced, Humboldt, San Bernardino, San Diego, Tulare and Fresno after the words "Lake County," in section one.

Mr. Mahon moved to indefinitely postpone the bill.

Mr. Smith moved the previous question

Sustained.

On the question to indefinitely postpone, the ayes and noes were demanded by Messrs. Canavan, Cureton and Tully, and the House refused by the following vote:

AYES—Messrs. Angney, Batchelder, Bever, Bird, Church, Clark, Connely, Days, Fairchild, Gregory, Lee, Lupton, Mahon, McElhany, Meagher, Mentzell, Middleton, Ord, Pardee, Payne, Spencer, Tuttle, Waldron, Wand, Watson, White, Willets—27.

NOES—Messrs Ables, Battelle, Biggs, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Coggins, Comte, Crigler, Cureton, Davies, Giltner, Hayes, James, Jones, Martin, Mattingly, Morrow, Newell, Newsom, Oliver, Smith, Spilman, Tully, Warfield, Westmoreland—28.

The amendments were lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Meagher, Watson and Cureton, and the House refused by the following vote:

AYES—Messrs. Ables, Battelle, Biggs, Brown of Tulare, Caldwell, Canavan, Clark, Comte, Crigler, Cureton, Davies, Ellis, Gildea, Giltner, Hayes, Jones, Martin, Mattingly, McElhany, Mentzell, Morrow, Newsom, Oliver, Smith, Spilman, Tully, Warfield, Westmoreland, Wolleb —29.

NOES—Messrs. Angney, Batchelder, Bever, Bird, Broderson, Buckbee, Church, Coggins, Connely, Days, Dornin, Downer, Gregory, James, Lee, Lupton, Mace, Mahon, Meagher, Middleton, Newell, Ord, Payne, Spencer, Tuttle, Waldron, Wand, Watson, White, Willets—30.

Assembly Bill No. 716—An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 717—An Act to amend section nine of an Act entitled an Act to amend an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 718—An Act to extend the time for commencing the construction of the Stockton and Copperopolis Railroad; also, that of the Stanislaus and Mariposa Railroad.

Enacting clause inserted

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 440—An Act to incorporate the City of Petaluma.

Read a third time and passed.

Senate Bill No. 424—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four.

Read a third time and passed

Senate Bill No. 400—An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers in the County of Butte, approved May third, eighteen hundred and sixty-one.

Read a third time and passed.

Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures

Read a third time and passed.

Senate Bill No. 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

Read a third time and passed.

Senate Bill No 397—An Act to provide for funding the debt of the Road Fund in Tulare County.

Read a third time and passed.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 625—An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City and County of San Francisco.

BATCHELDER, for Committee.

Assembly Bill No 604—An Act to authorize J. S Woods, William Shattuck, Frank H. Cummings, Daniel W. Clark, S. E. Wilson, E D. Shir-

land and their associates and assigns, to lay down gas pipes in the City of Sacramento, County of Sacramento.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed

Senate Bill No 393—An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa.

Ordered second on file to-morrow.

Assembly Bill No 588—An Act to authorize and empower Horace Templeton, Thomas W. Moore, William S. Chapman and Clinton Garnee, or their assigns, to float logs and other timber down Pescadero Creek, in Santa Cruz County, to remove from the channel of said creek all obstructions which may interfere with logging on the same, and to construct and maintain dams, booms and piers in said creek, for the term of twenty years.

Amended, amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 544—An Act to re-district the County of Monterey and to provide for the election of Supervisors.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 676—An Act to confer additional powers on the Trustees of the City of Sacramento.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 396—An Act to create a Contingent Fund for the County of Kern

The bill was read a third time and passed.

Assembly Bill No. 728—An Act to amend an Act entitled an Act to fix the County Court and the Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 725—An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 622—An Act for the relief of Rebecca C. Hoagland.

Recommitted to the Judiciary Committee, with special instructions.

Assembly Bill No. 748—An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 720—An Act to increase the number of Notaries Public for Mendocino County.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 723—An Act to provide for a drainage district in the County of Yolo.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 731—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 739—An Act amendatory of and supplementary to an Act entitled an Act granting to the mining counties of this State the foreign miners' tax collected in said counties severally.

Passed on file.

Assembly Bill No. 741—An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of the San Antonio Creek, and to keep the channel of said creek open for navigation.

Mr Clark moved to refer to the Committee on Commerce and Navigation.

Lost.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 736—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Ordered third on file for to-morrow.

Assembly Bill No 744—An Act to provide for the improvement of the navigation of the Stanislaus River.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 746—An Act to amend an Act entitled an Act to authorize J. Q A Tilton and others to construct and maintain a turnpike road, from the point where the main county road crosses the San Mateo Creek, to Half Moon Bay, and to charge and collect tolls for travel thereon, approved March twentieth, eighteen hundred and sixty-six

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 339—An Act to authorize the establishment of a Board of Health in the City of Sacramento

Ordered to the special file for to-morrow.

Senate Bill No. 530—An Act to amend an Act entitled an Act to regulate fees in office in the County of Nevada.

Amended, amendments adopted.

On motion of Mr. Clark. the bill was indefinitely postponed.

Senate Concurrent Resolution No. 61, granting leave of absence from the State to W. J. Costigan, County Clerk of Solano County.

Read a third time and passed.

Assembly Bill No. 737—An Act to amend section one of an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight.

Rules suspended, bill considered engrossed, read a third time and passed.

Substitute for Senate Bill No 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Read a third time and passed.

Senate Bill No. 420—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador, and to prescribe the manner of paying the same.

Read a third time and passed.

Senate Bill No 523—An Act to amend an Act entitled an Act to provide a fund for the redemption and prescribing the manner of redeeming the outstanding county warrants drawn upon the Treasurer of Tuolumne County.

Read a third time and passed.

Senate Bill No 528—An Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty eight.

Amended, amendment adopted.

Read a third time and passed.

Senate Bill No. 529—An Act amendatory of and supplemental to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Amended, amendments adopted.

Read a third time and passed.

At ten o'clock and ten minutes P. M., Mr. Spencer moved to adjourn.

Lost

Senate Bill No 414—An Act to incorporate the Town of Redwood City.

Read a third time and passed.

Assembly Bill No 66—An Act for the relief of the County Treasurer of San Diego County.

Indefinitely postponed.

Senate Bill No 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Amendments adopted.

Read third time and passed.

Senate Bill No 548—An Act to authorize the Board of Supervisors of Tulare County to redistrict the County of Tulare into Supervisor districts

Read third time and passed.

Assembly Bill No 334 (substitute)—An Act relating to the boundary line between the Counties of Plumas and Sierra.

Mr. Buckbee offered a substitute, and moved that the bill be recommitted to the Committee on Counties and County Boundaries, with special instructions to report the substitute.

Lost.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs Buckbee, Brown of Tulare and Spencer, and the bill passed by the following vote:

AYES—Messrs. Angney, Batchelder, Battelle, Biggs, Bird, Brown of Tulare, Buckbee, Church, Clark, Crigler, Dornin, Downer, Farish, Hayes, Lee, Lupton, Martin, McElhany, Moore, Morrow, Newell, Oliver, Smith, Spilman, Steele, Tully, Waldron, White—28.

NOES—Messrs. Ables, Bever, Coggins, Comte, Davies, Gregory, James,

Mahon, Mattingly, Meagher, Mentzell, Spencer, Wand, Willets, Wolleb, Mr. Speaker—16.

Mr. Buckbee gave notice that he would, on to-morrow, move to reconsider the vote by which the bill passed.

Assembly Bill No 309—An Act to amend section six of an Act amendatory of and supplemental to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two.

Substitute adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 794—An Act to enable the County of Alameda to purchase a tract of land and use the same for charitable purposes, and to establish a Home for the Unfortunate.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 637—An Act concerning the foreign miners' license tax in the County of Placer.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 750—An Act amendatory of and supplementary to an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three, and to make said Act applicable to the County of Lassen.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 747—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited.

Passed on the file.

Assembly Bill No. 751—An Act authorizizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Buckbee gave notice to reconsider the vote just taken, which was subsequently withdrawn, by leave.

Senate Bill No. 467 (substitute)—An Act for the relief of C. C Townsend.

Substitute adopted.

Read a third time and passed.

Senate Bill No. 559—An Act to fix the compensation of the County Sheriff of the County of San Luis Obispo.

Read a third time and passed.

Senate Bill No. 418—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

Read a third time and passed.

Assembly Bill No. 252—An Act to authorize Jane Spencer and Golder

Field, administrators of the estate of Daniel L Spencer, deceased, to sell land belonging to the estate.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 685—An Act to create the office of County Assessor in Calaveras County, define his duties and fix his compensation.

Laid on the table

Senate Bill No. 374 was ordered on the file for to-morrow.

Assembly Bill No 700—An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura, approved March tenth, eighteen hundred and sixty-six

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Meagher gave notice that he should, on to-morrow, move to reconsider the vote by which the bill was passed.

At eleven o'clock and thirty minutes P M, on motion of Mr. Smith, the House adjourned.

C. T. RYLAND, Speaker.

W. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 24th, 1868

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered Senate Bill No. 422—An Act to authorize the guardian of certain minors to sell or mortgage their real estate—and recommend its passage.

Also, Assembly Bill No. 755—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 amendments thereto—and recommend its passage.

The Committee on the Judiciary have also had under consideration, Senate Concurrent Resolution No 11, proposed amendments to the Constitution of the State of California, by which it is proposed that this Legislature agree to the amendments proposed by the Legislature of this State at its sixteenth session, changing the time for the election of

the Judges of the several Courts and of the Superintendent of Public Instruction, to the same day at which other elections are held.

STEELE, Chairman.

[For report, see Appendix.]

Mr. Moore, from the Judiciary Committee, made a verbal minority report in reference to Senate Bill No. 422, reported from said committee to-day, recommending that it do not pass

On motion of Mr. Rollins, the report of the Judiciary Committee in reference to Senate Concurrent Resolution No. 11, was ordered printed.

Mr. Kelley, Chairman of the Committee on Agriculture, made the following report:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 664—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, passed March twenty sixth, eighteen hundred and sixty-six—have had the bill under consideration, and amended the same, and beg leave to report it back and recommend its passage as amended.

Also, Assembly Bill No. 706—An Act amendatory of and supplemental to an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six—report the same back and recommend it be indefinitely postponed.

Also, Assembly Bill No. 694—An Act for the encouragement of agricultural societies in this State—report the same back and recommend its passage.

KELLY, Chairman.

Mr Angney, 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. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office—report the same back and recommend its passage.

ANGNEY, Chairman.

REPORTS OF SELECT COMMITTEES.

Mr. Connely, for the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation have considered Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named. They have made an amendment to the bill, and a majority of the delegation have instructed me to report the same back to the House and recommend its passage as amended.

CONNELY, Chairman.

Mr. Brown of Contra Costa made the following minority report from the Judiciary Committee:

Mr SPEAKER: The undersigned, minority of the Committee on Judiciary, disagrees with the majority of the committee in their report on

Senate Concurrent Resolution No. 11—proposed amendments to the Constitution of the State of California—and recommend the adoption of the said resolution.

THOMAS A. BROWN.

Mr. Fairchild, from the Siskiyou delegation, made the following report:

Mr. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 537—An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou—beg leave to report the same back and recommend its passage.

FAIRCHILD, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 23d, 1868

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 677—An Act to enable the City of Oakland to settle its controversies.

Also, Assembly Bill No. 605—An Act granting leave of absence to W. C. Stratton, State Librarian.

H. H HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr Davies moved that Assembly Bill No. 170 take the place of Assembly Bill No. 520 on the general file of to-day.

Carried.

Mr. White offered the following resolution:

Resolved, That the Committee on the Judiciary are hereby requested to report Assembly Bill No 715—An Act to prevent extortionate service in certain occupations—back to this House immediately, with or without recommendation.

Adopted.

On motion of Mr. Brown of Tulare, Assembly Bill No. 624, on the general file to-day, was ordered to the top of special file for this evening.

Mr. Dwinelle offered a concurrent resolution relative to the Pious Fund of California.

Read first and second times and referred to the Committee on Federal Relations, and ordered printed.

Also, a concurrent resolution relative to the investment of the Agricultural College Fund.

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

Mr. Westmoreland offered the following resolution:

Resolved, That one dollar per day, in addition to the compensation now allowed, be paid to Benjamin A. Dewes, Howell C. Moore, Samuel Marks, Johnny Kennedy and Samuel P. Hall, Pages and Paper Folders of the Assembly, from the commencement to the close of the session; and the Controller is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly for the payment of the same.

The Speaker ruled that the resolution could only be adopted by unanimous consent.

Objections being made, the House refused.

Mr Westmoreland gave notice that on to-morrow he should move to rescind the seventy-ninth rule of this House.

Mr Frisbie offered a concurrent resolution, granting leave of absence to J W Batchelor, a District Assessor of Solano County.

Adopted.

Mr. Canavan offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That the sum of two thousand and seventy dollars be and the same is hereby appropriated, payable one half out of the Contingent Fund of the Assembly and one half out of the Contingent Fund of the Senate, to defray the expenses incurred by the Committees on Public Buildings of the two Houses, in investigating the foundations of the new Capitol building; and the Controller of State is hereby authorized to draw his warrants, and the Treasurer is directed to pay the same, in favor of the following named persons, viz:

To whom due.	Amount.
W. J. Lewis, civil engineer	$150 00
C. F. Reed, civil engineer	150 00
B. S. Alexander, civil engineer	150 00
A. F. Godard, civil engineer	25 00
J. R. Ray, civil engineer	25 00
George Bordwell, architect	150 00
S. H. Williams, architect	150 00
L. R Townsend, architect	150 00
E. A Conoly, architect	150 00
M. Fennel, builder	150 00
J. P. O'Conner, builder	150 00
A. A. Bennett, builder	60 00
J. Z Davis, builder	150 00
M R. Rose, well-borer	65 00
William Coates, short-hand reporter, eighteen days	270 00
T. A Talbot, Sergeant-at-Arms, eighteen days	100 00
P. Crohen, laborer	5 00
John Conway	5 00
D. Herold	5 00
P. Fitzgerald	5 00
W. Cunningham	5 00

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

Lost.

The resolution was adopted.

On motion of Mr. Broderson, Assembly Bill No. 32 was made the special order for two o'clock P M to-day.

Mr. Canavan offered the following resolution:

Resolved, That the report of the Joint Committee on Public Buildings and Grounds be printed.

Mr Church moved to lay on the table.

Lost

The resolution was then adopted.

On motion of Mr Connely, Senate Bill No. 387 was ordered third on the general file for to-day.

Mr. Rector, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, substitute for Assembly Bill No. 705—An Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise

Also, Assembly Bill No 548—An Act for the relief of T. M. Brown.

Also, Assembly Bill No 659—An Act to facilitate the City of Sacramento in procuring material to raise the streets and levees.

Also, Assembly Bill No. 564—An Act to divide the County of Mono into Supervisor districts, fixing the compensation of the Board of Supervisors and providing payment for the same, and defining their powers and duties.

Also, Assembly Bill No. 611—An Act to fix the salary of the Treasurer of Placer County.

Also, Assembly Bill No 585—An Act concerning the municipal election to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County.

Also, Assembly Bill No 636—An Act to authorize Miguel Pedrorena, Miguel Aguerre, their associates and assigns, to construct and maintain a wharf at the Town of New San Diego, on the Bay of San Diego.

Also, Assembly Bill No. 612—An Act to amend sections one, two and three of an Act entitled an Act concerning the office of County Clerk of Placer County.

Also, Assembly Bill No 584—An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto; to define the powers and duties of said Commissioners, and to repeal other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act

Also, Assembly Bill No. 710—An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte.

Also, substitute for Assembly Bill No 274—An Act to extend the police powers of the President and Trustees of the City of San Diego.

Also, Assembly Bill No. 604—An Act to authorize J. S Woods, William Shattuck, Frank H Cummings, Daniel W. Clark, S E. Wilson, E.

D. Shirland. and their associates and assigns, to lay down gas pipes in the City of Sacramento, County of Sacramento.

RECTOR, for Committee.

On motion of Mr. Brown of Contra Costa, Assembly Bill No. 755, reported from the Judiciary Committee to-day, was taken up—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 amendments thereto.

Further reading dispensed with.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Canavan, Senate Bill No. 506 was taken from the general file and ordered to the special file for this evening

On motion of Mr. Brown of Tulare, Assembly Bill No. 556 was made the special order for two o'clock P. M. to-day.

Mr. Dwinelle, for the Judiciary Committee, reported back Assembly Bill No. 622 with its substitute amended, and recommend its passage as amended.

On motion of Mr Clark, Senate Bill No 67 was ordered third on the general file for to-morrow.

On motion of Mr. Buckbee, Assembly Bill No. 602 was ordered to the special file for this evening.

On motion of Mr. Batchelder, Senate Bill No. 485 was made second special order for two o'clock P. M to-day.

On motion of Mr. Church, Assembly Bill No. 730 was ordered on the special file for this evening

On motion of Mr. Frisbie, Assembly Bill No. 620, on the general file, was ordered fifth on the file.

Mr. Connely moved to reconsider the vote by which Assembly Bill No. 567 passed on yesterday.

The vote was reconsidered.

Mr. Connely moved to refer the bill to the Committee on Commerce and Navigation, with special instructions

Mr. Tuttle moved to amend by additional instructions.

Carried.

The bill was referred with instructions as amended.

Mr. Wolleb, from the Sacramento delegation, made the following report:

Mr SPEAKER: The Sacramento delegation, have had under consideration Senate Bill No. 555—An Act to provide a proper hospital for the City of Sacramento—and report the same back with amendment, recommending its passage

WOLLEB, for Delegation.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 23d, 1868.

Mr SPEAKER: I am instructed by the Senate to inform the Assembly that on this day the Senate concurred in Assembly Concurrent Resolution No 55. requesting the return of Assembly Bill No. 447 for the purpose of correcting an error.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 23d, 1868.

Mr SPEAKER: I am directed to inform the Assembly that the Senate this day passed Assembly Bill No. 500—An Act to authorize the County of Yolo to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds.

Also, on the same day, refused to concur in Assembly amendments to Senate Bill No 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of F. A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 23d, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on the twenty-first instant passed Senate Concurrent Resolution No. 63, relative to establishing a mail route from Stockton to Millerton, Post-offices on said route. etc.

Also, Senate Bill No. 130—An Act to provide for the revision and compilation of the laws of the State of California and the publication thereof.

Also, Senate Bill No 145—An Act defining the boundary line between the Counties of Santa Barbara and San Luis Obispo

Also, Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Also, Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Senate Bill No 416—An Act to promote the study of anatomy and to repeal existing laws upon the subject.

Also, Senate Bill No 435—An Act to authorize William Bihler to construct a wharf on Petaluma Creek

Also, Senate Bill No. 446—An Act to provide for the collection of delinquent school taxes and legalizing assessments and school elections held in school districts in the County of Marin

Also, Senate Bill No. 454—An Act to repeal certains Act concerning hogs found running at large in Amador County.

Also, Senate Bill No. 461—An Act to extend the time in which to complete a wagon road.

Also, Senate Bill No. 474—An Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County.

Also, Senate Bill No 476—An Act for the relief of W. R. Crawford.

Also, Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries.

Also, Senate Bill No. 480—An Act granting to Bradley V. Sargent and others the right to erect gas works and lay gas pipes in the City of Monterey.

Also, Senate Bill No. 483—An Act to amend an Act entitled an Act in relation to roads and Roadmasters in the County of Solano, approved March twenty-fourth, eighteen hundred and sixty-eight

Also, Senate Bill No. 487—An Act to authorize the Italian Mutual Benevolent Association to change its name.

Also, Senate Bill No. 488—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and settle a certain claim.

Also, Senate Bill No 490—An to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and for the collection of taxes therein.

Also, Senate Bill No 492—An Act in relation to the duties of the Assessor and Collector of Tuolumne County.

Also, Senate Bill No. 510—An Act to authorize J. B. Ward and his associates to construct and maintain a wharf in Santa Barbara County.

Also, Senate Bill No. 514—An Act to amend an Act entitled an Act fixing the compensation of the Board of Supervisors of Stanislaus County, approved April tenth, eighteen hundred and fifty-eight.

Also, Senate Bill No 516—An Act to amend an Act entitled an Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four

Also, Senate Bill No. 519—An Act to authorize Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof.

Also, Senate Bill No 526—An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in said townships in the year eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for the said year.

Also, Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven.

Also, Senate Bill No 553—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Yerba Buena Park.

Also, Senate Bill No 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad Company.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 23d, 1868.

Mr. SPEAKER: The Senate on Saturday last adopted an amendment to and passed Assembly Bill No. 307—An Act to regulate fees in office.

Also, amended and passed, Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers

And, on this day, passed Assembly Bill No 549—An Act to fix the terms of the County Court and Probate Court of the County of Monterey.

Also, Assembly Bill No. 650—An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, eighteen hundred and sixty-eight.

Also, Assembly Concurrent Resolution No. 56, relative to additional appropriations to prosecute public land surveys in this State.

Also, Assembly Bill No 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington.

Also, Senate Bill No 465—An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereof.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER.
March 24th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, under a suspension of the rules, Senate Bill No 575—An Act requiring the Controller of State to transfer certain funds—and ordered the same immediately transmitted to the Assembly.

W. F. HEUSTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 336, above reported, was read, and the House receded from its amendments to the bill.

Senate Bill No 435, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 494, above reported, read first and second times and referred to the Committee on Commerce and Navigation

Senate Bill No 478, above reported, was read first and second times and referred to the Committee on Commerce and Navigation

Senate Bill No. 519, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 510, above reported, was read first and second times and referred to the Committee on Commerce and Navigation

Senate Bill No. 539, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Senate Concurrent Resolution No 63, above reported, was read first and second times and placed on file.

Senate Bill No. 130, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No 145, above reported, was read first and second times and referred to the Committee on Counties and County Boundaries

Senate Bill No 230, above reported, was read first and second times and ordered on the special file.

Senate Bill No 394, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 446, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 454, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 474, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 483, above reported, was read first and second times and ordered on the special file

Senate Bill No. 487, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 488, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 490, above reported, was read first and second times and ordered on the special file

Senate Bill No. 492, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 516, above reported, was read first and second times and ordered on the special file

Senate Bill No. 526, above reported, was read first and second times and ordered on the special file.

Senate Bill No 465, above reported, was read first and second times and ordered on the special file.

Senate Bill No 416, above reported, was read first and second times and referred to the Committee on State Hospitals

Senate Bill No. 461, above reported, was read first and second times and referred to the Judiciary Committee

Substitute for Senate Bill No 476, above reported, was read first and second times and referred to Committee on Claims

Senate Bill No. 485, above reported, was read first and second times and referred to the Committee on Corporations.

Senate Bill No. 514, above reported, was read first and second times and referred to the Stanislaus delegation.

Senate Bill No 553, above reported, was read first and second times and referred to San Francisco delegation

Assembly Bill No. 549, above reported; Senate amendments adopted in concurrence.

Assembly Bill No. 478, above reported; Senate amendments adopted in concurrence.

Assembly Bill No. 307, above reported; Senate amendments adopted in concurrence.

Senate Bill No 575, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed

Mr Angney gave notice that he should on to-morrow move to reconsider the vote by which Senate Bill No. 130 was passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to repeal an Act incorporating the Town of Auburn.

Read first and second times and placed on special file

By Mr. Angney—An Act to restrain the importation of Chinese coolies into the State of California.

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

GENERAL FILE.

Assembly Bill No 618—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

On motion of Mr Angney, the rules were suspended, the bill considered engrossed and put on its passage.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Dwinelle, Coggins and Spencer, and the bill passed by the following vote:

AYES—Messrs. Angney, Biggs, Bird, Brown of Tulare, Caldwell, Canavan, Clark, Comte, Connely, Crigler, Cureton, Farish, Gildea, Gregory, James, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Russ, Spilman, Tully, Wand, Warfield, Wolleb—40.

NOES—Messrs Ables, Ayer, Batchelder, Bever, Church, Coggins, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Jones, McElhany, Morrow, Oliver, Pardee, Smith, Spencer, Tuttle, Waldron, Westmoreland, White—24.

Assembly Bill No. 502—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

Withdrawn by its author.

Assembly Bill No. 4—An Act to repeal an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

Laid on the table.

Assembly Bill No. 170—An Act to appropriate money to pay the claims of W. D Harriman and William G Wood.

Considered in Committee of the Whole.

Mr. Lupton in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Amendment adopted.

Rules suspended, bill considered engrossed and read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Steele, Lee and Clark, and it passed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Bever, Brown of Tulare, Buckbee, Canavan, Clark, Coggins, Comte, Connely, Davies, Days, Dornin, Dryer, Dwinelle, Frisbie, Jones, Kelley, Lupton, Mardis, McElhany, Morrow, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, Wand, Westmoreland, White, Wolleb—33.

NOES—Messrs. Angney, Biggs, Caldwell, Crigler, Cureton, Ellis, Fair-

child, Gildea, Giltner, Gregory, James, Lee, Martin, Mattingly, Moore, Newell, Newsom, Ord, Payne, Rector, Russ, Spilman, Steele, Tully, Warfield, Willets—26.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

SPECIAL ORDERS.

The special order for two o'clock P. M.. Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease—was taken up.
Read a third time and passed.
Assembly Bill No. 556 was postponed until three o'clock P. M.
Senate Bill No. 485—An Act for the relief of Anna Lee.
Considered in Committee of the Whole.
Speaker in the chair.

IN ASSEMBLY.

Reported back and passage recommended.
Read a third time.
On the passage of the bill, the ayes and noes were demanded by Messrs. Ayer, Church and Days, and it passed by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Biggs, Broderson, Brown of Contra Costa, Buckbee, Canavan, Church, Clark, Comte, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Frisbie, Giltner, Green, James, Lee, Lupton, Mace, Mahon, McElhany, Meagher, Morrow, Papy, Pardee, Payne, Rollins, Smith, Spencer, Steele, Tully, Wand, Warfield, White, Wolleb—41.
NOES—Messrs. Angney, Bird, Caldwell, Cochran, Coggins, Connely, Crigler, Ellis, Fairchild, Gregory, Mattingly, Mentzell, Moore, Newell, Newsom, Ord, Russ, Spilman, Waldron, Mr. Speaker—20.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 418—An Act to lower the grade of Sansome street, from Broadway street to Lombard street, in the City and County of San Francisco;
Also, Assembly Bill No. 523—An Act to fix the compensation of grand and trial jurors in the County of Tulare;
Also, Assembly Bill No. 499—An Act to fix the time of holding the County Court and Probate Court in the County of Yolo;
Also, Assembly Bill No 294—An Act amendatory of an Act approved first of March, eighteen hundred and sixty-four, entitled an Act to amend

an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine;

Also, Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three;

Also, Assembly Bill No. 533—An Act to confer certain powers upon the Sacramento Gas Company and others;

Also, Assembly Bill No. 500—An Act to authorize the County of Yolo to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds;

Also, Assembly Bill No. 614—An Act to legalize the Acts of the Board of Supervisors of Lake County, California, done at a special meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven;

Also, Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society of San Francisco;

Also, Assembly Bill No. 535—An Act to provide for the payment of the interest on certain bonds in the County of San Joaquin;

Also, Assembly Bill No. 369—An Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county;

And this day, at forty-five minutes past one o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

GENERAL FILE RESUMED.

Senate Bill No. 387—An Act authorizing the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco.

Read a third time.

Mr. Westmoreland moved to strike out "twelve hundred and fifty dollars" and insert "seventeen hundred and fifty dollars," in section one.

Mr. Papy moved the previous question.

Sustained.

The motion to amend was lost.

The bill passed.

Mr. Clark gave notice that he should move to reconsider the vote by which Assembly Bill No. 485 passed.

Senate Bill No. 507 (substitute for Assembly Bills Nos. 320, 211 and 78)—An Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back without recommendation.

Read a third time and passed.

Mr Mahon moved to take up Assembly Concurrent Resolution No. 44.

Lost.

Mr. Gildea moved to place at top of special file for to-night.

Lost.

Assembly Bill No 620—An Act to regulate the issue and transfer of warehouse receipts and other vouchers, and to prohibit fraud therein.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

SPECIAL ORDER.

The special order for three o'clock P. M., Assembly Bill No. 556—An Act for the relief of Samuel J Garrison and L. P. Hall—was taken up.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back without recommendation.

Mr. Dwinelle moved the previous question.

Sustained.

On the question of engrossment, the ayes and noes were demanded by Messrs. Brown of Tulare, Spencer and Cureton, and the bill was ordered engrossed by the following vote:

AYES—Messrs Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Cochran, Comte, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Kelley, Lee. Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Newell, Newsom, O'Malley, Ord, Rector, Spilman, Steele, Tully, Wand, Warfield, Watson, Wolleb, Mr. Speaker—41

NOES—Messrs. Ables, Angney, Ayer. Batchelder, Battelle, Brown of Contra Costa, Buckbee, Church, Clark, Coggins, Connely, Davies. Days, Dornin, Dryer, Dwinelle Frisbie, McElhany, Moore, Morrow, Pardee, Rollins, Russ, Smith, Spencer, Tuttle, Waldron, Westmoreland, White. Willets—30.

Mr O'Malley moved to suspend the rules and put the bill on its final passage.

Mr. Meagher moved the previous question.

Sustained.

On suspending the rules, the ayes and noes were demanded by Messrs. Ayer, Coggins and Batchelder, and the House refused, not two thirds voting in the affirmative:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea. Giltner, Gregory, Green, Hayes, James, Kelley, Lee, Lupton, Mace, Mahon, Mardis. Martin, Mattingly, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Russ, Spilman, Steele, Tully, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—50.

NOES—Messrs. Ables, Ayer. Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church. Clark, Coggins, Davies. Days, Dornin, Downer, Dryer, Frisbie, McElhany, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, Westmoreland, White—26.

SENATE MESSAGE.

On motion of Mr. Jones, the following Senate message was taken up:

SENATE CHAMBER,
March 24th, 1868

Mr SPEAKER: I am directed to inform the Assembly that the Senate this day adopted Senate Concurrent Resolution No 69, requesting the Governor to return a certain bill.

JOHN WHITE, Secretary.

Senate Concurrent Resolution No. 69 was adopted in concurrence.

Mr. Watson sent up Assembly Bill No. 447, returned from the Governor by request, for correction.

An amendment to the bill was adopted.

Mr Lupton moved a suspension of the rules to take up Assembly Bill No 239.

Lost.

FURTHER SPECIAL ORDER.

The special order for three o'clock P. M, Assembly Bill No. 32 (substitute)—An Act to authorize Leopold Miller, Charles Lux and others to establish and maintain slaughter houses within certain limits of the City of San Francisco—was taken up

Mr. Connely offered Assembly Bill No. 481 as a substitute for the substitute.

Mr Biggs moved the previous question.

Sustained.

The House refused to adopt the substitute offered by Mr. Connely.

The substitute reported by the special committee was adopted.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Tuttle, Connely and Jones, and it was ordered engrossed by the following vote:

AYES—Messrs. Ables, Batchelder, Bover, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Coggins, Comte, Crigler, Dornin, Downer, Fairchild, Farish, Giltner, Gregory, James, Kelley, Mahon, Martin, Mattingly, McElhany, Meagher, Montzell, Newsom, Ord, Papy, Russ, Spilman, Tully, White, Wolleb—37.

NOES—Messrs. Brown of Contra Costa, Connely, Days, Dryer, Jones, Lupton, Middleton, Newell, O'Malley, Pardee, Payne, Rector, Spencer, Tuttle, Wand, Willets—16.

Mr. Clark moved to suspend the rules and put the bill on its passage.

Lost.

Mr. Buckbee moved to reconsider the vote by which substitute for Assembly Bill No. 334 passed, on yesterday.

Mr. O'Malley moved to indefinitely postpone the motion to reconsider.

Carried, on a division.

REPORT.

Mr. Payne, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and find correctly enrolled, Assembly Bill No. 107—An Act to incorporate the City of Monterey;

Also, Assembly Bill No. 651—An Act concerning public roads and highways in the County of Monterey;

Also, Assembly Bill No 515—An Act to repeal an Act entitled an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Assembly Bill No 416—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, and amended February twenty-ninth, eighteen hundred and sixty-four;

Also, Assembly Bill No. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county and to provide for the payment of the same;

Also, Assembly Bill No. 452—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco, and issuing process on the same;

And this day, at forty-five minutes past eleven o'clock A M, presented the same to the Governor for his approval.

PAYNE, Chairman.

At five o'clock P. M., on motion of Mr Wolleb, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled

Speaker in the chair.

Roll called.

Quorum present.

Mr. Clark gave notice that he would on to-morrow move to reconsider the vote by which Senate Bill No. 185 passed.

SPECIAL FILE.

Senate Bill No 309—An Act to re-incorporate the Town of Santa Clara.

Amendments adopted

Read a third time and passed.

Assembly Bill No 624—An Act to amend an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco.

Ordered to top of file for to-morrow night.

Mr. Green, for Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 533—An Act to provide for the protection of certain lands in the County of Sutter from overflow;

Also, Assembly Bill No 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington;

Also, Assembly Bill No 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the

Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred sixty-three;

And this day, at four o'clock, transmitted the same to the Governor for his approval.

GREEN, for Committee.

Assembly Bill No. 688—An Act to authorize R. D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 736—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Rules suspended, bill considered engrossed, read a third time and passed

Senate Bill No 393—An Act to authorize the construction of a railroad bridge across Napa Creek at or near Suscol, in the County of Napa.

Read a third time and passed

Senate Bill No 339—An Act to authorize the establishment of a Board of Health in the City of Sacramento.

Read a third time and passed

Assembly Bill No 406—An Act to fund the debt of Alpine County.

Withdrawn by its author

Senate Bill No 138—An Act granting to the Omnibus Railroad Company certain rights therein named

Mr O'Malley in the chair.

Mr. Canavan moved the previous question.

Lost.

Mr Watson moved the previous question.

Sustained

On the adoption of the amendment to section one of the bill, as reported by the delegation, the ayes and noes were demanded by Messrs. Tuttle, Canavan and Lupton, and it was adopted by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder Battelle, Bird. Church, Clark, Cochran, Connely, Days, Downer, Dryer, Dwinelle, Fairchild, Farish, Gregory, Lupton, Mahon, Martin, McElhany, Mentzell, Moore, Newell, Newsom, Oliver, Papy, Payne, Russ, Smith, Tuttle, Waldron, White, Willets—33

NOES—Messrs Angney, Biggs, Buckbee, Caldwell, Canavan, Coggins, Comte. Crigler, Cureton, Davies. Dornin, Ellis, Frisbie, Green, James, Jones, Lee, Meagher, Middleton, Morrow, O'Malley, Ord, Pardee, Spencer, Spilman, Tully, Warfield, Watson, Westmoreland, Wolleb, Mr. Speaker—31.

Read third time and passed.

Mr Watson gave notice that on to-morrow he should move to reconsider the vote by which the bill passed.

Mr Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No. 170—An Act to appropriate money to pay the claims of W. D. Harriman and William G. Wood.

Also, Assembly Bill No. 543—An Act authorizing Robert Betge and

others to lay down and maintain a railroad in the City and County of San Francisco.

BATCHELDER, *for Committee.*

Assembly Bill 599—An Act to provide for the construction and use of a canal in Islais Creek.

Mr. Middleton offered a substitute.

Laid over until to-morrow night.

Assembly Bill No 747—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Davis offered the following resolution:

Resolved, That the Senate be respectfully requested to return to the Assembly. Senate Bill No 541—An Act supplementary to an Act entitled an Act to provide for the construction of a wagon road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

Adopted by unanimous consent

Assembly Bill No. 692—An Act amendatory of and supplementary to an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington. to certain parties therein named, approved April third, eighteen hundred and fifty-seven

Passed over until to-morrow night.

Senate Bill No. 374—An Act for the relief of the North American Steamship Company.

Read a third time.

Mr. Papy moved to indefinitely postpone the bill.

Mr. Meagher moved to lay on the table.

Lost.

Mr Gregory moved the previous question.

Sustained.

The motion to indefinitely postpone prevailed.

Assembly Bill No. 506—An Act to pay the claim of Mark W. Higgins.

Considered in Committee of the Whole.

Mr. O'Malley in the chair.

IN ASSEMBLY.

Reported back and passage recommended.

Mr. Papy moved to suspend the rules and put the bill on its passage.

Carried.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Bird, Spilman and Cochran, and it passed by the following vote:

AYES—Messrs. Ables, Batchelder, Battelle, Biggs, Brown of Contra Costa, Buckbee, Canavan, Church, Clark, Comte, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Frisbie, Gildea, Giltner, Gregory, Green, Jones, Kelley, Lupton, Mace, Mardis, Martin, Meagher, Mentzell,

Middleton. Newsom, O'Malley, Papy, Pardee, Rector, Russ, Steele, Tuttle. Wand, Warfield, White. Wolleb—43.

NOES—Messrs. Angney, Bird, Cochran, Coggins, Crigler, James, Lee, Mattingly, Moore, Morrow, Spilman, Waldron, Willets—13.

Assembly Bill No. 730—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh. eighteen hundred and sixty-two.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Cochran had leave of absence for the remainder of the evening.

Assembly Bill No 622—An Act for the relief of Rebecca C. Hoagland.

Amendment to substitute adopted.

Substitute as amended adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 55—An Act to provide a proper hospital for the County of Sacramento.

Passed on the file

Senate Bill No. 366—An Act to provide for the payment of Mrs. E. Wright, salary due her as teacher in Jefferson School District Number One, in San Mateo County.

Read a third time and passed.

Senate Bill No. 534—An Act granting the privilege to James B. Peck and his assigns to build and erect a wharf at Saucelita, Marin County.

Read a third time and passed.

Assembly Bill No. 754—An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. W. Price.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 691—An Act to authorize the Controller to credit J. Hass Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 602—An Act to repeal an Act to provide for the election of Supervisors of certain counties in this State, approved April fourth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No 639—An Act to prevent stallions from running at large in certain counties in this State.

Ordered to the top of the file for to-morrow night.

Mr. Kelley had leave of absence for the remainder of the evening.

At nine o'clock and thirty minutes P. M., Mr. Tuttle moved to adjourn.

Lost.

Assembly Bill No. 757—An Act to provide funds to pay the floating debt of Butte County.

Laid on the table.

Senate Bill No 575—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Read a third time and passed.

Senate Bill No. 565—An Act to provide funds to pay the floating debt of Butte County.

Read a third time and passed

At nine o'clock and thirty-five minutes P. M., Mr. O'Malley moved to adjourn.

Lost.

Senate Bill No. 40 (substitute)—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town.

Read a third time and passed.

Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

Read a third time and passed.

Assembly Bill No. 498 (substitute)—An Act to amend section eleven of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Lee, Clark and Tuttle, and the house refused by the following vote:

AYES—Messrs. Ables, Church, Clark, Coggins, Comte, Cureton, Dornin, Downer, Dryer, Dwinelle, Fairchild, Jones, Lee, Mahon, Mattingly, Moore, Oliver, O'Malley, Rector, Russ, Wand, Willets, Wolleb—23.

NOES—Messrs Angney, Batchelder, Biggs, Bird, Brown of Tulare, Buckbee, Crigler, Davies, Days, Gregory, Green, Hayes, James, Meagher, Mentzell, Morrow, Newell, Newsom, Pardee, Spencer, Tully, Tuttle, Waldron, White—24.

Mr. O'Malley moved the previous question.

Sustained.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Tuttle, Lee and Crigler, and the House refused by the following vote:

AYES—Messrs. Ables, Church, Clark, Coggins, Comte, Downer, Dwinelle, Fairchild, Gildea, Lee, Mattingly, Oliver, Russ, Wand, Wolleb—15.

NOES—Messrs. Angney, Batchelder, Biggs, Bird, Brown of Tulare, Buckbee, Connely, Crigler, Davies, Days, Dornin, Gregory, Green, James, Jones, Mahon, Meagher, Mentzell, Morrow, Newell, Newsom, Pardee, Spencer, Tully, Tuttle, Waldron, White, Willets—29.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 730—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

BATCHELDER, for Committee.

SENATE MESSAGE.

On motion of Mr. Davies, the following Senate message was taken up:

SENATE CHAMBER,
March 24th, 1868.

Mr. SPEAKER: In accordance with a resolution of the Assembly, this day reported to the Senate, Senate Bill No 541—providing for a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara—is herewith returned to your honorable body.

W. F HUESTIS,
Assistant Secretary.

Senate Bill No. 541, above reported; the House, by unanimous consent, reconsidered the vote by which it was indefinitely postponed.

Read a third time and passed.

Mr Buckbee gave notice that on to-morrow he should move to reconsider the vote by which the House refused to engross Assembly Bill No. 498.

At ten o'clock and forty-five minutes P. M., on motion of Mr. Waldron, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Wednesday, March 25th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present

Prayer by the Chaplain.

Journal of yesterday was being read, when, on motion of Mr. Westmoreland, further reading of the Journal was dispensed with.

Mr Rollins had leave of absence for one hour and Mr. Gildea until twelve o'clock.

PETITIONS.

Mr. Bird presented a petition from William G. Davis, night watchman of the Assembly, asking extra pay.

Mr. Kelley presented petitions of citizens of Sacramento and Yolo Counties, praying that further time for franchise of the Sacramento and Yolo bridge be not granted.

Received and referred to the Sacramento and Yolo delegations.

Mr Ayer presented a petition of citizens and taxpayers of Calaveras County in favor of the passage of Assembly Bill No. 632—An Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, the sum of fifty thousand dollars.

Petition received and referred to the Calaveras delegation.

Mr. Green, Chairman of the Committee on Education, made the following report:

Mr. SPEAKER: The Committee on Education, to whom was referred Senate Bill No 11—An Act to repeal an Act concerning teachers of common schools in this State, approved April twenty-seventh, eighteen hundred and sixty-three, amended March eighteenth, eighteen hundred and sixty-four—have had the same under consideration, report the same back and recommend its passage. This is an Act to repeal certain political test oaths, and your committee would have reported the bill long before this had it not been that this House passed a bill repealing the laws here enumerated, with others of the same nature, which it was reasonable to suppose would pass the Senate, but as the said bill has not passed the Senate your committee urge the passage of this.

GREEN, Chairman.

Mr Warfield, from the Hospital Committee, verbally reported back substitute for Senate Bill No. 416, and recommended its passage.

Mr. Angney, from the Committee on Ways and Means, made the following report:

Mr SPEAKER: The Committee on Ways and Means, to whom was referred the petition of P R. Eldridge, praying for an appropriation to cover the cost of translating into Spanish the several State documents of the present session of the Legislature—have considered the prayer of said petitioner, and report a bill which they recommend to the Assembly.

ANGNEY, for Committee.

Mr. Connely, for the Committee on Claims, verbally reported substitute for Senate Bill No. 476

The bill was referred to the San Joaquin delegation.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr SPEAKER: Your Committee on Commerce and Navigation, to whom was referred, with special instructions, Assembly Bill No 507—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed and submerged lands—report the same back with the amendments embraced in said instructions thereto attached.

Also, Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries—report the same back and recommend its passage

Also, Senate Bill No. 519—An Act authorizing Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof—report the same back and recommend its passage

Also, Senate Bill No. 435—An Act to authorize William Bihler to construct a wharf on Petaluma Creek—report the same back and recommend its passage.

Also, Senate Bill No. 510—An Act to authorize John B. Ward and his associates to construct and maintain a wharf in Santa Barbara County—

report the same back with amendments and recommend its passage as amended

Also, Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven—report the same back and recommend its passage

MIDDLETON, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. Speaker: The Committee on the Judiciary have considered Assembly Bill No 745—An Act to provide a law library for the Supreme Court—and recommend its passage with the amendments made by the committee.

Also, Senate Bill No 461—An Act to extend the time within which to complete a wagon road—and recommend its passage.

Also, Assembly Bill No. 642—An Act to amend an Act entitled an Act supplementary to an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four—and recommend its passage.

Also, Senate Bill No 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juano Castro, deceased, to sell certain real estate of said infant heirs—and recommend its passage.

Also, substitute for Senate Bill No. 316—An Act to provide for the collection of the revenue in and for the County of Napa—and recommend its passage with an amendment made by the committee.

Also, Assembly Bill No 721—An Act to amend an Act entitled an Act fixing 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—and recommend its passage.

Also, Assembly Bill No 732—An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May eighteenth, eighteen hundred and sixty-four—and recommend its passage.

Also, Assembly Joint Resolution No. 48—proposed amendments to the Constitution—and recommend its passage as amended by the committee.

Also, Assembly Bill No 215—proposed amendments to the Constitution—and recommend its passage.

Also, Assembly Joint Resolution No. 15—proposed amendments to the Constitution—and recommend that it do not pass.

Also, Assembly Bill No. 607—An Act to amend the practice in civil cases in the Courts of this State—and recommend that it do not pass.

Also, substitute for Senate Bill No. 124—An Act for the relief of the City of Benicia—and return the same without recommendation, it not being within our line of inquiry.

Also, Assembly Bill No. 759—An Act to restrain the importation of Chinese coolies into the State of California—and recommend that it do not pass

Also, Assembly Bill No. 715—An Act to prevent extortionate service in certain occupations—and report the same without recommendation.

STEELE, Chairman.

Mr. Moore, from the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims, to whom was referred the petition of John W. Ball, would respectfully submit that, from the evidence and papers before us, we believe the said John W. Ball to have been innocent; although he was convicted and sent to the State Prison, yet upon a new trial his innocence was fully proven.

Your committee do not feel justified in recommending the payment of his losses, or in allowing him damages in accordance with what he has sustained, either pecuniarily or in character; yet, as he served the State in the capacity of master blacksmith in the State Prison for the term of five and a half months, and that labor accrued to the benefit of the State, we respectfully recommend the passage of the bill accompanying this report for his relief.

MOORE, for Committee.

REPORTS OF SELECT COMMITTEES.

Mr. Dwinelle, from the Alameda delegation, reported Assembly Bill No. 287, with an amendment, and recommended the passage of the bill as amended.

Mr. Angney, from the Santa Clara delegation, made the following report:

Mr. SPEAKER: The Santa Clara delegation report back Senate Bill No. 382—An Act to provide for a wooden railroad within the County of Santa Clara—with a substitute, which they recommend for passage.

ANGNEY, for Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 24th, 1868.

To the Assembly of the State of California:

In accordance with concurrent resolution, I herewith return to your honorable body, without my approval, Assembly Bill No. 447—An Act to re-district the County of Los Angeles, and to provide for the election of Supervisors—for correction.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 24th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

Also, Assembly Bill No. 529—An Act to prevent hogs running at large in the County of Contra Costa.

Also, Assembly Bill No. 457—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County.

Also, Assembly Bill No. 313—An Act to authorize the Board of Supervisors of Sutter County to enter upon, condemn, and take possession of a certain tract of land to be used as a public graveyard.

Also, Assembly Bill No. 526—An Act concerning hogs found running at large in the County of Monterey.

Also, Assembly Bill No. 228—An Act to provide for the protection of the harbor of the City and County of San Francisco.

Also, Assembly Bill No. 583—An Act to create and organize the University of California.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Westmoreland moved to suspend the rules and take up Assembly Bill No. 524, and consider the same now.

Carried.

Assembly Bill No. 524—An Act to encourage the production and manufacture of sugar and sugar beet in California.

Amended, amendment adopted.

Ordered engrossed and placed fourth on general file for to-morrow.

On motion of Mr. Tuttle, Senate Bill No. 386 was ordered to the top of the general file for to-morrow.

Mr. Meagher moved that Assembly Bill No 556 be made the special order for two o'clock P. M. to-day.

Mr. Connely moved the previous question.

Sustained.

The motion of Mr. Meagher was agreed to.

Mr. Frisbie moved to reconsider the vote by which Senate Bill No. 185 was passed.

Mr. Watson moved to indefinitely postpone the motion.

Mr. Canavan moved the previous question.

Sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Coggins, Moore and Clark, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Caldwell, Canavan, Cochran, Connely, Cureton, Davies, Dornin, Downer, Dryer, Frisbie, James, Mace, Mahon, Mardis, Mattingly, McElhany, Mentzell, Middleton, Newell, Ord, Papy, Payne, Rector, Russ, Smith, Spencer, Spilman, Steele, Tuttle, Waldron, Warfield, Watson, Westmoreland, White, Wollcb—43.

NOES—Messrs. Angney, Brown of Tulare, Buckbee, Church, Clark, Coggins, Crigler, Ellis, Farish, Gregory, Green, Kelley, Martin, Meagher, Moore, Morrow, Newsom, Oliver, Rollins, Tully, Willets, Mr. Speaker—22.

Mr. Watson moved to reconsider the vote by which Senate Bill No. 138 passed the House.

Mr. Farish moved to indefinitely postpone the motion.

Mr. Farish moved the previous question.

Sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Watson, Meagher and Lee, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Brown of Tulare, Clark, Cochran, Connely, Downer, Fairchild, Farish, Green, James, Jones, Mahon, Martin, Mattingly, Moore, Newsom, Oliver, Papy, Payne, Rollins, Russ, Smith, Spilman, Tuttle, Waldron—29.

NOES—Messrs. Bever, Biggs, Bird, Buckbee, Caldwell, Canavan, Church, Coggins, Crigler, Cureton, Davies, Dornin, Dryer, Ellis, Gildea, Gregory, Hayes, Lee, Mardis, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Ord, Pardee, Rector, Spencer, Steele, Tully, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—38.

On the motion to reconsider the vote by which the bill passed, the ayes and noes were demanded by Messrs. Farish, Ayer and Dornin, and the House refused by the following vote:

AYES—Messrs Bever, Biggs, Bird, Buckbee, Caldwell, Canavan, Coggins, Comte, Crigler, Cureton, Davies, Dornin, Dryer, Ellis, Gregory, Hayes, Lee, Mardis, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Ord, Pardee, Rector, Spencer, Steele, Tully, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—37.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Brown of Tulare, Church, Clark, Cochran, Connely, Downer, Fairchild, Farish, Green, James, Mahon, Martin, Mattingly, Moore, Newsom, Oliver, Papy, Payne, Rollins, Russ, Smith, Spilman, Tuttle, Waldron—29.

Mr Watson moved to recommit the bill to the Committee on Corporations, with the following special instructions:

"Strike out, in section one of the bill, the amendment adopted by this House, and report at three o'clock P. M. this day."

Mr. Tuttle offered to amend the instructions, as follows:

"The right is hereby given to the North Beach and Mission Railroad Company to construct a railroad for horse cars from their road on Fourth street, at the junction of Townsend street, down Townsend street to First street, and thence to the works of the Pacific Mail Steamship Company; and they shall enjoy the same rights on said road as on their road where it now exists."

Mr. Watson moved the previous question.

On the amendment to the instructions, the ayes and noes were demanded by Messrs. Watson, Meagher and Mahon, and the House refused by the following vote:

AYES—Messrs Ables, Angney, Ayer, Batchelder, Battelle, Brown of Tulare, Church, Clark, Cochran, Connelly, Downer, Dryer, Farish, Green, James, Jones, Mahon, Martin, Mattingly, Moore, Newsom, Oliver, Papy, Payne, Rollins, Russ, Smith, Spencer, Tuttle, Waldron—30.

NOES—Messrs. Biggs, Bird, Buckbee, Caldwell, Canavan, Coggins, Comte, Crigler, Davies, Dornin, Ellis, Fairchild, Gregory, Hayes, Lee, Mardis, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Ord, Pardee, Rector, Spilman, Steele, Tully, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—35

On the motion of Mr. Watson, to refer bill with the special instructions, the ayes and noes were demanded by Messrs. Meagher, Lee and Canavan, and the motion prevailed by the following vote:

AYES—Messrs Bever, Biggs, Bird, Buckbee, Caldwell, Canavan, Comte, Crigler, Cureton, Davies, Dornin, Ellis, Gregory, Hayes, James, Lee, Mardis, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Ord, Papy, Pardee, Rector, Spencer, Spilman, Steele, Tully, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker—38.

NOES—Messrs Ables, Angney, Ayer, Batchelder, Battelle, Brown of Tulare, Church, Clark, Cochran, Coggins, Connely, Downer, Dryer, Fairchild, Farish, Green, Jones, Mahon, Martin, Mattingly, Moore, Newsom, Oliver, Payne, Rollins, Russ, Smith, Tuttle, Waldron—29.

Mr. Papy moved to reconsider the vote by which Senate Bill No. 130 passed on yesterday.

Mr. Comte moved to indefinitely postpone the motion.

Mr Clark moved the previous question.

Sustained

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Tully, Clark and Days, and the motion prevailed by the following vote:

AYES—Messrs. Ayer, Biggs, Bird, Buckbee, Caldwell, Canavan, Church, Clark, Coggins, Comte, Connely, Cureton, Davies, Dryer, Fairchild, Gildea, Gregory, Jones, Lee Mardis, Mattingly, Meagher, Mentzell, Middleton, Morrow, Ord, Pardee, Payne, Rector, Smith, Steele, Tuttle, Warfield, Willets, Wolleb—35.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Brown of Tulare, Crigler, Days, Green, James, Newsom, Papy, Rollins, Russ, Spencer, Tully, Mr Speaker—16.

REPORT.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 105 (substitute for Assembly Bill No. 323)—An Act in relation to the militia of the State.

Also, Assembly Bill No. 569—An Act to authorize Thomas H. Holt, J. Clarke, J. H Blumenberg and associates to construct a railroad on certain streets in San Francisco

Also, Assembly Bill No. 722—An Act to provide for the care and maintenance of indigent insane persons in the State of California.

Also, Assembly Bill No. 737—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight

Also, Assembly Bill No. 674—An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendments thereto, passed May ninth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 645—An Act to provide for the collection of a

road tax and its application on the public roads in the County of El Dorado.

Also, Assembly Bill No. 702—An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento.

Also, Assembly Bill No 588—An Act to authorize and empower Horace Templeton, Thomas W. Moore, William S. Chapman and Clinton Garnee, or their assigns, to float logs and other timber down Pescadero Creek, in San Mateo County, to remove from the channel of said creek all obstructions which may interfere with logging on the same, and to construct and maintain dams, booms and piers in said creek, for the term of twenty years.

Also, Assembly Bill No. 741—An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of the San Antonio Creek, and to keep the channel of said creek open for navigation.

Also, Senate Bill No 506—An Act for the relief of Mark W. Higgins.

Also, Assembly Bill No. 280—An Act for securing liens of mechanics and others.

Also, substitute for Assembly Bill No 91—An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto.

Also, Assembly Bill No. 743—An Act to provide for the election of Supervisors in the County of Santa Cruz, and for the division of said county into Supervisor districts.

Also, Assembly Bill No. 714—An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 362—An Act to incorporate the City of Vallejo.

DAYS, for Committee.

RESOLUTIONS.

Mr. Westmoreland offered the following resolution:

Resolved, That the Enrolling Clerk be and he is hereby instructed to place an enacting clause to Assembly Bill No. 650—An Act to amend an Act concerning the indigent sick of Humboldt County.

Adopted.

Mr. Church, by leave, withdrew Assembly Bill No. 514.

Mr. Westmoreland, pursuant to notice given on yesterday, offered the following:

Resolved, That the seventy-ninth rule be and is hereby rescinded.

Mr. Wollcb moved the previous question.

Sustained.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Westmoreland, Cureton and Crigler, and the House refused by the following vote, not two thirds voting in the affirmative:

AYES—Messrs. Bever, Biggs, Buckbee, Church, Clark, Cureton, Davies,

Days, Dornin, Fairchild, Gildea, Hayes, Jones, Mardis, McElhany, Meagher, Mentzell, Middleton, Morrow, Newell, Oliver, Rector, Rollins, Russ, Steele, Tully, Warfield, Westmoreland, White, Wolleb—30.

NOES—Messrs. Angney, Ayer, Batchelder, Battelle, Bird, Brown of Tulare, Caldwell, Comte, Crigler, James, Lee, Martin, Mattingly, Moore, Scudder, Smith, Spilman, Waldron, Willets, Mr. Speaker—20.

Mr. Bird moved to take from the general file Assembly Bill No. 708, and have the same placed on the special file to-night.

Lost.

REPORT.

Mr. Brown of Contra Costa, from the Conference Committee, made the following report:

Mr. SPEAKER: The Committee of Conference appointed by the Assembly on the disagreeing vote of the Senate and Assembly upon Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six—have considered the said bill, and also the substitute for said bill passed by the Senate.

The committee recommend that the Assembly recede from its previous vote, refusing to adopt the Senate substitute, and that the Senate substitute be adopted.

BROWN,
ROLLINS,
MOORE.

The House receded from its amendments to the bill.

The Speaker ordered Assembly Bill No. 513 to the special file to-night.

Mr. Tuttle offered the following resolution:

Resolved, That when the House finish the special file to-night it go on with the general file, and each night thereafter do the same.

Adopted.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
March 24th, 1868.

Mr. SPEAKER: The Senate, on the twenty-third instant, passed Assembly Bill No. 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 24th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third instant, passed the following bills:

Senate Bill No. 410—An Act to authorize and direct the County

Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State by the Act of Congress entitled an Act for the relief of inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Senate Bill No. 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven

Senate Bill No. 304—An Act to limit the time for commencing civil actions in certain cases.

Senate Bill No 356—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.

Substitute for Senate Bill No. 470—An Act to provide for the care and maintenance of indigent insane persons in the State of California.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 24th, 1868.

Mr. SPEAKER: The Senate this day refused to concur in Assembly amendment to Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream

Also, under a suspension of the rules, passed Senate Bill No. 406—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.

Also, passed Assembly Concurrent Resolution No 40, relative to securing the passage of a law by Congress, granting aid to the Oroville and Virginia City Railroad Company

Also, passed, with amendments, Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, refused to pass Assembly Bill No 245—An Act to amend an Act entitled an Act to provide for the appointment and prescribing the duties of guardians, passed April nineteenth, eighteen hundred and fifty-one

Also, refused to concur in the Assembly amendment to Senate Bill No. 2—An Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Also, adopted Senate Concurrent Resolution No 68, granting leave of absence to A. L. Fuller, County Superintendent of Public Schools in Alameda County.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 24th, 1868.

Mr. SPEAKER: The Senate this day unanimously concurred in Assembly amendments to Assembly Bill No. 447, returned by the Governor to the

Assembly, by request, and thereafter amended by that body, as reported to the Senate.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 24th, 1868.

Mr SPEAKER: The Senate this day, with one amendment, passed Assembly Bill No. 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 24th, 1868.

Mr. SPEAKER: The Senate this day amended and passed Assembly Bill No 224—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 25th, 1868.

Mr. SPEAKER: The Senate on yesterday passed Senate Bill No 475—An Act to amend an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin.

JOHN WHITE, Secretary.

CONSIDERATION OF SENATE MESSAGES

Substitute for Senate Bill No. 470, above reported, read first and second times and, by unanimous consent, put upon its final passage.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Read a third time and passed.

Senate Bill No 433, above reported, was read first and second times and placed on general file.

Senate Bill No 410, above reported, was read first and second times and placed on general file.

Senate Bill No 356, above reported, was read first and second times and placed on general file.

Substitute for Senate Bill No 304, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 406, above reported, was read first and second times and referred to the Judiciary Committee.

Substitute for Senate Bill No 475, above reported, was read first and second times and ordered placed on special file.

Senate Bill No. 68, above reported, was read first and second times and ordered placed on special file.

Senate Concurrent Resolution No. 68, above reported, was read first and second times and ordered to the special file.

Senate Bill No. 360, above reported; House receded from its amendments.

Assembly Bill No. 72, above reported; Senate amendments adopted in concurrence

Assembly Bill No. 224, above reported; Senate amendments adopted in concurrence.

Substitute for Senate Bill No. 2, above reported; House receded from its amendments.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Ways and Means—An Act making an additional appropriation to pay for translating into Spanish the several State documents ordered during the present session of the Legislature.

Read first and second times and ordered to general file.

By the Committee on Claims—An Act for the relief of John W. Ball.

Read first and second times and placed on general file

By Mr Brown of Contra Costa—An Act to amend section one hundred and ninety-eight of an Act to regulate the settlement of the estate of deceased persons, passed May first, eighteen hundred and fifty-one.

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

By Mr. O'Malley—An Act to establish a morgue for the City and County of San Francisco.

Read first and second times and ordered to general file.

By Mr. Ayer—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty.

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

By Mr. Lee—An Act concerning the revenue and revenue officers of the County of Sacramento

Read first and second times and ordered to general file.

REPORT.

Mr. Coggins, from the Sacramento delegation, made the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 735—An Act to prevent Swamp Land District Number Two from overflow—have had the same under consideration, and report it back with the recommendation that it be placed on the special file for this evening.

COGGINS, for Delegation.

GENERAL FILE.

Assembly Bill No. 519—An Act to create a Board of Insurance Commisioners to regulate the business of insurance in this State.

Laid on the table.

Assembly Bill No. 489—An Act to prevent seduction.

Amended, amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Buckbee gave notice to reconsider the vote just taken.
At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

SPECIAL ORDER.

The special order for two o'clock P M, Senate Bill No. 377 (substitute)—An Act to provide a terminus for the Southern Pacific Railroad Company and the Western Pacific Railroad Company in the City of San Francisco—was taken up.

On motion of Mr. Farish, the special order was postponed until to-morrow at two o'clock P. M.

MESSAGE FROM THE SENATE.

On motion of Mr. Cureton, the following Senate message was taken up:

SENATE CHAMBER,
March 25th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body of the passage of substitute for Senate Bill No 114—An Act amendatory of and supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Also, Senate Bill No 192—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementory thereto.

Also, Senate Bill No. 325—An Act to punish disobedience of orders by employés on railroads in this State.

Also, substitute for Senate Bill No. 363—An Act to encourage the development of the iron mines of California.

Also, Senate Bill No 522—An Act concerning certain crimes and punishments

Also, Senate Bill No. 577—An Act relating to roads in the County of Colusa.

Also, Senate Bill No. 253—An Act supplementary to 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 the several Acts amendatory thereof and supplementary thereto.

Also, substitute for Senate Bill No. 254—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No 279—An Act amendatory of and supplemental to an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto

Also, Senate Bill No 455—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 thereof, approved May twentieth, eighteen hundred and sixty-one.

Also, substitute for Senate Bill No. 469—An Act to provide for the care and instruction of juvenile offenders in the State of California.

Also, on this day, under suspension of the rules, passed Senate Bill No. 582—An Act to confer additional powers on the Board of Supervisors of the County of Mendocino.

Also, with amendments, Assembly Bill No. 710—An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Senate Bill No 114, above reported, was read first and second times and placed on the special file.

Substitute for Senate Bill No. 363, above reported, was read first and second times and placed on the special file.

Senate Bill No. 582, above reported, was read first and second times and placed on special file.

Senate Bill No 577, above reported, was read first and second times and placed on special file

Senate Bill No. 192, above reported, was read first and second times and placed on general file.

Senate Bill No. 325, above reported, was read first and second times and placed on general file

Senate Bill No 522, above reported, was read first and second times and placed on general file

Senate Bill No 253, above reported, was read first and second times and placed on general file.

Substitute for Senate Bill No. 254, above reported, was read first and second times and referred to the Judiciary Committee.

Substitute for Senate Bill No. 469, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 279, above reported, was read first and second times and referred to the Judiciary Committee.

Senate Bill No. 455, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 710, above reported; Senate amendments adopted in concurrence.

GENERAL FILE RESUMED.

Senate Bill No 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Considered in Committee of the Whole.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Mr. Bird moved to indefinitely postpone.

Lost.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lee, Giltner and Westmoreland, and it passed by the following vote:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Brown of Tulare, Buckbee, Canavan, Church, Coggins, Connely, Davies, Downer, Dryer, Dwinelle, Farish, Gregory, Hayes, James, Jones, Mace, Mahon, Martin, Mentzell, Middleton, Morrow, Newsom, Oliver, Pardee, Rector, Rollins, Russ, Smith, Spencer, Tuttle, Waldron, Westmoreland, White, Wolleb—38.

NOES—Messrs Batchelder, Biggs, Bird, Caldwell, Clark, Cochran, Comte, Crigler, Fairchild, Giltner, Lee, Mardis, Moore, Mattingly, Ord, Payne, Scudder, Spilman, Steele, Tully, Wand, Watson, Willets, Mr. Speaker—24.

Mr. Canavan gave notice that he should move to reconsider the vote just taken.

On motion of Mr. Middleton, Assembly Bill No. 576 was referred to the Committee on Commerce and Navigation, with special instructions.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled Assembly Bill No 234—An Act in relation to the funded indebtedness of Calaveras County, and to provide for the funding of unpaid claims against said county;

Also, Assembly Bill No. 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill No. 508—An Act to create a Redemption Fund for the County of Calaveras;

Also, Assembly Bill No. 142—An Act to authorize Thomas B Lewis, E. Thomas and Henry Pichoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco;

Also, Assembly Bill No. 286—An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County;

Also, Assembly Bill 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant);

And this day, at fifteen minutes past one o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

Mr. Newsom had leave of absence for the remainder of the day.

Mr. Hayes, by leave, withdrew Assembly Bill No 219.

Mr. Batchelder, by leave, withdrew Assembly Bill No 216.

GENERAL FILE RESUMED.

Senate Bill No 466—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three.

On motion of Mr. Westmoreland, the special order was postponed until the bill under consideration was disposed of.

The bill was read a third time and the House refused to pass it.

Mr. Brown of Contra Costa gave notice that on to-morow he should move to reconsider the vote just taken.

Mr. Middleton, from the Committee on Commerce and Navigation, reported back Assembly Bill No. 576, amended, and moved it be considered now.

The House refused and the bill went to the file.

Mr. Days offered the following resolution:

Resolved, That on and after Thursday, the twenty-sixth instant, the Clerk be instructed to discontinue the special file and place all bills on the general file

Laid over one day.

REPORTS.

Mr. Payne, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled. Assembly Bill No. 534—An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto;

Also, Assembly Bill No. 372—An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Assembly Bill No 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a county jail;

Also, Assembly Bill No. 525—An Act concerning hogs found running at large in the Counties of Mono and Inyo;

Also, Assembly Bill No. 466—An Act to provide for the erection of a jail and County Recorder's office building in Alameda County;

Also, Assembly Bill No. 365—An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six;

And this day, at fifteen minutes past one o'clock P. M., presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Senate Bill No. 138, with special instructions to strike out the amendment adopted by this House on March twenty-fourth, eighteen hundred and sixty-eight, report the bill back amended as instructed, but protest against the passage of the bill as amended.

MOORE, Chairman.
ROLLINS

I do not concur in the protest. STEELE.

GENERAL FILE RESUMED.

Assembly Bill No. 592—An Act to provide revenue for the support of the Government of this State.

Mr. Westmoreland moved to indefinitely postpone.

The ayes and noes were demanded by Messrs. Westmoreland, Farish and Biggs, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Clark, Coggins, Comte, Connely, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Hayes, Jones, McElhany, Middleton, Morrow, Pardee, Rollins, Russ, Smith, Spencer, Tuttle, Waldron, Wand, Westmoreland, White—33.

NOES—Messrs Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Cochran, Fairchild, Farish, Gildea, Gregory, Green, James, Mace, Mahon, Mardis, Mattingly, Meagher, Moore, Newell, O'Malley, Ord, Rector, Scudder, Spilman, Tully, Warfield, Willets, Wolleb, Mr. Speaker—30.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 556—An Act for the relief of Samuel J. Garrison and L. P. Hall.

DAYS, for Committee.

SPECIAL ORDER.

The special order for three o'clock P. M., Assembly Bill No. 556—An Act for the relief of Samuel J. Garrison and L. P. Hall—was taken up.

Mr. Farish moved the previous question.

Sustained.

Bill read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Westmoreland, Waldron and Farish, and it passed by the following vote:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Cochran, Comte, Crigler, Fairchild, Farish, Gildea, Gregory, Green, Hayes, James, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, O'Malley, Ord, Papy, Payne, Rector, Scudder, Spilman, Tully, Wand, Warfield, Willets, Wolleb, Mr. Speaker—39.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Connely, Davies, Days, Dornin, Downer, Dryer, Jones, McElhany, Moore, Morrow, Pardee, Rollins, Russ, Smith, Spencer, Tuttle, Waldron, Westmoreland, White—28.

GENERAL FILE RESUMED.

Assembly Bill No 467 (substitute)—An Act for the protection of laurel and other valuable cabinet and ship building woods.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Senate Bill No. 234—An Act to amend an Act entitled an Act to restrict the herding of sheep

Read a third time and passed.

Assembly Bill No. 531—An Act to encourage the manufacture of steel.

Substitute adopted.

Amendments adopted

Mr. Warfield, by leave, introduced a bill—An Act concerning the Insane Asylum of California.

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

Assembly Bill No. 495—An Act to regulate the taking up of and posting stray animals.

Indefinitely postponed.

Mr. Green moved to take up Senate messages.

Lost

Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and firearms.

Mr. Papy moved to indefinitely postpone.

Lost.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property.

Amendments adopted.

Read a third time and passed.

On motion of Mr. Steele, Senate Bill No. 356 was referred to the Committee on Corporations.

Mr. Steele moved that Assembly Bill No. — be placed on the special file for to-night.

Carried.

On motion of Mr. Angney, Senate Bill No. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office—was taken up.

Considered in Committee of the Whole.

Mr. O'Malley in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Read a third time and passed.

On motion of Mr. Farish, Senate Bill No 162—An Act to provide for choosing Electors of President and Vice President of the United States—was taken up.

Read a third time and passed.

Assembly Bill No. 656—An Act to provide against the failure of testimony in certain cases.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 626—An Act to amend sections one and four of an Act relating to bills of exchange and promissory notes.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Rollins, Assembly Bill No. 647—An Act to exempt certain property named herein from execution—was taken up.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 628—An Act to provide for the visitation and inspection of the jails and prisons of this State.

Laid on the table.

At five o'clock P. M., on motion of Mr. Wolleb, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

SPECIAL FILE.

On motion of Mr. Buckbee, Assembly Bill No. 639—An Act to prevent stallions from running at large in certain counties in this State—was taken up.

Amended, amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Buckbee had leave of absence for the remainder of the evening.

Assembly Bill No 624—An Act to amend an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco.

Mr. Rollins moved to strike out the word "five," before "Commissioners," in the first section, and insert in place thereof the word "three."

Mr. Cochran moved the previous question.

Sustained.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Westmoreland, Waldron and Coggins, and the House refused by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Broderson, Brown of Contra Costa, Church, Clark, Coggins, Connely, Davies, Days, Dornin, Downer, Dwinelle, Farish, Jones, Lee, McElhany, Moore, Morrow, Oliver, Papy, Pardee, Rollins, Russ, Smith, Spencer, Tuttle, Waldron, Westmoreland, White—33.

NOES—Messrs. Angney, Biggs, Bird, Brown of Tulare, Caldwell, Canavan, Cochran, Crigler, Cureton, Ellis, Fairchild, Gildea, Giltner, Gregory, Green, Hayes, James, Kelley, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, Ord, Payne, Rector, Spilman, Steele, Tully, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—40.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Westmoreland, Waldron and Rollins, and it was ordered engrossed by the following vote:

AYES—Messrs. Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Cochran, Crigler, Cureton, Days, Ellis, Fairchild,

Farish, Gildea, Giltner, Gregory, Hayes, James, Kelley, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, Ord, Papy, Payne, Rector, Russ, Spilman, Steele, Tully, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—44.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Church, Clark, Coggins, Davies, Dornin, Downer, Dwinelle, Jones, McElhany, Morrow, Oliver, Pardee, Rollins, Smith, Spencer, Tuttle, Waldron, Westmoreland, White—25.

Senate Bill No 422—An Act to authorize the guardian of certain minors to sell or mortgage their real estate.

Read third time.

Mr. Meagher moved the previous question.

Sustained.

The House refused to pass the bill.

Mr. Moore gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. O'Malley (Speaker pro tem.) in the chair.

Assembly Bill No. 739—An Act amendatory of and supplementary to an Act entitled an Act granting to the mining counties of this State the foreign miners' tax collected in said counties severally.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 446—An Act to provide for the collection of delinquent school taxes and legalizing assessments and school elections held in school districts in the County of Marin.

Read a third time and passed.

Senate Bill No 526—An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in said townships in the year eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year.

Read a third time and passed.

Senate Bill No 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal at San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

Read a third time and passed.

Senate Bill No. 474—An Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County.

Read a third time and passed.

Senate Bill No. 454—An Act to repeal certain Acts concerning hogs found running at large in Amador County.

Read a third time and passed.

Senate Concurrent Resolution No. 63—Relative to establishing a mail route from Stockton to Millerton, and Post Offices on said route.

Read a third time and passed.

Senate Bill No. 483—An Act to amend an Act entitled an Act in relation to roads and Roadmasters in Solano County, approved March twenty-fourth, eighteen hundred and sixty-eight.

Read a third time and passed.

Senate Bill No. 492—An Act in relation to the duties of the Assessor and Collector of Tuolumne County.

Read a third time and passed.

Senate Bill No. 487—An Act to authorize the Italian Mutual Benevolent Association to change its name.

Read a third time and passed.

Senate Bill No. 488—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and settle a certain claim.

Read a third time and passed.

Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named.

Mr. Watson moved the previous question.

Lost

The Chair stated that the question was on striking out the amendment reported by the committee as special instructions.

The ayes and noes were demanded by Messrs. Tully, Steele and Meagher, and the House refused by the following vote:

AYES—Messrs. Biggs, Bird, Caldwell, Canavan, Comte, Crigler, Cureton, Davies, Dornin, Ellis, Frisbie, James, Lee, Mardis, McElhany, Meagher, Middleton, Newell, O'Malley, Ord, Pardee, Rector, Spencer, Spilman, Steele, Tully, Warfield, Watson—28.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Connely, Days, Downer, Fairchild, Farish, Gregory, Jones, Mahon, Martin, Mattingly, Mentzell, Newsom, Oliver, Papy, Rollins, Russ, Smith, Tuttle, White, Wolleb—31.

Read a third time and passed.

Mr. Biggs gave notice to reconsider the vote by which the bill passed.

Mr. Tuttle rose to a point of order; said a vote passing the bill had been reconsidered once, and it was not in order to give notice of a second reconsideration of the same bill.

Overruled.

Mr. Tuttle appealed.

The question being, Shall the decision of the Chair stand as the judgment of the House? the ayes and noes were demanded by Messrs. Tuttle, Meagher and Mahon, and the House refused to sustain the Chair by the following vote:

AYES—Messrs. Biggs, Caldwell, Canavan, Comte, Cureton, Gildea, Lee, Meagher, Newell, Ord, Watson—11.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Bird, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Connely, Crigler, Davies, Days, Dornin, Downer, Dwinelle, Fairchild, Farish, Frisbie, Green, James, Jones, Mahon, Mardis, Martin, Mattingly, Mentzell, Morrow, Newsom, Oliver, Papy, Rollins, Russ, Smith, Spencer, Steele, Tuttle, Waldron, White, Willets, Wolleb—45.

Mr. Steele presented the following protest:

Mr. SPEAKER: I hereby most respectfully protest against both the ruling of the Chair and the action of this Assembly in adopting an amendment and referring it to a committee to incorporate the amendment in the bill, and then, without notice and motion of reconsideration, again passing upon the amendment.

The amendment was the solemn act of the House on this morning. No notice of reconsideration was given Therefore the amendment was not the subject of a vote at this time, the only question being upon the passage of the bill as amended under instructions.

E. STEELE.

Senate Bill No. 475—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-two

Read a third time and passed.

Assembly Concurrent Resolution No. 44, relative to Naturalization Laws.

Mr. Brown of Contra Costa moved to dispense with the reading and lay on the table.

Lost.

Mr. Frisbie moved the previous question.

Sustained.

Substitute adopted and bill ordered engrossed.

Mr Watson moved the previous question.

Sustained.

Resolution adopted.

Assembly Concurrent Resolution No. 13, relative to amendments of the Constitution.

On the engrossment of the resolution, the roll was called and the resolution ordered engrossed by the following vote:

AYES—Messrs Ables, Angney, Batchelder, Biggs, Bird, Brown of Contra Costa, Caldwell, Church, Clark, Cochran, Coggins, Connely, Crigler, Davies, Days, Dornin, Downer, Dwinelle, Gregory, Green, James, Jones, Mace, Martin, Mentzell, Middleton, Morrow, Newell, Ord, Papy, Pardee, Russ, Tuttle, Waldron, Wand, Watson, Westmoreland, Willets—38.

NOES—Messrs. Brown of Tulare, Comte, Cureton, Frisbie, Gildea, Hayes, Mattingly, Meagher, O'Malley, Payne, Rector, Warfield, Wollcb—13.

Assembly Bill No. 567—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco.

Amendments adopted.

Read a third time and passed.

Senate Bill No 555—An Act to provide a proper hospital for the County of Sacramento.

Passed on file

Assembly Bill No. 692—An Act amendatory of and supplementary to an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington, to certain parties therein named, approved April third, eighteen hundred and fifty-seven.

Laid on the table.

Senate Bill No 582—An Act to confer additional powers on the Board of Supervisors of the County of Mendocino.

By unanimous consent, under a suspension of the rules, read a third time and passed.

Assembly Bill No. 760—An Act to repeal an Act incorporating the Town of Auburn.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No 537—An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou.

Read a third time and passed.

Senate Bill No. 490—An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and for the collection of taxes therein.

Read a third time and passed.

Senate Bill No. 465—An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereof

Indefinitely postponed.

Senate Bill No 516—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Read a third time and passed.

Assembly Bill No. 599—An Act to provide for the construction and use of a canal in Islais Creek.

Substitute adopted.

Amended, amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 287—An Act to amend section eighteen of an Act entitled an Act to establish and maintain a public pound for the better securing of estrays and other stock in the County of Auburn.

Amendments adopted

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 513—An Act to provide for the improvement of rivers and streams in Santa Clara County, and to provide penalties for obstructing the same.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr Steele—An Act to make certain Acts take effect immediately.

Read first and second times and placed on special file.

By Mr. O'Malley—An Act to authorize the Board of State Harbor Commissioners to lease to Calvin Page certain lands at the foot of Union street, in the City and County of San Francisco

Read first and second times and referred to the Committee on Commerce and Navigation.

SPECIAL FILE CONTINUED.

Senate Bill No. 577—An Act relating to roads in the County of Colusa.
Read a third time and passed.
Senate Bill No. 510—An Act to authorize John B Ward and his associates to construct and maintain a wharf in Santa Barbara County.
Amendment adopted.
Read a third time and passed.
Senate Concurrent Resolution No. 68, granting leave of absence to A. L. Fuller, County Superintendent of Public Schools in Alameda County.
Adopted.
Senate Bill No. 461—An Act to extend the time within which to complete a wagon road.
Read a third time and passed.
Assembly substitute for Senate Bill No. 382—An Act to provide a wooden railroad within the County of Santa Clara.
Substitute adopted.
Ordered engrossed.
Substitute for Senate Bill No. 124—An Act for the relief of the City of Benicia.
Amended by a substitute.
Considered in Committee of the Whole.
Mr. Watson in the chair.

IN ASSEMBLY.

Bill reported back.
On motion of Mr. Waldron, at ten o'clock and ten minutes P. M., the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 26th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday was being read.
On motion of Mr. Church, further reading of the Journal was dispensed with.

REPORTS.

Mr. Middleton, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company—report the same back without recommendation.

Also, Assembly Bill No. 753—An Act granting certain parties the right to build a wharf—report the same back with amendments and recommend its passage as amended.

Also, Assembly Bill No 758—An Act to authorize the sale and conveyance of certain submerged lands in the City and County of San Francisco to the California Nail Manufacturing Company—report the same back without recommendation.

Also, Assembly Bill No. 738—An Act to provide for the sale and conveyance of tide lands to the House Carpenters' Protective Union—report the same back and recommend its passage.

MIDDLETON, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 25th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 452—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco, and issuing processes on the same.

Also, Assembly Bill No. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same.

Also, Assembly Bill No. 651—An Act concerning public roads and highways in the County of Monterey.

Also, Assembly Bill No. 534—An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto.

Also, Assembly Bill No. 416—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, and amended February twenty-ninth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three.

Also, Assembly Bill No 533—An Act to confer certain powers upon the Sacramento Gas Company and others.

Also, Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society of San Francisco.

Also, Assembly Bill No. 500—An Act to authorize the County of Yolo to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds.

Also, Assembly Bill No. 418—An Act to lower the grade of Sansome street, from Broadway street to Lombard street, in the City and County of San Francisco.

Also, Assembly Bill No. 614—An Act to legalize the Acts of the Board of Supervisors of Lake County, California, done at a special meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven.

Also, Assembly Bill No. 499—An Act to fix the time of holding the County Court and Probate Court in the County of Yolo.

Also, Assembly Bill No. 535—An Act to provide for the payment of the interest on certain bonds in the County of San Joaquin.

Also, Assembly Bill No. 523—An Act to fix the compensation of grand and trial jurors in criminal cases in the County of Tulare.

Also, Senate substitute for Assembly Bill No. 294—An Act concerning the Sheriff's advertising in the City and County of San Francisco.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

The resolution offered by Mr. Days on yesterday was taken up:

Resolved, That on and after Thursday, the twenty-sixth instant, the Clerk be instructed to discontinue the special file and place all bills upon the general file.

Lost.

On motion of Mr. Canavan, Senate Bill No. 494 was made special order for to-morrow at two o'clock P. M.

On motion of Mr. Angney, Senate Bill No. 124 was referred to the Committee on Ways and Means.

Mr. Batchelder moved to reconsider the vote by which Senate Bill No. 446 failed to passed on yesterday.

The ayes and noes were demanded by Messrs. Batchelder, Church and Ayer, and the motion to reconsider was adopted by the following vote:

AYES—Messrs. Angney, Batchelder, Battelle, Bird, Caldwell, Connely, Downer, Giltner, Gregory, James. Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Russ, Smith, Spilman, Waldron, White, Mr. Speaker—23.

NOES—Messrs. Ables, Bever, Biggs, Canavan, Church, Clark, Cureton, Davies, Dryer, Dwinelle, Fairchild, Farish, Lupton, Mace, Mardis, Newsom, Pardee, Wolleb—18.

On motion of Mr. Coggins, the bill was ordered to the general file.

Mr. Jones had leave to withdraw Assembly Bill No. 590 from the House, and substitute in place of the bill withdrawn, Assembly Bill No. 739.

On motion of Mr. Davis, Senate Bill No. 263 was made the special order for to-day at two o'clock.

On motion of Mr. Lupton, Assembly Bill No. 628 was made the second special order for two o'clock to-day.

Mr. Steele moved to reconsider the vote by which the House on yesterday refused to pass Senate Bill No. 422.

The ayes and noes were demanded by Messrs Steele, Clark and Spencer, and the House refused by the following vote:

AYES—Messrs. Biggs, Bird, Canavan, Church, Cochran, Comte, Davies,

Dwinelle, Fairchild, James, Jones, Kelley, Lee, Lupton, Mace, Mattingly, McElhany, Meagher, Middleton, Newsom, Ord, Pardee, Payne, Rollins, Scudder, Steele, Tully, Wand, Wolleb, Mr. Speaker—30.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Brown of Tulare, Caldwell, Clark, Connely, Crigler, Cureton, Dornin, Downer, Gildea, Giltner, Gregory, Mahon, Mardis, Martin, Mentzell, Moore, Morrow, Newell, Russ, Smith, Spencer, Tuttle, Waldron, Warfield, Westmoreland, White, Willets—33.

Mr. Farish offered the following resolutions:

Resolved, That Charles A. Sumner be and he is hereby authorized and requested to write out the arguments of James W. Coffroth and C. E. Tuttle in the contested election case of Mason v. Tuttle, and furnish the same to the State Printer; and the State Printer is hereby authorized and directed to print the transcript of the above named arguments and place them in the Appendix to the Assembly Journals for this session.

Resolved, That for his services as reporter of the argument aforementioned, Charles A. Sumner is hereby declared to be entitled to thirty (30) cents per folio of one hundred words; and the Secretary of State is hereby directed to compute the same and attest the number to the Committee on Claims of the Legislature of eighteen hundred and seventy.

Laid on the table, on motion of Mr. Moore.

Mr. Batchelder moved to take up Assembly Concurrent Resolution No. 13, proposed amendments to the Constitution.

Carried.

The roll was called, and the resolution passed by the following vote:

AYES—Messrs Ables, Angney, Ayer, Batchelder, Battelle, Bever, Bird, Broderson, Brown of Contra Costa, Caldwell, Church, Clark, Coggins, Connely, Crigler, Davies, Dornin, Downer, Dwinelle, Fairchild, Farish, Giltner, Gregory, Green, James, Jones, Kelley, Lee, Lupton, Mace, Mardis, Martin, Mattingly, McElhany, Mentzell, Morrow, Ord, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, Westmoreland, White, Willets, Mr. Speaker—52.

NOES—Messrs. Biggs, Canavan, Cochran, Comte, Cureton, Dryer, Gildea, Hayes, Meagher, Newsom, Warfield, Watson, Wolleb—13.

Mr Tuttle moved to take up Senate Bill No. 274.

Lost.

On motion of Mr. Bird, Assembly Bill No. 708 was made the special order for this evening at seven o'clock.

SENATE MESSAGES.

The following messages were received from the Senate.

SENATE CHAMBER,
March 25th, 1868.

Mr. SPEAKER: I am directed to inform your honorably body that the Senate, on the twenty-fourth instant, passed Senate Bill No. 353—An Act to authorize the sale and conveyance to Wm. Dunphy et al. of cer-

tain overflowed lands, and to carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco.

Also, Senate Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 581—An Act to provide for the removal of human remains in certain cases.

Also, amended and passed Assembly Bill No. 585—An Act concerning the municipal elections to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 25th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, with amendments, Assembly Bill No. 474—An Act to provide for the management and sale of the land belonging to this State.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate, on the twenty-fifth instant, passed Senate Bill No. 521—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo.

JOHN WHITE, Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 353, above reported, was read first and second times and ordered on the general file.

Senate Bill No. 581, above reported, was read first and second times and ordered on the general file.

Senate Bill No 434, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 585, above reported; Senate amendment adopted in concurrence.

Assembly Bill No. 474, above reported; Senate amendment to first proviso in section seventy adopted in concurrence.

Mr. Brown of Contra Costa moved to reconsider the vote concurring in said amendment.

Lost.

Senate amendments in various sections of the bill adopted in concurrence.

Senate Bill No. 421, above reported, was read first and second times and ordered on the general file.

INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Jones—An Act to authorize the Sheriff of Trinity County to charge and receive mileage for certain services.

Read first and second times and placed on special file.

By Mr. Dwinelle—An Act supplementary to an Act entitled 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, approved April twenty-fourth, eighteen hundred and sixty-two, and to amend and repeal other Acts and parts of Acts relating to said City of Oakland.

Read first and second times and placed on special file.

By Mr. Frisbie—An Act to form a school district in the Counties of Solano and Yolo.

Read first and second times and placed on special file.

By Mr. Lupton—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize an appropriation of money by said Board.

Read first and second times and placed on special file.

REPORTS.

Mr. Angney made the following report, by leave:

Mr. SPEAKER: The undersigned, from the Joint Committee on the Revenue Law, returns to the House the bills described as follows, the matters therein contained having been considered, and, so far as approved, incorporated into the bill on the State revenue introduced into the Senate by Mr. Shaw, viz:

Assembly Bill No. 119—An Act to repeal an Act entitled an Act concerning assessment rolls and returns to be made of property exempt from taxation, and also an Act entitled 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 to repeal certain provisions of the Revenue Act of this State.

Assembly Bill No. 186—An Act supplemental to 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.

Assembly Bill No. 111—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.

Assembly Bill No 331—An Act to amend an Act entitled an Act supplementary to and explanatory of the Revenue Laws of the State, approved April second, eighteen hundred and sixty-six.

Assembly Bill No. 270—An Act amendatory of and supplemental to an Act entitled an Act to provide for the licensing of auctioneers, and to define their duties and liabilities, approved April eighteenth, eighteen hundred and fifty-nine

Assembly Bill No. 350—An Act to amend the Act approved April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits.

Assembly Bill No. 327—An Act to amend section thirty of an Act to provide revenue for the support of the Government of this State.

Assembly Bill No. 393—An Act to amend an Act entitled an Act supplementary to and explanatory of the Revenue Laws of this State, approved April second, eighteen hundred and sixty-six.

Assembly Bill No. 404—Proposed amendments to the Revenue Laws of eighteen hundred and sixty-one.

Assembly Bill No. 340—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.

ANGNEY, for Committee.

The bills were all ordered to the general file.

Mr. Steele, Chairman of the Judiciary Committee, by leave, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered Senate Bill No. 279—An Act amendatory of and supplemental to an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto—and recommend that it do not pass.

Also, Senate Bill No. 455—An Act to amend an Act entitled an Act to regulate 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—and recommend that it do not pass

Also, substitute for Senate Bill No. 254—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, Senate Bill No 406—An Act to amend 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 return to the Senate for engrossment.

STEELE, Chairman.

GENERAL FILE.

Assembly Bill No 409—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Read a third time and passed.

Assembly Bill No. 644—An Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Mr. Coggins moved to indefinitely postpone the bill.

Mr. Watson moved the previous question.

Sustained.

On the question to indefinitely postpone, the ayes and noes were demanded by Messsrs. Coggins, Comte and Lee, and the House refused by the following vote:

AYES—Messrs. Biggs, Bird, Cochran, Coggins, Comte, Crigler, Dryer, Gregory, Jones, Kelley, Lee, Mentzell, Morrow, Rollins, Waldron, Westmoreland, Willets, Wolleb—18.

NOES—Messrs. Angney, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Connely, Cureton, Dornin, Dwinelle,

Ellis, Fairchild, Frisbie, Hayes, James, Lupton, Martin, McElhany, Meagher. Middleton, Moore, Newell, Newsom, Papy, Pardee, Russ, Scudder, Smith, Spilman, Steele, Tully, Tuttle, Wand, Warfield, Watson, Mr. Speaker—37.

The bill was ordered engrossed.

Mr. Steele moved to suspend the rules and put the bill on its final passage.

The ayes and noes were demanded by Messrs Lee, Willets and Coggins, and the House refused by the following vote. not two thirds voting in the affirmative:

AYES—Messrs. Ables. Angney, Batchelder, Broderson, Brown of Contra Costa, Brown of Tulare. Buckbee, Church, Cochran, Connely, Cureton, Dornin, Dwinelle, Ellis, Fairchild, Frisbie, Hayes, James, Lupton, Martin, Meagher. Middleton, Moore, Newsom. Papy. Pardee, Russ, Scudder, Smith, Spilman, Steele, Tully, Tuttle, Wand, Warfield, Watson, Westmoreland, Mr. Speaker—38

NOES—Messrs. Bever. Biggs, Bird, Coggins. Comte, Crigler, Days, Dryer, Gregory. Jones, Kelley, Lee, McElhany, Mentzell, Morrow, Rollins, Spencer, Waldron, Willets. Wolleb—20.

Mr. Dwinelle had leave of absence for the remainder of the day.

REPORT.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed Assembly Bill No. 673—An Act to confer further powers upon the Board of Trustees of the Town of Eureka.

Also, Assembly Bill No. 618—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State. and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 488—An Act to amend an Act entitled an Act to authorize guardians of minors, idiots and lunatics to receive and remove from this State any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight.

Also, Assembly Bill No 701—An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another.

Also, Assembly Joint Memorial No. 1—Memorial to Congress concerning the payment of damages by the United States done by Indians in eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three. in the Counties of Humboldt, Klamath, Trinity, Del Norte, etc.

Also, Assembly Bill No. 668—An Act to authorize and empower E. P. Figg and C C. Hayden, or their assigns, to construct and maintain dams, booms and piers on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering onthe same.

Also, Assembly Bill No. 669—An Act providing for levying and collecting tax for school purposes in the County of Santa Cruz.

Also, substitute for Assembly Bill No. 382—An Act amendatory of and supplementary to an Act entitled an Act to create the County of Lassen, to define its boundaries and provide for its organization, approved April first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 675—An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Louis Rose, his associates and assigns.

Also, Assembly Bill No. 179—An Act concerning roads and highways in the County of Mendocino

Also, Assembly Bill No 656—An Act to provide against the failure of testimony in certain cases

Also, Assembly Bill No 456—An Act granting to the Market Street Railway Company, of San Francisco, certain rights therein named.

Also, Assembly Bill No. 578—An Act to authorize certain parties to construct a wharf in the County of Solano.

Also, substitute for Assembly Bill No 739—An Act to provide for the disposition of foreign miners' license tax in the Counties of Klamath and Del Norte, donated to the several counties of this State

Also, substitute for Assembly Bill No. 622—An Act for the relief of Rebecca C Hoagland.

Also, Assembly Bill No. 689—An Act concerning Roadmasters in the County of Stanislaus.

Also, Assembly Bill No. 699—An Act granting leave of absence to Francis A. S Jones, Recorder and Auditor of Alpine County, California.

Also, Assembly Bill No. 586—An Act to amend an Act entitled an Act to regulate the fees of certain officers in Amador County, approved April sixth, eighteen hundred and fifty-nine.

Also, Assembly Bill No 744—An Act to provide for the improvement of the navigation of the Stanislaus River.

Also, substitute for Assembly Bill No. 32—An Act to authorize the sale and conveyance to Leopold Miller, his associates and assigns, of certain submerged lands belonging to this State, and situate in the City and County of San Francisco, and to authorize the said Leopold Miller, his associates and assigns, to construct and maintain slaughter-houses thereon, and for other purposes.

Also, Assembly Bill No. 696—An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor.

Also, Assembly Bill No 624—An Act to amend an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and also to amend an Act entitled an Act amendatory of and supplementary to an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, approved March fifth, eighteen hundred and sixty-four.

Also, Assembly Bill No 485—An Act amendatory of and supplemental to 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, and the Act amendatory thereof, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 754—An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. W. Price.

Also, Assembly Bill No. 723—An Act to provide for a drainage district in the County of Yolo.

Also, Assembly Bill No 748—An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley.

Also, Assembly Bill No. 671—An Act authorizing the construction of a wharf in the Bay of San Diego, in the County of San Diego, by Joseph S. Mannassa, Marcus Schiller, David B. Hoffman, their associates and assigns.

Also, Assembly Bill No 615—An Act to authorize the establishment of a steam ferry between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County.

Also, substitute for Assembly Bill No. 104—An Act more clearly to define the boundaries of the County of San Diego, and to amend an Act entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

Also, Assembly Bill No. 684—An Act to authorize the construction of a wharf in the City of Petaluma.

Also, Assembly Bill No. 672—An Act supplementary to an Act entitled an Act to provide for the government of the County of San Diego, approved March thirteenth, eighteen hundred and sixty-eight.

Also, Assembly Bill No 718—An Act to extend the time for commencing the construction of the Stockton and Copperopolis Railroad; also, that of the Stanislaus and Mariposa Railroad.

DAYS, for Committee.

GENERAL FILE RESUMED.

Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four.

Amendments adopted.

Read a third time and passed.

On motion of Mr Westmoreland, Assembly Bill No. 524 was made the special order for half-past three o'clock P. M. to-day.

Senate Bill No 239 (substitute for Assembly Bill No. 239)—An Act for compensating parties whose property may be destroyed by mobs.

Senate amendments adopted.

Read a third time and passed.

Assembly Bill No. 324—An Act amendatory of and supplementary to an Act entitled an Act to establish a standard of weights and measures, passed April fourth, eighteen hundred and sixty-one.

Withdrawn by the author, by leave.

Assembly Bill No. 497—An Act to circulate information relative to the resources of the State of California.

Withdrawn by the author, by leave.

Assembly Bill No. 247—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads and other roads, for revenue purposes, and other matters relating thereto.

Withdrawn by the author, by leave.

Assembly Bill No. 661—An Act concerning the leasing of the water

front of the City and County of San Francisco by the Board of State Harbor Commissioners.

Withdrawn by the author, by leave.

Assembly Bill No. 655—An Act relating to uncalled for balances in banks, and savings and loan societies.

Amendments adopted.

Ordered engrossed.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No 727—An Act to pay a certain claim.

Considered in Committee of the Whole.

Mr. Watson in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Senate Bill No. 386—An Act to appropriate money to pay the outstanding Indian war bonds of the State of California, issued January, eighteen hundred and fifty-four, under an Act of the Legislature, approved May thirtieth, eighteen hundred and fifty-two, and Acts supplementary thereto.

Considered in Committee of the Whole.

Mr. Westmoreland in the chair.

IN ASSEMBLY.

Bill reported back without recommendation.

Mr. Brown of Contra Costa moved to place the bill at the top of the file for to-morrow.

Lost.

Mr. Lupton moved to indefinitely postpone.

Carried

Assembly Bill No 505—An Act for the relief of W B. Ross, Sheriff of Kern County.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 739—An Act for the relief of Anna Cochran.

Considered in Committee of the Whole.

IN ASSEMBLY.

Reported back without recommendation.

Mr Spencer moved the previous question.

Sustained.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Moore, Angney and Frisbie, and it was ordered engrossed by the following vote:

AYES—Messrs Ables, Batchelder, Bever, Biggs, Broderson, Brown of Contra Costa, Buckbee, Canavan, Cochran, Comte, Cureton, Davies, Days, Dornin, Downer, Dryer, Gildea, Jones, Kelley, Mattingly, Meagher, Middleton, Morrow, Pardee, Smith, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb—32.

NOES—Messrs. Angney, Bird, Brown of Tulare, Caldwell, Church,

Connely, Ellis, Fairchild, Farish, Gregory, James, Mace, Mardis, Martin, Moore, Newell, Newsom, Russ, Scudder, Spencer, Steele, Mr. Speaker—23.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

REPORT.

Mr Brown of Tulare, Chairman of the Committee on Public Accounts and Expenditures, made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures have examined and found correct the following bills, and would recommend the adoption of the accompanying resolution:

To whom due.	Amount.
Sacramento Daily Union, from January twenty-fifth to close of session	$358 00
United States Surveyor-General, for maps and field notes	230 80
W. Sharp, for carpet and oilcloth for Assembly Chamber, etc.	16 75
Woodbridge Messenger, for session	3 00
Wells, Fargo & Co., for expressage	2 00
Yreka Union, thirty-five copies for session	105 00
San José Patriot, two copies for session	6 00
F. J. Moore, for rope and rubber strap for Assembly	5 75
R. Steward, for Alta and Call for session	118 50
C. H. Krebs, for mounting maps for Tide Lands Committee	2 50
F. J. Moore, for rubber strap	50
John J. Conway, for six copies of the Shasta Courier	18 00
D. W. Clark, for nine copies Sunday Mercury	27 00
Tulare Times, for seven copies for session	21 00
Mariposa Mail, for five copies for session	15 00
H. Fellows, for eleven copies for session	33 00
D. E. Gordon, for four copies Trinity Journal for session	12 00
Dewey & Vaugh, for six copies Mountain Messenger for session	18 00
B. Dennery, for lamp shades for Assembly	3 12
Contra Costa Gazette, for two copies for session	6 00
S. D. Smith, for half cord of wood for committee rooms	5 00
W. Sharp, for oilcloth	2 50
L. Higgins, for six copies Napa Reporter for session	18 00
Monterey Democrat, for six copies for session	18 00
John Breuner, for repairing stool and desk	2 00
Brown & Deal, for Nevada Transcript, six copies for session	20 00
C. T. Raney, for two copies of Californian for session	6 00
Quincy Union, for two copies for session	6 00

Names.	Amounts.
Merced Herald, for one copy for session	3 00
Butte County Press, for eight copies for session	24 00
Auburn Herald, for one copy for session	3 00
Irish News, for eighteen copies for session	54 00
C. T Raney, for twenty copies of Mining Press for session	60 00
C. T. Raney, for twenty copies News Letter for session	60 00
Pacific, for four copies for session	12 00
Petaluma Argus, for four copies for session	12 00
Amador Ledger, one copy for session	3 00
Plumas National, for two copies for session	6 00
Healdsburg Standard, five copies for session	15 00
Sage Brush, for one copy for session	3 00
Sutter Banner, five copies for session	15 00
Butte Record, for four copies for session	12 00
Los Angeles News, for eight copies for session	24 00
San Mateo Gazette, one copy for session	3 00
Marin Journal, for five copies for session	15 00
Stockton Gazette, for thirteen copies for session	39 00
Nevada Gazette, for one copy for session	3 00
San Bernardino Guardian, one copy for session	3 00
California Farmer, eight copies for session	24 00
Grass Valley National (daily), one copy for session	4 00
Oakland News (daily), two copies for session	8 00
Alameda Gazette, one copy for session	3 00
Los Angles Republican, one copy for session	3 00
Clear Lake Courier, four copies for session	12 00
I. L Merrill, for lamps and globes, etc	11 95
W. C. Allen, for room rent for Judiciary Committee	40 00
A. J. Nichols, for carpet, one hundred dollars; for room rent, one hundred and forty dollars	240 00
George I. Lytle, for thirty-five copies Bulletin to close of session	120 30
George I. Lytle, for Daily Stockton Independent to close of session	18 33
William G. English, for rent of six rooms, for committees, to end of session	160 00
George Rowland, for postage, etc	59 16
Hebrew Observer, for one copy for session	3 00

Resolved, That the Controller of State be and he is hereby authorized and required to draw his warrants on the Contingent Fund of the Assembly, in favor of the above named persons.

BROWN of Tulare, Chairman.

The resolution was adopted.

MESSAGE FROM THE SENATE.

On motion of Mr. Connely, the following Senate message was taken up:

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate, on the twenty-sixth instant, passed, under a suspension of the rules, Senate Bill No. 588—An Act further to provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

JOHN WHITE, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 588, above reported, was read first and second times and ordered on the special file.

Mr Oliver, by leave, introduced a bill—An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin, passed April fourteenth, eighteen hundred and sixty-eight.

Read first and second times and placed on special file.

SPECIAL ORDER.

The special order for two o'clock P. M., Senate Bill No 377 (substitute) —An Act to provide a terminus for the Southern Pacific Railroad Company and the Western Pacific Railroad Company in the City of San Francisco—was taken up.

Mr. Wand moved to postpone until to-morrow at two o'clock P M.

Mr Giltner moved the previous question.

Sustained

On the question to postpone, the ayes and noes were demanded by Messrs Wand, Giltner and Tuttle, and the House refused by the following vote:

AYES—Messrs. Angney, Bever, Caldwell, Clark, Coggins, Crigler, Days, Farish, Gildea, Giltner, Green, James, Lee, Mardis, Martin, Meagher, Mentzell, Moore, Newsom, Ord, Papy, Payne, Rollins, Scudder, Spilman, Tuttle, Waldron, Wand, Mr Speaker—30

NOES—Messrs Ables, Ayer, Batchelder, Battelle, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Cochran, Comte, Conney, Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Fairchild, Frisbie, Hayes, Jones, Kelley, McElhany, Middleton, Morrow, Newell, Oliver, Rector, Russ, Steele, Tully, Warfield, Watson, Westmoreland, White, Willets, Wolleb—40.

Mr. Farish offer a substitute for the bill.

On motion of Mr. Tuttle, the House went into Committee of the Whole to consider Senate Bill No. 377.

Speaker in the chair.

IN ASSEMBLY.

Bill reported back and the committee granted leave to sit again

On motion of Mr. Westmoreland, the bill was made the special order for to-morrow, at half past ten o'clock A. M.

Mr. Buckbee moved to reconsider the vote by which Assembly Bill No 489 passed on yesterday.

The House refused to reconsider.

REPORTS.

Mr. Rector, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 655—An Act to provide for the appointment of a Bank Commissioner and to prescribe his powers and duties.

RECTOR, for Committee.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Concurrent Resolution No. 13—proposed amendments of the Constitution

Also, Assembly Bill No 731—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale

Also, substitute for Assembly Bill No 599—An Act to provide for the construction and use of a canal in Islais Creek

Also, Assembly Bill No 644—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

BATCHELDER, for Committee.

At five o'clock and forty-five minutes P. M., Mr. Buckbee moved to adjourn.

Lost.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Concurrent Resolution No. 44.

Also, Assembly Bill No. 524—An Act to encourage the production and manufacture of sugar from sugar beet in California

Also, Assembly Bill No 647—An Act to exempt certain property named herein from execution

Also, Assembly Bill No 736—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Also, Assembly Bill No. 729—An Act for the relief of Anna Cochran.

Also, Assembly Bill No. 727—An Act for the relief of C. D. Lyman.

LEE, Chairman.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled Assembly Bill No 549—An Act to fix the terms of the County and Probate Court of the County of Monterey;

Also, Assembly Joint Resolution No, 12, in relation to requesting our Senators and Representatives in Congress to use their influence to procure the appointment of a Mail Agent on the line of the Central Pacific Railroad;

Also, Assembly Concurrent Resolution No. 40, relative to securing the passage of a law by Congress granting aid to the Oroville and Virginia City Railroad Company;

Also, Assembly Bill No. 197—An Act to authorize the County Recorder of the City and County of San Francisco to appoint an additional deputy;

Also, Assembly Bill No. 650—An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 336—An Act to provide for the relief of the indigent sick of San Mateo County;

Also, Assembly Bill No 710—An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte;

Also, Assembly Bill No. 562—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento;

Also, Assembly Bill No. 254—An Act authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county;

And this day, at ten minutes past one o'clock P. M., presented the same to the Governor for his approval.

PAYNE, Chairman.

At six o'clock and ten minutes P. M., on motion of Mr Clark, the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Mr. Watson moved a call of the House.

Carried

Roll called.

Quorum present.

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

Mr. Middleton, by leave, offered the following concurrent resolution:

Resolved, That the Governor be and he is hereby requested to return to the Assembly, Assembly Bill No. 254.

Adopted.

SPECIAL FILE.

Assembly Bill No. 708—An Act to fix the salaries of State officers and clerks, and the pay of members of the Legislature and employés.

Mr. Brown of Contra Costa moved to lay on the table.

Lost.

Mr. Meagher moved to refer to the Special Committee on Fees and Salaries.

Lost.

Mr Cochran moved to place at the top of file for to-morrow.

Lost.

On motion of Mr. Days, the bill was referred to the Judiciary Committee.

Senate Bill No. 519—An Act authorizing Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof.

Read a third time and passed.

Assembly Bill No. 88—An Act to regulate the taking up and holding of mining claims in the State of California.

Amended, amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Gildea, by leave, introduced a bill—An Act to legalize assessments of taxes on all property, both real and personal, in the City of Placerville, for the year eighteen hundred and sixty-six now delinquent.

Read first and second time, and by unanimous consent, under suspension of the rules, read a third time and passed.

Mr. Spencer, by leave, introduced a bill—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and placed on the general file.

Assembly Bill No. 735—An Act to prevent Swamp Land District Number Two from overflow.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 316 (substitute)—An Act to provide for the collection of revenue in and for the County of Napa.

Amendment adopted.

Read a third time and passed.

Senate Bill No. 435—An Act to authorize William Bihler to construct a wharf on Petaluma Creek.

Read a third time and passed.

Mr. O'Malley, Speaker pro tem., in the chair.

Senate Bill No. 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs.

Mr. Warfield moved to indefinitely postpone.

Mr. Wolleb moved the previous question.

Sustained.

The House refused to indefinitely postpone.

Read a third time and passed.

Senate Bill No 363 (substitute)—An Act to encourage the development of the iron mines of California.

Considered in Committee of the Whole.

Mr. O'Malley in the chair.

IN ASSEMBLY.

Bill reported back and committee granted leave to set again.

On motion of Mr. Angney, the bill was referred to the Committee on Agriculture, with instructions to report to-morrow.

Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven.

Amendment adopted

Read a third time and passed.

Assembly Bill No. 767—Act to establish a morgue in the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 769—An Act to make certain Acts take effect immediately.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 753—An Act granting certain parties the right to build a wharf.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Assembly Bill No. 770—An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin, passed April fourteenth, eighteen hundred and sixty-eight.

Rules suspended, bill considered engrossed, and, by unanimous consent, read a third time and passed.

Senate Bill No. 588—An Act further to provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

Mr. Bird moved to refer to the Judiciary Committee.

Mr. Westmoreland moved the previous question.

Sustained.

The motion to refer was lost.

Read a third time and passed.

Mr. Coggins gave notice that he would move to reconsider the vote just taken.

Assembly Bill No 765—An Act concerning the revenue and revenue officers of the County of Sacramento.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 624—An Act to amend an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time

On the passage of the bill, the ayes and noes were demanded by Messrs. Westmoreland, Gildea and Waldron, and the bill passed by the following vote:

AYES—Messrs Angney, Biggs, Bird, Brown of Tulare, Caldwell, Canavan, Cochran, Comte, Crigler, Cureton, Fairchild, Gildea, Giltner, Gregory, Hayes, James, Mace, Mahon, Mardis, Mattingly, McElhany,

Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Payne, Rector, Scudder, Spilman, Steele, Tully, Wand, Warfield, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—36.

NOES—Messrs. Ayer, Batchelder, Bever, Buckbee, Church, Coggins, Davies, Dornin, Downer, Dryer, Green, Morrow, Pardee, Rollins, Russ, Spencer, Waldron, White—18.

MESSAGE FROM THE SENATE.

On motion of Mr. Watson, the following Senate message was taken up:

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: I am instructed to return to the Assembly, Assembly Bill No. 64—An Act to authorize T D Mott and others to build a wharf or wharves at the port of San Pedro, in the County of Los Angeles, together with the report of the Committee of Conference.

JOHN WHITE, Secretary.

REPORT.

The Committee of Free Conference on Assembly Bill No. 64 made the following report:

The Joint Committee of Free Conference upon the disagreeing vote of the two houses upon the amendments to Assembly Bill No. 64—An Act to authorize T D. Mott, S. Haley, A. J. King, George Carson and associates, to build a wharf or wharves at the port of San Pedro, in the County of Los Angeles—having considered the same, report the bill back and recommend that the amendments of the Senate be concurred in, and that section two of said Act be amended by adding the words: "Also, four hundred yards on each side of said wharves."

MIZNER,
McDOUGALL,
BEACH,
Senate Committee.

WATSON,
WAND,
WESTMORELAND,
Assembly Committee.

The report was adopted, and the bill amended to correspond with the recommendations of the committee.

MESSAGE FROM THE SENATE.

Mr. Warfield moved to take up Senate messages.
Carried.
The following message was read:

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: The Senate has considered, amended and passed Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of the State of California, for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy—and ask the concurrence of the Assembly to the amendments made to the bill.

Also, the rules being suspended, passed Senate Bill No 593—An Act to authorize the California Pacific Railroad Company to extend its road to Suscol, in Napa County, and receive subscriptions to its capital stock, and other matters relating thereto.

Also, passed Senate Bill No 597—An Act amendatory of and supplementary to an Act entitled an Act to establish and maintain an alms house and hospital in the City and County of San Francisco

Also, passed Senate Bill No. 503—An Act for the relief of Mrs. E. S. McLean

Also, the Senate suspended the twelfth standing rule in order to transmit the bills passed to the Assembly without delay.

JOHN WHITE, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 593, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 597, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No 508, above reported, was read first and second times.

Mr. Scudder moved to refer to the Committee on Claims, with instructions to report to-morrow.

Lost.

Depositions reported with the bill were being read, when Mr. Wand moved to dispense with further reading.

On motion of Mr. Watson, the bill and accompanying papers were referred to the Committee on Claims.

Mr. Dwinelle and others demanded that all the Senate messages in the House at the time the motion was carried should be read

The Chair stated that the Speaker informed him the message just read was the only one before the House.

While members were rising to various points of order, on motion of Mr. Buckbee, at nine o'clock and fifty minutes P. M., House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 27th. 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present.
Prayer by the Rev. Mr. Phelps.
Journal of yesterday was being read when, on motion of Mr. Westmoreland, further reading was dispensed with.

REPORTS.

Mr. Watson, Chairman of the Committee on the Culture of the Grapevine, made a report.
Ordered printed.
[For report, see Appendix.]
Mr. Angney, Chairman of the Committee on Ways and Means, made the following report:

Mr. SPEAKER: The Committee on Ways and Means, have had under consideration a bill to fix the rate of taxation for State purposes, and report it to the Assembly for its adoption.

ANGNEY, Chairman.

The bill above reported, an Act to fix the rate of taxation for State purposes, was read first and second times and, by unanimous consent, read a third time and passed.
Mr. Westmoreland moved to reconsider the vote by which Senate Bill No. 588 passed.
Mr. Buckbee moved to indefinitely postpone.
Carried.
On motion of Mr. Angney, Assembly Bill No. 693, reported in Senate message on yesterday, was taken up.
Senate amendments adopted in concurrence
The House refused to concur in Senate amendments to section three and other sections of the bill
Mr. O'Malley moved that the special order, set for half-past ten, be postponed until eleven o'clock.
Carried.
On motion of Mr. Westmoreland, the special order was again postponed until the bill under consideration was disposed of
Mr. Angney moved that the House appoint a Committee of Free Conference, to consist of three members, on the disagreeing vote of the two houses.
Carried.
The Speaker appointed as such committee, Messrs. Angney, Frisbie and Canavan.
Mr Lee, Chairman of the Engrossing Committee, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and

found correctly engrossed, Assembly Bill No. 765—An Act concerning the revenue and revenue officers of the County of Sacramento.

Also, Assembly Bill No. 750—An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three, and to make said Act applicable to the County of Lassen.

Also, Assembly Bill No 720—An Act to increase the numbers of Notaries Public for Mendocino County

Also, Assembly Bill No. 602—An Act to repeal an Act to provide for the election of Supervisors of certain counties in this State.

Also, Assembly Bill No. 531—An Act to encourage the manufacture of steel in this State.

Also, Assembly Bill No. 688—An Act authorizing B. D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano.

Also, Assembly Bill No. 287—An Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock, in the County of Alameda.

Also, Assembly Bill No 691—An Act to authorize the Controller to credit J. Hop Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts

Also, Assembly Bill No 716—An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia Railroad Company, and to provide for the payment thereof.

Also, substitute for Assembly Bill No 513—An Act to provide for the improvement of the rivers and streams and to provide penalties for the obstruction of their channels.

Also, Assembly Bill No. 770—An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the City and County of San Francisco

Also, Assembly Bill No 620—An Act to regulate the issue and transfer of warehouse receipts and other vouchers, and to prohibit fraud therein.

Also, Assembly Bill No. 760—An Act to repeal an Act incorporating the Town of Auburn

Also, substitute for Assembly Bill No. 647—An Act for the protection of laurel and other valuable ship building and cabinet woods.

Also, substitute for Senate Bill No. 382—An Act to authorize the construction of a tramroad or railroad, in the County of Santa Clara

Also, Assembly Bill No. 746—An Act to amend an Act entitled an Act to authorize J. Q A Tilton and others to construct and maintain a turnpike road, from the point where the main county road crosses the San Mateo Creek, to Half Moon Bay, and to charge and collect tolls for travel thereon, approved March twentieth, eighteen hundred and sixty-six.

Also, substitute for Assembly Bill No. 309—An Act to repeal an Act amendatory of and supplemental to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador.

Also, Assembly Bill No. 747—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company.

Also, Assembly Bill No. 544—An Act to re-district the County of Monterey.

LEE, Chairman.

On motion of Mr. Connely, the special order was postponed, to take up the following Senate messages:

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: The Senate, by the suspension of all rules, this day passed Senate Bill No 592—An Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland, and ratifying and confirming the acts of its Trustees.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: The Senate this day passed, under a suspension of the rules, Senate Bill No. 594—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: The Senate have passed Assembly Bill No. 170—An Act to appropriate money to pay the claim of W. D. Harriman and W. G. Wood.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate this day passed, by a unanimous vote and a suspension of all the rules, substitute for Assembly Bill No. 226 (with amendments)—An Act to provide funds to be applied to building a hospital in the City and County of San Francisco

Also, Assembly Bill No. 229—An Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, etc

Also, Senate Bill No 188—An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish grades of streets, etc.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 596—An Act to amend an Act entitled 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, approved April fifteenth, A. D. eighteen hundred and sixty-two.

Also, Assembly Bill No 463—An Act to provide for the appointment of phonographic reporters in certain counties in this State.

Also, Assembly Bill No. 570—An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 751—An Act authorizizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county.

Also, return, as per request of the Assembly, Senate Bill No. 406—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-seven.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 592, above reported, was read first and second times and ordered on the special file

Senate Bill No. 594, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 188, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 463, above reported, was read first and second times and ordered on the special file.

Substitute for Assembly Bill No. 226, above reported; Senate amendment adopted in concurrence.

Senate Bill No. 596, above reported, was read first and second times and placed on general file.

Senate Bill No 406, above reported, was read first and second times and placed on general file.

Mr. O'Malley moved to postpone the special order to take up a bill.

Lost.

Mr. Canavan moved to postpone special order to allow a bill to be referred.

Lost.

Senate Bill No. 353 was ordered to special file.

REPORT.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and find correctly engrossed, Assembly Bill No 753—An Act granting certain parties the right to build a wharf in the County of Alameda.

BATCHELDER, for Committee.

Mr. Moore moved to postpone the special order until two o'clock P. M.

Lost.

SPECIAL ORDER.

The special order for half-past ten o'clock A. M., Senate Bill No. 377 (substitute)—An Act to provide a terminus for the Southern Pacific Railroad Company and the Western Pacific Railroad Company in the City of San Francisco—was taken up.

Mr. Days moved to lay on the the table.

The ayes and noes were demanded by Messrs. Coggins, Buckbee and Batchelder, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Batchelder, Bever, Coggins, Connely, Days, Gildea, Giltner, Gregory, James, Mahon, Mardis, Mattingly, Meagher, Moore, Morrow, Newsom, Ord, Payne, Rollins, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, White, Mr. Speaker—29.

NOES—Messrs Ayer, Battelle, Biggs, Bird, Broderson, Buckbee, Caldwell, Church, Cochran, Comte, Cureton, Davies, Dornin, Downer, Dryer, Fairchild, Frisbie, Hayes, Jones, Lee, McElhany, Middleton, Newell, Oliver, Papy, Pardee, Rector, Scudder, Smith, Steele, Warfield, Westmoreland, Willets, Wolleb—35.

On the amendment to the bill recommended by the Committee of the Whole, to strike out "one hundred and fifty acres" and insert "fifteen acres," the ayes and noes were demanded by Messrs. Meagher, Moore and Lee, and the House refused by the following vote:

AYES—Messrs. Angney, Coggins, Crigler, Days, Fairchild, Farish, Gildea, Giltner, Gregory, James, Mahon, Mardis, Martin, Meagher, Mentzell, Moore, Newsom, Payne, Rollins, Tully, Tuttle, Waldron, Wand, White—24.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Buckbee, Caldwell, Canavan, Church, Cochran, Comte, Connely, Cureton, Davies, Dornin, Downer, Dryer, Frisbie, Hayes, Jones, Lee, Mattingly, McElhany, Middleton, Morrow, Newell, Oliver, Ord, Papy, Pardee, Rector, Russ, Scudder, Smith, Spencer, Spilman, Warfield, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—45.

The question being on adopting the committee amendment of twenty-five acres—

Mr. Scudder moved to amend by making it thirty acres.

On adopting the amendment of twenty-five acres, the ayes and noes were demanded by Messrs. Mahon, Meagher and Lee, and the House refused by the following vote:

AYES—Messrs. Coggins, Crigler, Days, Fairchild, Farish, Giltner, Gregory, James, Mahon, Mardis, Meagher, Mentzell, Moore, Newsom, Payne, Rollins, Tully, Tuttle, Waldron, Wand, White—21.

NOES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Comte, Connely, Cureton, Davies, Dornin, Downer, Dryer, Frisbie, Hayes, Jones, Lee, Mace, Martin, Mattingly, McElhany, Middleton, Morrow, Newell, Oliver, Ord, Papy, Pardee, Rector, Russ, Scudder, Spencer, Steele, Warfield, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—48.

Amended, amendments adopted.

Mr. Westmoreland moved an amendment to line sixteen, section one. The ayes and noes were demanded by Messrs. Moore, Tully and Rollins, and it was adopted by the following vote:

AYES—Messrs Ables, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Buckbee, Caldwell, Church, Cochran, Comte, Connely, Cureton, Davies, Dornin, Downer, Dryer, Frisbie, Hayes, Jones, Lee, Mace, Mahon, Mattingly, McElhany, Mentzell, Middleton, Newell, Oliver, Papy, Pardee, Rector, Russ, Spencer, Steele, Warfield, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—43.

NOES—Messrs. Angney, Brown of Tulare, Clark, Coggins, Crigler, Days, Fairchild, Gildea, Giltner, James, Mardis, Meagher, Moore, Morrow, Newsom, Payne, Rollins, Scudder, Spilman, Tully, Tuttle, Waldron, Wand, White—24.

Mr. Gildea moved to amend section one, line three, by striking out "one hundred and fifty" and inserting "thirty"

The ayes and noes were demanded by Messrs. Moore, Meagher and Batchelder, and the amendment was adopted by the following vote:

AYES—Messrs Ables, Angney, Batchelder, Brown of Tulare, Clark, Coggins, Connely, Crigler, Days, Dryer, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Mahon, Mardis, Martin, Mattingly, Meagher, Moore, Morrow, Newsom, O'Malley, Ord, Papy, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, White, Mr. Speaker—44.

NOES—Messrs. Ayer, Battelle, Biggs, Bird, Broderson, Buckbee, Caldwell, Church, Cochran, Comte, Cureton, Davies, Dornin, Downer, Dwinelle, Frisbie, Lee, Mace, McElhany, Mentzell, Middleton, Newell, Oliver, Pardee, Rector, Steele, Warfield, Watson, Westmoreland, Willets, Wolleb—31.

Amended, amendments adopted.

On motion of Mr. Westmoreland, the bill was laid on the table.

Mr. O'Malley in the chair.

On motion of Mr. Middleton, Assembly Bill No. 254, returned from the Governor, was taken up.

Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of certain streets in said city and county.

House refused to concur in Senate amendments to the bill. This action was taken upon motion of Mr Middleton.

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

SENATE MESSAGES.

On motion of Mr. Farish, the special order set for two o'clock P. M. was postponed to take up Senate messages.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate yesterday passed Assembly Bill No. 670—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth eighteen hundred and sixty-six.

Also, this day, passed Assembly Bill No. 731—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale.

Also, this day, passed Assembly Concurrent Resolution No. 63, relative to the return of Assembly Bill No. 64, at present in the hands of the Governor.

Also, on yesterday, amended and passed Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused to recede from its amendments to Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of the State of California for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy—and has appointed Messrs Tubbs, Beach and Shaw as a Committe of Free Conference on the part of the Senate.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate this day refused to concur in the Assembly amendments to Senate Bill No 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its duties and powers—and respectfully request the Assembly to recede from its amendments to the bill.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 129, above reported, with Senate amendment to section four, granting and donating lands to the Southern Pacific Railroad and Western Pacific Railroad.

Mr. Watson moved the previous question.

Sustained

On concurring in the amendment, the ayes and noes were demanded by Messrs. Batchelder, Coggins and Rollins, and it was adopted by the following vote.

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Cald-

well, Canavan, Church, Clark, Cochran, Comte, Connely. Cureton, Davies, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Giltner. Gregory, James, Jones, Kelley, Lupton. Mace, Mahon. Mardis. Mattingly, McElhany, Mentzell. Middleton, Moore, Morrow, Newell Oliver, O'Malley. Ord, Papy, Pardee, Payne, Russ, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Wolleb—63.

NOES—Messrs. Angney, Coggins, Crigler, Days, Martin, Meagher, Newsom, Rector, Rollins, Scudder, Steele, Watson, Mr. Speaker—13.

Senate Bill No 276, above reported; the House refused to recede from its amendments to the bill, and the Speaker appointed as a Committee of Free Conference on the part of the House, Messrs. Connely, Papy and Frisbie.

SPECIAL ORDER.

The special order for two o'clock P. M, Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad Company—was taken up.

Read a third time.

Mr. Watson moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs. Giltner, Coggins and Ayer, and it passed by the following vote:

AYES—Messrs Ayer, Battelle, Bever, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Cochran. Comte. Connelly, Davies, Dornin, Dryer, Dwinelle, Ellis, Farish, Frisbie, Gildea, Kelley, Mace, Mattingly, McElhany, Mentzell, Middleton, Newell, O'Malley, Papy, Russ, Steele, Wand, Watson, Westmoreland, Willets, Wolleb —40.

NOES—Messrs. Ables, Angney, Batchelder, Coggins, Crigler, Days, Downer, Fairchild, Giltner, Gregory, James, Jones, Lupton, Mardis, Meagher, Payne, Scudder, Spencer, Tully, Tuttle, Waldron, White, Mr. Speaker—23.

Mr. Gildea gave notice of a motion to reconsider the vote just taken.

Mr. Westmoreland moved to take up Assembly Bill No. 524.

Carried.

Assembly Bill No. 524—An Act to encourage the production and manufacture of sugar and sugar beet in California.

On motion of Mr. Westmoreland, the bill was referred to Mr. Angney, to amend.

Mr. Angney made the following report:

Mr. SPEAKER: I herewith return Assembly Bill No. 524, amended as instructed.

ANGNEY.

Amendment adopted

Read a third time and passed.

Assembly Bill No 694 was ordered to the special file for to-night.

Assembly Bill No 460 was ordered to the special file for to-night.

Assembly Bill No. 623 was ordered to the special file for to-night

Substitute for Assembly Bill No. 109 was ordered to the special file for to-night.

Senate Bill No. 362 was ordered to the special file for to-night.
Senate Bill No. 410 was ordered to the special file for to-night.
Senate Bill No. 433 was ordered to the special file for to-night.
Substitute for Senate Bill No. 143 was ordered to the special file for to-night.
On motion of Mr. Davies, Senate Bill No. 263 was made special order for four o'clock P. M.

REPORTS.

Mr. O'Malley, Chairman of Committee on Agricultural, Mining and Mechanical Arts College, made the following report:

Mr. SPEAKER: Your Committee on Agricultural. Mining and Mechanical Arts College, to whom was referred Assembly Concurrent Resolution No. 58, have had the same under consideration, report it back and recommend its passage.

O'MALLEY, Chairman.

Assembly Concurrent Resolution No. 58, above reported, was taken up.
Read a third time and passed.
Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The undersigned, a minority of the Judiciary Committee, are opposed to the passage of Senate Bill No. 304—An Act to limit the time for commencing civil actions in certain cases.

STEELE,
MOORE,
TUTTLE,
BROWN.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary have considered Assembly Bill No. 764—An Act to amend section one hundred and ninety-eight of an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—and recommend its passage.
Also, Assembly Bill No. 766—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—and recommend its passage.

STEELE, Chairman.

Mr. SPEAKER: The Committee on the Judiciary have considered substitute for Senate Bill No. 304—An Act to limit the time for commencing civil actions in certain cases—and the undersigned of said committee recommend the passage of the bill.

PAPY,
COMTE,
ROLLINS,
BUCKBEE,
LUPTON,
HAYES,
DWINELLE.

Mr. Connely, from the Committee on Claims, verbally reported Senate Bill No. 508 without recommendation.

Mr. Moore, from the Committee on Corporations, verbally reported Senate Bill No. 356 and recommended its passage.

Mr. Angney, 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. 547—An Act to repeal a certain Act approved March twenty-seventh, eighteen hundred and sixty-three; and an Act approved March second, eighteen hundred and sixty-six; also, Assembly Bill No. 337—An Act more strictly defining the duties of the Board of Supervisors and other officers of Humboldt County, to place the affairs of that county on a cash basis, and reduce public expenditures and taxation therein; also, Assembly Bill No. 582—An Act to authorize the appropriation of money for the purpose of having a statue made in honor of Colonel E. D. Baker, deceased, and having the same placed in the hall of statues at Washington, District of Columbia, as provided for by section one of an Act of Congress, approved July second, A D eighteen hundred and sixty-four, and to create a Board of Trustees to carry out the object of such appropriation; also, Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as Jailer, and providing for the payment of the same—have had said bills under consideration, and report them back to the House without any recommendation.

ANGNEY, Chairman.

Mr. Lupton, Chairman of the Committee on Federal Relations, reported Assembly Concurrent Resolution No. 60, and recommended its passage.

Rules suspended, considered engrossed, read a third time and passed.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 725—An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein.

LEE, Chairman.

Mr Morrow, from the Committee on Agriculture, made the following report:

Mr SPEAKER: Your Committee on Agriculture have had under consideration Senate Bill No 363—An Act concerning the development of the iron mines of California—have amended the same, and recommend its passage as amended.

MORROW, for Committee.

Mr. Newsom, from the Stanislaus delegation, made the following report:

Mr. SPEAKER: The delegation of Stanislaus County, to whom was referred Senate Bill No. 514—An Act to amend an Act entitled an Act

fixing the compensation of members of the Board of Supervisors of Stanislaus County, approved April tenth, eighteen hundred and fifty-eight—have considered the same, and report it back with an amendment and recommend its passage as amended.

NEWSOM, for Delegation.

The bill was ordered to special file.

Mr. Tully, Chairman of the Committee on Public Lands, made a lengthy report, setting forth many facts and figures in relation to the public domain of the State.

Ordered printed.

[For report, see Appendix.]

Mr Morrow, from the San Joaquin delegation, made the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred substitute for Senate Bill No 276, have had the same under consideration, and beg leave to report the bill back to the House and recommend its passage.

MORROW, for Delegation.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill No. 769—An Act to make certain Acts take effect immediately.

Also, Assembly Bill No. 626—An Act to amend sections one and four of an Act relating to bills of exchange and promissory notes.

Also, Assembly Bill No. 728—An Act to amend an Act entitled an Act to fix the terms of the County Court and the Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No 794—An Act to enable the County of Alameda to purchase a tract of land and use the same for charitable purposes, and to establish a Home for the Unfortunate.

Also, Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and fire arms.

Also, Assembly Bill No 676—An Act to confer additional powers on the Trustees of the City of Sacramento.

Also, Assembly Bill No 252—An Act to authorize Jane Spencer and Golder Field, administrators of the estate of Daniel L. Spencer, deceased, to sell lands belonging to the estate.

Also, Assembly Bill No 637—An Act concerning the foreign miners' license tax in the County of Placer.

Also, Assembly Bill No 639—An Act to prevent stallions from running at large in certain counties in this State.

Also, Assembly Bill No 717—An Act to amend section nine of an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

LEE, Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 27th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 197—An Act to authorize the County Recorder of the City and County of San Francisco to appoint an additional deputy.

Also, Assembly Bill No. 650—An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 710—An Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte.

Also, Assembly Bill No. 549—An Act to fix the terms of the County Court and Probate Court of the County of Monterey

Also, Assembly Bill No. 336—An Act to provide for the relief of the indigent sick of San Mateo County.

Also, Assembly Bill No. 562—An Act granting to certain parties therein named the right to lay a railroad track along certain streets in the City of Sacramento.

H. H HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 26th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No 553—An Act to provide for the protection of certain lands in the County of Sutter from overflow.

Also, Assembly Bill No. 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three;

Also, Assembly Bill No. 142—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pichoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

Also, Assembly Bill No. 286—An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County.

Also, Assembly Bill No. 372—An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant).

Also, Assembly Bill No. 466—An Act to provide for the erection of a jail and County Recorder's office building in Alameda County.

Also, Assembly Bill No. 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county, and to erect a county jail.

Also, Assembly Bill No. 234—An Act in relation to the funded indebt-

edness of Calaveras County, and to provide for the funding of unpaid claims against said county.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 27th, 1868.

To the Assembly of the State of California:

In compliance with concurrent resolution, I herewith return to your honorable body Assembly Bill No 254, for correction.

H. H. HAIGHT, Governor.

MOTIONS AND RESOLUTIONS.

Mr. Tully moved to take up Assembly Bill No. 686.

Carried.

Assembly Bill No. 686—An Act to amend an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers.

Rules suspended, bill considered engrossed, read a third time and passed.

At three o'clock and forty minutes P. M., Mr. Comte moved to adjourn.

Lost.

Mr. Buckbee moved to take up Senate Bill No. 508—An Act for the relief of Mrs. E. J. McLean.

Carried.

Considered in Committee of the Whole.

Mr. Steele in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Mr. Ryland moved to indefinitely postpone the bill.

Mr. Cochran moved the previous question.

Sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Ryland, Mahon and Warfield, and the motion prevailed by the following vote:

AYES—Messrs. Angney, Bird, Broderson, Brown of Tulare, Church, Cochran, Comte, Crigler, Downer, Ellis, Gregory, James, Lee, Lupton, Mahon, Martin, Mattingly, Meagher, Mentzell, Newsom, Ord, Russ, Scudder, Spencer, Spilman, Tully, Waldron, Wand, Warfield, Watson, Wolleb, Mr. Speaker—32.

NOES—Messrs. Ables, Ayer, Batchelder, Battelle, Bever, Buckbee, Caldwell, Canavan, Clark, Coggins, Cureton, Davies, Days, Dornin, Dryer, Jones, Kelley, Mace, Mardis, McElhany, Middleton, Morrow, Pardee, Payne, Rector, Rollins, Smith, Steele, Tuttle—28.

Mr. Middleton moved to reconsider the vote by which Assembly Bill No. 567 passed.

The vote was reconsidered.

The bill was referred to the Committee on Commerce and Navigation, with special instructions.

The bill was reported from the committee with amendments.

By unanimous consent, the bill passed to its third reading under a suspension of the rules.

Read a third time and passed.

SPECIAL ORDER.

The special order for four o'clock P. M., Senate Bill No. 263 (substitute)—An Act for the relief of J. D. Patterson—was taken up.

Considered in Committee of the Whole.

Mr. Steele in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Read a third time.

Mr. Frisbie moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs. Angney, Batchelder and Frisbie, and it passed by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Cochran, Comte, Cureton, Davies, Dwinelle, Ellis, Frisbie, Giltner, Jones, Kelley, Mahon, Mardis, Mattingly, McElhany, Meagher, Mentzell, Ord, Papy, Payne, Rollins, Spencer, Steele, Tuttle, Wand, Warfield, Watson, Westmoreland, White—38.

NOES—Messrs. Batchelder, Battelle, Church, Coggins, Connely, Crigler, Downer, Gregory, James, Lee, Lupton, Mace, Martin, Morrow, Newsom, Russ, Scudder, Smith, Spilman, Willets, Wolleb—21.

Mr. Angney gave notice that on to-morrow he should move to reconsider the vote just taken.

MOTIONS AND RESOLUTIONS.

Mr. Rector offered the following resolution:

Resolved, That the Chief Clerk of the House, Assistant Clerk and Assistant Clerk at the desk, the Minute, Journal and Copying Clerks, and their assistants, be allowed two dollars each per day. from the date of their election or appointment, for extra services performed; and the Controller of State is hereby authorized to draw his warrants upon the Treasurer for the same, in favor of the persons holding these several positions, payable out of the Contingent Fund of the Assembly.

Mr. Scudder moved to lay on the table.

Lost.

The Chair decided that the resolution could only pass by unanimous consent.

Objections being made, it was declared lost.

Senate Bill No. 242 was ordered to the special file for to-night.

Senate Bill No. 416 was ordered to the special file for to-night.

Senate Bill No. 146 was ordered to the special file for to-night.

Substitute for Senate Bill No. 23 was ordered to the special file for to-night.

Assembly Bill No. 596 was ordered to the special file for to-night.

Mr. Angney, for the Committee on Ways and Means, by leave, introduced a bill—An Act to appropriate money for the Contingent Fund of the Legislature.

Read first and second times.

Considered in Committee of the Whole.

IN ASSEMBLY.

Bill reported back and passage recommended.

By unanimous consent, the bill was read a third time and passed.

Mr. Meagher offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That his Excellency the Governor be requested to return to the House, Assembly Bill No. 525, for the purpose of having a date therein corrected.

Adopted.

Mr. Connely offered the following resolution:

Resolved, That the maps and field notes furnished by the United States Surveyor-General's office of this State for the use of the House, relating to the boundary between San Diego and San Bernardino Counties, be by the Surveyor-General of this State transmitted to the County Surveyor of San Bernardino County, to be filed in his office.

Adopted.

Mr. Warfield moved to take up Assembly Bill No. 761—An Act for the relief of John W. Ball.

Carried.

Considered in Committee of the Whole.

Mr. Steele in the Chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Mr. Brown of Contra Costa moved to lay on the table.

The ayes and noes were demanded by Messrs. Warfield, Batchelder and Clark, and the House refused by the following vote:

AYES—Messrs. Ables, Brown of Contra Costa, Buckbee, Canavan, Church, Clark, Comte, Dryer, Gregory, James, Lee, Mattingly, Morrow, Rollins, Russ, Scudder, Smith, Spilman, Steele, Tully, Waldron, White, Wolleb, Mr. Speaker—24.

NOES—Messrs. Angney, Batchelder, Battelle, Bird, Broderson, Brown of Tulare, Caldwell, Coggins, Davies, Dwinelle, Fairchild, Jones, Mace, Martin, Meagher, Middleton, Moore, Newell, Newsom, Oliver, Ord, Papy, Pardee, Rector, Spencer, Tuttle, Wand, Warfield—29.

Mr. Canavan moved to indefinitely postpone.

The ayes and noes were demanded by Messrs. Canavan, Clark and Fairchild, and the House refused by the following vote:

AYES—Messrs. Ables, Angney, Brown of Tulare, Buckbee, Canavan,

Church, Clark, Comte, James, Lee, Morrow, Rollins, Russ, Scudder, Smith, Steele, Tully, Waldron, Wolleb, Mr. Speaker—20.

NOES—Messrs. Batchelder, Battelle, Bird, Broderson, Caldwell, Coggins, Connely, Davies, Downer, Dwinelle, Ellis, Fairchild, Gregory, Green, Jones, Mace, Martin, McElhany, Meagher, Mentzell, Middleton, Moore, Newell, Newsom, Oliver, O'Malley, Papy, Rector, Spencer, Spilman, Tuttle, Wand, Warfield—33.

The bill was ordered engrossed.

At five o'clock P. M., on motion of Mr. Battelle, the House took a recess until seven o'clock P M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled

Speaker in the chair.

Roll called.

Mr Ayer moved a call of the House.

Carried

On motion of Mr. Brown of Contra Costa, further proceedings under the call were dispensed with.

Quorum present.

Mr. Hayes had leave of absence on account of sickness.

RESOLUTION.

Mr. Gildea offered the following resolution :

Resolved, That the seventy-ninth standing rule of the House be and the same is hereby rescinded.

Laid over one day.

SPECIAL FILE.

Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo.

Read a third time and passed.

Senate Bill No. 353—An Act to authorize the sale and conveyance to William Dunphy and others of certain overflowed lands, and to carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco.

Read a third time and passed.

Mr. Clark gave notice of a reconsideration of the vote by which Senate Bill No. 353 passed.

Assembly Bill No. 771—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize an appropriation of money by said Board.

Rules suspended, bill considered engrossed, read a third time and passed

Assembly Bill No. 772—An Act to form a school district in the Counties of Solano and Yolo.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 773—An Act supplemental to an Act entitled 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.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 774—An Act to authorize the Sheriff of Trinity County to charge and receive mileage for certain services.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 776 (substitute for Senate Bills Nos. 24, 156, 209)—An Act to appropriate money to pay the outstanding Indian war bonds of the State of California issued since January, eighteen hundred and fifty-one, under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Considered in Committee of the Whole.

Mr. Watson in the chair.

IN ASSEMBLY.

Bill reported back with amendments, and passage recommended.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

REPORT.

Mr. Green, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two;

Also, Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers;

Also, Assembly Bill No. 585—An Act concerning the municipal elections to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County;

Also, Assembly Bill No 224—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill No. 148—An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon;

Also, Assembly Joint Resolution No. 56, relative to additional appropriations to prosecute public land surveys in this State;

Also, Assembly Bill No. 237—An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots;

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

GREEN, for Committee.

SPECIAL FILE RESUMED.

Senate Bill No. 592—An Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland, and ratifying and confirming the acts of its Trustees.

Rules suspended, bill read a third time and passed.

Senate Bill No. 463—An Act to provide for the appointment of phonographic reporters in certain counties in this State.

Rules suspended, bill read a third time and passed.

Senate Bill No. 594—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county.

Rules suspended, bill read a third time and passed.

Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries.

Rules suspended, bill read a third time and passed.

Senate Bill No. 188—An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county.

Rules suspended, bill read a third time and passed.

REPORT.

Mr. Clark, from the Committee on Public Accounts and Expenditures, made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures have examined the following accounts and find the same to be correct, and recommend the adoption of the following resolution:

To whom due.	Amount.
A. C Bidwell, for coal for Assembly	$21 00
Fred Hess, for four copies of California Democrat	18 00
Daily Appeal—five copies	39 60
R. H. McDonald, for coal oil	1 00
Leo Eloesser, for Abend Post—four copies for session	18 00
C. T. Raney, for Golden City, to close of session	89 00
W. H. Brainard, for Daily Times, to close of session	70 13
W H. Brainard, for Daily Morning Call, to close of session	16 20
Daily Examiner, to close of session	205 50
Capitol Reporter, to close of session	198 37
C. Rave, for keys and door lock for Assembly	5 00

Resolved, That the Controller of State be and he is hereby required to draw his warrants on the Contingent Fund of the Assembly in favor of the above named persons.

BROWN of Tulare, Chairman.

The resolution was adopted.

SPECIAL FILE RESUMED.

Senate Bill No. 362—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three.

Read third time and passed.

Assembly Bill No 694—An Act for encouragement of agricultural societies in this State.

Considered in Committee of the Whole.

Mr. Lupton in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Mr. Mattingly moved to indefinitely postpone.

Lost.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 337 withdrawn by its author.

Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as Jailer, and providing for the payment thereof

Passed on file.

Substitute for Assembly Bills Nos 460 and 623—An Act to provide for the establishment of a Branch State Prison in Sacramento County.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Substitute for Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California.

Considered in Committee of the Whole.

Mr. Lupton in the chair.

IN ASSEMBLY.

Bill reported back and adoption of substitute recommended.

Substitute adopted.

Read a third time and passed.

Substitute for Assembly Bill No. 109—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Senate amendment to Assembly substitute concurred in.

Mr. Lee, Chairman of Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 567—An Act to authorize the sale and conveyance to Life C. Watts. his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco.

LEE, Chairman.

Mr. Gildea, of the El Dorado delegation, by leave, verbally reported Senate Bill No. 506, and recommended its passage.

Senate Bill No. 506—An Act to authorize the Board of Supervisors of

El Dorado County to appropriate money for the relief of David L. Britton.

Read a third time and passed.

Assembly Concurrent Resolution No. 54, relative to internal revenue tax on native grape brandy.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, A. D. eighteen hundred and fifty, and the several Acts amendatory thereto.

Read a third time and passed.

Mr. Rollins gave notice to reconsider.

Substitute for Senate Bill No. 23—An Act granting certain rights and water privileges to the California Dry Dock Company.

Read a third time and passed.

Senate Bill No. 410—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns and cities in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Read a third time and passed.

Senate Bill No 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Read a third time and passed.

Mr. Giltner gave notice to reconsider the vote passing Senate Bill No. 23.

The Chair said the bill had been ordered transmitted immediately to the Senate, and the notice could not be entertained without the House so directed

Mr. Warfield moved to take up Senate Bill No. 416

Carried.

Senate Bill No. 416—An Act to promote the study of anatomy and repeal existing laws upon the subject.

Mr. Warfield offered a substitute.

Mr. Tully moved to dispense with the reading of the bill.

Carried.

Mr. Tully moved to indefinitely postpone the bill.

REPORTS.

Mr. Days, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No. 776—An Act to appropriate money to pay the outstanding war bonds issued by the State of Cali-

fornia under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

DAYS, for Committee.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bills Nos. 460 and 623—An Act supplemental to an Act entitled an Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight.

LEE, Chairman.

SPECIAL FILE RESUMED.

Mr. Cochran moved the previous question.
Sustained.
Amendments to substitute adopted.
Substitute adopted.
On the motion to indefinitely postpone, the ayes and noes were demanded by the requisite number, and the House refused by the following vote:

AYES—Messrs. Ables, Batchelder, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Clark, Coggins, Downer, Dryer, Gildea, Gregory, Green, James, Jones, Martin, McElhany, Morrow, Newsom, Oliver, Papy, Rollins, Smith, Spencer, Spilman, Tully, Waldron, White, Willets—29.
NOES—Messrs. Angney, Biggs, Bird, Broderson, Canavan, Church, Cochran, Comte, Connely, Davies, Dwinelle, Ellis, Farish, Frisbie, Lee, Lupton, Mahon, Mardis, Mattingly, Meagher, Mentzell, Middleton, O'Malley, Russ, Scudder, Steele, Tuttle, Wand, Warfield, Watson, Wolleb—31.

On the passage of the bill, the ayes and noes were demanded by Messrs. Brown of Tulare, Brown of Contra Costa and Buckbee, and the House refused by the following vote:

AYES—Messrs. Angney, Bird, Canavan, Church, Cochran, Davies, Dwinelle, Ellis, Farish, Frisbie, Lupton, Mahon, Mentzell, Middleton, O'Malley, Russ, Scudder, Steele, Tuttle, Wand, Watson—21.
NOES—Messrs. Ables, Batchelder, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Clark, Coggins, Comte, Connely, Days, Downer, Dryer, Fairchild, Gildea, Giltner, Gregory, Green, James, Jones, Lee, Mardis, Martin, Mattingly, McElhany, Meagher, Morrow, Newsom, Oliver, Papy, Rector, Rollins, Smith, Spencer, Spilman, Tully, Waldron, Warfield, White, Willets, Wolleb—41.

Mr. Warfield gave notice that on to-morrow he would move to reconsider the vote just taken
Substitute for Senate Bill No. 363—To encourage the development of the iron mines of California.
Amendment to section two, providing that the premiums under this Act shall not exceed twenty-five thousand dollars, was lost.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Watson, Martin and Tully, and it passed by the following vote:

AYES—Messrs Bever, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Canavan, Coggins, Comte, Connely, Davies, Days, Downer, Dryer, Dwinelle, Farish, Frisbie, Gildea, Giltner, Green, James, Jones, Lee, Lupton, Mardis, Mattingly, McElhany, Mentzell, Middleton, Newell, Pardee, Rollins, Spencer, Tully, Tuttle, Waldron, Watson, Westmoreland, White—39

NOES—Messrs. Angney, Batchelder, Biggs, Church, Clark, Cochran, Crigler, Ellis, Fairchild, Gregory, Martin, Meagher, Newsom, Oliver, Payne, Smith, Wand, Willets, Wolleb—19.

Mr. Tully gave notice of a reconsideration of the vote just taken.

Mr Tully, by leave, introduced a bill—An Act relating to the levy of State and county taxes in the County of Del Norte for the year eighteen hundred and sixty-eight

Read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

Read a third time and passed.

Senate Bill No 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—was taken up on motion of Mr. Rollins.

Read a third time and passed

Assembly Bill No 554 (substitute)—An Act to amend section three of an Act entitled an Act providing for the payment of officers holding elections.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 617 (substitute)—An Act for the better protection of the State Treasury.

Rules suspended, bill considered engrossed, read a third time and passed

Mr Green introduced a bill, by leave—An Act to appropriate money to pay the claim of Mrs E. J McLean.

Read first and second times and placed on file.

SENATE MESSAGES.

On motion of Mr. Biggs, the following Senate messages were taken up:

SENATE CHAMBER,
March 26th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 725—An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 362—An Act to incorporate the City of Vallejo.

Also, passed Assembly Bill No 179—An Act concerning roads and highways in the County of Mendocino.

Also, substitute for Assembly Bill No. 357—An Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three.

Also, passed Assembly Bill No 743—An Act to provide for the election of Supervisors in the County of Santa Cruz, and for the division of said county into Supervisor districts

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868

Mr. SPEAKER: The Senate this day passed Assembly Bill No 720—An Act to increase the number of Notaries Public for Mendocino County.

Also, Assembly Bill No. 730—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Also, Assembly Bill No. 718—An Act to extend the time for commencing the construction of the Stockton and Copperopolis Railroad; also, that of the Stanislaus and Mariposa Railroad.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr SPEAKER: The Senate on this day passed Assembly Bill No 543—An Act to authorize Robert Betge and others to lay down and maintain a railroad in the City and County of San Francisco.

Also, Assembly Bill No. 645—An Act to provide for the collection of a road tax and its application on the public roads in the County of El Dorado.

Also, Assembly Bill No 741—An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of San Antonio Creek, and to keep the channel of said creek open for navigation.

W. F HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868

Mr. SPEAKER: The Senate this day passed Assembly Bill No. 304—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four

to authorize the Controller to credit J. Hop Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts.

Also, Assembly Bill No. 736—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Also, Assembly Bill No 702—An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento.

Also, Assembly Bill No 754—An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. W. Price.

Also, Assembly Bill No 578—An Act to authorize certain parties to construct a wharf in the County of Solano

Also, Assembly Bill No. 701—An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another.

Also, Assembly Bill No. 485—An Act amendatory of and supplemental to 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, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six.

Also, Assembly Joint Memorial No. 1—Memorial to Congress concerning the payment of damages by the United States done by Indians in eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three, in the Counties of Humboldt, Klamath, Trinity, Del Norte, etc.

Also, returned for engrossment, Assembly Bill No. 776—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate on this day passed, under suspension of the rules, Assembly Bill No. 647—An Act to exempt certain property named herein from taxation

Also, Assembly Bill No. 770—An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin, passed March fourteenth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 744—An Act to provide for the improvement of the navigation of the Stanislaus River.

Also, Assembly Bill No. 723—An Act to provide for a drainage district in the County of Yolo.

Also, Assembly Bill No. 674—An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendments thereto, passed May ninth, eighteen hundred and sixty-one.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate on this day passed, under suspension of the rules, Assembly Bill No. 588—An Act to authorize and empower Horace Templeton, Thomas W. Moore William S Chapman and Clinton Gurnee, or their assigns, to float logs and other timber down Pescadero Creek, in San Mateo County, to remove from the channel of said creek all obstructions which may interfere with logging on the same, and to construct and maintain dams, booms and piers in said creek, for the term of twenty years.

Also, under suspension of the rules, Assembly Bill No. 660—An Act to ratify and confirm a certain ordinance of the City of Petaluma, in relation to supplying said city with water.

Also, under suspension of the rules, Senate Bill No. 292—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, and all Acts or parts of Acts amendatory thereof or supplemental thereto.

Also, under suspension of the rules, substitute for Assembly Bill No. 334—An Act relating to the boundary line between the Counties of Plumas and Sierra.

Also, Assembly Bill No. 714—An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

Also, under suspension of the rules, Assembly Bill No. 737—An Act to amend section one of an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight.

Also, under suspension of the rules, Assembly Bill No. 748—An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley.

Also, under suspension of the rules, Assembly Bill No. 688—An Act authorizing R. D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano.

Also, under suspension of the rules, Assembly Bill No. 584—An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto; to define the powers and duties of said Commissioners, and to repeal other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act.

Also, Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.

Also, Senate Bill No. 501—An Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and herds of hogs in the Counties of Tuolumne and Calaveras.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate on this day passed substitute for Assembly Bill No. 513, under suspension of the rules—An Act to provide for the

improvement of the rivers and streams, and to provide penalties for obstructing their channels.

Also, Assembly Bill No. 747—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited.

Also, Assembly Bill No. 544—An Act to re-district the County of Monterey, and to provide for the election of Supervisors.

Also, Assembly Bill No 727—An Act for the relief of C. D. Lyman.

Also, Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries.

Also, Assembly Bill No. 668—An Act to authorize and empower E. P. Figg and C C. Hayden, or their assigns, to construct and maintain dams, booms and piers on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering on the same.

Also, substitute for Assembly Bill No. 309—An Act to repeal an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors, in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March, eighteen hundred and sixty-six, so far as the same applies to the County of El Dorado

Also, Assembly Bill No. 506—An Act for the relief of Mark W. Higgins.

Also, Assembly Bill No. 287—An Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six.

Also, substitute for Assembly Concurrent Resolution No. 44.

Also, Assembly Concurrent Resolution No. 58, relating to the investment of the Agricultural College Fund.

Also, Assembly Concurrent Resolution No. 62, granting leave of absence to J. H. Batcheler.

Also, Assembly Bill No. 548—An Act for the relief of T. M. Brown.

Also, amended and passed Assembly Bill No. 531—An Act to encourage the manufacture of steel in this State.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate, on this day, passed Assembly Bill No. 778—An Act to appropriate money to pay contingent expenses of the Legislature.

W. F. HEUSTIS,
Assistant Secretary.

At ten o'clock and thirty minutes P. M., on motion of Mr. Mentzell, the House adjourned.

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 28th, 1868.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Quorum present
Prayer by the Chaplain.
On motion of Mr. Westmoreland, reading of the Journal was dispensed with.
Mr. Westmoreland moved to take up Senate messages.
Carried.
On motion of Mr Spencer, a call of the House was ordered.
Roll was called, most of the members responding
On motion of Mr. Spencer, further proceedings under the call were dispensed with.
Mr. Cochran in the chair.

MESSAGES FROM THE SENATE.

The following Senate messages were taken up:

SENATE CHAMBER,
March 27th, 1868

Mr. SPEAKER: I am directed to inform the Assembly that the Senate, this day, passed Assembly Bill No 716—An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate on this day passed substitute for Senate Bill No. 404—An Act for the relief of Robert M. Folger.

Also, substitute for Senate Bill No 451—An Act relating to the Petaluma School District, in Sonoma County.

Also, Senate Concurrent Resolution No. 61, relative to pay of experts and witnesses, and others employed by the Capitol Investigating Committee.

Also, with amendments, Assembly Bill No 659—An Act to facilitate the City of Sacramento in procuring material to raise the streets and sewers.

Also, with amendments, Assembly Bill No. 455—An Act to authorize and empower John Dolbeer, William Carson, David R. Jones and Hans H. Buhne, or their assigns, to construct and maintain dams, booms and piers on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same.

W. F. HEUSTIS,
Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Substitute for Senate Bills Nos 451 and 454, reported from the Senate; read first and second times and ordered to special file.

Assembly Bill No. 455, reported from the Senate; Senate amendments adopted in concurrence.

Assembly Bill No. 659, reported from the Senate; Senate amendments adopted in concurrence.

Senate Bill No. 292, reported from the Senate.

Mr. Watson moved to refer to the Judiciary Committee, to report immediately.

Carried.

Senate Bill No. 501, reported from the Senate; read first and second times, and, by unanimous consent, under a suspension of the rules, read a third time and passed

Assembly Bill No. 531, reported from the Senate; Senate amendments adopted in concurrence.

Assembly Bill No. 588, reported from the Senate; Senate amendments adopted in concurrence.

REPORTS.

Mr. Days, from the Committee on Engrossment, made the following found correctly engrossed, Assembly Bill No. 617—An Act for the better report:

Mr. SPEAKER: The Committee on Engrossment have examined and protection of the State Treasury.

Assembly Bill No. 489—An Act to prevent seduction.

Assembly Bill No. 467—An Act for the protection of laurel and other valuable cabinet and ship building woods growing upon the public domain of this State, and to provide for a Board of Timber Commissioners to take charge thereof.

Assembly Bill No. 700—An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura, approved March tenth, eighteen hundred and sixty-six.

Assembly Bill No. 735—An Act to prevent Swamp Land District Number Two from overflow.

Assembly Bill No. 88—An Act to regulate the taking up and holding of mining claims in Siskiyou County, State of California.

Assembly Bill No. 513—An Act to provide for the improvement of the rivers and streams in Santa Clara County, and to provide penalties for obstructing their channels.

Assembly Bill No. 761—An Act for the relief of John W. Ball.

Assembly Bill No. 774—An Act to authorize the Sheriff of Trinity County to charge and receive mileage for certain services.

Assembly Bill No. 755—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 amendments thereto.

Assembly Bill No. 505—An Act for the relief of W. B Ross, Sheriff of Kern County.

DAYS, for Committee.

Mr. Cureton, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 720—An Act to increase the number of Notaries Public for Mendocino County;

And this day, at fifty minutes past nine o'clock A. M, presented the same to the Governor for his approval.

CURETON, for Committee.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 226—An Act to provide funds to be applied to building a hospital in the City and County of San Francisco;

Also, Assembly Bill No. 670—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 447—An Act to re-district the County of Los Angeles and to provide for the election of Supervisors;

Also, Assembly Bill No. 307—An Act to regulate fees of office;

Also, Assembly Bill No. 170—An Act to appropriate money to pay the claim of William D. Harriman and William G. Woods;

Also, Assembly Bill No 570—An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey, Alameda, Marin, Placer and Nevada;

Also, Assembly Bill No 730—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two;

And this day, at forty-five minutes past nine o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

MOTIONS AND RESOLUTIONS.

Mr. Clark, by leave, withdrew his notice to reconsider the vote by which Senate Bill No. 353 passed.

The resolution offered by Mr. Gildea on yesterday, in reference to rescinding rule seventy-nine, was taken up.

Lost.

Mr. White offered the following resolution:

Resolved, That the Postmaster of the Assembly, Henry J. Keefe, be and is hereby required to remain at Sacramento City ten days after the adjournment of the Legislature and forward to the members all mail matter to their address, for which service he shall receive the sum of four dollars per day; and the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly and the Treasurer of State is hereby directed to pay the same.

Adopted.

Mr. Bird offered the following resolution:

WHEREAS, N. Benedict, Minute Clerk of the Assembly, has faithfully performed his duties, and through whose untiring exertions the Journal of the House has been written with unusual correctness, and, in addition to performing such laborious services, he has never refused to render all the assistance in his power to facilitate all the business connected with the clerical department of the Assembly, devoting his whole time thereto; therefore, be it

Resolved, That the sum of two dollars per day be allowed N. Benedict, Minute Clerk of the Assembly, from the date of his election to the close of the session, for extra services; and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer for such sum, in favor of the said N. Benedict, Minute Clerk, payable out of the Contingent Fund of the Assembly.

Resolved, That the seventy-ninth rule of this House be suspended, and this resolution pass.

Mr. Westmoreland offered the following amendment:

Resolved, That the Chief Clerk of the House, Assistant Clerk and Assistant Clerk at the desk. the Minute, Journal and Copying Clerks, and their assistants, be allowed two dollars each per day, from the date of their election or appointment, for extra services performed; and the Controller of State is hereby authorized to draw his warrants upon the Treasurer, in favor of the persons holding the several positions, for the same, payable out of the Contingent Fund of the Assembly.

Amendment accepted.

Mr. Moore moved to lay on the table.

The ayes and noes were demanded by Messrs. Westmoreland, Gildea and Lee, and the House refused by the following vote:

AYES—Messrs. Brown of Contra Costa, Caldwell, Davies, Farish, Gregory, James, Lee, Mattingly, Meagher, Moore, Newell, Newsom, Ord, Scudder, Spilman, Tully, Tuttle, Waldron—18.

NOES—Messrs. Ayer, Batchelder, Biggs, Bird, Broderson, Brown of Tulare, Buckbee, Church, Cochran, Connely, Days, Dornin, Dryer, Fairchild, Gildea, Hayes, Jones, Kelley, Mahon, Mardis, McElhany, Morrow, Pardee, Papy, Rector, Rollins, Russ, Smith, Wand, Watson, Westmoreland, White, Wolleb—33.

Mr. Buckbee offered the following amendment:

"And the four Pages of the Assembly one dollar each, during the session."

Mr. Biggs moved to amend by adding the name of S. W. Perry, Fireman.

Mr. Gildea added the name of Samuel Hall, Paper Folder.

Mr. Ryland rose to a point of order, that under the seventy-ninth rule the resolution was out of order, as by that rule all increase of pay to officers must be by unanimous consent.

Sustained.

Mr. Westmoreland appealed from the decision of the Chair, stating the

resolution did not call for increase of pay; it was asking an allowance for extra services rendered.

Mr. Meagher moved the previous question.

Sustained.

On the appeal, the ayes and noes were demanded by Messrs. Moore, Batchelder and Ryland, and the Chair was sustained by the following vote:

AYES—Messrs. Ables, Batchelder, Bird, Brown of Tulare, Caldwell, Church, Clark, Coggins, Comte, Connely, Davies, Dornin, Fairchild, Farish, Gregory, Hayes, James, Kelley, Lee, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newsom, Ord, Papy, Rector, Scudder, Smith, Spilman, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Mr. Speaker—41.

NOES—Messrs Ayer, Biggs, Broderson, Buckbee, Dryer, Jones, Mahon, Mardis, Newell, Rollins, Russ, Westmoreland, Wolleb—12.

Mr. Westmoreland moved to lay on the table.

Carried.

Mr. Gildea offered the following resolution:

Resolved, That W. Davis, Night Watchman of the Assembly Chamber, be allowed one dollar and fifty cents per diem since the commencement of the session, as compensation for extra services rendered as Day Watchman in this chamber.

Laid on the table.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr SPEAKER: The Committee on the Judiciary, to whom was referred Senate substitute for Senate Bill No. 469, hereby report the same back with a substitute therefor, and recommend the passage of Assembly substitute herewith reported.

STEELE, Chairman.

The substitute—An Act to provide for the inmates of the State Reform School—was read first and second times and adopted.

Amended, amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Mattingly offered the following resolution:

Resolved, That a special committee of two be appointed by the Chair for the purpose of searching for Assembly Bill No. 746—An Act to amend an Act to authorize J. Q. A. Tilton and others to construct a turnpike road from San Mateo Bridge to Spanishtown, Half Moon Bay.

Adopted.

Mr Meagher moved to take up Assembly Bill No. 527—An Act entitled an Act creating a special swamp land district in Yolo County.

Carried.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

MESSAGES FROM THE SENATE.

On motion of Mr. Buckbee, the following Senate messages were taken up:

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate on this day passed Senate Bill No. 457—An Act to authorize Lyman Leslie, Paul K. Hubbs and their associates, successors and assigns to build and maintain a wharf at the City of Vallejo, County of Solano.

Also, Assembly Bill No 280—An Act for securing liens of mechanics and others.

Also, with amendments, Assembly Bill No. 753—An Act granting certain parties the right to build a wharf in the County of Alameda.

Also, Assembly Bill No 776—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Also, Assembly Bill No 322—An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six, with amendment.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate on yesterday passed Assembly Bill No. 648—An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: The Senate this day refused to concur in Assembly amendment to Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 753, above reported; Senate amendments adopted in concurrence

Assembly Bill No. 322, above reported; Senate amendments adopted in concurrence.

Senate Bill No. 457, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 217, above reported, was read first and second times and ordered on the special file.

Senate Bill No. 138, above reported.

Mr. Farish moved the previous question.

Sustained.

The question being, Shall the House recede from its amendments to the bill? the ayes and noes were demanded by Messrs. Farish, Ayer and Bever, and the House refused by the following vote:

AYES—Messrs. Angney, Biggs, Caldwell, Canavan, Coggins Comte, Crigler, Davies, Downer, Ellis, Green, Hayes, Lee, Mardis, Mattingly, McElhany, Meagher, Middleton, Pardee, Rector, Spencer, Spilman, Steele, Tully, Warfield, Watson, Westmoreland. Willets, Mr. Speaker—29.

NOES—Messrs. Ables, Ayer, Battelle, Bird, Brown of Tulare, Buckbee, Clark, Cochran, Connely, Dryer, Fairchild, Farish, Giltner, Gregory, James, Jones, Lupton, Mahon, Martin, Mentzell, Morrow, Newsom, Oliver, Papy, Payne, Rollins, Russ, Smith, Tuttle, Waldron, Wand, White, Wolleb—34.

The Speaker appointed as a Committee of Free Conference to meet a Senate Committee, on the disagreeing vote on the bill, Messrs Lupton, Lee and White.

Assembly Bills Nos. 684, 560 and 186 were withdrawn by their authors.

MOTIONS AND RESOLUTIONS.

Mr. Biggs offered the following concurrent resolution:

Resolved by the Assembly, the Senate concurring, That A. A. Bennett be allowed the sum of ninety dollars, for services as expert in the late investigation of the Capitol building, to be paid one half out of the Contingent Fund of the Senate and one half out of the Contingent Fund of the Assembly.

Adopted.

Mr. Lee offered the following resolution:

Resolved, That Senate Bills Nos. 304 and 151, on to-day's file, be placed on top of the special file for to-night.

Lost.

Mr. Comte moved to make Senate Bill No. 304 special order for two o'clock to-day.

Mr. Brown of Contra Costa moved to lay the motion on the table

Carried.

Mr Dwinelle renewed the motion, and the House refused to take from the table.

REPORT.

Mr. Green, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 474—An Act to provide for the management and sale of the land belonging to the State;

And this day, at half past eleven o'clock, presented the same to the Governor for his approval.

GREEN, for Committee.

GENERAL FILE

Mr. Tully moved to take up Assembly Bill No 139.

Mr. Clark moved a call of the House.

Carried.

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

Messrs. Ayer, Batchelder, Coggins, Cureton, Ellis, O'Malley, Payne, Rector, Rollins, Smith, Watson.

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

Lost.

Mr. Mahon moved to have Mr. O'Malley excused.

Lost.

On motion of Mr. Farish, the absent members of the Enrolling and Engrossing Committees were excused

Mr. Meagher moved to suspend further action under the call.

Lost.

At twelve o'clock and thirty minutes P. M., Mr. Dornin moved to adjourn.

Lost.

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

Lost.

At twelve o'clock and thirty-five minutes P. M, Mr. Gildea moved to adjourn.

Lost.

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

The ayes and noes were demanded by Messrs Gildea, Clark and Buckbee, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Battelle, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Canavan, Church, Cochran, Connely, Crigler, Dornin, Downer, Dryer, Ellis, Fairchild, Farish, Gildea, Gregory, Green, Hayes, Jones, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Middleton, Moore, Morrow, Newsom, Oliver, Pardee, Russ, Spencer, Steele, Tully, Tuttle, Waldron, Warfield, Westmoreland, White, Willets—44.

NOES—Messrs Biggs, Bird, Broderson, Caldwell, Clark, Comte, Davies, Dwinelle, James, Kelley, Lee, Lupton, Meagher, Mentzell, Newell, Ord, Papy, Rollins, Scudder, Spilman, Wand, Wolleb—22.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 28th, 1868.

Mr SPEAKER: I am directed by the Senate to inform the Assembly that the Senate this day passed, with amendments, Assembly Bill No. 201—An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of that county for fifty thousand dollars, for the purpose of raising a fund to construct a wagon and turn-

pike road from some point near Hydesville, in that county, to the southern boundary line of said county, and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof.

Also, Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, Santa Cruz County, California

Also, Senate Bill No. 131—An Act to fix the compensation of the District Attorney of Santa Cruz, and to repeal all former Acts in relation thereto.

Also, Senate Bill No 557—An Act amendatory of and supplemental to an Act entitled an Act to provide for street railroads within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and to an Act entitled an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one, and the several Acts supplementary to and amendatory of said Acts.

Also, Senate Bill No. 525—An Act granting certain wharf privileges.

Also, Senate Bill No. 513—An Act authorizing John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale.

Also, substitute for Senate Bill No 491—An Act authorizing the Board of Supervisors of Santa Clara County to sell and dispose of certain railroad shares and bonds

Also, Senate Bill No. 481—An Act to provide for the purchase of philosophical and chemical apparatus for the California State Normal School.

Also, Senate Bill No 505—An Act conferring further powers upon the Harbormaster of the Port of San Francisco.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 201, above reported; Senate amendment adopted in concurrence

Senate Bill No. 291, above reported, was read first and second times and referred to the Santa Clara delegation.

Senate Bill No 537, above reported, was read first and second times and referred to San Francisco delegation.

Senate Bill No. 131, above reported, was read first and second times and placed on special file.

Senate Bill No. 513, above reported, was read first and second times and placed on special file.

Senate Bill No. 525, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Duplicate for Senate Bill No 481, above reported, was read first and second times and placed on general file.

Senate Bill No. 505, above reported, was read first and second times and ordered on the general file.

GENERAL FILE.

Assembly Bill No 762—An Act making an appropriation to pay for translating into Spanish the several State documents ordered during the present session of the Legislature.

Considered in Committee of the Whole.
Speaker in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.
Rules suspended, bill considered engrossed, read a third time and passed.
Assembly Bill No. 378—An Act defining the duties of the Supreme Court Reporter.
Considered in Committee of the Whole.
Speaker in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.
At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

REPORTS.

Mr. Batchelder, from the Committee on Engrossment, made the following report:

Mr. SPEAKER: The Committee on Engrossment have examined and found correctly engrossed, substitute for Senate Bill No. 469—An Act to provide for the inmates of the State Reform School.

BATCHELDER, for Committee.

Mr Moore, from the Committee on Corporations, verbally reported Senate Bill No. 434, and recommended its passage.

GENERAL FILE RESUMED.

Consideration of Assembly Bill No. 378 resumed.
Read a third time and passed.
Assembly Bill No 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.
Senate amendment adopted in concurrence.
Assembly Bill No. 73—An Act to amend an Act entitled 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-seventh, eighteen hundred and sixty-three.
Mr. Wand moved the previous question.
Lost.
Mr. Buckbee moved the previous question.
Sustained.
On the passage of the bill, the ayes and noes were demanded by Messrs. Wand, Tully and Batchelder, and it passed by the following vote:

AYES—Messrs. Batchelder, Biggs, Bird, Broderson, Brown of Tulare, Canavan, Church, Clark, Cochran, Days, Fairchild, Gildea, Giltner, Gregory, Green, James, Lee, Mace, Mattingly, Meagher, Mentzell, Middleton, Morrow, Newsom, Oliver, O'Malley, Ord, Pardee, Rollins, Scudder, Smith, Spilman, Tully, Tuttle, Waldron, Wand, Westmoreland, White, Willets, Wolleb, Mr. Speaker—41.

NOES—Messrs. Ables, Battelle, Bever, Brown of Contra Costa, Buckbee, Caldwell, Coggins, Comte, Connely, Crigler, Davies, Downer, Dryer, Dwinelle, Hayes, Martin, McElhany, Newell, Papy, Russ, Watson—21.

Mr. Mattingly made the following report:

Mr. SPEAKER: Your Special Committee, intrusted with the duty of searching for Assembly Bill No. 746, have succeeded in finding the original, which being a clean bill, no amendments attached, it is their opinion will be acceptable to the Senate, and ask that it be considered and transmitted to the Senate without delay.

MATTINGLY, for Committee.

Assembly Bill No. 628 was ordered to the special file for to-night.
Assembly Bill No. 642 was ordered to the special file for to-night.
Assembly Bill No. 32 was ordered to the special file for to-night.
Assembly Bill No. 487 was ordered to the special file for to-night.
Senate Bill No 434 was ordered to the special file for to-night.
Senate Bill No. 285 was ordered to the special file for to-night.
Mr. Coggins offered 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 for seventy-five dollars, in favor of C. D Semple, for services as Clerk of Committee on Public Expenditures and Accounts.

Adopted.

Assembly Bill No. 642—An Act to amend an Act entitled an Act supplementary to an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No 712—An Act concerning non-residents, the liability of their agents, and others.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 223—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Read a third time and passed.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 723—An Act to provide for a drainage district in the County of Yolo;

Also, Assembly Bill No. 543—An Act authorizing Robert Betge and

others to lay down and maintain a railroad in the City and County of San Francisco;

Also, Assembly Bill No. 506—An Act for the the relief of Mark W. Higgins;

Assembly Bill No. 778—An Act to appropriate money to pay the contingent expenses of the Legislature;

Also, Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six;

Also, Assembly Bill No. 727—An Act for the relief of C D. Lyman;

Also, Assembly Bill No. 109—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April tenth. eighteen hundred and fifty;

Also, Assembly Bill No 743—An Act to provide for the election of Supervisors in the County of Santa Cruz, and for the division of said county into Supervisor districts;

Also, Assembly Bill No 334—An Act relating to the boundary line between the Counties of Plumas and Sierra;

Also, Assembly Bill No 748—An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley;

Also, Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California;

And this day, at twelve o'clock M., presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr. Steele moved to take up Assembly Bill No 644 and put it on its passage.

The ayes and noes were demanded by Messrs. Biggs, Westmoreland and Coggins, and the House refused by the following vote:

AYES—Messrs. Broderson, Brown of Contra Costa, Buckbee, Caldwell, Canavan, Church, Connely, Downer, Dwinelle, Giltner, Hayes, James, Mace, Mahon, Martin, Meagher, Middleton, Newell, Newsom, O'Malley, Ord, Pardee, Russ, Scudder, Spilman, Steele, Tully, Tuttle, Wand, Warfield, Watson, Mr. Speaker—32

NOES—Messrs Ables, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Brown of Tulare. Clark, Coggins, Comte, Crigler, Davies, Days. Dryer, Ellis, Fairchild, Gregory, Green, Jones, Kelley, Lee, McElhany, Mentzell, Morrow, Oliver, Payne, Rector, Rollins, Smith, Waldron, Westmoreland, White, Willets, Wolleb—35.

Assembly Bill No 230—An Act to amend section twenty-seven of the Civil Practice Act, in relation to filing notice of pendency of action.

Read a third time and passed.

Assembly Bill No. 377—An Act to amend section two hundred and forty-seven of 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 a third time and passed.

Assembly Bill No 124—An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto.

Withdrawn by the author.

Assembly Bill No. 678—An Act for the relief of John Kneeland.
Considered in Committee of the Whole.
Speaker in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended
Rules suspended, bill considered engrossed, read a third time and passed.

MESSAGES FROM THE SENATE.

On motion of Mr. Mardis. the following Senate messages were taken up:

SENATE CHAMBER,
March 28th, 1868

Mr. SPEAKER: The Senate on yesterday passed Assembly Bill No. 189 (substitute for Assembly Bills Nos. 21 and 189)—An Act defining the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino and Mono Counties

Also, Assembly Bill No. 572—An Act concerning roads in the County of Marin.

Also, Assembly Bill No. 509—An Act relating to assessments for street improvements in the City and County of San Francisco.

Also, Assembly Bill No. 563—An Act to provide a fund for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto.

Also, Assembly Bill No. 501—An Act to authorize the Board of Supervisors of Lassen County to levy taxes for county purposes.

Also, Assembly Bill No. 561—An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six

Also, Senate Bill No. 563—An Act supplementary to an Act entitled an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine.

Also, Senate Bill No 535—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell real estate at private sale.

Also, on this day passed Assembly Bill No 356—An Act declaring navigable a certain creek in Sections thirty-five and thirty-six, Township three south, Range three west, Mount Diablo meridian.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate this day amended and passed Assembly substitute for Assembly Bill No. 91.—An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER The Senate this day passed Senate Bill No. 84—An Act entitled an Act to fix the salary of the District Attorney of the County of Santa Barbara

Also, Senate Bill No 442—An Act to confer certain powers upon the State Harbor Commissioners.

Also, Senate Bill No. 595—An Act concerning the geological survey.

Also, Senate Bill No. 444—An Act to authorize payment for work done in Swamp Land District Number Two.

Also, Senate Bill No. 489—An Act granting to the San Francisco and Humboldt Bay Railroad Company the right to build and construct a railroad track and side tracks in the County of Marin.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr SPEAKER: The Senate on yesterday passed substitute for Assembly Bill No. 597—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

Also, Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

Also, Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solono County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County.

Also, substitute for Senate Bill No 452—An Act to fix the salary of Sheriff and other county officers in the County of El Dorado, to consolidate certain offices, and to create revenue districts therein.

Also, Assembly Bill No 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets.

Also, Senate Bill No. 432—An Act to authorize and empower the incorporated towns in this State to hold and convey certain lands

Also, Senate Bill No. 370—An Act for the relief of Mary Likens and others.

Also, Senate Bill No. 544—An Act to compensate A. G. Block for land occupied by him in the Yosemite Valley prior to its cession to the State of California.

Also, Senate Bill No. 556—An Act to aid in carrying out the provisions of an Act of Congress relating to the Stockton and Copperopolis Railroad Company.

Also, Senate Bill No 573—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 579—An Act for the relief of William Fitzpatrick.

Also, Assembly Bill No. 606—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquinez for the purpose of fishing.

Also, Assembly Bill No. 713—An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No 487—An Act granting Francis M. Stone and others certain rights and immunities for fishing purposes, in Tulare Lake.

Also, Assembly Bill No. 564—An Act to divide the County of Mono into Supervisor districts, fixing the compensation and providing for the same, and defining their powers and duties

Also, Assembly Bill No. 707—An Act concerning roads and highways in the County of Placer.

Also, Assembly Bill No. 779—An Act relating to the levy of State and county taxes in the County of Del Norte for the year eighteen hundred and sixty-eight.

Also, Assembly Bill No. 593—An Act to supply deficient records in the County Clerk's office in the County of Sacramento.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate substitute for Assembly Bill No 91, above reported, was read, and Senate amendment to section one adopted in concurrence.

Mr. Watson moved the previous question.

Lost.

The question being on another Senate amendment to section one of the bill,

Mr. Meagher moved the previous question.

Lost.

Mr. Cochran had leave of absence for the remainder of the day on account of sickness

Mr. Buckbee moved the previous question.

Sustained.

On concurring in the Senate amendment, the ayes and noes were demanded by Messrs. Coggins, Spencer and Waldron, and the House refused to concur by the following vote:

AYES—Messrs. Bever, Biggs, Broderson, Buckbee, Canavan. Comte, Connely, Cureton, Davies, Dwinelle, Lee, Mace, Mattingly, Middleton, Newell, O'Malley, Pardee, Rector, Steele, Watson, Westmoreland, Wolleb—22.

NOES—Messrs. Angney, Batchelder, Bird, Brown of Contra Costa, Church, Clark, Coggins, Crigler, Days, Dornin, Downer, Dryer, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, James, Jones, Kelley, Mardis, Martin, McElhany, Meagher, Mentzell, Moore, Morrow, Newsom, Oliver, Ord, Payne, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Tully, Tuttle, Waldron, Wand, White, Willets, Mr. Speaker—45.

REPORTS.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr Speaker: The Committee on the Judiciary, to whom was referred Assembly Bill No. 708, respectfully report that they have had the same under consideration, and hereby return the same with amendments proposed by the committee, and recommend the passage of the same with amendments.

STEELE, Chairman.

Mr. Meagher, from Committee on Counties and County Boundaries, verbally reported Senate Bill No. 145, without recommendation.

FURTHER CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 442, reported from the Senate to day, read first and second times and referred to the San Francisco delegation, with instructions to report to-night.

On motion of Mr. Westmoreland, at four o'clock and forty-five minutes P. M., the House took a recess until seven o'clock P. M.

EVENING SESSION.

At seven o'clock P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. Speaker: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 645—An Act to provide for the collection of a road tax, and its application on the public roads in the County of El Dorado;

Also, Assembly Bill No. 648—An Act to authorize James Kenney and his assigns to construct and maintain a chute and landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same;

Also, Assembly Bill No. 747—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited;

Also, Assembly Bill No. 647—An Act to exempt certain property named herein from execution;

Also, Assembly Bill No. 731—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale;

Also, Assembly Bill No 578—An Act to authorize certain parties to construct a wharf in the County of Solano;

Also, Assembly Bill No 770—An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin, passed March fourteenth, eighteen hundred and sixty-eight;

Also, Assembly Bill No. 737—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight;

Also, Assembly Bill No. 601—An Act to provide for the transfer of certain funds in the County of Placer;

Also, Assembly Bill No. 744—An Act to provide for the improvement of the navigation of the Stanislaus River;

Also, Assembly Bill No 701—An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another;

Also, Assembly Bill No. 357—An Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three;

Also, Assembly Bill No. 741—An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of the San Antonio Creek, and to keep the channel of said creek open for navigation;

Also, Assembly Bill No 751—An Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county;

Also, Assembly Bill No. 304—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four;

Also, Assembly Concurrent Resolution No. 44, reported March twenty-third, as substitute for Assembly Concurrent Resolution No 44;

Also, Assembly Bill No 674—An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendment thereto, passed May ninth, eighteen hundred and sixty-one;

Also, Assembly Bill No. 509—An Act relating to assessments for street improvements in the City and County of San Francisco;

Also, Assembly Bill No 735—An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein;

Also, Assembly Bill No. 754—An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. W. Price;

Also, Assembly Bill No. 718—An Act to extend the time for commencing the construction of the Stockton and Copperopolis Railroad; also, that of the Stanislaus and Mariposa Railroad;

Also, Assembly Bill No 229—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 593—An Act to supply deficient records in the County Clerk's office in the County of Sacramento;

And this day, at thirty minutes past four o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

CONSIDERATION OF SENATE MESSAGES CONTINUED.

Assembly Bill No. 487, above reported; Senate amendments adopted in concurrence.

Substitute for Senate Bill No 452, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 84, above reported, was read first and second times

and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 388, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 444, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 595, above reported, was read first and second times.

Mr. Westmoreland moved that the rules be suspended and the bill be put on its third reading.

Objection being made, the Speaker decided that the bill must go to the file.

Mr. Westmoreland offered the following resolution:

Resolved, That the rule declaring that no bill shall be read the third time on the same day, if objection be made, is inoperative.

Mr. Meagher rose to a point of order—that the resolution must lay over one day.

Sustained

Senate Bill No 535, above reported, was read first and second times.

The third reading of the bill was asked for.

Objections being made, it was ordered to the file.

Mr. Gilder offered the following resolution:

Resolved by the Assembly, the Senate concurring, That Joint Rule Number fifteen of the Senate and Assembly is declared rescinded.

Laid over one day.

Mr. Angney made the following report:

Mr. SPEAKER: The Joint Committee of Conference upon the disagreeing vote of the two houses on Senate amendments to Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of the State of California for the twenty and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy—after conference unanimously agree as follows:

Assembly concur in Senate amendment number one.

Senate recede from Senate amendment number two.

Insert amendment number three

Strike out Senate amendment number four and insert Senate amendment number five.

Assembly concur in Senate amendment number six.

Senate recede from Senate amendment number seven.

Assembly concur in Senate amendment number eight.

Assembly concur in Senate amendment number nine.

Assembly concur in Senate amendment number ten

Assembly concur in Senate amendment number eleven.

Senate recede from Senate amendment number twelve

Assembly concur in two Senate amendments number thirteen.

Assembly concur in Senate amendment number fourteen.

Strike out Senate amendments numbers fifteen and sixteen and insert the following substitute:

In line eight, strike out "six thousand three hundred" and insert "four thousand five hundred."

In line twelve, strike out "twenty-seven hundred" and insert "two thousand."

In line fourteen, strike out "fifteen hundred" and insert "one thousand."

In line sixteen, strike out "seven" and insert "five"

In line seventeen, leave amount unchanged as originally in the bill.

In line nineteen, strike out "thirty-six hundred" and insert "four thousand.

In line twenty, allow original amount to stand unchanged.

Insert amendment number seventeen at the end of line number twenty-two.

ANGNEY,
CANAVAN,
Assembly Committee.

TUBBS,
SHAW,
EWER,
Senate Committee.

The amendments to the bill and the report were adopted.

Mr. Davies moved to reconsider the vote by which Assembly Bill No. 263 passed on yesterday.

Mr. Papy moved to indefinitely postpone the motion.

Carried.

Senate Bill No. 535, above reported, was read first and second times and placed on file.

Senate Bill No. 563, above reported, was read first and second times and placed on file.

Senate Bill No. 432, above reported, was read first and second times and placed on file.

Senate Bill No 370, above reported, was read first and second times and placed on file.

Senate Bill No 312, above reported, was read first and second times and placed on file.

Substitute for Senate Bill No. 489, above reported, was read first and second times and placed on file.

Senate Bill No. 544, above reported, was read first and second times and referred to Committee on Claims

Senate Bill No. 572, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

Senate Bill No. 536, above reported, was read first and second times and, by unanimous consent, under a suspension of the rules, read a third time and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate this day, under a suspension of the rules, passed Senate Bill No 564—An Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties of this State

Also, Senate Bill No. 427—An Act for correcting omissions and defects in assessments.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate, on this day, passed Senate Bill No. 388—An Act to confer addition powers upon the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 312—An Act to amend an Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three.

JOHN WHITE,
Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate this day adopted the report of the Joint Committee on Free Conference on the disagreeing vote of the two houses on Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

JOHN WHITE,
Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate, on the twenty-seventh instant, passed Senate Bill No. 273—An Act to provide a law library for the Supreme Court.

Also, Assembly Bill No. 567—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns. of certain overflowed and submerged lands in the City and County of San Francisco.

Also, Assembly Bill No 666—An Act to authorize an investigation of the management of the Industrial School, in the City and County of San Francisco.

Also, Assembly Bill No. 642—An Act to amend an Act entitled an Act supplementary to an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two.

Also, Assembly Bill No. 637—An Act concerning the foreign miners' license tax in the County of Placer.

Also, Assembly Bill No. 445—An Act to amend section thirty-eight of an Act regulating elections.

Also, with amendments, Assembly Bill No 773—An Act supplemental

to an Act entitled 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, approved April twenty-fourth, eighteen hundred and sixty-two, and to amend and repeal other Acts and parts of Acts relating to said City of Oakland.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: I am directed to inform the Assembly that the Senate on yesterday passed, with amendments, Assembly Bill No 777—An Act to fix the rate of taxation for State purposes.

JOHN WHITE,
Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate this evening passed Senate Concurrent Resolution No. 70, relating to the rescinding of number fifteen of the Joint Rules of the Senate and Assembly, and ask the concurrence of the Assembly therein.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate, on the twenty-seventh instant, passed Assembly Bill No. 740—An Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight.

JOHN WHITE,
Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 567, above reported, was read first and second times and placed on file.

Senate Bill No. 427, above reported, was read first and second times and ordered on the file.

Senate Bill No. 273, above reported, was read first and second times and ordered on the file

Assembly Bill No. 773, above reported; Senate amendments adopted in concurrence.

Assembly Bill No. 777, above reported; Senate amendments adopted in concurrence.

Senate Concurrent Resolution No. 70, above reported, was adopted in concurrence.

REPORTS.

Mr. Connely made the following report:

Mr. Speaker: The Committee of Conference on the disagreeing vote of the Senate and Assembly upon Senate Bill No. 276, respectfully report as follows:

First—That the salary of the Supervisors of San Francisco shall be one hundred dollars per month, payable monthly from the passage of this Act.

Second—That seven votes shall be necessary to pass any order, ordinance or resolution, but in the event of a veto by the Mayor, then nine votes shall be necessary to pass any order, ordinance or resolution over such veto.

Third—That if, hereafter, any Supervisor should be absent from the State ninety days, his seat may be declared vacant by the Board and the vacancy filled as other vacancies.

Fourth—That the remainder of the bill be stricken out.

CONNELY,
PAPY,
Assembly Committee.

HEACOCK,
TUBBS.
SAUNDERS,
Senate Committee.

Report and amendments adopted.

Mr. Cureton, from the Committee on Enrolment, made the following report:

Mr Speaker: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 579—An Act for the relief of William Fitzpatrick;

Also, Assembly Bill No. 776—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto;

Also, Assembly Bill No 660—An Act to ratify and confirm a certain ordinance of the City of Petaluma, in relation to supplying said city with water;

Also, Assembly Bill No 179—An Act concerning roads and highways in the County of Mendocino;

And this day, at three o'clock and twenty-five minutes P. M, presented the same to the Governor for his approval.

CURETON, for Committee.

Mr. Lee, Chairman of the Committee on Engrossment, made the following report:

Mr. Speaker: The Committee on Engrossment have examined and found correctly engrossed, Assembly Bill No 762—An Act making additional appropriation to pay for translating into Spanish the several State documents ordered during the present session of the Legislature.

LEE, Chairman.

Mr. Connely, from the San Francisco delegation, verbally reported Senate Bill No. 442, with amendment, and recommended its passage.

Amendment adopted.

Read a third time and passed.

SPECIAL FILE.

Senate Bill No. 442—An Act for the relief of R. M. Folger.

Read a third time and passed.

Senate Bill No. 217—An Act to amend an Act to provide revenue for the support of the Government of this State.

Amended, amendment adopted.

Read a third time and passed.

Substitute for Senate Bill No. 451—An Act relating to Petaluma School District, in Sonoma County.

Read a third time and passed.

Senate Bill No. 457—An Act to authorize Lyman Leslie, Paul K. Hubbs, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, County of Solano.

Read a third time and passed.

Assembly Bill No. 780—An Act for the relief of Mrs. E. J. McLean.

Considered in Committee of the Whole.

Mr. Meagher in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Mr. Buckbee moved to suspend the rules and put the bill on its passage.

The ayes and noes were demanded by Messrs Watson, Scudder and Davies, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Batchelder, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Coggins, Cureton, Davies, Days, Dornin, Downer, Dryer, Frisbie, Gregory, Hayes, Jones, Kelley, McElhany, Meagher, Mentzell, Morrow, Oliver, O'Malley, Papy, Pardee, Payne, Rector, Rollins, Smith, Spencer, Steele, Tully, Tuttle, Waldron, Wand, Westmoreland, White—44.

NOES—Messrs. Biggs, Bird, Comte, Farish, James, Lee, Mahon, Mardis, Martin, Mattingly, Moore, Newell, Newsom, Ord, Russ, Scudder, Spilman, Watson—18.

Mr. Steele moved the previous question.

Sustained.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Ryland, Moore and Mattingly, and it passed by the following vote:

AYES—Messrs Ables, Batchelder, Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Gregory, Jones, Kelley, McElhany, Mentzell, Morrow, Oliver, O'Malley, Pardee, Payne, Rector, Rollins, Smith, Spencer, Steele, Tully, Tuttle, Waldron, Warfield, Westmoreland, White—41.

NOES—Messrs. Angney, Biggs, Bird, Coggins, Farish, James, Lee, Mahon, Mardis, Martin, Mattingly, Meagher, Moore, Newell, Newsom, Ord, Russ, Scudder, Wand, Mr. Speaker—20.

REPORT.

Mr. Frisbie, for the Committee on Ways and Means, made the following report:

Mr SPEAKER: The undersigned members of the Committee on Ways and Means, together with Messrs Frisbie and Ayer, of the same committee, have had under consideration substitute for Senate Bill No 124—An Act for the relief of the City of Benicia—and report it back, with a recommendation that it be indefinitely postponed.

ANGNEY,
WAND,
SCUDDER.

SPECIAL FILE RESUMED.

Assembly Bill No 628—An Act to provide for the visitation and inspection of the jails and prisons of this State.

Mr Coggins offered a substitute.

Adopted.

Rules suspended, bill considered engrossed, read a third time and passed

Substitute for Assembly Bill No. 32—An Act to authorize the sale and conveyance to Leopold Miller, his associates and assigns, of certain submerged lands belonging to this State, and situate in the City and County of San Francisco, and to authorize the said Leopold Miller, his associates and assigns, to construct and maintain slaughter-houses thereon, and for other purposes

Mr. Mace moved to indefinitely postpone the bill.

Mr Watson moved the previous question.

Sustained.

On indefinite postponement, the ayes and noes were demanded by Messrs. Broderson, Watson and Clark, and the bill was indefinitely postponed by the following vote:

AYES—Messrs Angney, Battelle, Caldwell, Church, Comte, Connely, Cureton, Davies, Dornin, Dryer, Dwinelle, Gregory, Mace, Martin, Meagher, Moore, Morrow, Newell, Newsom, Pardee, Payne, Rector, Scudder, Smith, Tuttle, Waldron, Wand, Warfield, Watson, Willets—30.

NOES—Messrs. Bever, Biggs, Bird, Broderson, Buckbee, Canavan, Clark, Days, Farish, Frisbie, Giltner, Kelley, Mardis, Mattingly, McElhany, Mentzell, Ord, Papy, Russ, Tully, Westmoreland, White, Wolleb—23.

Senate Bill No. 513—An Act to authorize John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale

Ordered to general file.

Senate Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Read a third time and passed.

Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as Jailer, and providing for the payment of the same.

Indefinitely postponed.

Assembly Bill No. 131—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.

Amendment adopted.

Read a third time and passed.

Senate Bill No. 145—An Act defining the boundary lines between the Counties of Santa Barbara and San Luis Obispo.

Indefinitely postponed.

At ten o'clock and ten minutes P. M., Mr. Clark moved to adjourn.

Lost.

Mr. Frisbie moved a call of the House.

Carried.

Roll called, and the following members found absent without excuse: Messrs. Battelle, Bever, Broderson, Brown of Contra Costa, Brown of Tulare, Crigler, Dwinelle, Fairchild, Farish, Gildea, McElhany, Middleton, Moore, Russ, Spilman, Watson, White, Willets

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

Mr Batchelder, from the Committee on Engrossment, made the following report:

Mr. Speaker: The Committee on Engrossment have examined and found correctly engrossed, substitute for Assembly Bill No. 628—An Act to provide for the visitation and inspection of the jails and prisons of the State.

Also, Assembly Bill No 694—An Act for the encouragement of agricultural societies in this State

Also, Assembly Bill No. 772—An Act to form a school district in the Counties of Solano and Yolo

Also, substitute for Assembly Bill No 554—An Act to amend section three of an Act entitled an Act providing for the payment of officers holding elections, and for transmitting the returns thereof, approved April second, eighteen hundred and fifty-five.

Also, Assembly Bill No. 780—An Act to appropriate money to pay the claim of Mrs E. J. McLean.

BATCHELDER, for Committee.

Mr. Church moved to take up Assembly Bill No. 146.

Senate Bill No. 146 (substitute)—An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State.

Mr. Bird moved to indefinitely postpone the bill.

Lost.

Read a third time and passed.

Mr. Smith moved to take up Assembly Bill No. 761—An Act for the relief of John W. Ball.

Carried.

Read a third time.

Mr. Warfield moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lee, Scudder and Farish, and it passed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Bever, Broderson, Buckbee, Caldwell, Canavan, Church, Coggins, Connely, Crigler, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Frisbie, Gildea, Giltner, Hayes, Jones, Kelley, Mace, McElhany, Meagher, Mentzell, Morrow, Newell, Oliver, O'Malley, Ord, Pardee, Rector, Rollins, Smith, Spencer, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, White—45.

NOES—Messrs. Angney, Biggs, Comte, Ellis, Farish, James, Lee, Mardis, Mattingly, Russ, Scudder, Spilman, Steele, Wolleb—14.

Mr. Cureton, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 740—An Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight;

And this day, at ten o'clock and thirty minutes P M, presented the same to the Governor for his approval.

CURETON, for Committee.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County;

Also, Assembly Bill No 513—An Act to provide for the improvement of rivers and streams in Santa Clara County, and to provide penalties for obstructing their channels;

Also, Assembly Bill No. 287—An Act to amend section eighteen of an Act entitled an Act to establish and maintain a public pound for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Bill No 642—An Act to amend an Act entitled an Act supplementary to an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four;

Also, Assembly Joint Memorial No. 1—Memorial to Congress concerning the payment of damages by the United States done by Indians in eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three, in the Counties of Humboldt, Klamath, Trinity, Del Norte;

Also, Assembly Bill No. 668—An Act to authorize and empower E P. Figg and C. C. Hayden, or their assigns, to construct and maintain

dams, booms and piers on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering on the same;

Also, Assembly Bill No. 531—An Act to encourage the manufacture of steel in this State;

Also, Assembly Bill No 606—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquinez for the purpose of fishing;

Also, Assembly Bill No 702—An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento;

Also, Assembly Bill No. 485—An Act amendatory of and supplemental to an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes and foreign miners' license taxes in said county, appproved February twenty-sixth, eighteen hundred and fifty-nine, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six;

Also, Assembly Bill No. 356—An Act declaring navigable a certain creek in Sections Thirty-five (35) and Thirty-six (36) Township three (3) south, Range three (3) west, Mount Diablo meridian;

Also, Assembly Bill No 322—An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six;

Also, Assembly Bill No. 753—An Act granting certain parties the right to build a wharf in the County of Alameda;

Also, Assembly Bill No. 691—An Act to authorize the Controller to credit J. Hop. Woods, County Treasurer of Colusa County, with one hundred and eighteen polltax receipts;

Also, Assembly Bill No. 716—An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof;

Also, Assembly Bill No 501—An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes;

Also, Assembly Bill No. 713—An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Bill No. 588—An Act to authorize and empower Horace Templeton, Thomas Moore, William S. Chapman and Clinton Gurnee, or their assigns, to float logs and other timber down Pescadero Creek, in San Mateo County, to remove from the channel of said creek all obstructions which may interfere with logging on the same, and to construct and maintain dams, booms and piers in said creek, for the period of twenty years;

Also, Assembly Bill No. 548—An Act for the relief T. M. Brown.

Also, Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County;

Also, Assembly Bill No 736—An Act to authorize the construction of a wharf at Vallejo, Solano County;

And this day, at ten o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 572—An Act concerning roads in the County of Marin;

And this day, at twenty-five minutes past ten o'clock P. M., presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr Biggs moved to take up Assembly Bill No. 476.

Lost.

Mr. Coggins moved to take up Assembly Bill No. 749.

Lost.

At ten o'clock and fifty-five minutes P M, on motion of Mr. James, the House adjourned

J. J. O'MALLEY, Speaker pro tem.

WM. S. BYRNE, Assistant Clerk.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 30th, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present

Prayer by the Chaplain.

Mr Farish moved to dispense with the reading of the Journal.

Mr. Dwinelle moved to amend by adding "until five o'clock P. M."

Amendment accepted.

Lost.

Mr. Scudder moved to dispense with the reading of the Journal for ten minutes.

Carried.

Mr. Scudder, by leave, introduced a bill—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.

Read first and second times, and by unanimous consent, read third time and passed

On motion of Mr. Westmoreland, rule thirty-two was suspended and the bill ordered immediately to the Senate.

Mr. Brown of Contra Costa, by leave, introduced a bill—An Act supplemental to an Act entitled an Act to prevent hogs from running at large in the County of Contra Costa, approved March twenty-third eighteen hundred and sixty-eight.

Read first and second times, and by unanimous consent, read third time and passed

Journal being read.

Mr. Westmoreland moved to dispense with the reading of the Journal until five o'clock P. M.

Mr Canavan moved to suspend the rules and to postpone further reading of the Journal, to take up Senate Bill No. 564.

Carried.

Senate Bill No. 564—An Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties of this State.

Read a third time and passed

Mr. Mace moved to postpone further reading of the Journal until two o'clock P. M.

Lost

Mr. Westmoreland moved to postpone until seven o'clock this evening.

Lost.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 487—An Act granting Francis M. Stone and others certain rights and immunities for fishing purposes, in Tulare Lake;

Also, Assembly Bill No 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco, heretofore sought to be conveyed under the provision of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes;

Also, Assembly Bill No. 544—An Act to re-district the County of Monterey, and to provide for the election of Supervisors;

Also, Assembly Bill No. 584—An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, and to repeal other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act;

Also, Assembly Bill No 561—An Act amendatory of and supplemental to an Act to provide for the construction of a line of telegraph in and through the State of California, between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six;

Also, Assembly Bill No 641—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four;

Also, Assembly Bill No 666—An Act to authorize an investigation of the management of the Industrial School in the City and County of San Francisco;

Also, Assembly Bill No. 659—An Act to facilitate the City of Sacramento in procuring material to raise the streets and levees;

Also, Assembly Bill No. 455—An Act to authorize and empower John Dolbeer, William Carson, David R Jones and Hans H Buhne. or their assigns, to construct and maintain dams, booms and piers, on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same;

Also, Assembly Bill No. 189—An Act defining the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino and Mono Counties;

Also, Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in certain cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one;

Also, Assembly Bill No 779—An Act relating to the levy of State and county taxes in the County of Del Norte, for the year eighteen hundred and sixty eight;

Also. Assembly Bill No 351—An Act supplementary to an Act entitled an Act for the encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two;

Also, Assembly Bill No 591—An Act declaring certain streams in the County of Alameda navigable;

Also, Assembly Bill No 717—An Act to amend section nine of an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenditure and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King. George Carson and associates to build a wharf or wharves at the port of San Pedro, in the County of Los Angeles;

Also, Assembly Bill No. 563—An Act to provide a fund for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto;

Also. Assembly Bill No 714—An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 604—An Act to authorize I. S. Woods, William Shattuck, Frank H. Cummings, Daniel W. Clark, S. E. Wilson, E D. Shirland, and their associates and assigns, to lay down gas pipes in the City of Sacramento, County of Sacramento;

Also, Assembly Bill No 492—An Act to amend an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Assembly Bill No. 564—An Act to divide the County of Mono into Supervisor districts, fixing the compensation of the Board of Supervisors and providing payment for the same, and defining their power and duties;

Also, Assembly Bill No. 719—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six;

Also, Assembly Bill No 637—An Act concerning the foreign miners' license tax in the County of Placer;

Also, Assembly Bill No. 445—An Act to amend section thirty-eight of an Act regulating elections;

Also, Assembly Bill No. 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco, to appoint a Janitor for their rooms;

Also, Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, Santa Cruz County, California;

Also, Assembly No. 777—An Act to fix the rate of taxation for State purposes;

Also, Assembly Bill No 688—An Act authorizing B D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano.

Also, Assembly Bill No. 567—An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco;

And this day, at —— o'clock, presented the same to the Governor for his approval.

AYER, for Committee.

On motion of Mr Davies, the reading of the Journal was postponed, to take up the following bills from Senate messages, and to put them on their passage:

Senate Bill No. 310—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April twentieth, eighteen hundred and sixty-six

Read first and second times, and by unanimous consent, read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Angney, Ryland and Biggs, and it passed by the following vote:

AYES—Messrs Ables, Ayer, Batchelder, Battelle, Bever. Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Church, Clark, Cochran, Coggins, Comte, Connely, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Gildea, Gregory, Mace, Mahon. Mardis, Mattingly, Meagher, Mentzell, Middleton, Morrow, Oliver, Papy, Pardee, Payne, Rollins, Russ, Scudder, Smith, Spencer, Steele, Waldron, Wand, Watson—45.

NOES—Messrs Angney, Caldwell, Canavan, Crigler, Fairchild, Giltner, Kelley, Lee, Martin, Moore, Newell, Newsom, Rector, Spilman, Tully, Warfield, White, Willets, Wolleb, Mr. Speaker—20.

Substitute for Senate Bill No 105—An Act to amend an Act entitled an Act to amend an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six

Read first and second times, and by unanimous consent, read third time and passed.

Mr. Payne, Chairman of Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 545—An Act to legalize and confirm certain contracts entered into by Peter Donohue and others;

Also, Assembly Bill No. 761—An Act for the relief of John W. Ball;

And this day, at nine o'clock and thirty minutes, presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr. O'Malley made the following report, for the Sergeant-at-Arms:

Mr SPEAKER: I do hereby certify that I have on hand, for the use of committee and clerks rooms of the Assembly, the following described property, viz: Thirteen tables, seven stoves, seventy-nine chairs, four stools, two gas fixtures, four desks, one fire shovel, one water bucket, two washstands, six pitchers, two washbowls, one settee, one map of the Pacific Coast, seven glass tumblers, ten lamps, eight window curtains, two hundred and thirty-one yards carpet.

J. K. LUTTRELL,
Sergeant-at-Arms of the Assembly.

Mr. Scudder rose to a question of privilege; said that the bill he introduced was, by action of the House, ordered immediately to the Senate, and he was informed it had not been so sent

The Chair said the bill was considered engrossed, but the rules declared that bills must be engrossed, and the Engrossing Committee must report on it.

Mr. Westmoreland rose to a point of order; said rule thirty-two was suspended, and that permitted the bill to go immediately to the Senate, under that action of the House

The Chair said it was a joint rule, and could not be suspended by the House alone.

Mr Scudder appealed, and the House refused to sustain the Chair

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrollment have examined and find correctly enrolled, Assembly Bill No 617—An Act for the better protection of the State Treasury;

Also, Assembly Bill No. 273—An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts;

Also, Assembly Bill No. 760—An Act to repeal an Act incorporating the Town of Auburn;

Also, Assembly Bill No 555—An Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein;

Also, Assembly Bill No 735—An Act to prevent Swamp Land District Number Two from overflow;

Also, Assembly Bill No. 57—An Act to repeal an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco; to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four;

Also, Assembly Bill No. 524—An Act to encourage the production and manufacture of sugar from sugar beet in California;

Also, Assembly Bill No. 771—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize an appropriation of money by said Board.

Also, Assembly Bill No. 694—An Act for the encouragement of agriculture societies in this State;

Also, Assembly Bill No 274—An Act to extend the police powers of the President and Trustees of the City of San Diego;

Also, Assembly Concurrent Resolution No. 58—Relating to the investment of the Agricultural College Fund;

Also, Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of the State of California, for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy;

And this day, at fifteen minutes past eleven o'clock A. M, presented the same to the Governor for his approval.

AYER, for Committee.

On motion of Mr. Buckbee, the rules were suspended and the following bills taken up:

Senate Bill No 411—An Act supplementary to an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 273—An Act to provide a law library for the Supreme Court.

Considered in Committee of the Whole.

Mr. Cochran in the chair.

IN ASSEMBLY.

Bill reported back and passage recommended.

Read third time and passed

Mr. Mardis moved to take up Senate Bill No. 595.

Lost, not two thirds voting in the affirmative.

Mr. Middleton offered the following resolution:

Resolved, That Assembly Bill No 444 be returned to the Senate—said bill having been returned to this House by mistake, it not having passed the Senate.

Adopted.

Mr. Meagher moved to take up Senate Bill No. 513.

Lost.

Mr Dwinelle offered the following resolution:

Resolved, That Assembly Bill No. 773—An Act entitled 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, approved April twenty-fourth, eighteen hundred and sixty-two, and to amend and repeal other Acts and parts of Acts relating to said City of Oakland—be returned by the Enrolling Clerk to this House for examination.

Adopted.

Mr. Papy, by leave, withdrew Assembly Bill No 654.

On motion of Mr Brown of Contra Costa; Senate Bill No. 275 and

Senate Concurrent Resolution No. 11 were made the special order for half-past two o'clock P. M.

Mr. Warfield moved to take up Senate Bill No 270.

Lost.

Mr. Dwinelle moved to take up Senate Bill No. 535.

Lost.

Mr. Green, from the Committee on Enrolment, made the following report:

Mr SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 597—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada;

Also, Assembly Bill No 486—An Act to legalize the assessment of taxes in the County of Lake, State of California, for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven;

Also, Assembly Bill No. 309—An Act to repeal an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March, eighteen hundred and sixty-six, so far as the same applies to the County of El Dorado;

Also, Assembly Bill No 280—An Act for securing liens of mechanics and others;

Also, Assembly Bill No. 707—An Act concerning roads and highways in the County of Placer;

Also, Assembly Bill No. 780—An Act to appropriate money to pay the claim of Mrs. E J. McLean;

Also, Assembly Bill No. 201—An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of that county for fifty thousand dollars, for the purpose of raising funds to construct a wagon road and turnpike road from some point near Hidesville, in that county, to the southern boundary line of that county, and from near the town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote in the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof;

And this day, at nine o'clock, presented the same to the Governor for his approval

GREEN, for Committee.

SENATE MESSAGES.

On motion of Mr. Scudder, the following Senate messages were taken up:

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No 735—An Act to prevent Swamp Land District Number Two from overflow.

Also, Assembly Bill No. 780—An Act to appropriate money to pay the claim of Mrs. E. J. McLean.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr SPEAKER: The Senate on this day passed Senate Bill No. 148—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

Also, substitute for Assembly Bill No. 274—An Act to extend the police powers of the President and Trustees of the City of San Diego

Also, Assembly Bill No. 221—An Act concerning conveyances by Indian pueblos for public purposes.

Also, Assembly Bill No 492—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No 641—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 760—An Act to repeal an Act incorporating the Town of Auburn.

Also, Assembly Bill No 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco heretofore sought to be conveyed under the provisions of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes

Also, amended and passed Senate Bill No 411—An Act supplementary to an Act entitled an Act concerning District Court Reporters.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate this day passed Assembly Bill No 555—An Act to separate the office of County Recorder from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder therein.

Also, Assembly Bill No 365—An Act appropriating money to pay the expenses of resisting the authorities of the State of Nevada by the officers of Plumas County, in the year eighteen hundred and sixty-three.

Also, Senate Bill No. 586—An Act concerning roads, highways and bridges in Klamath County.

Also, Senate Bill No. 197—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 717—An Act to amend section nine of an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 273—An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts

Also, Assembly Bill No. 665—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 545—An Act to confirm and legalize certain contracts entered into by Peter Donohue and others.

Also, Assembly Bill No. 604—An Act to authorize Frank A. Cummings, J. S. Wood, William Shattuck and their associates and assigns, to lay down gas pipes in the City of Sacramento.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate on this day passed Senate Bill No 568—An Act to supply the District Judge of the Twelfth Judicial District with certain law reports

Also, Senate Bill No. 504—An Act relative to the care and management of the State Burial Ground, and making an annual appropriation therefor.

Also, substitute for Assembly Bill No. 486—An Act to legalize the assessment of taxes in the County of Lake, State of California. for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven

Also, Senate Bill No 585—An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County.

Also, Assembly Bill No. 591—An Act declaring certain streams in the County of Alameda navigable.

Also, Assembly Bill No 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868.

Mr. SPEAKER: The Senate this day passed Assembly Bill No. 57—An Act to repeal an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourteenth, eighteen hundred and sixty-four.

Also, substitute for Assembly Bill No. 421—An Act for the more effectual prevention of cruelty to animals.

Also, Assembly Bill No 351—An Act supplementary to an Act entitled an Act for encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two.

Also, substitute for Assembly Bill No 477—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate on Saturday passed Assembly Bill No. 728—An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 676—An Act to confer additional powers on the Trustees of the City of Sacramento.

Also, Assembly Bill No. 409—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Also, Assembly Bill No. 761—An Act for the relief of John W. Ball.

Also, substitute for Assembly Bills Nos. 460 and 626—An Act supplemental to an Act entitled an Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight.

Also, Assembly Bill No. 615—An Act to authorize the establishment of a steam ferry, between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County.

Also, Assembly Bill No. 704—An Act to enable the County of Alameda to purchase a tract of land and use the same for charitable purposes, and establish a Home for the Unfortunate.

Also, Assembly Bill No. 694—An Act for the encouragement of agriculture.

JOHN WHITE, Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate on the twenty-eighth instant passed Assembly Bill No. 775—An Act to legalize the assessment of taxes on all property, both real and personal, in the City of Placerville, for the year eighteen hundred and sixty-six, now delinquent.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1868

Mr. SPEAKER: The Senate this day passed Assembly Bill No. 755—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 amendments thereto.

Also, Assembly Bill No. 769—An Act to make certain Acts take effect immediately.

Also, Assembly Bill No. 617—An Act for the better protection of the State Treasury.

Also, Assembly Bill No. 505—An Act for the relief of W. B. Roy, Sheriff of Kern County.

Also, amended and passed Senate Bill No. 517, substitute for Senate Bills Nos 105, 122, 191 and 369.

Also, Assembly Bill No 524—An Act to encourage the production and manufacture of sugar from sugar beet in California.

Also, Assembly Bill No. 774—An Act to authorize the Sheriff of Trinity County to charge and receive mileage for certain services.

Also, Assembly Bill No 656—An Act to provide against the failure of testimony in certain cases.

Also, Assembly Bill No 532—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five

Also, Assembly Bill No. 700—An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 762—An Act making additional appropriations to pay for translating into Spanish the several State documents ordered during the present session of the Legislature.

Also, substitute for Assembly Bill No. 591—An Act to provide for the election of a County Assessor and Tax Collector in the County of Amador, and other matters relating thereto, and to repeal certain Acts therein.

Also, Assembly Concurrent Resolution No. 54, relative to internal revenue tax on native grape brandy

Also, Assembly Concurrent Resolution No 64, to pay the claim of A. A Bennett for services as expert on State Capitol

Also, Assembly Bill No. 771—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, the Auditor and Treasurer, etc.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868

Mr. SPEAKER: The Senate this day passed the following resolution:

Resolved, That the Assembly be requested to return to the Senate, Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets—the same not having been passed by the Senate, but reported to the Assembly by mistake.

Also, a similar resolution in relation to Assembly Bill No. 700—An Act to incorporate the Town of San Buenaventura.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate resolutions above reported, adopted in concurrence.

Senate concurrent resolutions, above reported, read first and second times, and under a suspension of the rules, read third time and passed.

Substitute for Assembly Bill No. 196, above reported; Senate amendment adopted in concurrence

Substitute for Assembly Bill No. 421, above reported; Senate amendments adopted in concurrence.

Senate Bill No. 462, above reported, read first and second times and ordered to file.

Mr. Gildea moved to dispense with further consideration of Senate messages.

Lost

Substitute for Senate Bill No 591, above reported, read first and second times and placed on file.

Senate Bill No. 542, above reported, read first and second times and placed on file.

Senate Bill No. 311, above reported, read first and second times and placed on file.

Senate Bill No. 364, above reported, read first and second times and placed on file.

Senate Bill No. 135, above reported, read first and second times and placed on file.

Senate Bill No. 64, above reported, read first and second times and placed on file.

Senate Bill No. 255, above reported, read first and second times and placed on file.

Senate Bill No. 285, above reported, read first and second times and placed on file.

Senate Bill No. 197, above reported, read first and second times and placed on file.

Senate Bill No. 148, above reported, read first and second times and placed on file.

Senate Bill No. 568, above reported, read first and second times and placed on file.

Senate Bill No. 365, above reported, read first and second times and placed on file.

Senate Bill No. 504, above reported, read first and second times and placed on file.

Senate Bill No. 408, above reported, read first and second times and placed on file.

Senate Bill No. 586, above reported, read first and second times and placed on file.

Senate Bill No. 49, above reported, read first and second times and placed on file.

Senate Bill No. 149, above reported, read first and second times and placed on file.

Senate Bill No. 345, above reported, read first and second times and placed on file.

Senate Bill No. 216, above reported, read first and second times and placed on file.

Substitute for Assembly Bill No. 221, above reported; Senate amendments adopted in concurrence.

Substitute for Assembly Bill No 477, above reported; Senate amendments adopted in concurrence.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER.
March 30th, 1868.

Mr. SPEAKER: The Senate this day passed Senate Bill No. 482—An Act to ratify and confirm a certain contract made by the Board of Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same

Also, Assembly Bill No 696—An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor.

Also, Senate Bill No. 587—An Act to amend an Act entitled 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, approved April tenth, eighteen hundred and sixty-two.

Also, Assembly Bill No 133—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.

Also, Assembly Bill No. 375—An Act for the relief of Captain John H. Gilmore.

Also, Senate Bill No 493—An Act to aid in giving effect to an Act of Congress relating to the California and Oregon Railroad Company.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER.
March 30th, 1868.

Mr. SPEAKER: The Senate, on the twenty-eighth instant, adopted Senate Concurrent Resolution No. 67, to aid in developing the navigability of the Colorado River.

Also, passed Senate Bill No 310—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER.
March 30th, 1868.

Mr. SPEAKER: The Senate this day adopted the report of the State Prison Directors, in relation to pardoning certain State Prison convicts.

W. F. HUESTIS,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 486, above reported, was read first and second times, and, under a suspension of the rules, by unanimous consent, read a third time and passed.

Senate Bill No 493 above reported, was read first and second times, and, under a suspension of the rules, by unanimous consent, read a third time and passed.

Senate Bill No 587, above reported, was read first and second times and placed on file.

Assembly Bill No. 133, above reported; Senate amendment concurred in.

The report of the State Prison Directors, above reported, recommending that certain convicts be pardoned by the Governor, was adopted in concurrence.

[For report, see Appendix.]

At one o'clock P. M. the House took a recess.

REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called.

Quorum present.

REPORTS.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No 409—An Act to amend an Act entitled an Act defining the rights of husband and wife;

Also, Assembly Bill No 676—An Act to confer additional powers on the Trustees of the City of Sacramento;

Also, Assembly Bill No. 532—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five;

Also, Assembly Concurrent Resolution No. 54—Relative to internal revenue tax on native grape brandy;

Also, Assembly Bill No. 505—An Act for the relief of W. B Roy, Sheriff of Kern County;

Also, Assembly Bill No. 769—An Act to make certain Acts take effect immediately;

Also, substitute for Assembly Bills Nos 460 and 623—An Act supplemental to an Act entitled an Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight;

Also, Assembly Bill No. 775—An Act to legalize the assessment of taxes on all property, both real and personal, in the City of Placerville, for the year eighteen hundred and sixty-six, now delinquent;

Also, Assembly Bill No. 728—An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six;

Also, Assembly Bill No 762—An Act making an additional appropri-

ation to pay for translating into Spanish the several State documents ordered during the present session of the Legislature;

And this day, at forty-five minutes past one o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

Mr. Middleton, Chairman of 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. 768—An Act to authorize the Board of State Harbor Commissioners to lease to Calvin Page certain lands at the foot of Union street, in the City of San Francisco—report the same back and recommend its indefinite postponement.

MIDDLETON, Chairman.

Mr. Steele, Chairman of the Judiciary Committee, made the following report:

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Senate Bill No. 292, have had the same under consideration, and report the same back with an amendment and recommend its passage as amended by the committee.

The committee have also considered and herewith report the following bills, and recommend that they do not pass:

Assembly Bill No. 83—An Act to provide for reviewing, revising, amending, codifying and compiling the laws of the State of California.

Assembly Bill No. 271—An Act to grant to W. H. Davis the title of the State of California in certain property situate on the water front of the Town of New San Diego.

Assembly Bill No. 272—An Act to grant to the heirs of Miguel de Pedrorena, deceased, the title of the State of California in certain property situate on the water front of the town of New San Diego.

Assembly Bill No. 275—An Act to grant to the heirs of José Antonio Aguirre, deceased, the title of the State of California in certain property situate on the water front of the Town of New San Diego.

Assembly Bill No. 399—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Assembly Bill No. 417—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.

Assembly Bill No. 574—An Act to amend 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.

Assembly Bill No. 587—An Act to amend section two hundred and nineteen of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Assembly Bill No. 733—An Act to authorize the guardian of Louisa S. Beverly and Isabella G Beverly to sell and convey real estate.

Assembly Bill No. 734—An Act to amend an Act entitled an Act to amend section five hundred and forty-three of an Act entitled an Act to

regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

The committee have also considered the memorial of the Board of Supervisors of Mendocino County, relative to fees of Sheriff in criminal cases, etc., but no bill having been presented with the memorial, we recommend its reference to the delegation from Mendocino County, with instructions to report a bill to-morrow morning.

Also, Senate Concurrent Resolution No. 23 and Assembly Concurrent Resolutions Nos. 11, 17 and 40—Proposed amendments to the Constitution of this State—and recommend that they do not pass.

Also, Senate Concurrrent Resolution No. 24, providing for a committee to compile the laws of this State—and recommend that it do not pass.

STEELE, Chairman.

Mr. Connely, Chairman of the Committee on Claims, made the following report:

Mr. SPEAKER: The Committee on Claims have had under consideration the following bills, which were referred to them, and ask leave to report as follows:

Assembly Bill No. 158—An Act for the relief of J. A. Sanchez and José Redona. They recommend that the bill do not pass.

Also, Assembly Bill No. 203—An Act for the payment of the claim of John H. Hammond for advances made on behalf of the State of California. The committee recommend that the bill do not pass.

Also, Assembly Bill No. 469—An Act to pay the claim of R. B. Bell. The committee recommend that the bill do not pass.

CONNELY, Chairman.

Mr. Brown of Tulare, Chairman of the Committee on Public Accounts and Expenditures, made the following report:

Mr. SPEAKER: The Committee on Public Accounts and Expenditures having examined and found correct the bill of D. S. Woodward, for can of oil and matches, for six dollars and seventy-five cents, recommend the adoption of the accompanying resolution:

Resolved, That the Controller of State be and he is hereby authorized and required to draw his warrant on the Contingent Fund of the Assembly, in favor of the above named person.

BROWN of Tulare, Chairman.

Mr. Connely, from the Committee on Claims, verbally reported Senate Bill No. 544, without recommendation.

Mr. Moore, for Committee on Corporations, reported Senate Bill No. 480, and recommended its indefinite postponement; also, Senate Bill No. 525, and recommend its passage.

Mr. Angney, from the Santa Clara delegation, made the following report:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 491—An Act authorizing the Board of Supervisors of Santa

Clara County to sell and dispose of certain railroad shares and bonds—have had the same under advisement, and return the same without recommendation.

ANGNEY, for Delegation.

Mr. Connely, for the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred the following bills, ask leave to report them back to the House and recommend that they remain with the unfinished business of the session: Assembly Bills Nos. 427, 212, 128, 465, 510, 373, 151, 600, 199, 422, 267, 480, 511, 315, 308 and 557.

CONNELY, Chairman.

Mr. Connely, from the San Francisco delegation, made the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 553—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Yerba Buena Park—have considered the same, and ask leave to report the bill back to the House and recommend that it do not pass.

CONNELY, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Westmoreland moved to make Senate Bill No. 513 the special order for three o'clock P. M.

Carried.

On motion of Mr. Gildea, Senate Bill No. 370 was made the special order for half past two o'clock P. M.

Mr. Connely moved to take up Senate Bill No. 489.

Lost.

Mr. Watson offered the following resolution:

Resolved, That Senate Bill No. 304 (number one hundred and seventeen on the general file of this day)—An Act to limit the time for commencing actions in certain cases—be now taken up and acted upon.

On the adoption of the resolution, the ayes and noes were demanded by Messrs Moore, Downer and Watson, and the House refused by the following vote:

AYES—Messrs. Bever, Buckbee, Cochran, Comte, Connely, Davies, Dwinelle, Farish, Hayes, Kelley, Mace, Mattingly, McElhany, Mentzell, Newsom, O'Malley, Ord, Watson—18.

NOES—Messrs. Ables, Angney, Batchelder, Battelle, Biggs, Bird, Church, Coggins, Crigler, Cureton, Days, Dornin, Downer, Fairchild, Giltner, Gregory, Lee, Mardis, Martin, Meagher, Moore, Morrow, Newell, Oliver, Pardee, Payne, Russ, Smith, Spilman, Tully—30.

Mr. Watson moved to make the bill the special order for three o'clock.

Lost.

Mr. Mace offered the following resolution.

Resolved, That the four Copying Clerks of this House be and are hereby allowed two weeks' pay for extra services, to wit: Writing on the Journal, indorsing bills, etc., etc.; and the Controller of State is hereby authorized to draw his warrants on the Contingent Fund of the Assembly, and the State Treasurer is directed to pay the same.

Adopted.
Mr. Coggins moved to take up Assembly Bill No. 749.
Lost.
Mr. Batchelder offered the following resolution:

Resolved, That Senate Bill No. 595—An Act concerning the geological survey—be now taken from the general file of to-day for consideration.

Lost.
Mr. Mardis moved to take up Senate Bill No. 312.
Lost.
Mr. Green, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Concurrent Resolution No. 62, granting leave of absence to J. H. Batchelder;
Also, Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate interest of money, passed March thirteenth, eighteen hundred and fifty;
Also, Assembly Bill No. 665—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras;
Also, Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same;
And this day, at twelve o'clock M., presented the same to the Governor for his approval.

GREEN, for Committee.

Mr. Church had leave of absence on account of sickness.

SPECIAL ORDER.

Senate Concurrent Resolution No. 11—Proposed amendments to the Constitution of the State of California.
Read a third time.
On the passage, the roll was called and the resolution rejected, not a majority of all the members elected to the House voting in the affirmative:

AYES—Messrs. Ables, Ayer, Angney, Batchelder, Battelle, Bever, Brown of Contra Costa, Brown of Tulare, Buckbee, Clark, Coggins, Connely, Crigler, Davies, Days, Dornin, Downer, Dryer, Fairchild, Frisbie, Gregory, Green, Hayes, Jones, Mace, Mardis, Martin, Meagher, Mentzell, Morrow, Newsom, Oliver, Pardee, Rollins, Smith, Spencer, Spilman, Westmoreland, White, Willets—40
NOES—Messrs. Biggs, Bird, Broderson, Caldwell, Cochran, Comte,

Cureton, Dwinelle, Farish, Giltner, Kelley, Lee, Mahon, Mattingly, O'Malley, Papy, Payne, Rector, Russ, Scudder, Warfield, Wolleb, Mr. Speaker—23.

Senate Bill No. 274—Proposed amendments to the Constitution.
Read a third time
On the passage of the bill, the roll was called, and it passed by the following vote:

AYES—Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Caldwell, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dwinelle, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Hayes, Jones, Kelley, Lee, Mahon, Mardis, Martin, Meagher, Mentzell, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Mr. Speaker—62.
NOES—Messrs. Buckbee, Clark, Dryer, Green, Mattingly—5.

Senate Bill No. 370—An Act for the relief of Mary Likens and others.
Read a third time and passed.

SPECIAL ORDER.

The special order for three o'clock P. M., Senate Bill No. 513—An Act to authorize John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale—was taken up.
Read a third time.
Mr. Westmoreland moved the previous question.
Sustained.
On the passage of the bill, the ayes and noes were demanded by Messrs. Moore, Westmoreland and Scudder, and it passed by the following vote:

AYES—Messrs. Ables, Batchelder, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Coggins, Comte, Connely, Dryer, Dwinelle, Fairchild, Farish, Gildea, Hayes, Jones, Kelley, Lee, Mardis, Mattingly, McElhany, Meagher, Mentzell, Morrow, Oliver, O'Malley, Ord, Papy, Pardee, Russ, Scudder, Spilman, Wand, Watson, Westmoreland, Willets, Wolleb, Mr. Speaker—42.
NOES—Messrs. Angney, Battelle, Bever, Crigler, Cureton, Dornin, Downer, Giltner, Gregory, Moore, Newell, Newsom, Payne, Rollins, Smith, Spencer, Waldron, White—18.

Mr. Brown of Contra Costa moved a recount of the vote by which Senate Concurrent Resolution No. 11 was declared lost.
Carried.
The vote was called as taken on the passage of the resolution, and found correct as first announced—ayes, 40; noes, 23.
On motion of Mr. Brown of Tulare, Senate Bill No. 476 (substitute)—An Act for the relief of William R. Crawford—was taken up.
Read a third time and passed.
Mr. Scudder offered the following resolution:

Resolved, That as the Enrolling Clerks of the Assembly have worked night and day to keep up the work of that office, they be allowed one week's extra pay, payable out of the Contingent Fund of the Assembly.

Adopted.

On motion of Mr. Meagher, Senate Bill No. 312—An Act to amend an Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three—was taken up.

Ordered sent to the Senate to correct a clerical error in the indorsement of the bill, and subsequently returned.

Read a third time and passed.

MESSAGE FROM THE SENATE.

On motion of Mr. Canavan, the following Senate message was taken up:

SENATE CHAMBER,
March 30th, 1868

Mr. SPEAKER: The Senate this day passed, with amendment, Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

W. F. HUESTIS,
Assistant Secretary.

Assembly Bill No. 444, above reported; Senate amendment adopted in concurrence.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 28th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body, that I have approved Assembly Bill No. 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 585—An Act concerning the municipal elections to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County.

Also, Assembly Bill No. 148—An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon.

Also, Assembly Bill No. 239—An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots.

Also, Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

Also, Assembly Bill No. 371—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchants' Foating Dry Dock Company.

Also, Assembly Bill No. 508—An Act to create a Redemption Fund for the County of Calaveras.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 28th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 397—An Act to regulate fees of office.

Also, Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers.

Also, Assembly Bill No. 670—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 570—An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No 447—An Act to redistrict the County of Los Angeles and to provide for the election of Supervisors.

Also, Assembly Bill No. 226—An Act to provide funds to be applied to building a hospital in the City and County of San Francisco.

Also, Assembly Bill No. 730—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Also, Assembly Bill No. 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey, Alameda, Marin, Placer and Nevada.

Also, Assembly Bill No. 720—An Act to increase the number of Notaries Public for Mendocino County.

Also, Assembly Bill No. 778—An Act to appropriate money for the contingent expenses of the Legislature.

Also, substitute for Assembly Bill No. 139—An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, A. D. eighteen hundred and fifty, and Acts amendatory thereof and supplementary thereto.

Also, Assembly Bill No. 543—An Act authorizing Robert Betge and others to lay down and maintain a railroad in the City and County of San Francisco.

Also, Assembly Bill No 334—An Act relating to the boundary line between the Counties of Plumas and Sierra

Also, Assembly Bill No. 748—An Act appointing Commissioners to examine the practicability of making a new outlet for the flood waters of the Sacramento Valley.

Also, Assembly Bill No. 743—An Act to provide for the election of Supervisors in the County of Santa Cruz, and for the divisôn of said county into Supervisor districts.

Also, Assembly Bill No. 254—An Act authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

Also. Assembly Bill No. 723—An Act to provide for a drainage district in the County of Yolo.

Also, Assembly Bill No. 776—An Act to appropriate money to pay

the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Also, Assembly Bill No. 579—An Act for the relief of William Fitzpatrick.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 30th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 474—An Act to provide for the management and sale of the lands belonging to the State.

Also, Assembly Bill No 593—An Act to supply deficient records in the County Clerk's office in the County of Sacramento

Also, Assembly Bill No. 770—An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin, passed March fourteenth, eighteen hundred and sixty-eight.

Also, Assembly Bill No 179—An Act concerning roads and highways in the County of Mendocino.

Also, Assembly Bill No. 647—An Act to exempt certain property named herein from execution.

Also, Assembly Bill No. 701—An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another.

Also, Assembly Bill No. 741—An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of the San Antonio Creek, and to keep the channel of said creek open for navigation.

Also. Assembly Bill No 751—An Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county

Also, Assembly Bill No. 754—An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. W. Price.

Also, Assembly Bill No 674—An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendments thereto, passed May ninth, eighteen hundred and sixty-one.

Also, Assembly Bill No 229—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 645—An Act to provide for the collection of a road tax and its application on the public roads in the County of El Dorado.

Also, Assembly Bill No 515—An Act to repeal an Act entitled an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No. 648—An Act to authorize James Kenney and his assigns to construct and maintain a chute and landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same.

Also, Assembly Bill No. 727—An Act for the relief of C. D. Lyman.

Also, Assembly Bill No. 322—An Act to amend an Act entitled an Act granting to certain parties therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 356—An Act to declare navigable a certain creek in Sections thirty-five and thirty-six, Township three south, Range three west, Mount Diablo meridian

Also, Assembly Bill No. 753—An Act granting certain parties the right to build a wharf in the County of Alameda.

Also, Assembly Bill No. 691—An Act to authorize the Controller to credit J. Hop. Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts.

Also, Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.

Also, Assembly Bill No. 501—An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes.

Also, Assembly Bill No. 485—An Act amendatory of and supplemental to 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, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 713—An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 287—An Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 702—An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 740—An Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 601—An Act to provide for the transfer of certain funds in the County of Placer.

Also, Assembly Bill No 666—An Act to authorize the investigation of the management of the Industrial School, of the City and County of San Francisco.

Also, Assembly Bill No. 714—An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 591—An Act declaring certain streams in the County of Alameda navigable.

Also, Assembly Bill No. 445—An Act to amend section thirty-eight of an Act regulating elections, passed March twenty-third, eighteen hundred and fifty

Also, Assembly Bill No. 777—An Act to fix the rate of taxation for State purposes.

Also, Assembly Bill No. 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms.

Also, Assembly Bill No. 564—An Act to divide the County of Mono into Supervisor districts, fixing compensation of the Board of Supervisors and providing payment for the same, and defining their powers and duties.

Also, Assembly Bill No. 719—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 544—An Act to re-district the County of Monterey, and to provide for the election of Supervisors.

Also, Assembly Bill No. 659—An Act to facilitate the City of Sacramento in procuring material to raise its streets and levees.

Also, Assembly Bill No. 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco heretofore sought to be conveyed under the provisions of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of the State to convey certain property in the City and County of San Francisco to the United States for certain purposes.

Also, Assembly Bill No. 492—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No 589—An Act to incorporate the Town of Watsonville, Santa Cruz County, California.

H. H. HAIGHT, Governor.

Reading of the Journal continued.

On motion of Mr. Davies, the rules were suspended to allow him to introduce a bill—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved April eleventh, eighteen hundred and sixty-six.

Read first and second times and, by unanimous consent, rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Davies, rule thirty-two was suspended and the bill ordered sent immediately to the Senate

By leave, Mr White introduced a bill—An Act supplementary to an Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and, by unanimous consent, rules suspended, bill considered engrossed, read a third time and pased.

REPORTS.

Mr. Bird, from the Committee on Public Accounts and Expenditures, made the following report:

Mr. Speaker: The undersigned members of the Committee on Public Accounts and Expenditures present the account of N. Benedict, for services performed in assisting on the Journal at night up to the eleventh

of January, and other extra services, for two hundred and forty dollars, and recommend the adoption of the following resolution:

Resolved, That the account herewith annexed be allowed, and that the Controller of State be authorized and directed to draw his warrant on the Treasurer in favor of the said N. Benedict, for the sum herein named, payable out of the Contingent Fund of the Assembly.

BROWN of Tulare,
BIRD,
PARDEE.

The report was received and the resolution adopted.

Mr. Angney, Chairman of 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. 436—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 return it to the House without recommendation.

Also, Assembly Bill No. 763—An Act concerning the Insane Asylum of California—and return the same without any recommendation.

ANGNEY, Chairman.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Connely, the House took a recess until seven o'clock this evening.

EVENING SESSION.

At seven o'clock and thirty minutes P. M. the House reassembled.
Speaker in the chair.
Roll called.
Quorum present.

REPORT.

Mr. Ayer, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 781—An Act supplemental to an Act to prevent hogs running at large in the County of Contra Costa;

Also, Assembly Bill No. 774—An Act to authorize the Sheriff of Trinity County to charge and receive mileage for certain services;

Also, Assembly Bill No. 196—An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County, and to collect tolls thereon;

Also, Assembly Bill No. 656—An Act to provide against the failure of testimony in certain cases;

Also, Assembly Bill No. 704—An Act to enable the County of Alameda to purchase a tract of land and use the same for charitable purposes, and establish a Home for the Unfortunate;

Also, Assembly Bill No. 375—An Act for the relief of Captain John H. Gilmore;

Also, substitute for Assembly Bill No. 477—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier;

Also, Assembly Bill No. 615—An Act to authorize the establishment of a steam ferry between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County;

Also, Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets;

Also, Assembly Bill No. 696—An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor;

Also, Assembly Bill No. 755—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 amendments thereto;

Also, Assembly Bill No. 133—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-fourth, eighteen hundred and fifty-one;

Also, substitute for Assembly Bill No. 221—An Act concerning conveyances by Indian pueblos for public purposes;

Also, Assembly Bill No. 484—An Act to incorporate the City of Vallejo;

And this day, at five o'clock P. M., presented the same to the Governor for his approval.

AYER, for Committee.

RESOLUTIONS.

Mr. Westmoreland offered the following resolution:

Resolved by the Assembly, the Senate concurring, That the Governor and Lieutenant-Governor of the State are hereby directed and authorized to take charge of the books, papers, notes, and property of every description belonging to the State, and heretofore used in or connected with the Geological Survey heretofore authorized, and make such disposition thereof most condusive to the interests of the State, reporting their action in the premises to the next Legislature.

Rules suspended, and the resolution adopted.

Mr. Brown of Contra Costa moved to suspend the rules to allow further action on the vote by which Senate Concurrent Resolution No. 11 was declared lost, and allow members who were entitled to vote before to vote now.

The Chair ruled the motion out of order.

REPORT.

Mr. Cureton, from the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 213 (substitute for Senate Bill No. 90)—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of liquors;

Also, substitute for Assembly Bill No 104—An Act more clearly to define the boundaries of the County of San Diego, and to amend an Act

entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one;

Also, Assembly Bill No. 625—An Act to authorize the Board of Supervisors to order a new survey of the lines of Nevada street, in the City and County of San Francisco;

Also, Assembly Bill No. 456—An Act granting to the Market Street Railroad Company, of San Francisco, certain rights therein named;

Also, substitute for Assembly Bill No. 421—An Act for the more effectual prevention of cruelty to animals;

And this day, at seven o'clock and forty minutes P. M., presented the same to the Governor for his approval.

CURETON, for Committee.

Mr. Steele in the chair.

MOTIONS AND RESOLUTIONS.

Mr. Buckbee offered the following resolution:

Resolved, That the thanks of this body be tendered to the Hon. C. T. Ryland for the able manner in which he has discharged the duties of Speaker of this House.

The resolution was adopted unanimously, the members all rising.

The Speaker returned thanks for the compliment, and also for the gift of a magnificent gold watch presented by Mr. Frisbie, the member from Solano, who was deputized to present the same in behalf of the members and officers of the House.

Mr. Brown of Tulare offered the following resolution:

Resolved, That the Engrossing Clerk and his two assistants be and they are hereby allowed two weeks additional pay, and the other assistants one week's additional pay, for extra services rendered during the session.

Lost.

Mr. Westmoreland offered the following resolutions, under a suspension of the rules:

Resolved, That W. S. Byrne, Assistant Clerk of the Assembly, be and is hereby allowed two dollars per day for extra labor performed by him, from the commencement of this session.

Resolved, That the Controller of State is hereby directed to draw his warrant on the Contingent Fund of the Assembly, in favor of the person herein specified, for the amount named; and the Treasurer is hereby directed to pay the same.

Mr. Papy offered the following amendment:

"Amend by adding the name of Joseph R. Beard, one of the Assistant Clerks, to the resolution, after the name of Byrne."

Mr. O'Malley moved the previous question.

Sustained.

Amendment adopted.

On the adoption of the resolution as amended, the ayes and noes were demanded by Messrs. Angney, Bird and Scudder, and the vote stood as follows:

AYES—Messrs. Ables, Ayer, Battelle, Bever, Biggs, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Cochran, Comte, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Frisbie, Gildea, Gregory, Green, Hayes, Jones, Kelley, Lee, Mahon, McElhany, Meagher, Mentzell, Middleton, Morrow, Newsom, Oliver, O'Malley, Ord, Papy, Rollins, Russ, Smith, Spencer, Steele, Wand, Watson, Westmoreland, White, Wolleb—49.

NOES—Messrs. Angney, Bird, Coggins, Mattingly, Moore, Newell, Scudder, Waldron—8.

The Chair declared the resolution lost, as it required a unanimous vote, under rule seventy-nine.

Mr. Westmoreland rose to a point of order; said the House had suspended the rules to have the resolution introduced, and that put it before the House properly, and the rule requiring a unanimous vote was now inoperative.

Overruled.

Mr. Westmoreland appealed.

Mr. Wolleb moved the previous question.

Sustained.

On the question of appeal, the ayes and noes were demanded by Messrs. Angney, Ayer and Scudder, and the Chair was sustained by the following vote:

AYES—Messrs. Angney, Batchelder, Battelle, Biggs, Bird, Broderson, Caldwell, Clark, Cochran, Coggins, Comte, Connely, Davies, Dwinelle, Farish, Gregory, Hayes, Jones, Kelley, Lee, Lupton, Mahon, Martin, Mattingly, McElhany, Meagher, Middleton, Newsom, Ord, Pardee, Rollins, Scudder, Spilman, Waldron, Warfield—35.

NOES—Messrs Cureton, Days, Dornin, Dryer, Fairchild, Mentzell, Morrow, Papy, Russ, Spencer, Westmoreland, White, Wolleb—13.

The reading of the Journal was completed, and the same approved as read.

REPORTS.

Mr. Payne, Chairman of the Committee on Enrolment, made the following report:

Mr. SPEAKER: The Committee on Enrolment have examined and found correctly enrolled, Assembly Bill No. 783—An Act to amend an Act entitled an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, etc;

And this evening, at nine o'clock, presented the same to the Governor for his approval.

PAYNE, Chairman.

Mr. Lee moved a call of the House.

Carried.

The roll was called and the following members found absent:

Messrs. Batchelder, Bever, Church, Clark, Comte, Ellis, Frisbie, Green, James, Kelley, Mahon, McElhany, Russ, Spencer, Tuttle.

Upon motion, all the absentees were excused and further proceedings under the call dispensed with.

Mr. Rector made a lengthy report from the Committee on Indian Affairs.

Ordered printed.

[For report, see Appendix.]

Mr. Crigler, Chairman of the Committee on State Prison, made the following report:

Mr. SPEAKER: The State Prison Committee, to whom was referred Senate Bill No 337—An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison—return the same without recommendation.

CRIGLER, Chairman.

Mr. Coggins, for the Sacramento and Yolo delegations, reported back Assembly Bill No. 640 without recommendation.

Mr. Battelle, for the Sierra delegation, verbally reported Senate Bill No. 413 without recommendation.

Mr. Meagher, for the Committee on Counties and County Boundaries, verbally reported Assembly Bill No. 403 without recommendation.

Mr. Connely, for Committee on Claims, verbally reported back various bills and documents from said committee without recommendation.

Mr. Lupton, for the Committee on Federal Relations, made the following report.

Mr. SPEAKER: The Committee on Federal Relations report back, without recommendation, the following:

Assembly Joint Resolution No. 30.
Assembly Joint Resolution No. 15.
Assembly Joint Resolution No. 6 (or 5).
Assembly Joint Resolution No 10.
Senate Joint Resolution No. 56.
Senate Concurrent Resolution No. 50.
Assembly Joint Resolution No. 4.
Assembly Joint Resolution No. 2.
Assembly Concurrent Resolution No. 45.

LUPTON, Chairman.

Mr. Spilman, for the Committee on Public Morals, verbally reported back Assembly Bills Nos. 643 and 235, also Senate Bill No. 119, without recommendation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 30th, 1868.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 369—An Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county.

Also, Assembly Bill No. 545—An Act to confirm and legalize certain contracts entered into by Peter Donohue and others with the County of Santa Clara.

Also, substitute for Assembly Bill No. 357—An Act entitled an Act to

amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three.

Also, Assembly Bill No. 779—An Act relating to the levy of State and county taxes for the County of Del Norte, for the year eighteen hundred and sixty-eight.

Also, Assembly Bill No. 637—An Act concerning the foreign miners' license tax in the County of Placer.

Also, Assembly Bill No. 189—An Act to define the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino and Mono Counties.

Also, substitute for Assembly Bill No. 309—An Act to repeal an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-two, so far as the same applies to the County of El Dorado.

Also, Assembly Bill No. 72—An Act to amend sections seven, five hundred and thirty-five and five hundred and forty-one of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Assembly Bill No. 486—An Act to legalize the assessment of taxes in the County of Lake. State of California, for the fiscal year commencing on the first day of March, eighteen hundred and sixty-seven.

Also, Assembly Bill No 50—An Act to amend an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Also, Assembly Bill No. 617—An Act for the better protection of the State Treasury.

Also, Assembly Bill No. 555—An Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein.

Also, Assembly Bill No 57—An Act to repeal an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 771—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize an appropriation of money by said Board.

Also, substitute for Assembly Bill No. 597—An Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

Also, Assembly Bill No. 760—An Act to repeal an Act incorporating the Town of Auburn.

Also, Assembly Bill No 735—An Act to prevent Swamp Land District Number Two from overflow.

Also, Assembly Bill No. 584—An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, and to repeal all other Acts relating to the said pueblo or city the provisions of which are inconsistent with the provisions of this Act.

Also, Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of the State of California for the twen-

tieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy.

Also, Assembly Bill No. 201—An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of that county for fifty thousand dollars, for the purpose of raising funds to construct a wagon road and turnpike road from some point near Hidesville, in that county, to the southern boundary line of that county, and from near the town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote in the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof.

Also, Assembly Bill No. 170—An Act to appropriate money to pay the claim of W. D Harriman and Wm G Wood.

Also, Assembly Bill No. 641—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No 775—An Act to legalize the assessment of taxes on all property, both real and personal, in the City of Placerville, for the year eighteen hundred and sixty-six, now delinquent.

Also, Assembly Bill No 532—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five.

Also, Assembly Bill No. 769—An Act to make certain Acts take effect immediately

Also, Assembly Bill No 676—An Act to confer additional powers on the Board of Trustees of the City of Sacramento.

Also, Assembly Bill No. 728—An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 505—An Act for the relief of W. B. Ross, Sheriff of Kern County.

Also, substitute for Assembly Bill No 274—An Act to extend the police powers of the President and Trustees of the City of San Diego.

Also, Assembly Bill No 460—An Act supplemental to an Act entitled an Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight.

Also, Assembly Bill No. 762—An Act making an additional appropriation for translating into Spanish the several State documents ordered during the present session of the Legislature.

Also, Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

Also, Assembly Bill No. 561—An Act amendatory of and supplemental to an Act to provide for the construction of a line of telegraph in and through the State of California, between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

H. H. HAIGHT, Governor.

Mr. Buckbee offered the following resolution:

Resolved, That J. A. Eagan, J. R Beard, William S. Byrne and J. A. Brumsey be allowed, two weeks extra pay each, for the purpose of arranging and completing the books, records and papers of the Assembly, after its adjournment; and that the Controller of State be directed to draw his warrants therefor on the Contingent Fund of the Assembly, after the work has been performed.

Amended by inserting the name of H. G. Sieberst.

Mr. Meagher moved to suspend the rules for the purpose of considering the resolution.

The ayes and noes were demanded by the requisite number, and the motion prevailed by the following vote:

AYES—Messrs. Ables, Ayer, Batchelder, Battelle, Biggs, Broderson, Brown of Tulare, Buckbee, Cochran, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Fairchild, Frisbie, Gildea, Giltner, Hayes, Jones, Mace, Mardis, Meagher, Mentzell, Middleton, Morrow, Oliver, Pardee, Payne, Rector, Rollins, Russ, Smith, Spencer, Steele, Waldron, Wand, Watson, Westmoreland, White, Wolleb—42.

NOES—Messrs. Angney, Bird, Brown of Contra Costa, Caldwell, Coggins, Crigler, Kelley, Lee, Newell, Newsom, Ord, Papy, Scudder, Warfield—14.

The resolution as amended was then adopted.

SENATE MESSAGES.

On motion of Mr. Frisbie, Senate messages were taken up.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this day passed Assembly Bill No. 213—An Act to authorize the Governor of the State of California to appoint a State Gauger and Weigher of wines and liquors.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this day passed Assembly Bill No. 625—An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City and County of San Francisco.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this day passed Assembly Bill No. 456—An Act granting to the Market Street Railway Company, of San Francisco, certain rights therein named.

W. F. HEUSTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this day passed Assembly Bill No. 104—An Act more clearly to define the boundaries of the County of San Diego, and to amend an Act entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this day passed, under suspension of the rules, Senate Bill No. 589—An Act to repeal an Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz, approved March twenty-third, eighteen hundred and sixty-eight.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this evening passed Senate Concurrent Resolution No. 70, relative to suspending Joint Rule number fifteen.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this evening concurred in Assembly Concurrent Resolution No. 70, relative to the property belonging to the Geological Department of this State.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate on this day passed Assembly Bill No. 783—An Act to amend an Act entitled an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, etc.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate this evening concurred in Assembly Concurrent Resolution No. 69, providing for making a correction in Assembly Bill No. 767.

W. F. HUESTIS,
Assistant Secretary.

SENATE CHAMBER,
March 30th, 1868.

Mr. SPEAKER: The Senate this day adopted Senate Concurrent Resolution No. 71, relative to committee to wait on the Governor.

Also, Senate Concurrent Resolution No. 72, relative to extra pay to H. Hubbard.

W. F. HUESTIS,
Assistant Secretary.

Senate Concurrent Resolution No 71, above reported, was adopted in concurrence, and the Chair appointed as a committee to wait on the Governor, Messrs. Steele, Canavan and Frisbie.

RESOLUTIONS.

Mr. Biggs offered the following resolution:

Resolved, That W. G Davis, Night Watchman of the Assembly, J. W. Perry, Fireman, be and they are hereby allowed one dollar per day each, from the commencement of the session, as compensation for extra services performed in this House; and the Controller of State is hereby authorized to draw his warrants on the Contingent Fund of the Assembly for said amount

Mr. Clark moved to amend, by inserting "the Sergeant-at-Arms, Assistant Sergeant-at-Arms, Fireman and Night Watchman."

Lost.

Mr. Ayer offered the following resolution:

Resolved, That the Speaker of the Assembly be authorized to examine and approve the Journal of the last day's proceedings.

Adopted.

Mr. Warfield offered the following resolution:

Resolved, That Hampton Whittaker, outside Porter, be and he is hereby allowed twenty dollars, pay for five days labor done and performed before he was regularly elected as such Porter.

Lost.

Mr Coggins offered the following resolution:

Resolved, That the Governor be respectfully requested to return, without his approval, Senate Bill No. 555—An Act to provide a proper hospital for Sacramento County.

Subsequently withdrawn, by leave, as Mr. Coggins stated he had received information from the Governor which made it unnecessary for the resolution to pass.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,
Sacramento, March 30th, 1868.

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved Assembly Bill No 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

Also, Assembly Bill No 665—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

Also, Assembly Bill No. 716—An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof

Also, Assembly Bill No. 133—An Act to amend section two hundred and seventy-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of the State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by section eighteen of an Act entitled an Act to amend 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, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 755—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 amendments thereto.

Also, Assembly Bill No. 477—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

Also, Assembly Bill No. 484—An Act to incorporate the City of Vallejo.

Also, Assembly Bill No. 725—An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein.

Also, Assembly Bill No. 736—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Also, Assembly Bill No 744—An Act to provide for the improvement of the navigation of the Stanislaus River.

Also, Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County

Also, Assembly Bill No. 375—An Act for the relief of Captain John H. Gilmore.

Also, Assembly Bill No 273—An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts.

Also, Assembly Bill No. 365—An Act amendatory of and supplement-

ary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 783—An Act to amend an Act entitled an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved January eleventh, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 572—An Act concerning roads in the County of Marin.

Also, Assembly Bill No 737—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 456—An Act granting to the Market Street Railroad Company, of San Francisco, certain rights and privileges.

Also, Assembly Bill No. 213—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of wines and liquors.

Also, substitute for Assembly Bill No. 421—An Act for the more effectual prevention of cruelty to animals.

Also, Assembly Bill No. 625—An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City and County of San Francisco.

Also, substitute for Assembly Bill No. 104—An Act more clearly to define the boundaries of the County of San Diego, and to amend an Act entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

Also, Assembly substitute for Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California.

Also, Assembly Bill No. 615—An Act to authorize the establishment of a steam ferry between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County.

Also, Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets.

Also, Assembly Bill No. 280—An Act for securing liens of mechanics and others.

Also, Assembly Bill No. 253—An Act to provide for the payment of the expenses of the late Surveyor-General in adjusting land titles at Washington.

Also, Assembly Bill No. 506—An Act for the relief of Mark W. Higgins

Also, Assembly Bill No. 548—An Act for the relief of T. M. Brown.

H. H. HAIGHT, Governor.

Mr. Steele, Chairman of the committee appointed to wait on the Governor, reported that they had performed the duty assigned them—had waited upon his Excellency the Governor, and was informed by him that he had nothing further to communicate.

The report was received and the committee discharged.

Mr. Rollins offered the following resolution:

Resolved, That the thanks of this Assembly be presented to Andrew J. Marsh, Esq., reporter for the Sacramento Union, for the faithful and able reports furnished by him of the proceeding of this House during the present session.

Adopted unanimously.

Mr. Brown of Tulare offered the following resolution:

Resolved, That the thanks of the Assembly are hereby tendered to William Coates for the faithful reports he has made in the State Capital Reporter.

Adopted unanimously.

Mr. Dwinelle offered the following resolution:

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly do adjourn *sine die* at eleven and a half o'clock P. M. of this day.

Adopted.

Mr. White offered the following resolution:

Resolved, That the thanks of the House are due, and are hereby tendered, to the clerks at the desk, and all other attachés of this House, for the able and efficient manner in which they have discharged their duties.

Unanimously adopted.

Mr. Meagher offered the following resolution:

Resolved, That the thanks of this House are hereby tendered to the Hon. J. J. O'Malley, Speaker pro tem of the Assembly, for the able, dignified and impartial manner in which he has discharged his duties.

Adopted.

The Speaker before leaving the chair, which his health would not permit him to retain during the entire evening, said he desired to return his sincere and heartfelt thanks for the kindness and respect he had received at the hands of the members in the discharge of the duties required of him in filling the high and responsible position they had seen fit to place him at the beginning of this session He regretted that he had not, during the Winter, enjoyed better health, so as to enable him to remain in the chair at all times, as it was his duty to do. He had discharged his duty to the best of his ability, and if his efforts had met with their approval he was more than paid, although he believed that in the performance of that duty which he owed to the State his health had been entirely broken down. From first to last he had been treated with kindness, courtesy and friendship, and he felt conscious that he had never intentionally ruled erroneously. If at any time he had hurt the feelings

them all ever to love and cherish the Constitution of their country and the sacred instrument which represents their country's honor and glory. The day when they should abandon its precepts would be a sad one for the country, and he hoped that all, whether of his political faith or otherwise, would through life stand by the Constitution and laws of the country, and obey them. To the attachés and members of the press present he had to say that from them he had received nothing but kindness. They had all assisted him, and he believed the attachés had all attempted to discharge their duties honestly and faithfully. He wished them all happiness and prosperity in their future life, and hoped that even the Pages might hereafter occupy the places the members now occupied, with honor to themselves and profit to the country. He believed this Legislature had done no great harm if it had not done great good. They had accomplished something by reducing the expenses of the Government. They had reduced the rates of taxation from one dollar and thirteen cents to one dollar, and they had passed some good laws, although perhaps they had passed others that it would have been better to have rejected. He presumed this would be the last time he would have the pleasure of addressing this body, or perhaps any other; and again he returned his thanks for the confidence and respect which they had ever manifested toward him as their presiding officer.

At twelve o'clock P. M., Mr O'Malley, Speaker pro tem., resumed the chair, in the absence of the Speaker, and declared the Assembly adjourned *sine die.*

C. T. RYLAND, Speaker.

JOHN A. EAGAN, Chief Clerk.