# CALIFORNIA LEGISLATURE—ASSEMBLY.

## TWENTY-FIRST SESSION.

HOUSE OF ASSEMBLY,
Monday, December 6th, 1875

Pursuant to law, the House was called to order by D. T. Loofbourrow, Esq., Chief Clerk of the last session.

The roll of counties was called, and the following gentlemen appeared and were duly qualified by taking the following oath, which was administered by the Hon. A. M. Roseborough, Judge of the Ninth Judicial District:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of member of Assembly according to the best of my ability. So help me God."

S C Abbott ..... Monterey.
L Archer ..... Santa Clara
T. F. Bagge ..... Alameda
Geo M Burbank ..... Marin
S L Blackwell ..... Nevada
Thos. P Bluc ..... Nevada
Marion Biggs, Jr ..... Sacramento
T. N. Barber ..... San Francisco.
Wm Broderick ..... San Francisco
J. M. Briceland ..... Shasta
C P. Berry ..... Sutter
T C Birney ..... Tuolumne
T. J Clunie ..... Sacramento
W M Crutcher ..... Placer
R. M. Clarken ..... San Francisco.
H A. Carter ..... Amador.
G. J Carpenter ..... El Dorado
J D Collins ..... Fresno.
Jonathan Clark ..... Humboldt.
J S Chapman ..... Plumas and Lassen.
J. M. Covington ..... Mendocino
Geo. N Cornwell ..... Napa
Jas V Coffey ..... San Francisco.
Jas G Carson ..... San Francisco
Thos Dunlap ..... Amador
M. W. Dixon ..... Alameda
W. Ferral ..... Sonoma.
D. W Gelwicks ..... Alameda.
M Griswold ..... Inyo.
G W Giffen ..... Nevada.
John Garretson ..... San Mateo.
T J Hart ..... Colusa.
G P Harris ..... Modoc and Siskiyou.
J W Harding ..... San Francisco.
W A Hayne ..... Santa Barbara
E C Hinshaw ..... Sonoma.
J W Jourden ..... San Francisco.
Cyrus Jones ..... Santa Clara.
S I Jamison ..... Santa Clara.
T J. Jenkins ..... Butte.
John Kennedy ..... San Francisco.
John Koutz ..... Sierra.
Fred'k Lambourn ..... Los Angeles.
Martin Lammers ..... San Joaquin.
Jas E. Murphy ..... Del Norte and Klamath.
J C Murphy ..... San Francisco
J. R McConnell ..... Los Angeles.
Thos McInerny ..... San Francisco.
Wm McMann ..... San Francisco.
M McCarthy ..... San Francisco.
Jas G Maguire ..... San Francisco.
J McKenna ..... Solano.

| | | | |
|---|---|---|---|
| S. A. Nott | Alpine and El Dorado. | Fred. Rasch | San Francisco. |
| W. O'Connell | San Francisco. | N. Rice | Santa Cruz. |
| D. A. Ostrom | Yuba. | Henry Suverkrup | San Bernardino. |
| A. D. Patterson | Sacramento. | D. C. Sullivan | San Francisco. |
| J. A. Patterson | Kern and Tulare. | N. C. Sargent | San Joaquin. |
| John Patterson | San Joaquin. | T. M. Swan | Solano. |
| J. M. Pierce | San Diego. | Jas. Samuels | Sonoma. |
| R. M. Preston | San Luis Obispo. | J. J. Scrivner | Stanislaus. |
| R. V. S. Quigley | Lake. | Chas. Wood | Contra Costa. |
| E. S. Ruggles | Butte. | I. W. Wilcox | Mariposa. |
| J. B. Reddick | Calaveras. | S. E. Wetherill | San Francisco. |
| Geo. M. Roberts | San Benito. | Jason Watkins | Yolo. |
| H. Rankin | San Francisco. | Geo. A. Young | San Francisco. |

Mr. Maguire had leave to present a memorial from H. C. Squire, relative to the contest between himself and F. A. Pullen for a seat in this body.

Received and placed on file.

Mr. Ostrom had leave to present papers, in the case of a tie vote between Mr. Bradley and Mr. Goble, for member of Assembly.

Received and placed on file.

The roll of members was called, and a quorum present.

Prayer by Rev. J. G. Johnson.

RESOLUTION.

By Mr. McCarthy

*Resolved*, That until a permanent organization shall have been effected the rules of the last House be adopted.

Adopted.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Wilcox, the House adjourned until Tuesday, December seventh, at eleven o'clock A. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 7th, 1875.

House met pursuant to adjournment.

D. T. Loofbourrow, Chief Clerk of the last session, called the House to order.

Roll called, and a quorum present.

Prayer by the Rev. J. G. Johnson.

Journal of yesterday read and approved.

ELECTION OF SPEAKER.

On motion of Mr. Berry, the House proceeded to the election of Speaker.

Nominations being in order, Mr. Clunie nominated Hon. G. J. Carpenter, of El Dorado County.

Mr. Reddick nominated Hon. J. McKenna, of Solano County.

The roll was called, with the following result:

*For Carpenter*—Messrs. Archer, Bagge, Blackwell Blue, Biggs Barber, Broderick Briceland, Berry, Binney, Clunie, Crutcher Clarken, Carter, Collins, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Gelwicks Griswold, Gillen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn Murphy of Del Norte and Klamath, Murphy of San Francisco, McConnell, McInerny, McMann, McCarthy, Maguire, McKenna, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley Ruggles, Roberts, Rankin, Raisch, Rice, Suverkrup Sullivan, Swan, Samuels Scrivner, Watkins, and Young

*For McKenna*—Messrs Abbott, Burbank, Clark Garretson, Jones, Koutz, Lammers, Patterson of San Joaquin, Pierce Reddick, Sargent, and Wood

| | |
|---|---|
| Whole number of votes cast | 73 |
| Necessary to a choice | 37 |
| G J Carpenter received | 61 |
| J. McKenna received | 12 |

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

The Chief Clerk appointed the following committee to wait upon the Speaker elect and to conduct him to the chair: Messrs. McKenna, Archer, and Clunie

The committee conducted the Speaker to the chair, where the oath of office was administered by the Chief Clerk

The Speaker addressed the Assembly as follows:

*Gentlemen of the Assembly* In taking my position here as Speaker, by your choice, you will expect, perhaps, a few remarks from me in acknowledgment of the gratitude I owe you But if, in making me your Speaker you have rendered me speechless, I would fain indicate by some sign how freely I forgive you I appear here only to say a few brief words extemporaneously. It were impossible for me to say anything here that would impress upon myself or you the importance of the position to which you have assigned me—the importance of the duties we are all here to perform. The duties of a Speaker are chiefly subsidiary to those of the Assembly. They have reference to the mere formalities and methods of proceeding Subject to the common parliamentary law and rules of order, he has to preside impartially over your deliberations, he has to rid every measure, without reference to its merits, or by whom introduced, from its introduction to the closing contest of the ayes and noes and he has to do so with the cold neutrality of an impartial judge. To say that I will do this to the best of my ability is simply to add my word of honor to the oath I have already taken

But, gentlemen, we are not here merely to play at cross purposes with private questions, or local, or personal, or political advantages, not here to make better reputations in the neighborhoods where we live, but we are here to perform important duties for the whole State, with reference to all its interests and so far as I am concerned, so far as these interests are committed to my hands as your Speaker, I shall to the very best of my power take them all into consideration and do justice to each

There are, within the jurisdiction of a State Legislature, or rather within the sphere of its legitimate action, many and important questions We are here as the representatives of a sovereign State Within the jurisdiction of that State are nearly all the questions that go directly to the daily lives and interests of men Upon one hand there is an impassable barrier of vested rights upon the other the vacant fields of principle and expediency: and up to the limits of the sovereignty of the State the Legislature may go, in legislating upon all questions of interest to their constituents This is one of the beauties of self-government By reason of the near relationship of the representative to his constituents, it is truly a more exacting reciprocity But as we are partisans and friends of legal self-government, we do not shrink from the responsibility, and it is well for us to consider, in this hour of earnest resolve and of consecration to public service that in a few fleeting days, whether of a short or long session we are going to meet constituents, potentially armed by the laws of their country, with a revolver in one hand, and a hair-triggered repeating ballot in the other—the ballot being of the two the more deadly weapon There might be a case in which it would be the duty of the representative, following his convictions, to withstand his doubly-armed antagonist, but, being forewarned, he is forearmed, and acting at his peril upon appearances, he may arrest and prevent the blow by such measures as will disarm his assailant. It is for this purpose, to this end, that we are here. I rely, and, presuming upon the earnestness and the patriotism of the accredited representatives of the people I find a sure pledge that I shall not rely in vain upon your intelligent and earnest support in all the arduous duties of the position to which you have assigned me I shall, gentlemen of the Assembly for a few days, at least, be somewhat at a loss, owing to the fact that we are comparative strangers, but we will try to make acquaintance, and up to the time that I know you all by name, and can locate you in the several districts, I may occasionally have to inquire the name of a member. And now with these few brief and desultory remarks, I am prepared to proceed to the business of this Assembly.

RESOLUTION.

By Mr. McConnell:

*Resolved*, That the House do now proceed to the election of the following officers, in the order in which they are named, viz: A Speaker pro tem., Chief Clerk, two Assistant Clerks, Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, and two Copying Clerks.

Adopted.

SPEAKER PRO TEM.

Mr. Hart nominated J. E. Murphy.
Mr. Sargent nominated C. S. Abbott.
The roll was called, with the following result:

*For Murphy*—Messrs. Abbott, Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Buceland, Berry, Birney, Clune, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of San Francisco, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Rice, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wetherill, Watkins, Young, and Mr. Speaker.

*For Abbott*—Messrs. Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 75 |
| Necessary to a choice | 38 |
| J. E. Murphy received | 63 |
| C. S. Abbott received | 12 |

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

The Speaker appointed Messrs. Abbott, Gelwicks, and Patterson of Sacramento, a committee to present the Speaker pro tem. for the purpose of receiving the oath of office, which was administered by the Speaker.

CHIEF CLERK.

Mr. Coffee nominated Robert Ferral.
Mr. McKenna nominated Marcus D. Boruck.
The roll was called, with the following result:

*For Ferral*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Buceland, Berry, Birney, Clune, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Koutz, Lambourn, Murphy of Del Norte and Klamath, Murphy of San Francisco, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Rice, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wetherill, Watkins, and Young.

*For Boruck*—Messrs. Abbott, Clark, Garretson, Jones, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 74 |
| Necessary to a choice | 38 |
| Robert Ferral received | 63 |
| M. D. Boruck received | 11 |

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

ASSISTANT CLERKS.

Mr. Preston nominated W. M. Ord.
Mr. Jones nominated John Cochrane.

Mr. Abbott nominated A. P. Jackson.
Mr. Maguire nominated C. W. O'Neil.
The roll was called, with the following result.

*For Ord*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Burney, Clunie, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wetherill, Watkins, Young, and Mr. Speaker.

*For O'Neil*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Burney, Clunie, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wetherill, Watkins, Young, and Mr. Speaker.

*For Cochrane*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

*For Jackson*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 75 |
| Necessary to a choice | 38 |
| W. M. Ord received | 62 |
| C. M. O'Neil received | 62 |
| John Cochrane received | 13 |
| A. P. Jackson received | 13 |

W. M. Ord and C. W. O'Neil having each received a majority of all the votes cast, were declared duly elected Assistant Clerks.

SERGEANT-AT-ARMS.

Mr. Giffen nominated Dana Perkins.
Mr. Wood nominated A. J. Rhoads.
The roll was called, with the following result:

*For Perkins*—Messrs. Archer, Bagge, Blackwell, Blue, Barber, Broderick, Briceland, Berry, Burney, Clunie, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker.

*For Rhoads*—Messrs. Abbott, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 74 |
| Necessary to a choice | 38 |
| Dana Perkins received | 62 |
| A. J. Rhoads received | 12 |

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

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Coffey nominated T. O'Connor.
Mr. Lammers nominated Thos. Smith.
The roll was called, with the following result:

*For O'Connor*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Magune, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Rarsch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker

*For Smith*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood

| | |
|---|---|
| Whole number of votes cast | 76 |
| Necessary to a choice | 39 |
| T. O'Connor received | 63 |
| Thos. Smith received | 13 |

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

FOR MINUTE CLERK.

Mr. Scrivner nominated J. W. McCarthy.
Mr. Pierce nominated Wm. Casey.
The roll was called, with the following result:

*For McCarthy*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, Murphy of San Francisco, McConnell, McInerny, McMann, McCarthy, Magune, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Rarsch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker.

*For Casey*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 77 |
| Necessary to a choice | 39 |
| J. W. McCarthy received | 64 |
| William Casey received | 13 |

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

FOR JOURNAL CLERK.

Mr. Biggs nominated J. A. Martin.
Mr. Garretson nominated B. F. Cooper.
The roll was called, with the following result.

*For Martin*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, Murphy of San Francisco, McConnell, McInerny, McMann, McCarthy, Magune, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Rarsch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker.

*For Cooper*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 77 |
| Necessary to a choice | 39 |
| J. A. Martin received | 64 |
| B. F. Cooper received | 13 |

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

FOR COPYING CLERKS

Mr. Ferral nominated J. P. Rodgers.
Mr. Ostrom nominated T. C Morris.
Mr. Patterson nominated F. D Smith.
Mr. Clark nominated R A Marden.
The roll was then called, with the following result

*For Rodgers*—Messrs Archer, Bagge, Blackwell Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clune, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson Dunlap, Dixon Ferral, Gelwicks, Griswold Giffen, Hart, Harris, Harding Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, Murphy of San Francisco McConnell, McInerny, McMann, McCarthy Magune, Nott, O Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston Quigley, Ruggles, Roberts Rankin Raisch, Suverkrup Sullivan, Swan, Samuels, Scrivner Wilcox Wetherill, Watkins, and Mr Speaker.

*For Morris*—Messrs Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry Birney, Clune, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris Harding Hayne, Hinshaw Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, Murphy of San Francisco, McConnell, McInerny, McMann, McCarthy, Magune, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner Wilcox Wetherill, Watkins, and Mr Speaker

*For Marden*—Messrs Abbott Burbank, Clark Garretson, Jones, Koutz, Lammers McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

*For Smith*—Messrs Abbott Barbank, Clark Garretson, Jones, Koutz Lammers, McKenna Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood

| | |
|---|---|
| Whole number of votes cast | 76 |
| Necessary to a choice | 39 |
| J P. Rodgers received | 65 |
| T C Morris received | 63 |
| R A Marden received | 13 |
| F D Smith received | 13 |

Messrs. Rodgers and Morris having each received a majority of all the votes cast, were declared duly elected Copying Clerks.

The officers elect came forward and took the oath of office, administered by Hon G J. Carpenter, Speaker of the Assembly.

The Speaker presented a communication from the Secretary of State, with accompanying documents, which was placed on file.

At twelve o'clock and forty minutes P M., on motion of Mr. Murphy of Del Norte, the House adjourned until Wednesday, December eighth, at eleven o'clock A. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 8th, 1875.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by Rev J G. Johnson.
Journal of yesterday read and approved.

RESOLUTION.

By Mr. O'Connell:

*Resolved*, That the Assembly do now proceed to the election of one Enrolling Clerk, one Engrossing Clerk, four Porters, four Pages, one Post-office Page, one Postmaster, one Paper-folder and one Chaplain.

Mr. McKenna moved to amend the resolution by striking out the words "and one Chaplain."

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Berry, Clunie, and Gelwicks, and the House refused, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Broderick, Burbank, Clarken, Coffey, Covington, Crutcher, Garretson, Hart, Jamison, Jones, Koutz, Lambourn, Lammers, Maguire, McConnell, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Rankin, Reddick, Roberts, Sullivan, Suverkrup, Wetherill, Wilcox, Wood, and Young—34.

NOES—Messrs. Bagge, Berry, Biggs, Birney, Blackwell, Blue, Briceland, Carter, Carson, Chapman, Clark, Collins, Cornwell, Clunie, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Griswold, Harris, Harding, Hayne, Hinshaw, Jenkins, Jourden, Kennedy, McInerny, McCarthy, Nott, O'Connell, Ostrom, Patterson of Sacramento, Preston, Quigley, Raisch, Rice, Ruggles, Sargent, Samuels, Scrivner, Swan, Watkins, and Mr. Speaker—44.

The original resolution was adopted.

FOR ENROLLING CLERK.

Mr. Coffey nominated Matt. D. Carr.
Mr. Burbank nominated A. B. Harvey.
The roll was called, with the following result:

*For Carr*—Messrs. Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Swan, Watkins, Wetherill, Wilcox, and Mr. Speaker.

*For Harvey*—Messrs. Abbott, Burbank, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, Suverkrup, and Wood.

| | |
|---|---|
| Whole number of votes cast | 76 |
| Necessary to a choice | 39 |
| M. D. Carr received | 63 |
| A. B. Harvey received | 13 |

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

FOR ENGROSSING CLERK.

Mr. Murphy of Del Norte nominated Charles Gildea.
Mr. Reddick nominated S. Burge.
The roll was called, with the following result:

*For Gildea*—Messrs. Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Koutz, Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare,

Preston, Quigley, Rankin, Raisch, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Young, and Mr. Speaker.

*For Burge*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 77 |
| Necessary to a choice | 39 |
| Charles Gildea received | 65 |
| S. Burge received | 12 |

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

FOR PORTERS.

Mr. Clarken nominated John Kofod, William Lugg, John Hickey, and H. Whitaker.

Mr. Jones nominated Joseph Price.

Mr. Abbott nominated P. Piper.

Mr. Sargent nominated Daniel Blue.

Mr. McKenna nominated William Lee.

The roll was called, with the following result:

*For Kofod*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter, Collins, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker.

*For Lugg*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter, Collins, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker.

*For Hickey*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter, Collins, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker.

*For Whitaker*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter, Collins, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Maguire, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, Young, and Mr. Speaker.

*For Blue*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

*For Lee*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

*For Price*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

*For Piper*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 75 |
| Necessary to a choice | 38 |
| John Kofod received | 62 |
| William Lugg received | 62 |

| | |
|---|---|
| John Hickey received | 62 |
| H. Whitaker received | 62 |
| D Blue received | 13 |
| W. Lee received | 13 |
| John Price received | 13 |
| P. Piper received | 13 |

Messrs. Kofod, Lugg, Hickey, and Whitaker, having each received the greatest number of votes, were declared duly elected Porters.

FOR PAGES

Mr. Clarken nominated Joseph O'Neil, Bertie Worthington, Robt. Hood, and Willie Beveridge.

Mr Wood nominated W. Roberts, E. Driscoll, J M. Stephens, and Bertie Worthington.

The roll was called, with the following result:

*For O'Neil*—Messrs Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris Harding, Hayne, Hinshaw, Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Magune, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, and Mr Speaker.

*For Worthington*—Messrs Abbott, Archer, Bagge, Burbank, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher Clarken, Carter Collins, Clark, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks Griswold, Giffen, Garretson, Hart, Harris, Harding, Hayne, Hinshaw Jourden Jones, Jamison, Jenkins, Kennedy, Koutz, Lambourn, Lammers, Murphy of Del Norte and Klamath McConnell, McInerny, McMann, McCarthy, Magune, McKenna, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Ruggles, Reddick, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Sargent Swan, Samuels Scrivner, Wood, Wilcox, Wetherill Watkins, and Mr Speaker

*For Hood*—Messrs Archer, Bagge, Blackwell, Blue Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks ,Griswold, Giffen, Hart, Harris, Harding, Hayne Hinshaw Jourden, Jamison, Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Magune, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley Ruggles, Roberts, Rankin, Raisch, Suverkrup, Sullivan, Swan, Samuels, Scrivner, Wilcox, Wetherill, Watkins, and Mr Speaker

*For Beveridge*—Messrs. Archer, Bagge, Blackwell, Blue, Biggs, Barber, Broderick, Briceland, Berry, Birney, Clunie, Crutcher, Clarken, Carter, Collins, Chapman, Covington, Cornwell, Coffey, Carson, Dunlap, Dixon, Ferral, Gelwicks, Griswold, Giffen, Hart, Harris, Harding, Hayne Hinshaw, Jourden, Jamison Jenkins, Kennedy, Lambourn, Murphy of Del Norte and Klamath, McConnell, McInerny, McMann, McCarthy, Magune, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Ruggles, Roberts, Rankin, Raisch Suverkrup, Sullivan, Swan, Samuels Scrivner, Wilcox, Wetherill, Watkins, and Mr. Speaker.

*For Roberts*—Messrs Abbott, Burbank, Clark, Garretson Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood

*For Driscoll*—Messrs Abbott, Burbank, Clark, Garretson Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce Reddick, Sargent, and Wood.

*For Stevens*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Reddick, Sargent, and Wood

| | |
|---|---|
| Whole number of votes cast | 75 |
| Necessary to a choice | 38 |
| O'Neil received | 62 |
| Worthington received | 75 |
| Hood received | 62 |
| Beveridge received | 62 |
| Roberts received | 13 |
| Driscoll received | 13 |
| Stevens received | 13 |

Masters O'Neil, Worthington, Hood, and Beveridge, having each received the greatest number of votes, were declared duly elected Pages.

FOR POSTMASTER.

Mr. Hart nominated S. Dunlap.
Mr. Clark nominated George Dunham.
The roll was called, with the following result

*For Dunlap*—Messrs. Archer, Bagge, Berry, Biggs, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lamboum, Lammers, Magune, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, and Mr. Speaker.

*For Dunham*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, McKenna, Patterson of San Joaquin, Pierce, Reddick, and Sargent.

| | |
|---|---|
| Whole number of votes cast | 73 |
| Necessary to a choice | 37 |
| S. Dunlap received | 62 |
| George Dunham received | 11 |

S. Dunlap having received a majority of all the votes cast, was declared duly elected Postmaster of the Assembly.

FOR POST-OFFICE PAGE.

Mr. Clarken nominated E. J. Rodda.
Mr. Patterson nominated Charles Kelly.
The roll was called, with the following result.

*For Rodda*—Messrs. Archer, Bagge, Berry, Biggs, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lamboum, Magune, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Young, and Mr. Speaker.

*For Kelly*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, Lammers, McKenna, Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 75 |
| Necessary to a choice | 38 |
| E. J. Rodda received | 63 |
| Chas. Kelly received | 12 |

E. J. Rodda having received a majority of all the votes cast, was declared duly elected Post-office Page of the Assembly.

FOR PAPER-FOLDER.

Mr. Clarken nominated Frank Morse.
Mr. Burbank nominated J. W. Farr.
The roll was called, with the following result:

*For Morse*—Messrs. Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lamboum, Magune, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Rankin, Raisch, Rice, Roberts, Ruggles, Scrivner, Sullivan, Suverkrup, Swan, Wetherill, Wilcox, and Mr. Speaker.

*For Farr*—Messrs. Abbott, Burbank, Clark, Garretson, Jones, Koutz, McKenna, Patterson of San Joaquin, Pierce, Reddick, and Sargent.

| | |
|---|---|
| Whole number of votes cast | 73 |
| Necessary to a choice | 37 |
| F. Morse received | 62 |
| J. W. Fair received | 11 |

Frank Morse having received a majority of all the votes cast, was declared duly elected Paper-folder.

FOR CHAPLAIN.

Mr Scrivner nominated Rev. Richard Pratt.
Mr. McKenna nominated Rev. I. E. Dwinell
The roll was called, with the following result:

*For Pratt*—Messrs Archer, Bagge Barber Berry, Biggs, Bunce, Blackwell, Blue, Broderick, Burbank, Carter, Carson, Chapman, Clarken, Collins, Cornwell Covington, Chune, Crutcher, Dixon, Dunlap, Ferral, Giffen, Griswold, Hart, Harris Harding, Hayne, Hinshaw, Jamison, Jenkins, Jouden, Kennedy, Lambourn, Magune, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley Roberts, Ruggles, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Young and Mr Speaker

*For Dwinell*—Messrs. Abbott, Garrelson, Jones, Koutz, Lammers McKenna, Patterson of San Joaquin Pierce, Reddick, Sargent, and Wood.

| | |
|---|---|
| Whole number of votes cast | 70 |
| Necessary to a choice | 36 |
| Rev. R. Pratt received | 59 |
| Rev I E Dwinell | 11 |

Rev Richard Pratt having received a majority of all the votes cast, was declared duly elected Chaplain.

The officers this day elected came forward and took the oath of office, administered by the Speaker.

RESOLUTIONS.

By Mr. Archer:

*Resolved*, That John A Coffey be and is hereby appointed Mail Carrier of the Assembly, at a per diem of four dollars, to be paid out of the Contingent Fund of this House.

Laid on the table
By Mr. Blue:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to appoint one watchman for day time, to receive a per diem of four dollars, and one night watchman, at a per diem of five dollars, all to be paid from the Contingent Fund of the Assembly

Laid on the table.
By Mr. Gelwicks:

*Resolved*, That a committee of three be appointed by the Speaker to ascertain and report the amount due as mileage and per diem of the officers and attaches of the last session, for services rendered in the organization of the present House

Adopted.
By Mr. Berry:

*Resolved*, That a special committee of five be appointed by the Chair, whose duty it shall be to ascertain, and from time to time report, upon the necessity of appointing or electing additional employés of the Assembly, and who shall specifically define the duties of said employés, confer with standing committees regarding the consolidation of the duties of Clerks and Janitors, adjust the arrangement of committee rooms, and perform such other duties as may be required to curtail useless expenses during this session

Laid on the table.

By Mr. Clarken:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to furnish each member of the Assembly with fifteen dollars' worth of stationery and seven dollars and fifty cents' worth of postage stamps, the same to be paid out of the Contingent Fund of this House.

Laid on the table.

By Mr. Wood:

*Resolved*, That the Clerk be instructed to announce to the Senate that the Assembly has completed its organization by the election of the following officers, viz.: Speaker, G. J. Carpenter; Speaker pro tem., J. E. Murphy; Chief Clerk, Robert Ferral; Assistant Clerks, Wm. M. Ord and C. W. O'Niel; Sergeant-at-Arms, Dana Perkins; Assistant Sergeant-at-Arms, T. O'Conner; Minute Clerk, J. W. McCarthy; Journal Clerk, Jas. A. M. Martin; Copying Clerks, John P. Rodgers and T. C. Morris; Enrolling Clerk, Matthew D. Carr; Engrossing Clerk, Charles Gildea; Porters, John Kolod, Wm. Lugg, John Hickey and Henry Whitaker; Pages, Jos. O'Niel, Bertie Worthington, Robert Hood and Willie Beveridge; Postmaster, S. Dunlap; Post-office Page, E. J. Rodda; Paper-folder, Frank Morse; and awaits the pleasure of the Senate to meet in Joint Convention to open, canvass and declare the result of the returns for Governor and Lieutenant-Governor.

Adopted.

At one o'clock and forty minutes P. M., on motion of Mr. Archer, the House took a recess for ten minutes.

RE-ASSEMBLED.

At two o'clock P. M. the House re-assembled.
Speaker in the chair.
Roll called, and a quorum present.

RESOLUTION.

By Mr. Murphy:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to furnish each member of the Assembly fifteen dollars' worth of postage stamps, the same to be paid out of the Contingent Fund of the Assembly.

Laid on the table.

SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,
SACRAMENTO, December 7th, 1875.

MR. SPEAKER: I am directed to inform your honorable body that the Senate is now organized and ready to proceed to business with the following officers: President pro tem., Hon. B. F. Tuttle; Secretary, T. J. Shackleford; Assistant Secretaries, E. L. Crawford, T. J. Clark; Sergeant-at-Arms, James W. Hawkins; Assistant Sergeant-at-Arms, J. B. Sydnor; Minute Clerk, Newton Benedict; Journal Clerk, Geo. B. Cosby; Enrolling Clerk, W. F. Howell; Engrossing Clerk, P. H. Ryan; Copying Clerks, Ed. Gallagher and Geo. W. Conaway; Porters, H. Klock, Jas. Watson, and Ed. Duffy; Pages, H. Jacobs, H. M. Edwards, and W. B. Dolan; Postmaster, J. C. Bernstein; Post-office Page, J. F. Parsons; Paper-folder, J. M. Kilgariff.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 8th, 1875.

MR. SPEAKER: I am directed to inform your honorable body that the Senate this day adopted Senate Joint Resolution No. 1—Providing for a joint assembly to canvass the vote for Governor and Lieutenant-Governor.

CRAWFORD, Assistant Secretary.

Senate joint resolution, above reported, was read and adopted.

On motion of Mr. Maguire the matter of the contested election of H. C. Squires and F. A. Pullen was taken from the table, and, on motion, F. A. Pullen was declared to be entitled to a seat as member of Assembly from the Thirteenth Senatorial District, and a committee, consisting of Messrs. Maguire, Archer, and Gelwicks, was appointed to inform Mr. Pullen of the action of this House

Mr. Pullen came forward, presented his credentials, and took the oath of office administered by the Speaker

SENATE MESSAGE

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, December 8th, 1875.

MR SPEAKER I am directed to inform your honorable body that the Senate has this day adopted Senate Joint Resolution No 3—Relative to appointing a joint committee to wait on the Governor and Lieutenant-Governor elect, and see what time they would be ready for inauguration, and have appointed Senators Rogers, Bush, and Lame, on the part of the Senate.

Also, have adopted Senate Joint Resolution No 4—Appointing a committee to wait on the Governor and inform him of the organization of the Legislature and have appointed Senators Farley, Lewis and O'Connor, on the part of the Senate

CRAWFORD, Assistant Secretary

Senate Joint Resolution No. 3, above reported, read and adopted.
Senate Joint Resolution No. 4, above reported, read and adopted.

RESOLUTIONS.

By Mr McKenna—A resolution relative to procuring copies of the Codes.

Read and laid on the table.

By Mr. Reddick:

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

Adopted

On motion of Mr. Ostrom, the papers in the case of the tie vote between Messrs. A. Goble and J. C. Bradley were taken from the table.

RESOLUTION.

By Mr. Ostrom:

WHEREAS, It appearing from the Board of Canvassers of Yuba County that there is no choice for Assemblyman between E Goble and J C Bradley, there being a tie vote between them, and, whereas, there is reason to believe that on a recount it would appear that one of the other has a majority of the votes cast be it

*Resolved*, That the Speaker appoint a special committee of five, who shall be hereby empowered with authority to send and obtain from the County Clerk of Yuba County all the votes or ballots cast for each at the last general election, count the same, and report the result to this House within ten days from this date

Adopted.

The Speaker appointed as a committee on the part of the House, as contemplated by Senate Joint Resolution No 3, Messrs. Clarken, Wilcox, and McKenna: and also appointed as a committee on the part of the House, as contemplated by Senate Joint Resolution No. 4, Messrs. Archer, Clunie, and Crutcher

Also, appointed as a committee on the contested election case of Goble and Bradley, Messrs. Berry, Gelwicks, Wood, Hart, and Harding.

PETITION.

By Mr. Watkins—From citizens of Yolo County, relative to a change of the text-books.

Read and laid on the table

REPORT.

By Mr. Archer:

MR SPEAKER Your committee, appointed to wait on the Governor, and inform him of the organization of the Assembly, report that they have performed the duties for which they were appointed and that he informed them he would immediately communicate with the House

ARCHER, Chairman.

The Speaker appointed as committee on per diem of attachés of the last session, who have been in attendance at the present session, Messrs. Gelwicks, Wilcox, and Crutcher.

At three o'clock P. M., on motion of Mr McConnell, the House adjourned until Thursday, December ninth, eighteen hundred and seventy-five, at ten o'clock and thirty minutes A. M

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Thursday, December 9th, 1875.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
The journal of yesterday read and approved.

SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,
SACRAMENTO, December 8th, 1875.

MR SPEAKER I am directed to inform your honorable body that the Senate this day passed, and ordered transmitted immediately to Assembly, Senate Bill No 7—An Act to prevent changes in text-books in use in the public schools.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 7, above reported, read first and second times, rules suspended, bill read third time, and passed.

On motion of Mr Clunie, the Speaker appointed as a Committee on Inaugural Ceremonies on the part of the House, Messrs. Clunie, McKenna, and Gelwicks

On motion of Mr. Clarken, Assembly Joint Resolution No. 1—Relative to rescinding Senate Joint Resolution No. 1—was read and adopted, and ordered to be transmitted to the Senate.

RESOLUTION.

By Mr. Wood:

*Resolved*, That the Secretary of State issue stationery to members and officers of the Assembly only upon requisition, specifying the character and amount required, signed by the member or officer applying for the same, *provided*, that the aggregate of all such requisitions shall not exceed the sum of fifteen dollars, to each member or officer respectively, during the session

Adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, December, 1875

*To the Assembly of the State of California*

I herewith transmit to your honorable body my biennial message, with accompanying documents.

R. PACHECO, Governor.

[For biennial message, see Appendix.]

RESOLUTIONS.

By Mr. Carson:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to appoint a clerk, with the same per diem as is allowed to the clerks at the desk, payable out of the Contingent Fund of the Assembly

Laid on the table.

By Mr Scrivner

*Resolved*, That Edward Aiken be appointed Mail Carrier of the Assembly, whose salary shall be seventy-five dollars per month, to be paid out of the Contingent Fund of the Assembly.

Laid on the table.

By Mr. Young:

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

Adopted.

By Mr. Jamison:

*Resolved*, That J. P. Corpstine be and he is hereby appointed Night Watchman of this House, at five dollars per diem, and W. K. Swim Day Watchman, at four dollars per diem, payable out of the appropriation for the contingent expenses of the Assembly

Laid on the table.

By Mr. Archer.

*Resolved*, That Cyrus Cooper be appointed Door-keeper of the gallery, and Porter of the committee rooms, at a compensation of four dollars per diem.

Laid on the table.

By Mr. Ferral:

*Resolved*, That the Pages, Porters, Postmaster, Paper-folder, and Watchman of the Assembly be under the immediate supervision of the Sergeant-at-Arms, and any dereliction of duty on the part of any of these officers be reported immediately to the Assembly.

Adopted.

By Mr. McKenna:

*Resolved*, That the Sergeant-at-Arms be required to supply members with copies of the Codes and other laws in force, so far as the same can be obtained from the office of the Secretary of State and State Printer.

Adopted

On motion of Mr. Berry, the resolution relative to the appointment of a special committee, to whom shall be referred all resolutions relative to the appointment of additional employés, was taken from the table and adopted.

On motion of Mr Berry, all resolutions now on the table, relative to the appointment of additional employés, were referred to the special committee to be hereafter appointed as per resolution

By Mr. Bagge:

*Resolved*, That a committee of five be appointed by the Speaker for the purpose of ascertaining the amount of stationery required by the several committees and attaches of the Assembly, and that said committee only be authorized to make the requisition on the Secretary of State for the stationery actually required by said committees and attaches

Laid on the table.

On motion of Mr Murphy, the resolution relative to furnishing each member with fifteen dollars' worth of postage stamps was taken from the table.

Mr. Clarken moved to amend by making it seven dollars and fifty cents

The amendment was adopted, and the resolution, as amended, was lost

SENATE MESSAGES.

The following messages were received from the Senate

SENATE CHAMBER,
SACRAMENTO, December 8th, 1875.

MR SPEAKER I am directed by the Senate, at the request of the Governor to inform your honorable body that the Senate received certain documents accompanying his biennial message. Also, certain claims which were presented to the Board of Examiners

And on this day adopted Senate Joint Resolution No 5—appointing a joint committee on inauguration ceremonies—and the President has appointed on the part of the Senate Senators O'Connor, McCoppin, and Evans

CRAWFORD, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, December 9th, 1875

MR. SPEAKER I am directed to inform your honorable body that the Senate concurred in Assembly Joint Resolution No 1

Also, adopted Senate Joint Resolution No 6—Fixing time for Joint Convention to canvass votes for Governor and Lieutenant-Governor

CRAWFORD, Assistant Secretary.

At eleven o'clock and thirty minutes A. M. a recess was ordered for the purpose of preparing to meet the Senate in Joint Convention

RE-ASSEMBLED

At eleven o'clock and forty-five minutes A. M the House re-assembled.

Speaker in the chair.

Roll called, and quorum present

IN JOINT CONVENTION

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

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

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

The roll of the Senate was called, and the following named Senators were present

Messrs. Angney, Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lane, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Timmin, Turner, and Tuttle

The roll of the Assembly was called, and the following Assemblymen were present:

Messrs Abbott, Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Breeland, Broderick Burbank, Carter, Carson, Chapman, Clark, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon Dunlap, Ferral Garretson, Gelwicks, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lambourn Lammers Magune, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce Preston, Pullen Quigley, Rankin, Rasch, Reddick Rice Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr Speaker.

The following Senators were appointed Tellers on the part of the Senate· Mr Lewis and Mr. Evans.

On the part of the House Mr. Clark and Mr Coffey

The report of the Tellers was submitted by Mr. Lewis, as follows:

Mr. President The Tellers appointed to canvass the vote for Governor and Lieutenant-Governor, at the election held September first, eighteen hundred and seventy-five, report the following result

FOR GOVERNOR

| | |
|---|---|
| William Irwin | 61,509 |
| T G Phelps | 31,722 |
| John Bidwell | 29,752 |
| W E Lovett | 356 |
| Whole number of votes cast for Governor | 122,939 |

FOR LIEUTENANT-GOVERNOR

| | |
|---|---|
| James A Johnson | 58,424 |
| J M Cavis | 30,932 |
| R. Pacheco | 33,335 |
| W. B Hobson | 242 |
| Whole number of votes cast for Lieutenant-Governor | 122,953 |

E. J LEWIS, GEORGE S. EVANS, } Tellers of Senate

JAMES V COFFEY, JONATHAN CLARK, } Tellers of Assembly.

Whereupon the Speaker announced as follows.

"I declare the result, as certified by the Tellers and Secretary of State, to be. Total number of votes cast for Governor, one hundred and twenty-two thousand nine hundred and thirty-nine. Hon. William Irwin having received a majority of all the votes cast, I

declare him duly elected Governor of the State of California. For Lieutenant-Governor—Hon. James A. Johnson having received a plurality of all the votes cast, I declare him duly elected Lieutenant-Governor of the State of California."

The Governor and Lieutenant-Governor elect appeared at the bar of the Joint Convention, and took and subscribed the oath of office administered by the Hon A M. Roseborough, Judge of the Ninth Judicial District

On motion of Mr Farley, at one o'clock and thirty-five minutes P. M, the Joint Convention adjourned to the front of the Capitol to hear the inaugural address of Governor Irwin.

IN JOINT CONVENTION.

The Joint Convention re-assembled at three o'clock and fifteen minutes P. M, the President pro tem. of the Senate and Speaker of the House presiding.

The roll of the Senate and that of the Assembly were called, and a quorum present The reading of the minutes was dispensed with and considered approved

At three o'clock and twenty minutes P. M., on motion of Mr. Lewis, the Joint Convention adjourned *sine die*.

---

IN ASSEMBLY

The House was called to order at three o'clock and twenty-two minutes P. M.

Speaker in the chair.

Roll called, and a quorum present

At three o'clock and twenty-five minutes P. M, on motion of Mr. Wilcox, the House adjourned until Friday, December tenth, at eleven o'clock A. M

---

## INAUGURAL ADDRESS OF GOVERNOR IRWIN.

FELLOW CITIZENS: In pursuance of a custom, which has now acquired the force of law, I appear before you to outline the policy which I shall attempt to exemplify in the administration of the public trust confided to me

And first of all, it is fit that I make due acknowledgment for the confidence which the people of this great commonwealth expressed at the late election in my ability, integrity, and devotion to the public interests. It was an indorsement of which I might justly have felt proud, if my claims to public confidence had been much better founded than they were. And while I am sincerely grateful for the evidences of appreciation so liberally bestowed on me, I am not unmindful that the public confidence of which I have been made the recipient, has brought with it corresponding duties

It has passed into an adage that "Republics are ungrateful." The treatment sometimes received by those who have rendered distinguished public services, at the hands of their fellow citizens, seems to authorize and justify the aphorism. But, however this may be, I

do not believe the people are ever really ungrateful to those who have established a title to gratitude, by reason of valuable services to the public. But the people cannot always afford to evince their gratitude for distinguished public services by rewarding those, who have rendered them, with public office. The citizen when he votes—when he discharges that highest and most sacred of all his political duties—must, if he have a just appreciation of the functions of the ballot, be more influenced in casting his vote by considerations touching what the candidates respectively will do, if elected, than by what they have already done The political act of voting, while it may not wholly ignore the past, has special reference to the future The patriot will not sacrifice the future of his country: not even to reward one who has served it in the past Happy is he, if while discharging his duty to his country, he can, by the same act, discharge a debt of gratitude to one who has already rendered that country distinguished or valuable services. But, if in the exercise of the political right of voting, he is presented with the alternative of choosing between the preservation of the institutions of his country, or the advancement of its happiness and prosperity, on the one hand, and the discharge of a debt of gratitude, to even a public benefactor, on the other, he cannot hesitate on which side to cast his ballot The obligations which patriotism imposes, and which are political in their character, and relate to the whole future of a country, are superior to those due for services already rendered, however distinguished or valuable such services may have been And citizens generally no doubt take this view of their duty, and, as a rule, conform their political action to it.

This brings me to remark that I interpret the action of the people at the polls not so much as an unqualified indorsement of my past public life, nor as an expression of gratitude for anything I had done, as a declaration of confidence in my ability and disposition to conduct with prudence, economy, and safety, the affairs of the State, while they shall be under my charge This confidence, so generously reposed in me, admonishes me that I may not lightly regard the hopes and expectations, so anxiously entertained, of the administration this day inaugurated I can only promise that nothing which honest purpose and earnest, persevering effort on my part can do, to give the State a wise, efficient, and economical administration, will be left undone

CONSTITUTIONAL LIMITATIONS.

The tendency of political thought at this time, and I may add also, of general public sentiment, is toward increased restrictions on legislative power. This is due largely, no doubt, to the experience of many, if not most, of the States, particularly in later years, which has demonstrated the desirableness, if not absolute necessity, of such increased restrictions. It may sometimes happen, indeed, that injudicious restrictions on legislative discretion will work injury to the public interests A striking example, in which this has been the case, is found in the practical workings of that clause of our Constitution which requires Assessors and Collectors to be elected by the qualified electors of the districts in which they are to assess and collect. This clause, by its rigid, inflexible requirement on the subject of the constituency of Assessors and Collectors, has caused an otherwise unnecessary multiplication of public officers, and has greatly added to the expenses of government But the malign influence of this particular

restriction has shown itself most conspicuously in introducing and perpetuating the giant evil of unequal assessments of property. Reason would suggest that if the revenue for the support of the State Government is to be derived from a tax on property, the taxation should be equal and uniform throughout the State. This is, also, the rule of the Constitution. Singularly enough, however, the Constitution, after adopting this sound and rational rule of taxation, in devising the means of carrying the rule into execution, hit upon the precise plan which, above all others, was certain to secure its defeat. Assessors are charged with the duty of estimating the value of the property of their constituents for purposes of taxation, and the Legislature is prohibited from creating any tribunal with powers to correct the aberrations of judgment of these local officers. Such, at least, I understand to be the scope of the decisions of the Courts on the assumed power of the State Board of Equalization to change assessments made by County Assessors. If I may be permitted to say it, while the Constitution very properly fixed the rule of taxation, it should have left the mode of carrying the rule into execution to the discretion of the Legislature. And I know of no other amendment to our Constitution so much needed—no one from which such tangible and substantial benefits would result—as one committing the mode of assessing property and collecting taxes to legislative discretion.

RESTRICTIONS ON THE POWER TO CREATE DEBTS.

Though this particular restriction on legislative power has worked to the detriment of the public interests, it may be confidently asserted that, as a rule, restrictions on legislative power, particularly on the power of Legislatures to create debt, have been promotive of the public welfare. To illustrate by the history of our own State, who will question the beneficial effects of that clause in our Constitution which forbids the creation of a State debt of over three hundred thousand dollars? Or of that other section which forbids the credit of the State to be given or loaned to any individual, association, or corporation, or the State to become a stockholder in any association or corporation?

Debt is the bane of modern States. It hangs like a millstone about the neck of all civilized peoples. It consigns the laboring masses to penury and want by consuming the products of their labor in taxes to pay its interest. The money kings have their mortgages not alone on the real and personal property under the governments to which they have made loans, but on the brain and muscle of the people as well. This is the bondage of debt; it descends from father to son; from generation to generation.

Now, while I will not question the right of one generation to appropriate—to squander, if you will—its surplus earnings as it shall choose, I beg to ask by what authority it assumes to encumber the inheritance of its successor, the land which God has given as the common heritage of all generations, with mortgages to the money kings? And still more do I desire to know where one generation obtains the right to hypothecate the brain and muscle—the energy, enterprise, and labor of generations yet unborn—that it may enjoy the luxury of spending money which it has not earned.

Who will undertake to say what proportion of the net earnings of

our capital and industry would now be required to pay the annual interest on the debt we would have, by this time, created, but for this prohibitory clause of our Constitution?

But to the thoughtful student there is something almost comic in the want of logic in the Constitution which, while it forbids the Legislature to create a State debt of more than three hundred thousand dollars, allows it to create county and municipal debts, measured only by the ability of the counties and municipalities to obtain credit, the counties and municipalities being but fractional parts of the State, organized solely for the convenience of local government. On this subject, however, we are not left to the voice of logic alone. Our own history speaks. While the present healthy condition of our State finances is the highest possible indorsement of the wisdom which placed a limit to the State debt which the Legislature might create, the bankrupt condition of some of the counties, which were once wealthy and prosperous, and the embarrassed condition of many others, demonstrate, beyond all controversy, that the Constitution ought to have gone further, and placed a limit also to the indebtedness which counties and cities might create. In the absence, however, of any constitutional prohibition, the Legislature should resolutely refuse all authority to counties and cities to create debt beyond a certain fixed, but small, percentage of their assessment rolls.

### BENEFICIAL EFFECTS OF THE INHIBITION ON THE STATE TO LOAN ITS CREDIT OR TO BECOME A STOCKHOLDER IN CORPORATIONS.

Just how much the people of the State have been saved by that clause in the Constitution which forbids the State to give or loan its credit to individuals, associations, or corporations, or to become a stockholder in associations or corporations, we shall never know. But when we observe what counties and municipalities, on which no such restriction was imposed, have done in the way of giving and loaning their credit to corporations, and in becoming stockholders in corporations, we have, I think, cause for congratulation that the State was not left, in this matter, to the tender mercies of legislative discretion, but had thrown over it, for its protection, the ægis of a constitutional restriction on legislative power

But here again the Constitution seems, at least, illogical, in imposing the restriction on the State and not on the counties and cities. Is there any reason for the prohibition in the case of the State which would not apply with equal force in the case of a county or city? Why was the State forbidden to give or loan its credit to corporations, or to become a stockholder in corporations? Was it because, if it possessed this power, it would be liable to make an injudicious use of it? To give its credit to improper objects, or loan it on insufficient securities? Or to assume liabilities which might involve it in bankruptcy? There can be no question that the State, if it possessed the power to give or loan its credit to corporations or to become a stockholder in corporations, would be constantly exposed to all these dangers. But can there be even a pretext for believing that the counties and cities, possessing such a power, are not equally exposed to the same dangers?

But the apprehension that the State would make an injudicious use of this power, if permitted to exercise it, may not have been the chief

motive for the incorporation of the prohibition in the Constitution. It could be plausibly argued, at least, that such a power, judiciously exercised, would be productive of great public good. What then was the probable motive for the introduction into the Constitution of a positive and absolute prohibition, forbidding the State, under any possible or conceivable circumstances, to give or loan its credit to the extent of a farthing to any individual, association, or corporation, or to become a stockholder in any association or corporation? What could it have been but a profound conviction that such use of a State's credit was no part of the legitimate business of government? Such gift or loan of the credit of the State, or the purchase by the State of stock in a corporation, would be a perversion of the powers of a political corporation, organized for the purposes of government, to mere private business ends It may well be doubted whether a government can ever legitimately and justly use its powers for such purposes But if this was the motive which induced the inhibition on the State to make such use of its credit, it should have caused a like inhibition also on the counties and cities, for they, equally with the State, are political corporations, organized for the purposes of government, and endowed with governmental, not business functions.

### THE RELATION OF GOVERNMENT TO RAILROADS

It will hardly be questioned, theoretically at least, that government ought to restrict its powers to purely governmental purposes. But when this is conceded it will not be easy always to draw the precise line of demarcation between the proper domain of governmental power and the rightful territory of private enterprise. And there are functions, vastly important to the public, about which there is a grave question as to whether they should be discharged by government or surrendered to private capital and private enterprise. The construction of railroads, for the accommodation of the public, is one of these functions. Is the construction of railroads a part of the legitimate business of government? Is it a governmental function to provide the public with highways?

Railroads sustain to the public about the same relation, and perform about the same office now, that ordinary wagon roads did during the pre-railroad era. As the ordinary wagon road was then, so the railroad is now, the highway of inland commerce. It was not questioned then that it was a legitimate function of the government, and even an imperative duty, to open and maintain highways for the accommodation of the public. And this duty is still recognized wherever the public necessities require only the ordinary wagon road. It is not quite clear, on just what grounds the government can be released from the duty of providing the public with highways, when the public necessities demand that these highways shall be railways, instead of ordinary wagon roads. Is it any less the duty of the State to provide railways now, where they are required, than it was to provide ordinary roads before railroads were invented? Or than it is now to provide ordinary roads where they are required? Or, again, has the State lost any of its rights over the highway in consequence of the highway becoming a railway, which it had and exercised when the highway was the ordinary wagon road?

THE RELATION OF RAILWAY CORPORATIONS TO THE STATE.

As a matter of fact, the railroads in this country are built by corporations. But what is, or rather, what should be, the relation of these corporations to the State? Are they not in fact, and should they not in contemplation of law be held to be, agents of the government, charged with the performance of a duty to the public, which the government itself owes? And is it not precisely because they are agents of the government, engaged in services which the government is bound to perform in behalf of the public, that the government clothes them with the power of eminent domain? And still more, on what other hypothesis could the exercise of the taxing power in their behalf, which we have seen, be justified?

If this is the correct view of the relation of these corporations to the government, what are some of the resulting rights of the government over the corporations, and duties of the government to the public? It would seem clear that the government must possess the right to require the corporations to operate their roads in the public interests. I do not mean to assert that the corporations, or perhaps more correctly, the persons who own the stock of the corporations, have not property rights in the roads which the government is both legally and morally bound to protect The person, also, who holds a public office, has rights which the government is morally bound, at least, to respect But the public welfare is the inducement to, and the sole justification of, the establishment and maintenance of the office. And the government is bound to see that the office is conducted primarily to promote the public welfare; not to improve the fortune or better the social condition of the incumbent. In like manner, the inducement to, and the justification of, the construction of railroads are the demands of the public interests. It is only because the public interests demand railroads that the government is justified in conferring on the corporations the power necessary for their construction. The interests of the corporations are subordinate to the public welfare. And the relations of the government to the public place it under the highest conceivable obligations to compel the corporations to maintain and conduct their roads *primarily* in the public interest, not for the enrichment of the stockholders. The public necessities and the public convenience must have precedence of the private interests, represented by the corporations. Such I understand to be the relation of the government to the railroads; and the duty of the government, growing out of that relation, to require them to be conducted in the public interest

As already stated, I do not deny that corporations which construct and maintain railways, have property rights in their roads which the State is bound, both morally and legally, to protect. I do not suppose, however, that the duty of protection, which the State owes to the property rights of railroad corporations, is incompatible with that other duty which the State owes to the public—of requiring the corporations to operate their roads for the public welfare. The two duties are co-existent, and the government cannot, without recreancy to its high trusts, ignore or disregard either.

I am not unaware that those interested in the stock and bonds of railroads deny the right of the State to fix the rates which the corporations may charge for their services. This denial is based on the assumption that railroad charters are contracts, and that to fix rates

any lower than those prescribed by law at the time of the granting of the charters would be a violation of the contracts. However valid this argument may be, when applied to charters granted without the right being reserved to alter their terms, I think it wholly inapplicable to corporations formed under the laws of this State; for the Constitution of the State expressly reserves to the Legislature the right to alter, from time to time, or to repeal, all corporation laws. This reservation of power enters as an element into every railroad charter, and takes it from the category of contracts, protected by the Constitution of the United States. At least, I hold such to be its effect, and shall continue to do so, till the tribunal of last resort shall decide otherwise.

Assuming then, as I do, that the State has the power, and that it is her duty, to require railway corporations to operate their roads for the public welfare, in what manner shall she exercise this power, and discharge this duty? It may be asserted, in general terms, that the State must prevent extortion, oppression, and unjust discriminations by railroad corporations, and must compel such corporations to carry passengers and freight over their roads at reasonable rates. I am aware, however, that to determine what reasonable rates are, is a problem full of practical difficulties. Without attempting to fix the exact limit of the legal power which the State may exert in regulating the rates of fares and freights on railroads, it would seem clear that she has not the moral right to require the companies to carry at rates which would not yield a reasonable interest on the capital invested. On moral grounds, at least, those who invest their capital in the construction of railways are as much entitled to a reasonable return on their investment as are those who invest in other enterprises. But, while this is conceded to the fullest extent, it must be borne in mind, on the other hand, that the State is equally bound to protect the public against the injustice and oppression of rates which would yield excessive returns on the capital invested.

Those, on the one hand, who have their capital invested in the roads, and the general public, who must pay for the service which the roads perform, both have their rights. To adjust a schedule of fares and freights which will do equal and exact justice to both parties is a task that will tax, to the utmost, the ability, the intelligence, and the impartiality of the Legislature. But difficult and laborious as the work will be, the Legislature may not shrink from the responsibility of providing the public with all necessary protection against oppression, present or prospective, from the railway corporations, while the corporations are left in the enjoyment of all their just rights and privileges.

Having stated that, in my opinion, the State has the power, and that it is her duty, to supervise the railroads, I now venture to suggest the creation of a Commission to assist in this work. I am quite aware that no legislative power could be delegated to a Commission. A Commission, however, could be clothed with power to correct abuses by compelling the corporations to obey the laws already on the statute book. It could, also, be charged with the duty of collecting such statistical and other information as must precede and become the basis of intelligent legislation on railroad matters. In addition, it could be given such other powers, and be charged with such others duties, as the experience of other States, which have

Boards of Railroad Commissioners, has shown to be desirable or necessary.

IRRIGATION.

Another subject which now occupies a large share of public attention, and in which the people in some sections of the State are vitally interested, is that of irrigation. It is probably the most important, and at the same time the most difficult, problem with which the Legislature will have to deal at the present session. In fact, it would be difficult to overstate the importance of irrigation, or to magnify the difficulties that must be encountered in obtaining it. I should deem it a work of supererogation to attempt to prove that irrigation is desirable, that it would increase the productive capacity of large areas a hundred or even a thousand fold; and that no effort should be spared to obtain it for those localities which need it, at the earliest practicable moment. On all these points public sentiment throughout the State is in substantial harmony. We are called on now, however, to give a practical solution to the question, "How shall we obtain irrigation?" In devising a system of irrigation it would seem necessary that the Legislature should provide.

*First*—For the division of the portions of the State, which need irrigation, into districts, in such a manner that all the lands which must be irrigated, if at all, from the same source of supply, shall form a single district. It will devolve on the Legislature to adopt the plan which shall offer the best guarantees for having this work done in a proper manner, and the most economically.

*Second*—For the appropriation by irrigation districts of such unappropriated waters as they may require for irrigation purposes; and for the acquisition by such districts, by purchase or condemnation, of such waters held by adverse right as they may require. Irrigation will be impossible unless irrigation districts are clothed with these rights

*Third*—That each separate portion of land forming an irrigation district shall have an indefeasible right to its pro rata share of the water belonging to the district. The right of each portion of the land of a district to a pro rata share of the water appropriated to such district results, as a necessary corollary from the power assumed, first, to form all the lands susceptible of irrigation from the same source into a district, and, second, to give such district the right to appropriate, purchase, or condemn the water necessary for its irrigation.

In addition to all this, the Legislature must determine the financial basis on which irrigation shall rest The financial problem is likely to prove the most difficult of solution of any connected with irrigation. There would be a manifest injustice in making the cost of irrigation a charge either on the State or on counties. The justice of making each district bear the expense of its own irrigation seems so clear that I hardly think there can be any difference of opinion on that point. But there may be some question whether this expense should be borne by the whole property of the district or only by the land. A very little reflection, however, will, I think, suffice to show that only the land, and not the whole property of the district, should be taxed to provide irrigation. Irrigation is a process of fertilization, the water being the fertilizer. Its effects on land are analagous to those of guano, or any other substance used to increase its productive-

ness. By increasing the productiveness of land, it adds to its value. And as the owners of the land are the persons chiefly benefited by the additional value given to it by irrigation, they should bear the expense of irrigation. In other words, the cost of bringing water upon land should be paid out of the increased value given to the land.

I can only add that the Legislature will ever find in me a ready and zealous co-operator in any judicious, well-considered, and practicable scheme, which it may devise, for converting our dry and barren plains into fruitful fields, by bringing the life-giving and fertilizing water upon them.

STATE PRISON.

Another subject which ought to engage the earnest attention of the Legislature is the State Prison. Of all our public institutions it is in the most unsatisfactory condition This is not said to censure those who have managed it They have probably done as well as it was possible to do with the facilities at their command, and under the system established And I will not assert, with any degree of positiveness, that any system can be devised, or any management instituted, which will give any better average results I do not suppose that any one will claim that the prison has been, in any considerable degree, successful as a reformatory; and I do not know that it is possible, however desirable it may be, to reform any considerable percentage of those who belong to the criminal classes, proper But, however this may be, there is one point, at least, in which all will agree—at least all taxpayers—to wit. that the prison should be made as nearly self-supporting as possible. The cost of maintaining the prison, in addition to receipts from prison labor, and exclusive of expenditures for permanent improvements, is over eighty thousand dollars per annum. I need not add that this is a heavy burden on the taxpayers, of which they should be relieved, if it is possible to relieve them. No great reduction can be made in the cost of supporting, officering, and guarding the prisoners. Our prisoners cost per man about the same as those of Massachusetts and Ohio—States in which their prisons have been, with rare exceptions, self-supporting for several years past. They have not surpassed us in economy in supporting prisoners, but have been more successful in utilizing their labor The last biennial report of our prison shows that the earnings of the prisoners for the two years, ending June thirtieth, eighteen hundred and seventy-five, were 48.8 per cent of the current expenses of the prison for the same period, and that for one of these years, the prisoners, under wages, were forty-nine and a half per cent. of the whole number in the prison, and for the other forty-two and a half per cent. These facts show that if all the prisoners could be kept under wages, at the rates received, the prison would be very nearly self-supporting.

Can all the prisoners be let out under contract, or be otherwise employed at remunerative labor? I answer, not without more shop room. The first step toward making the prison self-supporting must be the erection of more shops. Should the additional shop room required, as well as the additional cells, which are needed, be provided wholly at Folsom, or in part at San Quentin? With a daily average of nine hundred and ninety-one prisoners for the last two years, the cost for officers and guards has been forty-three and a half

per cent. of the whole cost of the prison. With two prisons the cost for officers and guards would be nearly doubled.

Will it be easier to keep the convicts employed, or will their labor be more valuable, at Folsom than it is at San Quentin? The answers to these questions depend, in my judgment, on the answers which shall be returned to the following. Can convicts be employed profitably at quarrying and dressing granite at Folsom? If yes, What number can be so employed? I think I hazard nothing in assuming that for any other purpose, convict labor will always be in much better demand, and will command much higher prices, at San Quentin than at Folsom If these opinions be well founded, the Legislature should pause before determining to provide all additional prison accommodations, which may be required, at Folsom

I venture to suggest. That the first story of the prison commenced at Folsom be carried forward to completion, and that the work be then stopped. This will give one hundred and sixty cells. Let the experiment of quarrying and dressing granite with convicts be then tried. If the experiment proves successful, and there be a demand for the labor of more prisoners than can be accommodated in the cells already provided, let an additional story, or two, if necessary, be built on the prison.

In the meantime more shop room and more cell room must be provided somewhere And these additional accommodations are not wanted as mere conveniences or luxuries, they are required as absolute necessities No step can be taken toward making the prison self-supporting without them.

The discipline of the prison, also, no doubt, should be changed in some respects The contractors of prison labor all complain that it is too lax; and it is certain that the discipline in those prisons which are self-sustaining is much more rigid than it is in ours. The Board of Prison Directors, however, have, I think, all the power necessary for the purposes of discipline, except in one particular. I would advise that the power be given to the Board to set apart a portion of the earnings of the prisoner—say ten per cent. or less—to be given to him, the one-half of it, from time to time, if he should so desire, for the purchase of articles of necessity and comfort: the other half, at the time of his discharge from prison. His receiving any part of his earnings should, of course, be made dependent on his meriting it by honest, faithful labor, and general good conduct. Clothed with this power, the Board could establish a system of rewards for faithful labor and skillful workmanship, coupled with general good conduct, which could hardly fail to exert a most salutary influence in the maintenance of discipline, while it would prove a powerful incentive to the prisoner to try to make his labor as valuable as possible to the contractor.

And aside from, and in addition to, all this, our system of prison management should be so changed that we could place the prison in charge of an educated and permanent corps of officers By educated, I mean qualified specially for the particular duties which a prison officer has to perform. And as these qualifications are usually the combined result of an original aptitude, and an experience, more or less protracted, officers who possess them should not be superseded by the naturally unfit, or the inexperienced. Though the reform now suggested is partially within legislative power, probably a constitu-

tional amendment will be necessary to give the management of the prison the desired permanence.

STATE BOARD OF EQUALIZATION.

I have already stated that I understand the scope of the decisions of the Supreme Court to be, that the provisions of the Code, assuming to confer on the State Board of Equalization power to change, or to cause to be changed, assessments made by County Assessors, are in conflict with the provision of the Constitution which requires Assessors to be elected by the electors of the district in which they are to assess.

It would be difficult to overstate the extent of the inequalities of the assessments made in the different counties in pursuance of this provision of the Constitution; or the consequent necessity for some tribunal with power to review the valuations of property made by local Assessors, and to change these valuations when the facts show them to be either too high or too low.

In fact, the history of the practical workings of our revenue laws has demonstrated, if it has demonstrated anything, that without some body, with powers similar to those attempted to be given to the State Board of Equalization, the different counties can never be made to bear their just proportion, and no more, of the burden of supporting the State government. As long as Assessors, or the County Boards of Supervisors, are the only officers that can be vested with power to determine the value of property, for the purposes of taxation, some counties will bear much more than their just share of State burdens, while others will bear much less. This, it must be admitted, is a grievous evil. But if I have not misinterpreted the decisions of our tribunal of last resort, it is an evil for which the State Board of Equalization can furnish no remedy.

And as the maintenance of this Board adds materially to the public burdens, while the decisions of the Courts have shorn it of all power to accomplish the purposes of its creation, I respectfully suggest that considerations of economy imperatively demand that it be abolished. And, accordingly, I so recommend.

THE VIOLATIONS OF PUBLIC TRUSTS.

While it is the duty of the Government to pursue with the tireless step and the sleepless eye of an avenging Nemesis every transgressor of the laws made to protect society, there are some offenses which should call down on the heads of their guilty perpetrators, with more than ordinary certainty and swiftness, the full measure of retributive justice. An offense of this character is the violation of a public trust. And at the present time—in the existing condition of public sentiment—I know of no other crime which it is so necessary to punish, to save society from utter demoralization and ruin. The opinion is quite general—I had almost said is universal—that every public officer, who has the opportunity, will enrich himself by plundering the public. And I am sorry to be compelled to add that, in too many instances, the conduct of those charged with public trusts has given just ground for such opinion.

And it is to be observed further, also, that the impunity, or, at least apparent impunity, with which public officers have appropriated

to their own use the public funds, by a gross and almost open violation of the trusts committed to them, has apparently impressed on the lower grade, and even average public mind, the conviction that to rob the Government is legitimate, and that not to do so, when one has the opportunity, argues the lack of enterprise and business talent—not the possession of a quality for which he is entitled to public respect That a sentiment of this kind does exist to an alarming extent, in certain strata of society, no close observer of social phenomena can doubt No more can any one capable of the simplest form of reasoning—of following causes to their immediate effects—doubt that such a sentiment, if permitted to grow, and spread, and perpetuate itself, must result in the utter demoralization and ruin of society. Society, therefore, is bound, in self-protection, in self-preservation, to check the growth of this sentiment and to crush it out utterly. How can this be done? I answer, only by pursuing and hunting down with tireless energy, and punishing with remorseless rigor, the guilty violator of a public trust. Sympathy may plead for the overtaken, prostrate, and crushed criminal; but the great interests of society, when supported by the demands of justice, may not be ignored, nor imperilled, out of deference to a mawkish sentimentalism which is shocked at all punishment, however just, of individuals.

SCHOOL QUESTION.

The relation which the State should sustain to the public schools is a subject of very great importance. Moreover, it is one which, at present, is engaging a large share of public attention, and which, judging from recent indications, is likely at an early day to assume still greater prominence as a public question, if it is not precipitated as an issue of partisan politics. The great importance of the question, which is universally acknowledged, in conjunction with a certain sensitiveness of the public mind, approximating a condition of alarm, in relation to it, must be both my excuse and justification for referring to it on this occasion. I shall state, as succinctly as I can, what I conceive should be the relation of the State to the system of public education.

It has passed into an aphorism, and may be accepted as axiomatic, that republican government must be based on the intelligence of the people. Without intelligence among the masses, it would be impossible long to maintain republican institutions. With us, therefore, general education is not only justified, but is made imperative, by the very conditions of our political system. To withhold education from the masses of the people, or to make access to our schools so difficult or expensive that large numbers could not make them available for the education of their children, would be to remove the corner stone on which our political edifice rests Under our government, therefore, the education of the people—not merely the education of the wealthy or of the well-to-do classes, but of all—is a public necessity which the State itself must provide for, and supervise. This public necessity—for we cannot recognize it as anything less—not only sustains, but imperatively demands, the exercise of the power of taxation by the State for the support of schools in which the children of all may obtain an education. This much the State, as the organized form through which society acts, must do in self-protection and self-perpetuation.

The duty of the State to provide the means to educate the children, resident therein, may be supported on another ground, also. Humanity imposes on society the duty of providing for the physical wants of those who are needy, and incapable of helping themselves, whether the helplessness is that of infancy or arises from sickness or from the decrepitude of age, whenever their natural guardians or helpers fail, through death, poverty, or any other cause, to provide for them. In every civilized community, education is recognized as an actual, *bona fide* want of the individual, as much as is the food that keeps him alive, or the clothing that keeps him warm. Education is necessary for the individual, to enable him to provide properly for his physical necessities and comforts. The parent, therefore, may no more neglect to educate his child than he may neglect to feed or clothe him, during the period of his helplessness. And as humanity imposes on society the duty of feeding and clothing the infant, in case of the default of the parent, who is his natural guardian, so humanity imposes a like duty on society in relation to the education of the infant, if the parent neglect or is unable to provide this necessity for him. And whatever duty humanity imposes on society at large becomes a legitimate charge on the State, for the State is but the organ of society, through which it discharges its functions.

Having thus stated, as clearly as I can, and without equivocation, that I hold it to be the duty of the State to provide all children, resident therein, or at least to see that all children are provided, with the means of obtaining an education, I desire to remark, briefly, on what this education should be The absolute divorce of Church and State is a doctrine which lies at the very foundation of our whole political system. Congress is forbidden "to make any law respecting an establishment of religion, or prohibiting the free exercise thereof." And the Constitution of this State provides, that "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State." I think I may assert without reservation, and without the fear of contradiction, that the idea of a perfect severance—an absolute divorce—of Church and State, obtains in the Constitution of the United States, is incorporated into the Constitutions of most, if not all, of the States, and is deeply imbedded in the very heart of hearts of the great body of the American people. The education, therefore, which the State must provide is secular; not religious. The State is firmly held by the letter of our Constitution, and by the common law of the land, indelibly written on the hearts of the people, to a rigid impartiality—a strict neutrality—as between the different forms of religion. It is strictly enjoined against all religious propogandism; but it must allow "the free exercise and enjoyment of religious profession and worship without discrimination or preference." It is against the letter of the law and the whole genius of our institutions, that a solitary farthing should be raised by taxation for the support of religion. The written law in the books, and the unwritten law in the hearts of the people, concur in the declaration that the only proper mode of supporting a religion is by the voluntary contributions of those who profess it.

The education, therefore, which the State is bound to provide, must embrace only those branches of learning which are necessary parts of all systems of education; those only about whose utility and necessity there is a substantial agreement among all civilized peoples,

among the adherents of all religions, and the membership of all sects Such are reading, writing, arithmetic, geography, grammar, natural history, natural philosophy, geometry, trigonometry, surveying, civil engineering, etc. These and other cognate branches of science and art are neither Pagan, Mahomedan, nor Christian; they are neither Protestant nor Catholic. They are adapted to the wants and necessities of men and women, as human beings. And whether the men and women be Pagan, Mahomedan or Christian—Protestant or Catholic—they stand equally in need of the knowledge acquired by a study of these and cognate branches. To instruct in these is not to instruct in religion; yet such instruction is not antagonistic to religion, but harmonizes well with all religions, and with the doctrines of all branches of the church.

From what has been said I make the following deductions.

The State must provide, in a system of common schools, for the education of the children resident therein, in such branches of non-religious or secular knowledge as by common consent are recognized as necessary to enable men and women to properly support themselves; and as necessary to equip men and women for their duties as citizens

The State may not force into the schools, which her duty compels her to maintain, studies obnoxious to any portion of the citizens of the State, on account of the religious character of such studies. The obligation which binds the State to maintain public schools is of no more force than is the obligation which requires her to exclude from them all sectarian religious studies.

The ideas of government and principles of public policy, which forbid the State to employ the taxing power to establish a religion, or support a church, forbid it equally to apportion a fund, raised by taxation, among schools devoted, in whole or in part, to religious education

Neither the people of this State, nor of the United States, are, in my judgment, opposed to schools for the religious instruction of children; they are, however, if I am not much mistaken, even violently opposed to the employment of the taxing power of either the State or the United States, for the support of such schools, Public sentiment, as well as sound principles of government, demands that schools, devoted, in whole or in part, to religious instruction, shall, like religious establishments, be supported by those who patronize them, and that the power of the State shall be employed only to provide that education which is useful to all alike, in gaining a livelihood, and necessary to all alike, for the intelligent discharge of their duties as citizens.

And now I will venture to express the belief that on this subject I am in substantial accord with the great body of the people of this State, irrespective of party nay, more, that I am in substantial accord with the great body of the people of all the States

### THE CURRENCY QUESTION

Although the currency question, which is now engaging so large a share of public attention, is in no proper sense a question of State polity, I do not think it at all doubtful what position California occupies, or will occupy, on it as a question of national politics It would be superfluous to remark that California has always been a

hard money State, or that the people of the State are indissolubly wedded to gold and silver, as the only proper circulating medium. Here, public sentiment has steadfastly refused to accept anything, as a substitute for the precious metals, to perform the office of money. And even the gold notes, which are exchangeable for gold at the will of the holder, can be got into circulation only with difficulty, and to a limited extent The actual circulating medium in use by the people, in the transactions of their daily business, is now, as it always has been, gold and silver.

It is proper to remark that, in my opinion, the State has acted wisely in adhering to a hard currency—the currency of commerce—in all the vicissitudes of the past, and that her present prosperous condition is due, in a large measure, to that circumstance. I will not assert that the United States could get along without paper money, of any kind or character, as California has done during the greater part of her history, but I will assert that no paper should be permitted to circulate as money, unless it possess the character of interchangeability with gold, at the will of the holder. This is the one sole test of the fitness of paper or any other substance to become, under any possible or conceivable circumstances, a substitute for gold and silver, as money.

But while this is the case, I recognize the fact that we cannot exact impossibilities of even the Government, and it may be impossible for the Government to return, at once, to specie payments. But we can and ought to demand that the Government resume specie payments at the earliest possible moment.

Moreover, we should insist that the currency of commerce—the money of the world—become again actually, or in substance, the currency of the American people, in their daily business transactions

CHINESE.

It would be a work of supererogation to attempt to prove that Chinese immigration is undesirable, and that it will, if allowed to go on without check, inflict not only the most serious evils on the laboring classes, but work a change in the very character of our civilization. This, all see and know. But how shall the evil be averted? I will not stop to inquire to just what extent, or with what effect, we can employ the police powers of the State for that purpose. It is certain, however, that the only sure remedy against Chinese immigration lies in the treaty-making power of the United States If we would escape the dangers which threaten us from this source, we must invoke the exercise of this power. Let this State bring all its influence to bear on the Government at Washington, to induce it to demand a modification of the treaty between this Government and that of China. Our interests, our very safety, demand that it shall be reduced to a mere commercial convention.

CONCLUSION.

In conclusion, permit me to say, that, according to the theory which I have been taught, government is instituted not for the benefit of those who administer it, but for the common good of all; and that that government, which is the simplest in its form, and least

expensive in its operations, is the best, if it accomplish the purposes for which governments are instituted In a word, government is the agent of society for the accomplishment of certain specific purposes. And society, like an individual or a corporation, is interested in having its agent perform the work assigned him, in the most efficient and cheapest manner.

This brings me to remark, that I will cordially co-operate with the Legislature in every effort it may make to reduce the expenses of the State, county and municipal governments to the lowest scale, compatible with vigor and efficiency of administration.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, December 10th, 1875.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved

### LEAVE OF ABSENCE.

Mr. Collins was granted leave of absence until Monday next.

### COMMITTEE.

The Speaker announced the appointment of the following Committee on Rules: Messrs. Wilcox, Murphy of Del Norte, Wood, Preston, and Young.

On motion of Mr. Clarken, the Sergeant-at-Arms was instructed to furnish each member with the journal of the last Assembly.

### RESOLUTION

By Mr McCarthy:

*Resolved*, That the Sergeant-at-Arms be required to furnish each member of this body five daily papers, or their equivalent in weeklies, to be paid out of the Contingent Fund of the Assembly.

Adopted.
By Mr. Bagge.

*Resolved*, That a committee of five be appointed by the Speaker of this House, whose duty it shall be to furnish stationery to the attachés of this House as will be necessary for their actual use as such attaches; and no attaché of this House shall be entitled to make requisition for any stationery, except through said committee.

Adopted.
By Mr. O'Connell:

*Resolved*, That the Sergeant-at-Arms be instructed to procure postage stamps to the amount of twelve dollars for each member, the same to be paid out of the Contingent Fund of this House

Mr McKenna raised the point of order that the resolution was out of order, the same proposition having been voted upon yesterday

The Chair ruled the point of order to be not well taken.

Mr. McKenna appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the House?" the ayes and noes were demanded by Messrs. Murphy of Del Norte, McKenna, and McCarthy, and the roll was called, with the following result:

AYES—Messrs Abbott, Barber, Berry, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clark, Coffey, Covington, Crutcher, Dixon, Ferral, Gelwicks, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jenkins, Jourden, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Osborn, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Preston, Quigley, Rankin, Raisch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, and Young—68.

NOES—Messrs. Archer, Bagge, Biggs, Burbank, Clarken, Cornwell, Chunie, Dunlap, Garretson, Jamison, Jones, McKenna, Patterson of San Joaquin, and Pullen—14.

Mr. Koutz moved to amend the resolution by striking out the word "twelve," and inserting "seven," and adding that the stamps be paid for in legal tenders.

Mr Coffey offered the following resolution as a substitute for the whole subject-matter.

*Resolved*, That the Sergeant-at-Arms be required to furnish postage stamps to the members, on their requisition not to exceed fifteen dollars to each member for the entire session.

Adopted

By Mr. Koutz:

*Resolved*, That the compensation of all officers, attachés, and employés of this House, as fixed by law or by resolution of this House at the time of their appointment, be in full payment for all services rendered by them, and that no additional compensation be allowed during nor at the close of the session.

Adopted.

By Mr. Maguire

*Resolved by the Assembly, the Senate concurring*, That a committee, consisting of four members from this House and three from the Senate, be appointed to ascertain what State Boards or Commissioners, having outlived their usefulness, may now be abolished.

Laid on the table.

GOVERNOR'S MESSAGE

The following message was received from the Governor.

STATE OF CALIFORNIA EXECUTIVE DEPARTMENT, }
SACRAMENTO, December, 1875 }

*To the Assembly of the State of California*

I have to inform your honorable body that I have appointed Edwin W. Maslin, Private Secretary to the Governor All official communications that I shall have to make to your honorable body will be made through him.

W IRWIN, Governor.

RESOLUTIONS.

By Mr McCarthy.

*Resolved*, That the Sergeant-at-Arms is hereby instructed and authorized to receipt to the Controller of State for warrants due members of the Assembly for mileage and per diem during the session

Adopted.

By Mr. Scrivner:

*Resolved*, That the Chair appoint a committee of seven, who shall constitute a Standing Committee on Irrigation

On motion of Mr. O'Connell, the resolution was referred to the Special Committee on Rules, with instructions to amend rule nineteen, as contemplated by the resolution.

By Mr Patterson of Sacramento:

*Resolved*, That Ralph Freedman be and he is hereby appointed Mail Carrier for the Assembly, at sixty dollars per month, to be paid out of the Contingent Fund of the Assembly

Referred to Special Committee on Employés

By Mr. Young:

*Resolved*, That five thousand copies of the Governor's message be and they are hereby ordered printed.

Referred to the Committee on Printing.

By Mr. Murphy

*Resolved*, That the Sergeant-at-Arms be directed, and he is hereby authorized to procure, for the use of the accredited newspaper correspondents on the floor of this House such stationery as they may require for their respective newspaper correspondence, not to exceed thirty dollars each

Referred to Committee on Employés.

By Mr. Archer:

*Resolved*, That the Secretary of State be and he is hereby requested to refuse at any time to deliver stationery to any of the members and attaches of the Assembly when in his opinion the *requisition therefor is unreasonable and it deemed necessary by him at any time, to report any* abuse of privilege regarding stationery, and the requisition therefor

Indefinitely postponed.

By Mr. Clunie:

*Resolved*, That a committee of five be appointed on retrenchment and reform, and that the Committee on Rules be instructed to report an amendment to rule nineteen in conformity therewith, and that this resolution be referred to the Committee on Rules

Adopted.

By Mr Preston:

*Resolved*, That two thousand copies of the Governor's message be printed in the Spanish language

Referred to the Committee on Printing.

REPORT.

By Mr. Gelwicks:

Mr Speaker The committee on the claims of the hold-over attaches, having had under consideration the resolution instructing them to ascertain the amount due the attachés of the Assembly before organization, make the following report

| | |
|---|---|
| D T. Loofbourrow, Chief Clerk, three days and mileage | $50 00 |
| T S Harris, Minute Clerk three days and mileage | 135 00 |
| M. C. Conroy, Sergeant-at-Arms, three days and mileage | 42 00 |
| J. A. Brumsey, Assistant Clerk three days | 24 00 |
| Wm Welty, Porter, three days | 12 00 |
| Stephen Addison, Watchman three days | 12 00 |
| Jas. Maloney, Door-keeper three days | 12 00 |
| D F Harris, Night Watchman, three days | 15 00 |
| Mark Gruzinsky Postmaster three days | 9 00 |
| Frank H Lambert Mail Carrier three days | 7 50 |
| Vincent Glynn, Page, three days | 9 00 |
| Robt Craig, Page, three days | 9 00 |
| Wm. Dunlevy, Page, three days | 9 00 |
| W. H Copper, Porter | 12 00 |
| Rev. J G. Johnson Chaplain | 15 00 |

*Resolved*, That the Controller be ordered to draw warrants in favor of the persons named above, and for the amounts opposite each name, and that the Treasurer pay the same out of the Contingent Fund of the Assembly

GELWICKS Chairman.

Mr. Scrivner moved to recommit the report to the special committee.

Lost.

The previous question was demanded by Messrs Scrivner, McConnell, and Ferral.

Upon the adoption of the report, the ayes and noes were demanded by Messrs. Sargent, Clunie, and Biggs, and the House so ordered, by the following vote.

AYES—Messrs Abbott Bagge, Barber, Berry, Birney Blackwell, Blue, Breeland, Broderick, Burbank, Carter, Carson, Chapman, Clark, Clarken, Coffey, Cornwell, Covington, Crutcher, Dixon, Dunlap Ferral, Gelwicks, Giffen, Griswold Hart Harris, Harding, Hayne, Hinshaw, Jenkins, Jouiden, Kouiz, Lambourn, Lammers, Maguire, McConnell, McInerny, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin Raisch, Reddick, Rice, Ruggles, Sargent, Samuels Scrivner Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—66.

NOES—Messrs Atchet, Biggs, Clunie, Garretson, Jamison, Jones, Kennedy, McKenna, Patterson of Kern and Tulare, Roberts, and Sullivan—11.

COMMITTEE

The Speaker announced the appointment of the following Committee on Furnishing Attachés with Stationery, etc. Messrs. Giffen, Nott, Hayne, Abbott, and Ferral.

At one o'clock and twenty minutes P. M., on motion of Mr. McConnell, the House took a recess for half an hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and fifty-five minutes P. M

Speaker in the chair.

Roll called, and a quorum present.

COMMITTEE.

The Speaker announced the appointment of the following Committee on Additional Employés: Messrs Berry, Maguire, Patterson of San Joaquin, Samuels, and Collins

RESOLUTIONS.

By Mr. Harris.

WHEREAS, Economy and reform require retrenchment in the expenses of the Legislature, as well as in the other departments of the State Government, and whereas, a short session of the Legislature is one of the means in obtaining that end and whereas, time for a full, deliberate, and mature examination of such laws as members may desire to pass at this session is necessary, to prevent improvident and hasty legislation,

*Resolved* That all bills shall be introduced into this body on or before the fifteenth day of January, A. D. eighteen hundred and seventy-six, that no bill after said date shall be introduced except by a unanimous consent of the House

Laid on the table.

By Mr. Nott

*Resolved*, That the postage stamps to be purchased for the use of members, in accordance with a resolution adopted this day, shall be paid for out of the Contingent Fund of this House

Adopted

On motion of Mr. Clunie, the Speaker appointed the following Committee on Expenses of Inauguration of the Governor: Messrs. Clunie, Gelwicks, and McKenna.

INTRODUCTION OF BILL.

Mr. Roberts had leave to introduce the following bill: An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes.

Read first and second times and referred to the San Benito delegation.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Rice—Of an Act to prevent the practice of medicine or surgery by unqualified persons.

By Mr McConnell—Of an Act to regulate the practice of medicine in the State of California

By Mr. Rankin—Of an Act for the speedy completion of the new City Hall, in San Francisco.

By Mr. Dunlap—Of an Act to regulate the fees and salaries of the county officers of the County of Amador.

By Mr. Ferral—Of an Act to repeal an Act creating a State Board of Equalization.

By Mr. Kennedy—Of an Act to repeal the mortgage tax.

By Mr. Reddick—Of an Act concerning certain township officers in counties of the third class.

By Mr. Lammers—Of an Act to create the West Side Irrigation District

By Mr. Carson—Of an Act to authorize the Judges of the several Courts of record in and for the City and County of San Francisco to nominate and secure the appointment of the Bailiffs of their respective Courts.

By Mr. Clunie—Of an Act to regulate the fees and salaries of certain officers in the County of Sacramento.

By Mr Scrivner—Of an Act providing for the distribution of the Road Fund in the County of Stanislaus to the different road districts, according to their respective indebtedness.

By Mr Hart—Of an Act relating to the fees and salaries of Colusa County.

By Mr. McConnell—Of an Act to repeal that part of the Political Code creating a State Board of Equalization.

By Mr Clunie—Of an Act to repeal section eighteen hundred and eighty-two of the Code of Civil Procedure

By Mr. Maguire—Of an Act to better regulate and provide for the State militia of California

By Mr. Cornwell—Of an Act to provide for the future management of the State Asylum for the Insane.

By Mr Wetherill—Of an Act to protect the citizens of the State of California from empiricism, and for the suppression of quackery.

By Mr. Hart—Of an Act entitled an Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow.

By Mr. Roberts—Of an Act to authorize Abraham S Salle to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes in San Benito County.

At two o'clock and fifteen minutes P. M. Mr. Sargent moved to adjourn until Monday next, at three o'clock P. M.

Mr. Berry moved to amend by adjourning until to-morrow, at eleven o'clock A. M.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Berry, Ostrom, and Clunie, and the House refused, by the following vote:

AYES—Messrs. Archer, Berry, Biggs, Blackwell, Blue, Breeland, Burbank, Carter, Clarken, Cornwell, Crutcher, Dunlap, Giffen, Hart, Harris, Hinshaw, Jamison, Jones, Kennedy, Koutz, Ostrom, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rice, Roberts, Samuels, Scrivner, Suverkrup, Swan, Watkins, Wilcox, and Wood—33.

NOES—Messrs. Abbott, Bagge, Barber, Barney, Broderick, Carson, Chapman, Clark, Coffey, Covington, Clunie, Dixon, Ferral, Garretson, Gelwicks, Griswold, Harding, Hayne, Jenkins, Jourden, Lamboum, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Rankin, Raisch, Reddick, Ruggles, Sargent, Sullivan, Wetherill, Young, and Mr. Speaker—44.

The original motion prevailed, and at two o'clock and twenty minutes P. M. the House adjourned until Monday next, at three o'clock P. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, December 13th, 1875

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of Friday, December tenth, read and approved.

### LEAVE OF ABSENCE.

On application of Mr. McCarthy, Mr. Archer was granted leave of absence for one day; also, Mr. Abbott for two days, on application of Mr. McKenna.

### PETITIONS.

Petitions were presented by Mr. Patterson of Tulare, and by Mr. Scrivner, for the purpose of postponing the payment of taxes.

Referred to Judiciary Committee.

### STANDING COMMITTEES.

The Speaker appointed the following standing committees:

*Committee on Elections*—Samuel E. Wetherill, Joseph McKenna, Thomas A. Blue, Jason Watkins, John Patterson, J. M. Covington, and Thomas Dunlap.

*Committee on Claims*—T. J. Clunie, W. M. Crutcher, J. S. Chapman, C. S. Abbott, William McMann, W. A. Hayne, R. M. Clarken, R. C. Sargent, and Thomas C. Barney.

*Committee on Judiciary*—J. R. McConnell, Lawrence Archer, T. M. Swan, T. J. Clunie, J. W. Harding, James E. Murphy, J. J. Scrivner, Joseph McKenna, T. J. Hart, J. S. Chapman, and G. T. Harris.

*Committee on Irrigation*—J. J. Scrivner, J. R. McConnell, J. D. Collins, J. W. Wilcox, John Patterson (San Joaquin), S. J. Jamison, and Charles Wood.

*Committee on Engrossment*—J. M. Covington, Thomas McInerny, Walter Ferral, J. D. Collins, and George W. Burbank.

*Committee on Enrollment*—James V. Coffey, R. V. S. Quigley, William O'Connell, S. A. Nott, and Joseph McKenna.

REPORTS.

Mr. Berry, from the Committee on Employés, submitted the following report.

Mr. SPEAKER: Your Committee on Additional Employés of this Assembly, having investigated the matter submitted to them, beg leave to report that they find it necessary to have one Mail Carrier, one Night Watchman, and one Day Watchman appointed immediately.

C. P. BERRY, Chairman.

Mr. Wilcox, from the Committee on Rules, made the following report:

Mr. SPEAKER: The Committee on Joint Rules of the Senate and Assembly beg leave to report and recommend the adoption of the joint rules of the twentieth session of the Legislature.

J. W. WILCOX,
GEO. A. YOUNG,
R. M. PRESTON,
J. E. MURPHY,
CHARLES WOOD. } Assembly Committee.

PIERSON,
LEWIS } Senate Committee.

Mr. SPEAKER: Your committee, appointed on rules of the Assembly, beg leave to make the following report:

We recommend that the rules of the last Assembly be adopted, with the following amendments:

*First*—Rule six is amended so as to read as follows: "No bill shall be introduced without at least one day's written notice, previous to its introduction, except by unanimous consent of the House, or when introduced by a committee in accordance with a rule of the House."

*Second*—Amend rule nineteen, subdivision sixteen so as to read: "A Committee on Public Lands, to consist of nine members." Also, amend rule nineteen, subdivision twenty-nine, by striking out "A Committee on Agricultural, Mining, and Mechanics' Arts College," and inserting, "A Committee on Irrigation, to consist of seven members." Also amend rule nineteen by making a new subdivision, numbered thirty-one, to read as follows: "A Committee on Attachés and Employes, consisting of five members."

*Third*—Amend rule thirty-three by striking out the whole, and inserting as follows: "It shall be the duty of the Committee on Education to consider and report on all matters pertaining to the State Normal School, State Board of Education, Agricultural, Mining, and Mechanics' Arts College, and State University, and all such other matters pertaining to education as may come before them."

*Fourth*—Amend rule seventy by inserting after the word "ladies," the words "or gentlemen," and by striking out the words "the above rule is suspended until the first day of February, eighteen hundred and seventy-four."

*Fifth*—Amend rule eighty-one by striking out the word "rules," and inserting "employés and attaches."

Your committee would further report that they have declined to recommend the creation of a new Committee on Retrenchment and Reform, as they find that the Committee on Public Expenditures and Accounts are charged with that duty.

WILCOX, Chairman.

The report was adopted, and two hundred and forty copies of rules ordered printed as soon as committees are appointed.

STANDING RULES.

1.

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

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.

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 be on the table or be referred, as this House shall determine

6

No bill shall be introduced without at least one day's written notice previous to its introduction, except by unanimous consent of the House, or when 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.

No appropriation of money, by bill or otherwise, belonging to the State treasury, shall be made for any claim or purpose whatsoever until the same shall first be referred to and reported on by a committee of this 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.

11.

The Speaker, or, in his absence, the Speaker pro tem., or, in the absence of both, such Chairman as shall be elected by the members present, 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.

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 traveling expenses for himself or a special messenger, going and coming, twenty-five cents per mile, but no compensation shall be allowed for the arrest, custody, or releasement of members, under a call of the House, within the limits of the Capitol grounds All fees accruing to the Sergeant-at-Arms for arrests, custody, and release of

members, shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House the Sergeant-at-Arms shall not be allowed any fees for the arrest.

18.

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and 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 nine members.
3. A Committee on Public Printing, to consist of seven members.
4. A Committee on Claims, to consist of nine 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 nine members
9. A Committee on Commerce and Navigation, to consist of five members.
10. A Committee on Education, to consist of seven members
11. A Committee on Agriculture, to consist of seven members.
12. A Committee on Internal Improvements, to consist of five members.
13. A Committee on Public Buildings and Grounds, to consist of seven 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 nine 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 three members.
22. A Committee on Public Morals, to consist of five members.
23. A Committee on State Hospital, to consist of five members.
24. A Committee on Rules and Regulations, 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 Grapevine, 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 seven members.
30. A Committee on Indian Affairs, to consist of five members.
31. A Committee on Irrigation, to consist of seven members.

32. A Committee on Attachés and Employés, 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 members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question and be referred to them by the House.

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 relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented or may come into question and be referred to them by the House, and to report thereupon.

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 Grapevine 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 Education to consider and report on all matters pertaining to the State Normal School, State Board of Education, Agriculture, Mining and Mechanics' Art College, and State University, and such other matter pertaining to education as may 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.

Every Committee of the House to whom a bill has been referred shall report the same to the House within fifteen days from the time the bill is received by the Chairman of the committee, unless further time to report is granted. Unless otherwise ordered by the House, every bill shall be referred to the appropriate Standing Committee, as indicated by its name given herein.

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.

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.

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 certain day; 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.

Two hundred and forty copies of all bills of a general character shall be printed No local or special 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 therefor.

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 person 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

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.

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 7 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, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or District Courts, members of the press, when accredited by their respective journals, ladies or gentlemen, when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of all such persons. The Speaker is charged with the enforcing of this rule

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 unanimous consent 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 traveling home when the witness has been summoned at the place of trial. No mileage shall be paid, except where the witness has actually traveled for the purpose of giving testimony

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 pay nor shall any extra pay be allowed any officer or attaché of the House by resolution, except by unanimous consent.

80

The Engrossing Clerk, Enrolling Clerk, and Copying Clerks shall engross, enroll, or copy the bills which shall come to their hands for such purposes, respectively, in the order of time in which the same shall be acted upon by the House. Each of said Clerks shall be responsible for every violation of this rule by his assistants or deputies; nor shall any Clerk of this House, or his deputy or assistant, demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House

81.

It shall be the duty of the Committee on Employés and Attachés, whenever there is a resolution offered for additional help in any of the various departments of clerical or other assistance in this Assembly, to inquire into the necessity for such proposed help and report to the House, when the Assembly shall proceed to vote upon the passage of the resolution which has been referred and reported The Commitees on Engrossment and Enrollment, respectively, shall appoint such Clerk as the Assembly may, under the above proceedings, authorize and direct; such Clerks to receive the usual per diem allowed by law to Engrossing and Enrolling Clerks, and the Chief Clerk shall appoint such additional Copying Clerks as may be needed from time to time in the proper prosecution of the business of the House, the necessity for such additional Clerks to be reported by the Committee on Rules and Regulations, and certified to by the Speaker of the House; but the House may refuse to ratify any appointments made by the Engrossing and Enrolling Committees, or by the Chief Clerk.

JOINT RULES.

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, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, 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 originated, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled 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 time 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 extra pay nor increase in 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.

22.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted;" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in;" and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Mr. Berry submitted the following:

Mr. SPEAKER: Your committee, to whom was referred the resolution appointing Ralph Freedman Mail Carrier for the Assembly, at sixty dollars per month, have had the same under consideration, and report the same back without recommendation.

BERRY, Chairman.

Mr. Scrivner offered the following.

*Resolved*, That the Speaker appoint the attaches referred to in the report, to wit: Day Watchman, Night Watchman, and Mail Carrier.

Mr. Patterson, of San Joaquin, submitted the following:

*Resolved*, That J. P. Coopstine be and is hereby appointed Night Watchman of this House, at a compensation of five dollars daily, and, that W. R. Swim be appointed Day Watchman, at four dollars per diem, payable out of the appropriation made for the contingent expenses of the Assembly.

By Mr. Koutz:

*Resolved*, That George E. Wolfe be and is hereby appointed Mail Carrier for the Assembly, at fifty dollars per month, to be paid out of the Contingent Fund of the Assembly.

Mr. Gelwicks offered the following substitute. Amend by inserting that the Speaker appoint Night Watchman, Day Watchman, and Mail Carrier.

Adopted.

By Mr. McConnell:

*Resolved*, That the Judiciary Committee be allowed one clerk, to be chosen by the members of the committee.

Referred to Committee on Attachés.

By Mr. Lambourn.

*Resolved*, That a committee of five be appointed to investigate and report as to the expediency and practicability of the State to print all text-books for the use of public schools within the State.

Referred to Committee on Education.

By Mr. Harris:

*Resolved*, That five weekly newspapers be considered the equivalent of one daily, in the resolution adopted by this House on the tenth instant.

Adopted.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, December 13th, 1875.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 8—Granting use of Senate and Assembly Chambers to a committee of citizens of Sacramento on inauguration ball.

Also, Senate Concurrent Resolution No. 9—Relative to printing the Inaugural Address of Governor Irwin.

CRAWFORD, Assistant Secretary.

Senate Concurrent Resolution No. 8, above referred to, read and adopted.

Senate Concurrent Resolution No. 9, above referred to, read and adopted.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Coffey—Of an Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four.

By Mr. Wood—Of an Act to amend an Act entitled an Act to amend the Political Code respecting the assessment and collection of taxes, approved March twenty-fourth, eighteen hundred and seventy-four.

By Mr. Pullen—Of an Act providing for the appointment of a State Inspector of Boilers, and for the better security of life and property.

By Mr. Clark—Of an Act to protect lumber manufacturers.

Also, of an Act concerning the examination of teachers in the County of Humboldt.

By Mr. Hart—Of an Act to repeal an Act entitled an Act concerning the assessment of migratory bands or herds of live stock.

By Mr. Young—Of an Act amending section eleven hundred and sixty of the Political Code, fixing the time of opening and closing the polls on election days in the City and County of San Francisco.

Also, of an Act for the relief of John Higgins.

By Mr. Scrivner—Of an Act providing for the formation of an irrigation district on the west side of the San Joaquin River, com-

posed of portions of the Counties of Tulare, Fresno, Merced, Stanislaus, and San Joaquin, and known as the West Side Irrigation District

Also, of an Act granting to C F Leavenworth the right to lay down water-pipes in the public streets and highways in the Town of Modesto, in the County of Stanislaus, and to supply the inhabitants of said town with fresh water.

Also, of an Act providing for the extension of the time for the collection of taxes in the Counties of Stanislaus, Fresno, and Tulare.

By Mr Murphy of San Francisco—Of an Act for the organization of the Police Department for the City and County of San Francisco.

By Mr. Hart—Of an Act to amend section fifty of the Code of Civil Procedure

Also, of an Act to amend section two hundred and sixty-nine of the Code of Civil Procedure.

Also, of an Act to amend section two hundred and forty-five of the Penal Code.

By Mr. Young (by request)—Of an Act to provide for the audit and payment of the amounts remaining due of the Indian war indebtedness of the State of California

By Mr. Raisch—Of an Act for the better protection of inn-keepers, boarding-house, and lodging-house keepers

Mr. Blue had leave to offer the following

*Resolved*, That it shall be the duty of the Assistant Clerks to deliver to the Engrossing and Enrolling Clerks all bills ordered engrossed and all bills passed in the numerical order in which such bills are ordered engrossed or passed by the House, and the Assistant Clerks shall make a record of such numerical order in a book kept for that purpose. All such bills shall be engrossed or enrolled and returned to the House in the order in which they were delivered, and not otherwise.

FURTHER NOTICES

By Mr Wilcox—Of an Act fixing the bonds of the Treasurer of the County of Mariposa.

By Mr. Ferral—Of an Act concerning roads and highways in and for the County of Sonoma

By Mr McConnell—Of an Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code

By Mr Patterson of Sacramento—Of an Act to amend an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, for Sacramento County.

Mr. Roberts had leave to present the following report.

Mr. SPEAKER The San Benito delegation, to whom was referred Assembly Bill No. 1, beg leave to report the same back, and recommend its passage.

ROBERTS, for Delegation.

[Speaker pro tem in the chair.]

Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes—above referred to, was, on motion of Mr. Roberts, taken up.

Rules suspended, considered engrossed, read a third time, and passed.

At four o'clock and six minutes P. M., on motion of Mr. Gelwicks, the House adjourned until eleven o'clock A. M., to-morrow.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 14th, 1875.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present
Prayer by the Chaplain.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Birney was granted one day's leave of absence.

## PETITIONS.

By Mr. Preston—Petition from teachers, asking for the enactment of a law fixing the salary of the County Superintendent of Public Schools in and for the County of San Luis Obispo.

Referred to Committee on Education.

By Mr. Carson—Petition from the citizens of San Francisco, asking for the appropriation of twenty thousand dollars, to be used as a Building Fund for the Home of the Inebriates.

Referred to the San Francisco delegation.

## REPORTS

The special committee appointed to recount the votes of Yuba County submitted the following:

MR SPEAKER: The special committee appointed to recount the votes of Yuba County, in the contest between E. Goble and J. C. Bradley for seats in this House, resulting from a tie vote, as returned by the canvass of the Board of Supervisors of said county, beg leave to report That E E. Meek, County Clerk of Yuba County, the legal custodian of the returns, was first sworn as to the identity of said election returns containing the ballots to be recounted, that the same had not been out of his possession or control, or tampered with in any manner. Your committee then proceeded to open and carefully recount said ballots, and find the following result, to wit That E Goble received seven hundred and ninety-one (791) votes, and that J. C. Bradley received seven hundred and ninety-three (793) votes. All of which is respectfully submitted

C. P. BERRY,
CHARLES WOOD,
T. J. HART,
I. W HARDING

Whereupon Mr. Wood offered the following resolution.

*Resolved*, That in accordance with the report in the *Goble* v. *Bradley* contested case, J C Bradley, having received the highest number of votes, be declared entitled to the contested seat in this House from Yuba County, and that he now come forward, be sworn in, and take his seat

Adopted.

Mr. J. C. Bradley then came forward, was sworn, subscribed to the oath of office, and took his seat as a member of the Assembly.

By Mr. Berry.

MR. SPEAKER Your Committee on Employés, to whom was referred the resolution to appoint one clerk for the Judiciary Committee, have had the same under consideration, report it back, and recommend its passage

BERRY, Chairman.

*Resolved*, That the Judiciary Committee be allowed one clerk, to be chosen by the members of the committee.

Adopted.
[Mr. Wilcox in the chair.]

MOTIONS AND RESOLUTIONS.

Mr. Young moved to amend Number One of Rule Nineteen, by striking out "five" and inserting "nine," making the Committee on Commerce and Navigation consist of nine members. Also, to amend Number Twelve of Rule Nineteen, by striking out "five" and inserting "nine," on the Committee on Internal Improvements. Also, increase the Judiciary Committee two members.

Adopted.

By Mr. Koutz:

*Resolved*, That Rule Six be amended by adding thereto the following "And no bill shall be introduced by request unless the member introducing it shall have examined and approved of the same."

Referred to Committee on Rules.

Mr. Wood moved that, in accordance with Standing Rules Sixteen and Eighteen, the Sergeant and Assistant Sergeant-at-Arms now come forward and be sworn to keep the secrets of this House.

The matter was referred to the Committee on Public Morals.

By Mr. Sullivan:

*Resolved*, That a committee of five be appointed to investigate the expenditure of public money by the Park Commissioners of San Francisco for the improvement of the outside lands known and designated as Golden Gate Park, Buena Vista Park, and the avenue leading to the said Golden Gate Park, from the date of their organization to the present time.

Referred to the San Francisco delegation.

By Mr. Berry:

*Resolved*, That E. E. Meek, County Clerk of Yuba County, be and he is hereby allowed the sum of twenty-five dollars as mileage, and four dollars for two days' time, attending as a witness upon the special committee appointed to count the ballots in the contest of *E. Goble* v. *J. C. Bradley* for a seat in this House; the same to be paid out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrant on the Treasurer for the same.

Adopted.

By Mr. Coffey:

*Resolved*, That the Chief Clerk be required to procure and preserve a file of the *Sacramento Record-Union*, from the commencement to the close of the session for the use of the members of this House, at a cost not to exceed five dollars, to be paid out of the Contingent Fund of the Assembly.

Adopted.

[Speaker in the chair.]

Mr. Lammers was granted leave to withdraw the notice given by him, on last Friday, of the introduction of an irrigation bill, Mr. Scrivner having also given notice of his intention to introduce the same bill.

By Mr. Berry:

*Resolved*, That E. Goble, a contestant for a seat in this Assembly, be and he is hereby allowed the sum of twenty-eight and fifty one-hundredths dollars as mileage, and eighty dollars as per diem, while awaiting the decision of this House, the same to be paid out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant on the Treasurer for the same.

Adopted.

By Mr. Giffen:

*Resolved*, That the Committee on Ways and Means be instructed to prepare a bill creating a Contingent Fund for the use of this House.

Adopted.

By Mr. Preston:

*Resolved by the Assembly, the Senate concurring*, That our Senators and the several Representatives from this State in the Congress of the United States be requested to use their best endeavors to secure an appropriation for the purpose of building a breakwater at the Port of San Luis Obispo, and also to have a law passed declaring the Harbor of San Luis Obispo a port of entry.

Read and laid over one day.

By Mr. Clunie:

*Resolved*, That a committee of five be appointed to examine into the various State offices, and ascertain who receives compensation for extra services, also, what help may be dispensed with, and what officers and appointees may be abolished, also, what reduction can be made in the salaries of the State officers or their appointees.

Referred to Committee on Public Expenditures and Accounts.

By Mr. Gelwicks:

*Resolved*, That the Speaker appoint a Porter for the committee rooms, at a per diem of three dollars.

Referred to Committee on Employés

By Mr. Berry:

*Resolved*, That Stephen Addison be allowed twenty-four dollars as compensation as Day Watchman, to be paid out of the Contingent Fund of the Assembly.

Adopted.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Murphy of Del Norte—Of an Act to amend an Act entitled an Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Also, of an Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county

Also, of an Act in relation to roads and highways in Del Norte County.

Also, of a concurrent resolution in relation to a breakwater at Crescent City, Del Norte County, California

By Mr. Clark—Of an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

By Mr. McCarthy—Of an Act relative to apprentices and masters.

By Mr. McMann—Of an Act to amend section one thousand seven hundred and ninety-two of the Political Code of California.

Also, of an Act to amend section one thousand seven hundred and fifty-three of the Political Code of California.

By Mr. Barber—Of an Act to reorganize the fire department in the City of San Francisco.

By Mr. Chapman—Of an Act concerning public roads in Lassen County.

Also, of an Act to create the Twenty-first Judicial District.

Also, of an Act to amend sections three thousand four hundred and

forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code.

Also, of an Act to amend section three thousand four hundred and sixty-five of the Civil Code.

By Mr. Harris—Of an Act to authorize the Board of Supervisors of Modoc County to erect a County Jail, and to issue the bonds of the county therefor.

By Mr. McInerny—Of an Act for the tunneling and further improvements of Broadway street, between Taylor and Polk streets, City and County of San Francisco.

By Mr. Scrivner—Of an Act providing for the destruction of squirrels in the County of Stanislaus.

By Mr. Hart—Of an Act to amend section two hundred and sixty-nine of the Code of Civil Procedure.

The Speaker announced Messrs. Carson and Carter as additional members of the Judiciary Committee.

BILLS INTRODUCED.

By Mr. Roberts—An Act to authorize Abraham S Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County.

Read first and second times and referred to the San Benito delegation.

By Mr. Young—An Act for the relief of John Higgins.

Also, an Act to amend section one thousand one hundred and sixty of the Political Code

Each read first and second times and referred to the San Francisco delegation.

Also, an Act to provide for the auditing and payment of the balance remaining due of the Indian war indebtedness of the State of California.

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

By Mr. Coffey—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting license to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four.

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

By Mr. McConnell—An Act to provide for an additional Justice of the Peace and Constable for the Township and County of Los Angeles.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, an Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes.

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

Also, an Act to regulate the practice of medicine in the State of California.

Read first and second times and referred to a special committee to be appointed by the Speaker for that purpose.

By Mr. Hart—An Act in relation to the county officers of Colusa County, their fees and salaries

Read first and second times and referred to the Judiciary Committee

By Mr. Clark—An Act to protect lumber manufacturers.

Read first and second times and referred to the Del Norte, Mendocino, and Humboldt delegations.

By Mr. Wood—An Act to amend an Act entitled an Act to amend the Political Code, respecting the assessment and collection of taxes, approved March twenty-fourth, eighteen hundred and seventy-four.

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

By Mr. Hart—An Act entitled an Act to repeal an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

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

By Mr. Rice—An Act to prevent the practice of medicine or surgery by unqualified persons.

Read first and second times and referred to select committee.

By Mr. Hart—An Act entitled an Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow.

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

By Mr. Ferral—An Act to relieve owners of incumbered real estate from double taxation.

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

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., upon motion of Mr. Berry, the House adjourned until ten o'clock to-morrow.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 15th, 1875.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Mr. Clunie and Mr. Ostrom were each granted leave of absence for one day.

COMMITTEE.

The Speaker appointed as a special committee on Assembly bill relative to the practice of medicine, Messrs. McConnell, Rice, Jenkins, Briceland, and Griswold.

## APPOINTMENTS.

The Speaker announced the appointment of D. S. Jackson as Mail Carrier.

The Speaker announced the appointment of Gray Harris and W. R. Swim, as Watchmen

## STANDING COMMITTEES.

The Speaker announced the following standing committees.

*On Elections*—Messrs. Wetherill, McKenna, Blue, Watkins, Patterson of San Joaquin, Covington, and Dunlap.

*On Corporations*—Messrs. Archer, Swan, Wilcox, Patterson of Sacramento, Murphy of Del Norte, Blackwell, Reddick, and Patterson of San Joaquin

*On Public Printing*—Messrs. Gelwicks, McCarthy, Coffey, Ferral, McKenna, Preston, and Nott.

*On Claims*—Messrs Clunie, Crutcher, Chapman, Abbott, McMann, Hayne Clarken, Sargent, and Birney

*On Ways and Means*—Messrs. Berry, O'Connell, Wilcox, Rice, Jamison, Pierce, Gelwicks, Henshaw, and Hart.

*On Judiciary*—Messrs. McConnell, Archer, Swan, Clunie, Harding, Murphy of Del Norte, Scrivner, McKenna, Hart, Chapman, Harris, Carson, and Carter.

*On Military Affairs*—Messrs. Maguire, Chapman, Clunie, Lammers, and Kennedy

*On Counties and County Boundaries*—Messrs. Young, Ruggles, Hart, Koutz, Lambourn, Harris, Jourden, and Dunlap.

*On Commerce and Navigation*—Messrs. Murphy of San Francisco, Bagge, Clark, Pullen, Ostrom, Biggs, Rice, and Roberts.

*On Education*—Messrs. McConnell, Covington, Maguire, Collins, Reddick, Wood, and Briceland.

*On Agriculture*—Messrs. Lambourn, Jones, Biggs, Ruggles, Watkins, Ostrom, and Carter.

*On Internal Improvements*—Messrs McInerny, Dixon, Watkins, Jourden, Samuels, Lammers, Rankin, Blue, and Suverkrup.

*On Public Buildings and Grounds*—Messrs. Cornwell, Broderick, Clunie, Bagge, Blackwell, Jones, and Lambourn.

*On Public Expenditures and Accounts*—Messrs. Hinshaw, Clarken, Nott, Bradley, and Dunlap.

*On Mines and Mining Interests*—Messrs. Birney, Blue, Griswold Dunlap, and Crutcher

*On Public Lands*—Messrs Blackwell, Griswold, Reddick, Nott, Raisch, Dunlap, and Samuels.

*On Federal Relations*—Messrs. Swan, Archer, McConnell, Hayne, McKenna, Jenkins, and Crutcher.

*On Engrossment*—Messrs Covington, McInerny, Ferral, Collins, and Burbank.

*On Enrollment*—Messrs. Coffey, Quigley, Gelwicks, Nott, and McKenna.

*On State Prison*—Messrs. Giffen, Dixon, Patterson of Sacramento, Clarken, Burbank, Birney, and Samuels.

*On Mileage*—Messrs Preston, Wilcox, and Koutz.

*On Public Morals*—Messrs. Carter, Collins, Clark, Raisch, and Covington.

*On State Hospitals*—Messrs. Briceland, Griswold, Clark, Gelwicks, and Jenkins.

*On Rules and Regulations*—Messrs. Wilcox, Murphy of Del Norte, Sargent, Giffen, and Young.

*On Swamp and Overflowed Lands*—Messrs. Chapman, Dixon, Wetherill, Patterson of San Joaquin, Sargent, Patterson of Sacramento, Watkins, Hart, Ferral, Ostrom, and Kennedy.

*On Roads and Highways*—Messrs. Dixon, Koutz, Blue, Pierce, and Dunlap

*On State Library*—Messrs. Harding, McConnell, and Crutcher

*On Agriculture, Mining, and Mechanics' Art College*—Messrs. Carson, Dixon, Sullivan, Quigley, Reddick, Raisch, and Jones.

*On the Culture and Improvement of the Grape-vine*—Messrs. Rice, Suverkrup, Samuels, Lambourn, Lammers, Watkins, and Bradley.

*On Indian Affairs*—Messrs Harris, Chapman, Berry, Briceland, and Bradley

*On Irrigation*—Messrs Scrivner, McConnell, Collins, Wilcox, Patterson of San Joaquin, Jamison, and Wood.

## RESOLUTION.

By Mr. Giffen:

*Resolved*, That the Controller is hereby directed to draw a warrant on the Contingent Fund of the Assembly in favor of John Webber for ten days' services as Assistant Clerk at the desk, at the same per diem allowed by law to the Assistant Clerks.

Referred to the Committee on Employés.

At ten o'clock and thirty minutes A. M., on motion of Mr. Wilcox, the House adjourned until Thursday, December sixteenth, at one o'clock P. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, December 16th, 1875.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

REPORTS

By Mr. Covington:

ASSEMBLY CHAMBER,
SACRAMENTO, December 15th, 1875.

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes.

COVINGTON, Chairman.

By Mr. Berry:

MR. SPEAKER: Your committee, to whom was referred the resolution allowing John Webber, for ten days' services as Assistant Clerk at the desk, at the same per diem as allowed by law to other Assistant Clerks, have considered the same and recommend its adoption.

BERRY, Chairman.

The resolution above reported was adopted.

RESOLUTIONS.

By Mr. Scrivner:

*Resolved*, That the Minute Clerk be and he is hereby authorized to appoint an assistant, at the same per diem as is allowed the Minute Clerk, payable out of the appropriation for contingent expenses of this House.

Referred to the Committee on Employés.
By Mr. Giffen:

*Resolved*, That Mr. Berry is hereby added to the Committee on Swamp and Overflowed Lands.

Laid over for one day.
By Mr. Abbott:

*Resolved*, That as Hon. John Garretson was, by an unintentional oversight, overlooked in the committee appointments, that he be appointed on the Committee on Corporations.

Laid over for one day.
By Mr. Sullivan:

*Resolved*, That Mr. Raisch be added to the Committee on Corporations.

Laid over for one day.
By Mr. Biggs:

*Resolved*, That Mr. Rankin be added to the Committee on Public Buildings and Grounds.

Laid over for one day.

By Mr. Scrivner:

*Resolved*, That John A. Patterson be added to the Committee on Irrigation.

Laid over for one day.
By Mr. Maguire:

*Resolved*, That Mr. Clark be added to the Committee on Education.

Laid over for one day.
By Mr. Clume:

*Resolved*, That Mr. Bagge, of Alameda, be added to the Committee on Claims.

Laid over for one day.
By Mr. Maguire:

*Resolved*, That F. A. Pullen be added to the Committee on State Prisons.

Laid over for one day.
By Mr. Scrivner:

*Resolved*, That the Sergeant-at-Arms be required to procure a suitable room for the use of the Irrigation Committee, within the Capitol building.

Adopted.
By Mr. Hart:

WHEREAS, The interests of the people are paramount to individual aggrandizement; and, whereas, we are the servants of the people, and subservient to their interests, therefore, be it

*Resolved*, That no member of this House shall be entitled to collect or receive any per diem during the time intervening between the adjournment of this House for the holidays and the time of meeting in January.

Indefinitely postponed.
By Mr. Maguire:

*Resolved*, That Frank H. Lambert be and is hereby allowed the sum of twenty-seven and one-half dollars for services rendered as Mail Carrier of the Assembly for eleven days, ending Thursday, December sixteenth, eighteen hundred and seventy-five.

Referred to the Committee on Employés.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, December 16th, 1875.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of December, A. D. eighteen hundred and seventy-five, passed Senate Bill No. 35—An Act to authorize the Superintendent of Public Instruction to issue a teacher's certificate to Charles Merchant.

Also, Senate Bill No. 36—An Act for the relief of S. A. Booker.

And on this day adopted Senate Concurrent Resolution No. 11—To prevent the sale of intoxicating liquors within the limits of the State Capitol grounds.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 35, above reported, read first and second times and referred to the Committee on Education.

Senate Bill No. 36, above reported, read first and second times and referred to the Committee on Claims.

Senate Concurrent Resolution No. 11, above reported, read first and

second times, rules suspended, resolution read third time, and adopted.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. McKenna—Of an Act to amend section one hundred and six of the Civil Code

By Mr. Sullivan—Of an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement of public parks in the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

Also, of an Act for the completion of the new City Hall in the City and County of San Francisco.

By Mr. Carson—Of an Act to amend section two hundred and twenty-five of the Code of Civil Procedure.

Also, of an Act to regulate street railroads in the City and County of San Francisco.

Also, of an Act to authorize the appointment of an additional interpreter for the Criminal Courts of the City and County of San Francisco.

Also, of an Act to amend sections four hundred and seventy-two and four hundred and seventy-three of the Code of Civil Procedure.

Also, of an Act to exempt firemen in the City and County of San Francisco from the payment of poll-tax.

Also, of an Act to provide for care and maintenance of inebriates in the City and County of San Francisco.

By Mr. Cornwell—Of an Act supplementary to an Act approved twenty-fourth of March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, of an Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

By Mr. Clarken—Of an Act for the relief of Joseph Solomon, of San Francisco.

By Mr. Hart—Of an Act granting leave of absence to Wm. T. Beville, Assessor of Colusa County, for sixty days.

By Mr. Abbott—Of an Act to legalize the tax roll of Salinas City for the fiscal year ending on the last day of March, eighteen hundred and seventy-five.

By Mr. Roberts—Of an Act for the relief of San Benito County.

Also, of an Act for the destruction of squirrels in San Benito County.

By Mr. Dunlap—Of an Act to disincorporate the Town of Sutter Creek, Amador County

By Mr. Chapman—Of an Act to fund certain indebtedness of Plumas County.

Also, of an Act in relation to roads in Plumas County.

By Mr. Collins—Of an Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

Also, of an Act relating to the official bonds of certain officers of Fresno County.

By Mr. Hayne—Of an Act concerning the office of Clerk of the Court of Santa Barbara County.

Also, of an Act for the relief of N. A. Covarubias, Sheriff of Santa Barbara County.

CONCURRENT RESOLUTIONS.

By Mr. Murphy—Concurrent resolution relative to the construction of a breakwater at Crescent City, California.

Read first and second times and referred to Committee on Commerce and Navigation.

By Mr. Ferral—Concurrent resolution relative to the survey of mountain grazing lands in this State.

Read first and second times and referred to the Committee on Public Lands.

INTRODUCTION OF BILLS

By Mr. Biggs—An Act to provide for constructing division fences in Sacramento County.

Read first and second times and referred to the Sacramento delegation.

By Mr. Pierce—An Act to grant Mark P. Shaffer, Assessor of San Diego County, leave of absence from the State of California for sixty days.

Read first and second times and referred to the San Diego delegation.

By Mr. Cornwell—An Act to provide for the future management of the Napa State Asylum for the Insane.

Read first and second times and referred to the Committee on Public Buildings

By Mr. Murphy—An Act to amend section one of an Act entitled an Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Read first and second times and referred to the Klamath delegation.

Also, an Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county.

Read first and second times and referred to the Del Norte delegation.

By Mr. Patterson of Sacramento—An Act amendatory of an Act entitled 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, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times and referred to the Sacramento delegation.

By Mr Hart—An Act entitled an Act to amend section two hundred and sixty-nine of the Code of Civil Procedure.

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

Also, an Act to amend section fifty of the Code of Civil Procedure.

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

Also, an Act to amend section two hundred and forty-five of the Penal Code

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

By Mr. Scrivner—An Act to abate the squirrel nuisance in Stanislaus County, State of California.

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

Also, an Act to regulate the distribution and use of the road tax in and for the County of Stanislaus.

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

By Mr. Clunie—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure.

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

By Mr. Clark—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

Read first and second times and referred to the Humboldt delegation.

By Mr. Carson—An Act to authorize the Judges of the several Courts of record, in and for the City and County of San Francisco, to nominate and secure the appointment of the Bailiffs of their respective Courts.

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

By Mr. Pullen—An Act for the appointment of a State Inspector of Stationary Boilers, for the better security of life and property in mills, factories, and other shops where steam power is employed.

Read first and second times and referred to the Committee on Commerce and Navigation

By Mr. Scrivner—An Act to extend the time for the payment of taxes in the Counties of Stanislaus, Tulare, and Kern for the year eighteen hundred and seventy-five.

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

Also, an Act to grant C. F. Leavenworth, and his assigns, the right to supply the inhabitants of the Town of Modesto with pure fresh water

Read first and second times and referred to the Stanislaus delegation.

RESOLUTIONS.

By Mr. McConnell.

*Resolved*, That the Judiciary Committee of this House be authorized to meet the Judiciary Committee of the Senate, to take into consideration the question of a constitutional convention.

Adopted.

By Mr Biggs—Concurrent resolution relative to the prevention of the sale of spirituous liquors within the Capitol grounds.

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

By Mr. Preston—Concurrent resolution relative to the improvement of the Harbor of San Luis Obispo.

Read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Concurrent Resolution No. 3—Relative to a breakwater at the Port of San Luis Obispo—was taken from the table, read third time, and adopted.

ADJOURNMENT

At two o'clock and ten minutes P. M., on motion of Mr. Pullen, the House adjourned until to-morrow, at eleven o'clock P. M.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, December 17th, 1875.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present
Prayer by the Chaplain.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Raisch was granted leave of absence until Tuesday next, and an indefinite leave of absence to Mr. Wetherill.

## PETITION.

By Mr. Scrivner—Petition from citizens of Stanislaus, for the passage of a bill for the relief of C. F Leavenworth.
Read and placed on file.
[Speaker pro tem. in the chair ]

## REPORTS.

By Mr. Preston:

MR. SPEAKER The Committee on Mileage would beg leave to report that the following amounts are payable to the members of the Assembly for mileage from and to their residence to the Capitol, for the twenty-first session of this House. We have taken official distances, as established by Part II, Title III of the Political Code as a basis, and have calculated mileage and amounts in accordance with section two hundred and sixty-six of said Code

| NAMES | Miles | Amount | NAMES | Miles. | Amount. |
|---|---|---|---|---|---|
| Abbott | 245 | $73 50 | Ferral | 260 | $39 00 |
| Archer | 300 | 45 00 | Gelwicks | 270 | 40 50 |
| Bagge | 270 | 40 50 | Griswold | 600 | 103 50 |
| Burbank | 350 | 52 50 | Giffen | 338 | 35 70 |
| Blackwell | 170 | 25 50 | Garretson | 340 | 51 00 |
| Blue | 130 | 19 50 | Hart | 150 | 22 50 |
| Biggs | 28 | 4 20 | Harris | 1,140 | 171 00 |
| Barbat | 234 | 35 10 | Harding | 234 | 35 10 |
| Broderick | 234 | 35 10 | Hayne | 878 | 131 70 |
| Breeland | 170 | 25 50 | Hinshaw | 200 | 30 00 |
| Berry | 100 | 15 00 | Jourden | 234 | 35 10 |
| Bradley | 100 | 15 00 | Jones | 324 | 48 60 |
| Birney | 230 | 34 50 | Jamison | 314 | 47 10 |
| Chune | | | Jenkins | 150 | 22 50 |
| Crutcher | 70 | 10 50 | Kennedy | 234 | 35 10 |
| Clarken | 234 | 35 10 | Koutz | 220 | 33 00 |
| Carter | 134 | 20 10 | Lamboum | 1,100 | 165 00 |
| Carpenter | 100 | 15 00 | Lammets | 130 | 19 50 |
| Collins | 410 | 61 50 | Murphy J. E. | 930 | 139 50 |
| Clark | 780 | 117 00 | Murphy J. C | 234 | 35 10 |
| Chapman | 400 | 60 00 | McConnell | 1,100 | 165 00 |
| Covington | 458 | 68 70 | McInerny | 234 | 35 10 |
| Cornwell | 120 | 18 00 | McMam | 234 | 35 10 |
| Coffey | 234 | 35 10 | McCarthy | 234 | 35 10 |
| Carson | 234 | 35 10 | Maguire | 234 | 35 10 |
| Dunlap | 111 | 16 50 | McKenna | 180 | 27 00 |
| Dixon | 330 | 49 50 | Nott | 250 | 37 50 |

| Names | Miles | Amount | Names. | Miles | Amount. |
|---|---|---|---|---|---|
| O'Connell | 234 | $35 10 | Raisch | 234 | $35 10 |
| Ostrom | 112 | 16 80 | Rice | 598 | 74 70 |
| Patterson, A. D | 24 | 3 60 | Suverkrup | 1,200 | 180 00 |
| Patterson, J. A | 500 | 75 00 | Sargent | 60 | 9 00 |
| Patterson, John | 114 | 16 10 | Swan | 180 | 27 00 |
| Pierce | 1,500 | 225 00 | Samuels | 350 | 52 50 |
| Preston | 704 | 104 10 | Scrivner | 170 | 25 50 |
| Pullen | 234 | 35 10 | Sullivan | 234 | 35 10 |
| Quigley | 314 | 47 10 | Wood | 220 | 33 00 |
| Ruggles | 174 | 25 10 | Wilcox | 290 | 43 50 |
| Reddick | 162 | 24 30 | Wetherill | 234 | 35 10 |
| Roberts | 362 | 54 30 | Watkins | 44 | 6 66 |
| Rankin | 234 | 35 10 | Young | 234 | 35 10 |

Your committee would further beg leave to report that they have met with some difficulty in ascertaining the legal distances from the county seats of Modoc and San Benito Counties, from the fact that the distances from those counties has not yet been legally established.

Also that from evidence had by them they are satisfied that the distances from the county seat of Mono County, as established by the aforesaid Code, is not correct, and would therefore recommend that the distances from the said county seats be legally established.

R. M. PRESTON,
J. W. WILCOX,
JOHN KOUTZ

Adopted.

By Mr. Scrivner:

Mr. Speaker: The Stanislaus delegation, to whom was, on the sixteenth instant, referred Assembly Bill No. 27, hereby report in its favor, and recommend its passage.

SCRIVNER, for Delegation.

By Mr. Berry:

Mr. Speaker: Your committee, to whom was referred the resolution authorizing the Speaker to appoint a Porter for the gallery and committee rooms, have had the same under consideration, and report that we find no necessity for any such appointment, and are satisfied that the force now employed is sufficient for all purposes. We therefore recommend that it do not pass.

BERRY, Chairman.

By Mr. Covington:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 7—An Act to provide for an additional Justice of the Peace and Constable for the Township and County of Los Angeles.

COVINGTON, Chairman.

By Mr. Pierce:

Mr. Speaker: The San Diego delegation, to whom was referred Assembly Bill No. 17—An Act to grant Mark P. Shafter, Assessor of San Diego County, leave of absence from the State of California for sixty days—have had the same under consideration, and ask leave to report it back, and recommend its passage.

PIERCE, for Delegation.

By Mr. Patterson of Sacramento:

Mr. Speaker: The Sacramento delegation, to whom was referred Assembly Bill No. 18, beg leave to report the same back, and recommend its passage.

PATTERSON, for Delegation.

By Mr. Berry:

Mr. Speaker: Your committee, to whom was referred the resolution allowing Frank H. Lambert for eleven days' services as Mail Carrier, have considered the same, and recommend that he be allowed pay for eight days, he having been allowed pay, for the first three days' services rendered, by the Committee on Hold-over Employés and Attachés.

BERRY, Chairman.

The report was adopted.

By Mr. Berry:

Mr. SPEAKER: Your committee, to whom was referred the resolution authorizing the Sergeant-at-Arms to appoint a clerk, have considered the same, and recommend its passage.

BERRY, Chairman.

The report was adopted.

By Mr. Berry:

Mr. SPEAKER: Your committee, to whom was referred the resolution authorizing the Minute Clerk to appoint an assistant, have had the same under consideration, report the same back, and recommend its passage.

BERRY, Chairman.

The report was adopted.

MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Pierce, Assembly Bill No. 17 was taken up, rules suspended, bill considered engrossed, read third time, and passed.

On motion of Mr. Scrivner, Assembly Bill No. 27 was taken up and referred to the Judiciary Committee.

By Mr. McMann:

*Resolved*, That all resolutions heretofore adopted by this House, modifying or changing Rule Nineteen, as the same was reported to this House by the Committee on Rules, be and the same are hereby rescinded.

Referred to Committee on Rules and Regulations.

By Mr. Quigley:

WHEREAS, J. H. Whittaker, who was by this House elected Rear Porter, having failed to perform the duties as such Rear Porter, notwithstanding his attention has been frequently called to such dereliction by the Sergeant-at-Arms; therefore, be it

*Resolved*, That the Sergeant-at-Arms be and he is hereby empowered to remove said Whittaker and fill the vacancy occasioned thereby.

Referred to Committee on Employés.

By Mr. Clarken.

*Resolved*, That E. S. Caylot be and is hereby appointed Assistant Journal Clerk, at the per diem allowed the principal.

Referred to Committee on Employés.

By Mr. Wilcox.

*Resolved*, That the Controller be and is hereby authorized to issue a warrant in favor of J. B. Stevens, for ten days' services as Assistant Minute Clerk, at the per diem allowed by law to the Minute Clerk, payable out of the appropriation for contingent expenses of this House.

Referred to Committee on Employés.

By Mr. Murphy of San Francisco.

*Resolved*, That the Committee on Commerce and Navigation be allowed a clerk, at a per diem of six dollars.

Referred to Committee on Employés.

Also:

*Resolved*, That the Sergeant-at-Arms be directed to procure a room for the use of the Commerce and Navigation Committee.

Referred to Committee on Employés.

By Mr. Bradley:

*Resolved*, That W. H. Copper be and he is hereby entitled to seven days services as Porter, in Sergeant-at-Arms' room, at a per diem of four dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Employés.

By Mr. Giffen:

*Resolved*, That the Sergeant-at-Arms be allowed postage stamps to the amount of fifteen dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Archer:

*Resolved*, That charges for fares and freights on railroads in California are subject to control, and should be regulated by Act of the Legislature, with a view to the protection of the people from injurious discrimination and unjust charges by railroad companies, but in a spirit of fairness to the owners thereof, and that the said subject of fares and freights be referred to the Committee on Corporations, with instructions to report a bill in relation thereto.

Adopted.

On motion of Mr. Biggs, the rules were suspended for the consideration of Assembly Bill No. 18, this day reported from the Sacramento delegation.

On motion of Mr. Nott, the bill was referred to the Committee on Agriculture

By Mr Murphy of San Francisco—Concurrent resolution relative to prohibiting the appropriation of money raised by taxation for educational purposes to the support of sectarian schools.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Maguire:

*Resolved*, That the Sergeant-at-Arms be and is hereby instructed to procure eighty copies of the Civil Code, for the use of the members of this House.

Adopted.

By Mr. Sullivan:

*Resolved*, That the Speaker appoint a committee of five members, to investigate the rates charged for water in the Eastern cities, and report to this body, with a view to regulating the rates to be charged for water in the City of San Francisco.

Laid on the table.

By Mr. Ferral—Concurrent resolution on Chinese immigration.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. McConnell.

*Resolved*, That the Judiciary Committee be instructed to inquire into, and report upon the expediency of an Act to prohibit County Judges practicing law in the District and Supreme Courts

Adopted.

By Mr. Coffey:

*Resolved*, That the Sergeant-at-Arms be required to furnish suitable accommodations for the use of the San Francisco delegation.

Referred to the Committee on Employés.

By Mr. McMann:

*Resolved*, That the State Librarian be requested to keep the shelves free of access during the present session.

Lost.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Griswold—Of an Act to amend section one hundred and seventy-two of the Political Code.

By Mr. Bradley—Of an Act to grant the County Recorder of Yuba County leave to absent himself from the State for the period of ninety days, during the year eighteen hundred and seventy-six

By Mr. Pierce—Of an Act authorizing the Board of Trustees of the City of San Diego to deed certain lands to the United States for civil purposes

By Mr. Ostrom—Of an Act amending section one thousand two hundred and eighty-three of the Political Code.

By Mr. Samuels—Of an Act to amend subdivision three, section three hundred and ninety-two, of the Code of Civil Procedure

Also, of an Act to amend the Code of Civil Procedure, relative to actions in Justices' Courts.

By Mr. Harding—Of an Act to provide for the payment of translating into Spanish the laws of the twentieth session of the Legislature of the State of California.

By Mr Henshaw—Of an Act to regulate fees of office and salaries of certain officers in the County of Sonoma, and to repeal certain other Acts in relation thereto.

By Mr. Clark—Of an Act entitled an Act concerning roads in the County of Humboldt.

INTRODUCTION OF BILLS.

By Mr. Roberts—An Act for the relief of San Benito County.

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

By Mr. McConnell—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code.

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

By Mr. Carson—An Act to amend section two hundred and twenty-five of the Code of Civil Procedure.

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

Also, an Act to regulate street railroads in the City and County of San Francisco.

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

Also, an Act to exempt firemen in the City and County of San Francisco from the payment of poll-tax.

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

Also, an Act authorizing the appointment of an additional interpreter for the Criminal Courts of the City and County of San Francisco.

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

Also, an Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

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

By Mr. Kennedy—An Act to further define the duties of the Tax Collector of the City and County of San Francisco.

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

By Mr. McMann—An Act to amend section one thousand seven hundred and fifty-three of the Political Code of California

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

Also, an Act to amend section one thousand seven hundred and ninety-two of the Political Code.

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

By Mr. Cornwell—An Act supplementary to an Act approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six

Read first and second times and referred to the Napa delegation.

Also, an Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times and referred to the Napa delegation.

By Mr. Wilcox—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras.

Read first and second times and referred to the Mariposa and Calaveras delegations.

By Mr. Clarken—An Act for the relief of Joseph Solomon.

Read first and second times and, with accompanying documents, referred to the Committee on Claims

By Mr. Abbott—An Act to legalize and validate the assessment roll and equalization and levy of taxes for Salinas City, for the fiscal year of said city, ending March thirty-first, eighteen hundred and seventy-five.

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

By Mr. Harris—An Act to authorize the Board of Supervisors of Modoc County to erect a jail, and to issue the bonds of the county therefor.

Read first and second times and referred to the Modoc delegation.

By Mr McKenna—An Act to amend section one hundred and six of the Civil Code.

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

By Mr. Chapman—An Act in relation to roads in Plumas County.

Also, an Act to fund certain indebtedness of Plumas County.

Each read first and second times and referred to the Plumas and Lassen delegation.

By Mr. Reddick—An Act regulating certain township officers in the County of Calaveras.

Read first and second times and referred to the Calaveras delegation.

By Mr. Hart—An Act granting leave of absence to William T. Beville, Assessor of Colusa County.

Read first and second times and referred to the Colusa delegation.

ADJOURNMENT.

At one o'clock P. M., on motion of Mr. Biggs, the House adjourned until to-morrow, at eleven o'clock P. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, December 18th, 1875.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Messrs Ostrom and Berry were granted leave of absence for one day each; Mr. Watkins, until Monday, and Mr. Lammers until Tuesday next.

PETITION.

By Mr. Dunlap—Petition from citizens of Sutter Creek, for the disincorporation of the Town of Sutter Creek

Referred to the Amador delegation.

REPORTS.

By Mr. Gelwicks:

Mr. SPEAKER: The Committee on Public Printing, to whom was referred Assembly resolution—that two thousand copies of the Governor's message be printed in the Spanish language—have had the same under consideration, and recommend that it do not pass.

Also, Assembly resolution—that the Sergeant-at-Arms be directed and is hereby authorized to procure for the use of the accredited newspaper correspondents on the floor of this House, such stationery as they may require—report the same back and recommend that it do not pass.

Also, Assembly resolution—that five thousand copies of the Governor's message be ordered printed—report the same back and recommend that it do not pass, because a concurrent resolution is necessary to print that number of copies.

GELWICKS, for Committee.

The report was adopted, with the exception of that part relating to furnishing correspondents with stationery, which resolution was amended by striking out "thirty dollars" and inserting "fifteen dollars," and adopted as amended.

By Mr. Murphy:

Mr. SPEAKER: Your committee, to whom was referred Assembly Concurrent Resolution No. 7, beg leave to report the same back and recommend its passage.

MURPHY, Chairman.

By Mr. Clunie:

Mr. SPEAKER: The Committee on Claims, to whom was referred Senate Bill No. 36—An Act for the relief of S. A. Booker—beg leave to report said bill back, and after careful examination, recommend its passage.

CLUNIE, for Committee.

By Mr. McInerny:

ASSEMBLY CHAMBER,
SACRAMENTO, December 18th, 1875.

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 17—An Act to grant Mark P. Shaffer, Assessor of San Diego County, leave of absence from the State of California for sixty days.

McINERNY, for Committee.

By Mr. Clark:

Mr. SPEAKER: The delegation from Humboldt, to whom was referred Assembly Bill No. 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt county—have had the same under consideration, and herewith report it back to the Assembly, with the recommendation that it be passed.

CLARK, for Delegation.

By Mr. Cornwell:

Mr. SPEAKER: The Napa delegation, to whom was referred Assembly Bills Nos. 44 and 45, respectfully report the same back, and recommend their passage.

CORNWELL, for Delegation.

[Speaker pro tem. in the chair.]
By Mr. Maguire:

Mr. SPEAKER: Your Committee on Additional Employés, to whom were referred the resolutions authorizing the payment, for seven days' services as Porter in Sergeant-at-Arms' room, of Mr. W. H. Copper, and for services as Assistant Minute Clerk, of J. B. Stevens, report both back, and recommend their passage.

MAGUIRE, for Committee.

The resolutions above reported were adopted.
By Mr. Wilcox:

Mr. SPEAKER: The Mariposa and Calaveras delegations, to whom was referred Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras—have had the same under consideration, and report the bill back and recommend that it pass.

WILCOX, Mariposa,
REDDICK, Calaveras.

On motion of Mr. Wilcox, the rules were suspended and Assembly Bill No. 46, above reported, was considered engrossed, read third time, and passed.
By Mr. Murphy:

Mr. SPEAKER: The Del Norte delegation, to whom were referred Assembly Bills Nos. 19 and 20, have had the same under consideration, and beg leave to report them back and recommend their passage.

MURPHY, for Delegation.

By Mr. Harris:

Mr. SPEAKER: The Modoc delegation, to whom was referred Assembly Bill No. 49, have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

HARRIS, for Delegation.

By Mr. Hart:

Mr. Speaker: The delegation of Colusa County, to whom was referred the bill granting leave of absence to William T. Beville for sixty days, hereby reports said bill favorably, and asks that the same may be passed.

HART, for Delegation.

On motion of Mr. Hart, the rules were suspended, bill considered engrossed, read third time, and passed.

By Mr. Patterson of Sacramento:

Mr. Speaker: The Sacramento delegation, to whom was referred Assembly Bill No. 26—An Act to amend an Act entitled an Act to protect agriculture and to prevent trespass of animals on private property, etc., passed March twenty-sixth, eighteen hundred and sixty-six—recommend that section one of said Assembly Bill No. 26 be amended by adding after the word "Sacramento," "and the first Supervisor District in the County of Mono."

CLUNIE,
PATTERSON,
BIGGS.

On motion of Mr. Clunie, the rules were suspended for the consideration of Assembly Bill No. 26, above reported.

The amendment reported by the delegation was adopted.

Bill read third time and passed.

By Mr. Chapman.

Mr. Speaker: The delegation from Plumas County, to whom was referred Assembly Bill No. 52—An Act to fund certain indebtedness of Plumas County—hereby report the bill back to the Assembly, and recommend that the bill pass.

CHAPMAN, for Delegation.

On motion of Mr. Chapman, the rules were suspended for consideration of Assembly Bill No. 52, above reported.

Bill considered engrossed, read third time, and passed.

MOTIONS, RESOLUTIONS, AND NOTICES

By Mr. Sullivan.

Whereas, The candidates of the different political parties did, at the last election held in the City and County of San Francisco, pledge themselves, if elected, to use their best endeavors to reduce and make equitable the present exorbitant water rates in said city; therefore be it

*Resolved*, That a special committee of five be appointed to act with a similar committee of the Senate, for the purpose of collecting information as to the cost of water rates in said city, as compared with other large cities in the United States; and that said committee are hereby instructed to report to this body on or before the eighteenth of January, eighteen hundred and seventy-six.

Adopted.

By Mr. Carson:

*Resolved*, That the usual number of copies of Assembly Bills Nos. 23, 36, 37, 38, 39, and 40, be printed.

Adopted.

By Mr. Kennedy.

*Resolved*, That a committee of five be appointed to report to this House the amount thus far drawn on the Contingent Fund of the Assembly, also, the amount thus far drawn on the Secretary of State for stationery, etc.

Indefinitely postponed.

By Mr. Lambourn—Concurrent resolution relative to the duty or tax on the manufacture of native grape brandy.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Cornwell:

*Resolved*, That the Committee on Public Buildings and Grounds be authorized to proceed and make such examinations of all public buildings and grounds of this State as they may deem necessary, and, whenever they deem it advisable, to take testimony relating thereto, that they be empowered to send for persons and papers pertinent to such investigation, and authorized to employ a short-hand reporter, as clerk of said committee, at a per diem not exceeding eight dollars

Adopted.

By Mr Clunie:

*Resolved*, That the subject-matter of obtaining a clerk for the Committee on Claims be referred *to the Committee on Attachés, with instructions to report whether or not a clerk is necessary*

Adopted

By Mr Jamison:

*Resolved*, That the papers now on file in this House in regard to the contested election of Cyrus Jones and H S. Jones, of Santa Clara County, be now taken from the table, and referred to the Committee on Elections

Adopted

On motion of Mr. Wilcox, the papers in the contested election of *P J. Hopper* v *Marion Biggs, Jr.*, was referred to the Committee on Elections.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Harris—Of an Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties, approved March thirtieth, eighteen hundred and seventy-four.

By Mr. Jourden—Of an Act to regulate fares and sale of tickets on street railroads in the City and County of San Francisco

By Mr. Samuels—Of an Act to prevent persons passing through inclosures and leaving them open; also, to prevent hunting upon inclosed land without permission of the owner or occupant thereof, in the County of Sonoma.

By Mr. Quigley—Of an Act concerning county officers of Lake County, and to regulate the fees and salaries thereof

By Mr. Bradley—Of an Act to provide for the transcribing of certain records in the County of Yuba.

By Mr. Preston—Of an Act to regulate distances from certain county seats in this State.

Also, of a concurrent resolution in relation to printing the inaugural address of Governor Irwin in the Spanish language.

Also, of an Act to amend section one hundred and seventy-three of the Political Code.

By Mr. Reddick—Of an Act prescribing the term of office for Supervisor in the County of Calaveras.

INTRODUCTION OF BILLS.

By Mr. Bradley—An Act granting leave of absence to the County Recorder of the County of Yuba.

Read first and second times and referred to Yuba delegation.

By Mr. Farrell—An Act concerning the office of Sheriff in Sonoma County.

Read first and second times and referred to the Sonoma delegation.

By Mr. Bradley—An Act to add another section to the Political Code, relative to the canvassing of election returns.

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

By Mr. Clark—An Act concerning roads in the County of Humboldt.

Read first and second times, ordered printed, and referred to the Committee on Roads and Highways.

By Mr. Pierce—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Read first and second times and referred to the Committee on Commerce and Navigation.

On motion of Mr. Sargent, Senate Bill No. 36—An Act for the relief of S A. Booker—was taken up, read a third time, and passed.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Scrivner, the House adjourned until Monday, December twentieth, at eleven o'clock A. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, December 20th, 1875.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of Saturday read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Abbott, McKenna, and Sargent, for one day; and indefinite leave of absence to the Committee on Public Buildings and Grounds.

COMMITTEES.

The Speaker appointed as members of Joint Committee on Printing, Messrs. Clarken, Wood, and Ferral, also, as additional members of Committee on Public Lands, Messrs. Garretson and Birney.

[Speaker pro tem. in the chair.]

PETITION.

By Mr. Griswold—Petition from citizens of Inyo County, for an equitable division of said county.

Referred to the Committee on Counties and County Boundaries.

REPORTS.

By Mr. Ferral:

ASSEMBLY CHAMBER,
SACRAMENTO, December 20th, 1875.

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 46—An Act fixing the bonds of the County Treasurer of the Counties of Mariposa and Calaveras.

FERRAL, for Committee.

By Mr. Berry.

MR SPEAKER: The Committee on Ways and Means, to whom was referred the resolution instructing this committee to prepare a bill creating a Contingent Fund for the use of this House, report that the law makes provision for said fund, and there is no necessity for additional legislation; we, therefore, recommend it do not pass.

BERRY, Chairman.

The above report was adopted.

By Mr. McConnell:

MR. SPEAKER: A majority of the Committee on Education, to which was referred Senate Bill No. 35—An Act to authorize the Superintendent of Public Instruction to issue a teacher's certificate to Charles Merchant—beg leave to report that the committee has had such bill under consideration, and now report back a substitute for the same, the passage of which they recommend.

McCONNELL, Chairman.

By Mr. Wood:

MR. SPEAKER: The undersigned, of the Committee on Education, begs leave to submit the following minority report:

I recommend the passage of the substitute for Senate Bill No. 35, presented by majority of committee, subject, however, to this amendment, viz:

Amend section two so as to read: "This Act shall take effect immediately upon its passage, and be in force until the first meeting of the County Board of Examination of Tehama County, commencing on the first Wednesday in March, A. D. eighteen hundred and seventy-six."

The facts as submitted to the committee, were these:

*First*—That under section eighteen hundred and sixty, of the Political Code, no apportionment of school moneys could be made to any school district unless the teachers employed therein held legal certificates of fitness for teaching, in full force and effect.

*Second*—The Red Bluff School District has five teachers employed, one of whom has *no such legal certificate*; hence, under section eighteen hundred and sixty, no apportionment can be made to said district, and those teachers holding certificates in its schools cannot draw their money, and are without remedy, unless assistance be afforded by the Legislature.

But it appears from the evidence before the committee, that the Trustees, when they engaged Mr. Merchant, knew that he had no legal certificate, and knew the law in respect to the necessity of teachers holding certificates in full force and effect to become entitled to their pay. And the Trustees relied, while doing, to say the least, an unauthorized act, upon the expectation of getting a bill through the Legislature curing their irregularity.

It also appears that since the employment of said Merchant, two opportunities have been given him to pass an examination and get a certificate, as required by law, viz: the sessions of September and December, neither of which has been availed of, and no reason offered for his continued neglect.

Now, while the substitute is recommended as an act of justice to those teachers of said district holding legal certificates, the amendment thereto, suggested by the undersigned, is offered solely as an act of justice to every teacher in the land who has been, or may be required, before being permitted to teach in our public schools, to obtain, after an exhaustive and technical examination, held pursuant to law, a certificate of fitness for teaching.

If Mr. Merchant fails at the examination required of all others, let him modestly step aside. Other avocations are open to him, and there will be applicants to fill the vacancy, having the legal qualifications, without violation of law.

To continue him in the school one day beyond the necessity of the case, if he gets no certificate, would establish a bad precedent, and open the door to irregularities of the kind all over the State.

Respectfully submitted, WOOD, of Committee.

On motion of Mr. McConnell, the rules were suspended for the consideration of substitute for Senate Bill No. 35, above reported.

The substitute reported by the Committee on Education was adopted, bill read third time, and passed.

By Mr. McConnell:

Mr. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 27—An Act to grant C. F. Leavenworth and his assigns the right to supply the inhabitants of the Town of Modesto with fresh water—have had the same under consideration, report a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code—have amended the same, and recommend its passage as amended.

Also, Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty of the Political Code of California—and recommend its passage.

Also, Assembly Bill No. 43—An Act to amend section one thousand seven hundred and ninety of the Political Code of California—and recommend its passage.

McCONNELL, Chairman.

By Mr. Maguire:

Mr. SPEAKER: Your Committee on Employes, Committee Rooms, etc., beg leave to report that they have secured rooms for the following committees:

Judiciary Committee, San Francisco delegation, and Committee on Education—Supreme Court room.

Committees on Irrigation, Roads and Highways, Culture of the Grape, State Prison, and Hospitals—Room seventeen, first floor.

Committees on Claims, Ways and Means, and Military Affairs—Adjutant-General's office.

Committees on Elections, Public Printing, Public Buildings, Counties and County Boundaries, Internal Improvements, Mines and Mining, Federal Relations, Mileage, Public Morals, Rules and Regulations, State Library, Indian Affairs, Engrossment, Enrollment, Public Lands, and Agriculture—in Assembly Chamber.

Rooms for the remaining committees will be secured and reported upon as soon as possible.

MAGUIRE, for Committee.

Mr. SPEAKER: Your Committee on Employés, Committee Rooms, etc., to whom was referred the resolution authorizing the Sergeant-at-Arms to dismiss J. H. Whittaker, Rear Porter of the Assembly, having had the same under consideration, beg leave to report it back and recommend its passage.

MAGUIRE, for Committee.

On motion of Mr. McConnell, the consideration of the resolution above reported was postponed until Friday next, at two o'clock P. M.

By Mr. Bradley:

Mr. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 55—An Act granting leave of absence to the County Recorder of the County of Yuba—having had the same under consideration, would herewith report the same back, and recommend its passage.

BRADLEY, for Delegation.

By Mr. Young.

Mr. SPEAKER: Your Committee on Rules beg leave to report that they have examined the various resolutions relative to the increase of the various committees, and report them back, with the recommendation that they do not pass, but would recommend that the Committee on Ways and Means be increased by adding two more members.

WILCOX, Chairman.

Report adopted.

By Mr. Chapman:

Mr. SPEAKER: The delegation from Plumas County, to whom was referred Assembly Bill No. 50—An Act in relation to bonds in Plumas County—hereby respectfully report the bill back to the Assembly, and recommend that the bill pass.

CHAPMAN, for Delegation.

On motion of Mr. Chapman, the rules were suspended for the consideration of Assembly Bill No. 50, above reported.

Bill considered engrossed, read third time, and passed.

By Mr. Ferral:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 56—An Act concerning the office of Sheriff—report that they have examined the same, and recommend its passage.

FERRAL, for Delegation.

On motion of Mr. Ferral, the rules were suspended for the consideration of Assembly Bill No. 56, above reported.

Bill considered engrossed, read third time, and passed.

RESOLUTIONS

By Mr. Ostrom.

*Resolved*, That the Day Watchman for the Assembly be allowed four dollars per day, and the Night Watchman be allowed five dollars per day, payable out of the Contingent Fund of this House, and the Controller is hereby directed to draw his warrant upon the Treasurer for the same.

Adopted.

By Mr Carson:

*Resolved*, That the usual number of all bills amending the Codes, or repealing any portions thereof, or adding any new sections thereto, be printed

Adopted.

By Mr. Pullen—A resolution relative to the appointment of a committee to examine the condition of vessels sailing out of the Harbor of San Francisco.

Referred to the Committee on Commerce and Navigation.

By Mr. Ferral.

*Resolved*, That Fenwick Fisher be and he is hereby authorized to copy the Assembly proceedings, and furnish the same to the State Printer daily, to be printed and laid upon the desks of the members each morning, as the complete Assembly journal, and to receive for his services the same per diem allowed the Journal Clerk, payable out of the appropriation for the contingent expenses of the Assembly.

Referred to the Committee on Employés.

By Mr. Reddick:

*Resolved by the Assembly, the Senate concurring*, That when this House adjourns on Wednesday, it adjourn to Tuesday, eleven o'clock A. M., January fourth, eighteen hundred and seventy-six.

Mr. Berry moved to amend by striking out "Tuesday, January fourth, eighteen hundred and seventy-six," and inserting "December twenty-eighth, eighteen hundred and seventy-five."

Mr. Harris offered the following as a substitute:

*Resolved*, That a committee of five be appointed to report a resolution regarding the adjournment of the Legislature during the holidays, and that the committee be instructed to report the resolution to-morrow.

The substitute was lost.

Mr. Harris moved to postpone the consideration of the resolution until to-morrow.

Lost.

Mr. Pierce moved to indefinitely postpone the resolution.

Lost.

On motion of Mr Scrivner the whole subject was postponed until to-morrow.

By Mr Briceland.

*Resolved*, That the Committee on State Hospitals be authorized to employ a clerk, at a per diem of five dollars.

Referred to the Committee on Attachés.

By Mr. Preston—Concurrent resolution relative to printing the Governor's inaugural in the Spanish language.

Read first and second times and referred to the Committee on Printing.

By Mr. Kennedy:

*Resolved*, That the Committee on Public Expenditures and Accounts conform with Rule Twenty-six.

Referred to Committee on Public Expenditures and Accounts.

On motion of Mr. Scrivner, Assembly Bill No. 24 was ordered printed.

By Mr. Rice:

*Resolved* That the term of subscription to newspapers, as authorized by resolution, passed on ———, be and is hereby terminated on the last day of December, eighteen hundred and seventy-five.

Laid on the table

SENATE MESSAGES

SENATE CHAMBER,
SACRAMENTO, December 20th, 1875

Mr. SPEAKER I am directed to inform your honorable body that on the eighteenth day of December, eighteen hundred and seventy-five, the President appointed, on the part of the Senate, under Joint Rule Eighteen, Senators Roach, Bartlett, and Lame.

Also, on the same day, the Senate passed Assembly Bill No 7—An Act to provide for an additional Justice of the Peace and Constable for the Township and County of Los Angeles

Also, passed Senate Bill No 17—An Act to repeal Article II of Chapter I., Title VI., of the Political Code

CRAWFORD, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, December 20th, 1875.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twentieth day of December, eighteen hundred and seventy-five, passed Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations

Also, Senate Bill No 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes

Also, Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four

CRAWFORD, Assistant Secretary

CONSIDERATION OF SENATE MESSAGES

Senate Bill No. 17, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 6, above reported, read first and second times and referred to the Judiciary Committee

Senate Bill No 11, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 30, above reported, read first and second times and referred to the Sonoma delegation.

COMMITTEE

The Speaker announced the appointment of the additional members of the Committee on Ways and Means: Messrs Coffey and Garretson

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Preston—Of an Act to amend section one hundred and seventy-two of the Political Code.

By Mr Wood—Of an Act to amend subdivision four of section eighteen hundred and fifty-eight, as amended in section five of an Act to amend certain sections, and to add certain new sections to the Political Code of the State of California, approved March thirteenth, eighteen hundred and seventy-four.

By Mr. Berry—Of an Act to provide for the payment of the indebtedness of the Road Fund of Sutter County.

By Mr. Carson—Of an Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.

By Mr. Hayne—Of an Act concerning the County Treasurer of Ventura County.

By Mr Reddick—Of an Act to amend section one thousand seven hundred and fifty of the Political Code.

By Mr. Archer—Of an Act to amend section six hundred and twenty-six of the Penal Code, and to further protect game.

Also, of an Act in relation the county officers of Santa Clara County, their fees and salaries.

By Mr Harding—Of an Act to amend section six hundred and fifty of the Code of Civil Procedure of California

INTRODUCTION OF BILLS.

By Mr Harris—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times and referred to the Sonoma, Siskiyou, and Modoc delegations.

By Mr. Sullivan—An Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement of the public parks in the City of San Francisco, approved April fourth, eighteen hundred and seventy.

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

Usual number of copies ordered printed.

By Mr. Biggs—An Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two

Read first and second times and referred to the Sacramento delegation.

By Mr. Bradley—An Act to add another section to the Political Code, relating to the powers and restrictions of the Board of Supervisors

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

By Mr. Samuels—An Act to amend the Code of Civil Procedure, relative to the foreclosure of mortgages.

Read first and second times and referred to the Judiciary Committee

Also, an Act to amend the Code of Civil Procedure, relative to actions in Justices' Courts.

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

On motion of Mr. Scrivner, the House took up for consideration substitute for Assembly Bill No 27—An Act to grant C F Leavenworth and his assigns the right to supply the inhabitants of Modesto with pure fresh water.

The substitute was adopted.

Bill considered engrossed, read third time, and passed.

By Mr. Chapman—An Act to create the Twenty-first Judicial District.

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

By Mr. Collins—An Act to fix the bond of the Tax Collector of Fresno.

Read first and second times and referred to the Fresno delegation.

By Mr. Harding—An Act making an appropriation for translating into Spanish the laws of the twentieth session of the Legislature.

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

By Mr. Collins—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

Read first and second times and referred to the Fresno delegation.

By Mr. Berry—An Act for the support of the State Printing Office.

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

By Mr Jourden—An Act to regulate fares and sale of tickets on street railroads in the City and County of San Francisco.

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

GENERAL FILE

Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county.

Referred to the Committee on Swamp Lands.

Assembly Bill No. 20—An Act to amend section one of an Act entitled an Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Ordered engrossed

Assembly Bill No. 29—An Act to provide for the dependent poor and indigent sick of Humboldt County

Rules suspended, bill considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No 7—Relative to the construction of a breakwater at Crescent City, California.

Ordered engrossed.

Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

Passed on file.

Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled

an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Passed on file.

Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail, and issue the bonds of the county therefor.

Rules suspended, bill considered engrossed, read third time, and passed.

ADJOURNMENT.

At one o'clock and forty minutes P. M., on motion of Mr. Bradley, the House adjourned

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, December 21st, 1875

House met pursuant to adjournment
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Watkins and Raisch, and for one day to Mr. Biggs.

REPORTS

By Mr. Gelwicks:

MR SPEAKER The Committee on Public Printing, to whom was referred Assembly Bill No. 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California—have had the same under consideration, and report it back, and recommend it be referred to the Committee on Public Expenditures and Accounts, as it asks for an appropriation for work already performed.

GELWICKS, for Committee

The report was adopted.
By Mr. Gelwicks:

MR SPEAKER The Committee on Public Printing, to whom was referred Assembly Concurrent Resolution No. 10—Relative to printing twelve hundred copies of the inaugural address of Governor Irwin in the Spanish language—have had the same under consideration, and report it back, and recommend the passage of the resolution

GELWICKS, for Committee

The resolution was lost.
By Mr. Murphy of San Francisco

MR. SPEAKER: Your committee, to whom was referred Senate Bill No. 17—An Act to repeal Article XI. of Chapter I., Title VI., of the Political Code—have had the matter under consideration, and beg leave to report the same back and recommend its passage.

MURPHY, for Committee

By Mr. Henshaw.

Mr. Speaker: The Committee on Public Expenditures and Accounts, to whom was referred the two resolutions calling for a report of the contingent expenditures of the House up to date, beg leave to report as follows: Owing to the fact that the Clerks in the Secretary of State's office have not yet been able to complete the debit and credit account of each member, notwithstanding they are diligently at work in that direction, the committee have been unable to obtain an exact statement of all requisitions made for stationery, etc., yet have received sufficient information to justify the belief that the average account of stationery up to date is about eleven dollars for each member, being a total of eight hundred and eighty dollars. This includes the amount placed in each desk at the beginning of the session. We find that in the beginning of the last session (the twentieth) each member of the Assembly was furnished with stationery amounting to thirteen dollars each, or a total of one thousand and forty dollars.

The committee herewith present a general account of the contingent expenses passing through the hands of the Sergeant-at-Arms up to date, and which amounts to a total of two thousand one hundred dollars. We are unable, in the brief period allowed, to make a full or more satisfactory account before the holidays, but hope to do so at an early day, on the re-assembling of the House in January.

E. C. HINSHAW,
R. M. CLARKEN,
S. A. NOTT,
THOS. DUNLAP,
J. C. BRADLEY.

By Mr. Covington:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 52—An Act to fund certain indebtedness of Plumas County.

Also, Assembly Bill No. 26—An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to amend an Act to protect agriculture, and to prevent trespass of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 54—An Act granting leave of absence to William T. Beville, Assessor of Colusa County.

COVINGTON, for Committee.

By Mr. Berry.

Mr. Speaker: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 67—An Act for the support of the State Printing Office—have considered the same, and recommend that it do pass.

BERRY, Chairman.

On motion of Mr. Berry, the House went into Committee of the Whole for the consideration of Assembly Bill No. 67, above reported, the Speaker pro tem. in the chair.

The bill was considered in Committee of the Whole, and on motion of Mr. Berry, the committee arose, reported the bill to the House, and recommended its passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

On motion of Mr. Berry, the recommendation of the Committee of the Whole was adopted, rules suspended, Assembly Bill No. 67 considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.

By Mr. Coffey.

Mr. Speaker: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 7—An Act to provide for an additional Justice of the Peace and Constable for the Township and County of Los Angeles—and that the same is correctly enrolled, and that the same was this twenty-first day of December, eighteen hundred and seventy-five, at eleven o'clock and thirty minutes A. M., transmitted to the Governor for his approval.

COFFEY, Chairman.

By Mr. Harris:

Mr. Speaker: The Sonoma, Siskiyou, and Modoc delegations, to whom was referred Assembly Bill No. 60, have considered the same, and beg leave to report back and recommend the passage of the same, with the following amendments:

"Section 3. This Act shall only be applicable to the Counties of Siskiyou and Modoc
"Section 4. This Act shall take effect immediately."

HARRIS, for Delegations.

By Mr. Collins:

Mr. SPEAKER: The Fresno delegation, to whom was referred Assembly Bill No. 69—An Act entitled an Act to fix the bond of the Tax Collector of Fresno County—report the same back, and recommend its passage.

COLLINS, for Delegation.

Mr. SPEAKER: The Fresno delegation, to whom was referred Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno—report the same back, and recommend its passage.

COLLINS, for Delegation.

By Mr. Roberts:

Mr. SPEAKER: The San Benito delegation, to whom was referred Assembly Bill No. 2, beg leave to report the same back, and recommend its passage.

ROBERTS, for Delegation.

RESOLUTIONS.

By Mr. McMann:

*Resolved by the Assembly, the Senate concurring*, That when the two Houses adjourn to-morrow, they adjourn to meet on Monday, the third of January, eighteen hundred and seventy-six, at two o'clock P. M.

Adopted.

By Mr. Dixon:

*Resolved*, That the Chairman of the committee appointed to investigate the matter of water rates, etc., in San Francisco, be and is hereby authorized to employ a clerk, at a per diem not to exceed five dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Employés.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Hart—Of an Act to amend section eight hundred and forty of the Penal Code.

By Mr. Pierce—Of an Act to amend sections three thousand seven hundred and seventy-nine and three thousand seven hundred and eighty-five of the Political Code.

By Mr. Chapman—Of an Act to amend section fifty-nine of the Code of Civil Procedure.

RESOLUTION.

By Mr. Preston:

WHEREAS, An error has occurred in the calculations of the Committee on Mileage, which acts as a hardship on J. M. Briceland, a member of this House; therefore, be it

*Resolved*, That the Controller be and is herewith ordered to draw a warrant in favor of said J. M. Briceland for the sum of thirty dollars, in full for his mileage.

Adopted.

On motion of Mr. Murphy, of San Francisco, the House took up for consideration Senate Bill No. 17—An Act to repeal Article II. of Chapter One, Title Six, of the Political Code.

The bill was read a third time and passed.

On motion of Mr. Roberts, the House took up for consideration Assembly Bill No. 2.

On motion of Mr. Archer, the bill was referred to the Judiciary

Committee, with special instructions to amend section one by striking out the word "exclusive."

On motion of Mr. Collins, the House took up consideration of Assembly Bill No. 69.

On motion of Mr. Patterson of Tulare, the bill was recommitted to the Fresno delegation, with special instructions

INTRODUCTION OF BILLS

By Mr. O'Connell—An Act to prevent the practice of medicine by unqualified persons.

Read first and second times and referred to Special Committee on Quackery.

By Mr Scrivner—An Act to create an irrigation district, to be called the West Side Irrigation District

Read first and second times, usual number of copies ordered printed, and referred to Irrigation Committee.

By Mr. Ostrom—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

Read first and second times and referred to Yuba delegation.

By Mr. Gelwicks—An Act to pay the claims of E. O. F. Hastings, and A. L. Bancroft & Co

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

By Mr. McCarthy—An Act relative to apprentices and masters.

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

By Mr. Wood—An Act to amend subdivision four of section eighteen hundred and fifty-eight, as amended in section five of an Act in the amendments to the Code, entitled an Act to amend certain sections and add certain new sections to the Political Code.

Read first and second times and referred to the Committee on Education.

By Mr. Berry—An Act to provide for the payment of the indebtedness registered against the General Road Fund of Sutter County prior to May first, eighteen hundred and seventy-four.

Read first and second times and referred to the Sutter delegation.

By Mr. Samuels—An Act to prevent persons passing through inclosures and leaving them open; also, to prevent hunting upon inclosed lands without permission of the owner or occupant, in the County of Sonoma.

Read first and second times and referred to the Sonoma delegation.

By Mr. Carson—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure

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

By Mr. Reddick—An Act to prescribe the commencement of the term of Supervisors in the County of Calaveras.

Read first and second times and referred to the Calaveras delegation.

GENERAL FILE

Assembly Bill No. 44—An Act to repeal an Act to authorize the

construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

Passed on file.

Assembly Bill No. 45—An Act supplementary to an Act approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Passed on file.

Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code.

Amendment reported by the Judiciary Committee adopted, and bill ordered engrossed.

Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code.

Ordered engrossed.

Assembly Bill No. 43—An Act to amend section one thousand seven hundred and ninety-two of the Political Code.

Ordered engrossed.

Assembly Bill No. 55—An Act to grant leave of absence to the County Recorder of Yuba County

Rules suspended, bill considered engrossed, read third time, and passed.

Assembly concurrent resolution relative to adjournment for the holidays.

Laid on the table.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Wilcox, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, December 22d, 1875.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE

Messrs. McInerny, Biggs, Jenkins, and Hayne, were each granted one day's leave of absence.

SENATE MESSAGES.

On motion of Mr. Wilcox, the House proceeded to the consideration of Senate messages.

SENATE CHAMBER,
SACRAMENTO, December 21st, 1875.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 105—An Act to amend section three thousand seven hundred and fifty-six of the Political Code—and ordered the same transmitted without engrossment.

Also, to return certain resolutions transmitted by mistake to the Senate.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, December 22d, 1875.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-first day of December, A. D. eighteen hundred and seventy-five, passed Senate Bill No. 91—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.

Also, passed Assembly Bill No. 67—An Act entitled an Act for the support of the State Printing Office.

Also, concurred in Assembly Concurrent Resolution No. 11—Relative to the adjourning of both Houses for the holidays.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 91, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 105, above reported, read first and second times and referred to the Judiciary Committee.

[Mr. Wilcox in the chair.]

Mr. Griswold had leave to introduce a joint resolution, relative to a mail service in Inyo County.

On motion of Mr. Griswold, the rules were suspended, the resolution considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate.

REPORTS OF COMMITTEES.

By Mr. Quigley:

Mr. SPEAKER: The Committee on Enrollment respectfully report that they have examined Assembly Bill No. 67—An Act for the support of the State Printing Office—and find the same correctly enrolled, and that the same was, this twenty-second day of December, A. D. eighteen hundred and seventy-five, at ten o'clock and thirty-five minutes A. M., transmitted to the Governor for his approval.

QUIGLEY, Chairman.

By Mr. Murphy:

Mr. SPEAKER: Your committee, to whom was referred preamble and resolutions relative to the appointment of a committee of five to examine into rotten and unseaworthy steamships at San Francisco, beg leave to report the same back, and recommend its adoption.

MURPHY, for Committee.

The resolution was recommitted to the Committee on Commerce and Navigation, with special instructions to perform the said duties therein required.

By Mr. McConnell:

Mr. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 6—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting license to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four—have had the same under consideration, and report it back, with the recommendation that it pass.

Also, Assembly Bill No. 33—An Act to extend the time for the payment of taxes in the Counties of Stanislaus, Tulare, and Kern, for the year eighteen hundred and seventy-five—without recommendation

Also, Assembly Bill No. 50—An Act to amend section one hundred and six of the Civil Code—and recommend that it do not pass.

McCONNELL, Chairman

By Mr. Ostrom:

Mr. Speaker: The Yuba delegation, to whom was referred Assembly Bill No. 74, report the same back to the House, and recommend its passage.

OSTROM, for Delegation.

On motion of Mr. Ostrom, the rules were suspended, bill considered engrossed, read third time, and passed.

By Mr. Clark.

Mr. Speaker: The delegations from Del Norte, Mendocino, and Humboldt Counties, to whom was referred Assembly Bill No. 11—An Act to protect lumber manufacturers—having duly examined said bill, herewith report the same back, with sundry amendments, and recommend its passage as amended.

CLARK, for Delegations.

By Mr. Berry:

Mr. Speaker: The Sutter delegation, to whom was referred Assembly Bill No. 78, report the same back, and recommend that it pass.

BERRY, for Delegation.

By Mr. Hinshaw:

Mr. Speaker: Your committee to whom was referred Senate Bill No. 30, have examined the same, report it back, and recommend that it do pass.

HINSHAW, for Delegation.

GOVERNOR'S MESSAGE.

State of California, Executive Department,
Sacramento, December 22d, 1875.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 7—An Act to provide for an additional Justice of the Peace and Constable for the Township and County of Los Angeles.

WILLIAM IRWIN, Governor.

MOTIONS, RESOLUTIONS, ETC.

By Mr. Preston:

*Resolved by the Assembly, the Senate concurring*, That two thousand copies of the inaugural address of his Excellency Governor Irwin be ordered printed in the Spanish language, for distribution throughout the State.

Laid over for one day. Afterwards, on motion of Mr. Preston, the rules were suspended, the resolution considered engrossed, read a third time, and passed.

Mr. Murphy of Del Norte moved that Assembly Bill No. 20 be returned to the Del Norte delegation, for the purpose of correcting a clerical error.

Carried.

By Mr. Clark:

*Resolved*, That the use of this hall be granted for one evening, after the holidays, to Mrs. M. A. Pollard, to deliver one of her readings.

Adopted.

By Mr. Hart:

*Resolved*, That Assembly Bill No. 10, concerning fees and salaries of county officers of Colusa County, be printed.

Adopted.

Mr. Scrivner moved that Assembly Bill No. 33 be taken up, that the rules be suspended, the bill considered engrossed, read a third time, and passed.

[Speaker pro tem. in the chair.]

Upon the passage of the bill the ayes and noes were demanded by Messrs. Patterson, McMann, and Maguire, with the following result:

AYES—Messrs. Abbott, Archer, Barber, Birney, Blue, Brigeland, Carter, Carson, Clark, Clinker, Colley, Collins, Dixon, Gelwicks, Giffen, Griswold, Harris, Harding, Jamison, Jourden, Lammers, Maguire, McMann, McCarthy, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Rankin, Rice, Ruggles, Scrivner, Suverkrup, Swan, Watkins, Wilcox, Wood, and Mr. Speaker—44.

NOES—Messrs. Berry, Bradley, Burbank, Chapman, Covington, Crutcher, Dunlap, Garretson, Hart, Hinshaw, Kennedy, Koutz, McConnell, Murphy of Del Norte and Klamath, Pullen, Roberts, Sargent, Samuels, Sullivan, and Young—20.

Bill passed.

By Mr. Bradley:

*Resolved*, That the Postmaster of the House be and he is hereby authorized and directed to forward mail and express matter of members to such places as may be designated by them, during the holiday recess.

Adopted.

By Mr. Hart:

*Resolved by the Assembly, the Senate concurring*, That our Senators in Congress be instructed and our Representatives requested to use their influence for the establishment of a tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon, via Waldo.

*Resolved*, That his Excellency the Governor of the State of California be requested to forward a copy of this resolution to the Postmaster-General 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.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, December 22d, 1875.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day passed Assembly Bill No. 26—An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespass of animals on private property approved March twenty-sixth, eighteen hundred and sixty-six.

CRAWFORD, Assistant Secretary.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Carpenter—Of an Act amendatory of sections eight hundred and eighty-one, eight hundred and eighty-two, one hundred and seventy, and one thousand three hundred and twenty-three of the Penal Code.

Also, of an Act for the redemption of the bonded indebtedness of El Dorado County.

By Mr. Quigley—Of an Act concerning roads and highways in Lake County.

By Mr Pierce—Of an Act to provide for the funding of the floating indebtedness of San Diego County.

By Mr Kennedy—Of an Act to further define the duties of the officers of the City and County of San Francisco

Also, of an Act authorizing and compelling the ex-Tax Collector or Collectors of said city and county to pay into the city and county treasury all moneys which they, the ex-Tax Collectors, had on hand at the expiration of their term of office.

Also, a fee and salary bill for said city and county officers.

INTRODUCTION OF BILLS.

By Mr Pierce—An Act to amend sections three thousand seven hundred and seventy-nine and three thousand seven hundred and eighty-five of the Political Code.

Read first and second times and referred to the Judiciary Committee

By Mr. Harding—An Act to amend section six hundred and fifty of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee

By Mr. Clark—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.

Read first and second times and referred to the Humboldt and Siskiyou delegations.

By Mr. Wood—An Act amendatory to the Constitution of California.

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

GENERAL FILE.

Assembly Bill No. 44, and Assembly Bill No. 45 were both passed on the file.

Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

Rules suspended, bill amended, considered engrossed, read third time, and passed.

Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

Ordered engrossed.

GOVERNOR'S MESSAGE

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, December 22d, 1875.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 67—An Act for the support of the State Printing Office.

WILLIAM IRWIN, Governor

At twelve o'clock and forty minutes P. M., on motion of Mr. Archer, the House took a recess of one-half hour.

RE-ASSEMBLED.

Speaker in the chair.
Roll called, and quorum present

NOTICE

Mr. Clarken gave notice that he would hereafter move a reconsideration of the vote by which Assembly Bill No. 33 passed the House this day.

At one o'clock and eleven minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned.

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Monday, January 3d, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of Wednesday, December twenty-second, eighteen hundred and seventy-five, read, corrected notice of reconsideration of Assembly Bill No 33, and approved as amended.

LEAVE OF ABSENCE

One day's leave of absence was granted the following members. McInerny, Sargent, Hart, McCarthy, Dunlap, Hinshaw, Samuels, Reddick, Birney, Wood, Jamison, Dixon, Bagge, McKenna, Burbank.

Upon motion of Mr. Murphy of Del Norte, one day's leave of absence was granted to all other absentees

Mr. Garretson was granted indefinite leave of absence.

Mr. Patterson of Sacramento asked for an indefinite leave of absence, on account of sickness, for R Hood, a Page

Granted.

PETITIONS

By Mr. Preston—From the citizens and taxpayers of San Luis Obispo County, in regard to the salaries of the county officers of said county.

Referred to the San Luis Obispo delegation

By Mr Griswold—From citizens of Inyo County, praying the repeal of the present and the re-enactment of the stock law previously in force in said county.

Referred to the Inyo delegation

By Mr. Clunie—From the Fish Commissioners of this State, in reference to the preservation of fish in the waters of the State.

Temporarily laid on the table

MOTIONS, RESOLUTIONS, ETC.

Mr. Clarken, in accordance with notice previously given, moved to reconsider the vote by which Assembly Bill No. 33—An Act relating to the postponement of the time for the payment of taxes in the Counties of Stanislaus, Tulare, and Kern—was passed by this House.

Action upon the motion was postponed until Thursday, January sixth.

By Mr. Young.

*Resolved*, That all local bills not printed, after being recommended for passage by the delegation, shall be referred to a standing committee of this House.

Laid over for one day

By Mr Kennedy·

*Resolved*, That a committee of five be appointed by the Chair to investigate into the authority and acts of the Tide Land Commissioners, relative to the transfer of a large portion of tide land, situated in the City and County of San Francisco.

Referred to the San Francisco delegation.

By Mr. McConnell—A concurrent resolution relative to the powers of the Federal Government.

Referred to the Committee on Federal Relations, and the usual number of copies ordered printed

By Mr. Clunie:

*Resolved*, That a standing committee of five be appointed to examine into the condition of the fish industry of the State of California, and report a bill for its protection

Laid over for one day.

By Mr. Young—Concurrent resolution relative to limiting the time for the introduction of bills

Laid over for one day

NOTICES OF THE INTRODUCTION OF BILLS

By Mr Clarken—Of an Act amendatory to sections four hundred and ninety-six and four hundred and sixty of the Penal Code

Also, of an Act granting power to the Municipal Judge of the City and County of San Francisco to call in a County Judge to preside in said Court under certain circumstances.

Also, of an Act to utilize the prison labor of the City and County of San Francisco

By Mr Briceland—Of an Act to amend section one thousand and eighty-eight of the Penal Code.

Also, of an Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Also, of an Act to amend section three hundred and ninety-seven of the Penal Code.

Also, of an Act to amend section one thousand and ninety-nine of the Political Code.

Also, of an Act to amend section four thousand and twenty-four of the Political Code.

Also, of an Act to amend section nine hundred and seven of the Political Code.

By Mr Harris—Of an Act to authorize the Secretary of State to

furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California

By Mr. Maguire—Of an Act to amend section nine hundred and forty-six of the Code of Civil Procedure

By Mr. McConnell—Of an Act to regulate irrigation in Los Angeles County.

Also, of an Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners of said city.

By Mr. Lambourn—Of an Act relative to highways in Los Angeles County.

By Mr. Young—Of an Act to provide for the safety of persons attending public assemblies

By Mr. Archer—Of an Act to promote and encourage the propagation of new varieties of fruit

Also, of an Act to amend section one hundred and thirty-seven, Article IV., of the Civil Code.

Also, of an Act to amend section one thousand two hundred and forty-one, Chapter I , of the Civil Code

By Mr. Coffey—Of an Act to amend the Civil Code, in regard to certificates of acknowledgment.

By Mr. Murphy of Del Norte—Of an Act to regulate fares and freights on the railroads of this State.

REPORTS

By Mr Patterson of Sacramento·

MR. SPEAKER The delegation, to whom was referred Assembly Bill No 62, beg leave to report the same, with the following amendment, and recommend its passage After the word "December" in said bill, strike out the words "of each year," and insert "eighteen hundred and sixty-three, and on the same day each two years thereafter."

PATTERSON, Chairman.

Assembly Bill No. 62—An Act entitled an Act to amend section two of an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two—above reported, was amended.

Rules suspended, considered engrossed, read third time, and passed.

INTRODUCTION OF BILLS

By Mr. Rankin—An Act to complete the City Hall of the City of San Francisco.

Read first and second times, referred to San Francisco delegation, and the usual number of copies ordered printed.

By Mr. Carson—An Act to add an additional section to the Penal Code, to be known as section four hundred and twenty.

Read first and second times and referred to the Judiciary Committee

GENERAL FILE.

Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two

Ordered engrossed.

Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Ordered engrossed.

Assembly Bill No. 6—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting license to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 50—An Act to amend section one hundred and six of the Civil Code.

Passed on file

Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four.

Read third time and passed.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Mr. Gelwicks, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 4th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Broderick, Birney, Dunlap, McInerny, Reddick, and Hayne.

PETITIONS.

Mr. Lammers presented a petition from residents and tax-payers of the County of Merced, in reference to the proposed West Side Irrigation District.

Referred to the Committee on Irrigation.

By Mr Hart—From owners of land injured or liable to be injured by the damming of the natural outlet of the waters of Butte Creek, Butte Slough, and other streams.

Referred to the Judiciary Committee.

REPORTS.

By Mr. Collins:

Mr. SPEAKER: Your Committee on Employés, to whom was referred a resolution relative to the appointment of E. S. Caylat as Assistant Journal Clerk, report the same back without recommendation.

COLLINS, for Committee.

Adopted.
[Speaker pro tem. in the chair.]

RESOLUTIONS.

By Mr. Collins:

*Resolved*, That the Journal Clerk be allowed to appoint an Assistant Journal Clerk, who shall receive the same per diem as the principal.

Adopted.
By Mr. Nott:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms for the sum of four hundred dollars. The same to be paid out of any moneys in the treasury not otherwise appropriated. The same being for the payment of eighty copies of the Civil Code, purchased by him for the use of this House.

Adopted.
By Mr. Crutcher:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby authorized to appoint a Page, to act in place of Robert Hood during his sickness; said Page to receive the same per diem as now allowed Pages.

*

Adopted.
By Mr. Rice:

*Resolved*, That the Speaker be authorized to appoint an additional Page, with the same per diem as that now allowed, and which shall be paid in the same manner.

Referred to the Committee on Attachés.
By Mr. Coffey.

*Resolved*, That the San Francisco delegation be allowed a clerk, to be elected by said delegation, at a per diem of five dollars.

Adopted.
By Mr. Carson:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to furnish the desks in this chamber with suitable shelves, the expense thereof to be paid out of the Contingent Fund of the Assembly.

Adopted.
By Mr. Hart:

*Resolved*, That Assembly Bill No. 15, providing for the protection of settlers on the east side of the Sacramento River, in Colusa County, be printed.

Adopted.
By Mr. Young.

*Resolved*, That Vincent G. Glynn be and he is hereby appointed Page of the Assembly.

Referred to the Committee on Employés.

Mr. Archer moved that the amendments proposed to the Constitution of this State, as passed on by the last Legislature, be made the

special order for Thursday, January thirteenth, eighteen hundred and seventy-six.

Mr. Wood offered the following resolution:

*Resolved*, That the attention of the Secretary of State be called to section two of an Act recommending the calling of a Constitutional Convention, requiring a complete abstract of the whole number of votes cast for or against a convention, and also the votes for members of the Legislature, to be laid before the Senate and Assembly at the commencement of the session.

On motion of Mr. Archer, the whole subject-matter having reference to amendments to the Constitution was referred to the Judiciary Committee.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Ostrom—Of an Act reducing the Board of Supervisors of Yuba County from the number of five to the number of three, and provide for the payment of the same.

By Mr. O'Connell—Of an Act for the relief of J. N. Clark, of San Francisco.

By Mr. Sullivan—Of an Act to authorize the purchase of the lands known as City Hall lots sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, in the City and County of San Francisco, fronting two hundred feet on Market street, thence two hundred feet on City Hall Avenue, thence two hundred feet on Park Avenue, thence to point of commencement.

By Mr. McConnell—Of an Act to repeal an Act entitled an Act to enforce the educational rights of children.

Also, of an Act calling a convention to amend and revise the Constitution.

By Mr. Scrivner—Of an Act to regulate the practice of medicine and surgery.

By Mr. Roberts—Of an Act to amend section six hundred and twenty-eight of the Penal Code.

By Mr. McKenna—Of an Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County.

By Mr. Carpenter—Of an Act to amend sections eight hundred and sixty, eight hundred and seventy, eight hundred and seventy-eight, one thousand one hundred and seventy, one thousand two hundred and thirty, and one thousand three hundred and twenty-three of the Penal Code.

Also, of an Act to provide for the purchase of certain supplies for State officers and members of the Legislature.

By Mr. Raisch—Of an Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

By Mr. Clunie—Of an Act to reduce the number of Supervisors of the County of Sacramento, fix their compensation and term of election.

By Mr. Preston—Of an Act to prevent wanton destruction of fish in the waters of this State.

By Mr Coffey—Of an Act to add a section to the Political Code, in regard to contesting elections for members of the Legislature.

By Mr. Carson—Of an Act to regulate appeals from the Justices' Court in and for the City and County of San Francisco.

Also, of an Act for the relief of Frederick Victor.

By Mr. Hart—Of an Act concerning partition fences in Colusa County.

By Mr. Patterson of Kern and Tulare—Of an Act for the relief of certain purchasers of State lands.

Also, of an Act to authorize the Board of Supervisors of Tulare County to build a Court-house and to issue bonds for the payment of the same.

Also, of an Act to authorize the Trustees of Tule River School District to build a school-house and to levy a tax for the same.

By Mr. Clark—Of an Act to provide for the construction and completion of certain wagon roads in the County of Humboldt.

INTRODUCTION OF BILLS.

By Mr. Scrivner—An Act to amend section seventy of the Civil Code.

Read first and second times and referred to Judiciary Committee.

By Mr. McConnell—An Act entitled an Act to create a system of irrigation in the County of Los Angeles.

Read first and second times, ordered printed, and referred to Committee on Irrigation.

Also, an Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners.

Read first and second times and referred to Los Angeles delegation.

By Mr Maguire—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure.

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

By Mr Berry—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

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

By Mr Ferral—An Act to prevent the destruction of fish in the waters of California.

Read first and second times and referred to Special Committee on Fish, to be appointed by the Speaker.

By Mr. Rice—An Act concerning the office of County Surveyor of the County of Santa Cruz.

Read first and second times and referred to the Santa Cruz delegation.

By Mr. Clarken—An Act to amend section four hundred and ninety-six of the Penal Code.

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

Also, an Act to amend section four hundred and sixty of the Penal Code.

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

By Mr. Kennedy—An Act relating to mortgages and debts secured by mortgages

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

Also, an Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them.

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

By Mr. Coffey—An Act to amend the Civil Code, in relation to forms of certificates of acknowledgment.

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

By Mr Harris—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California.

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

By Mr. Preston—An Act to regulate distances from certain county seats in the State of California

Read first and second times and referred to Committee on Mileage.

Also, an Act to amend section one hundred and seventy-three of the Political Code of the State of California.

Read first and second times and referred to Committee on Mileage.

By Mr. Wilcox—An Act for the payment of certain claims against the State of California

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

By Mr Archer—An Act to amend section six hundred and twenty-six of the Penal Code.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend section one hundred and thirty-seven of the Civil Code

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend section one thousand two hundred and forty-one of the Civil Code.

Read first and second times and referred to Judiciary Committee.

Also, an Act to promote and encourage the propagation of new varieties of fruit.

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

By Mr. Bagge—An Act to amend section four thousand and five of the Political Code.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend section three thousand seven hundred and fourteen of the Political Code.

Read first and second times and referred to Judiciary Committee.

By Mr. Preston—An Act for the protection of the Common Blue Crane (*Ardea Herodias*).

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

GENERAL FILE.

Assembly Bill No. 50—An Act to amend section one hundred and six of the Civil Code.

Refused engrossment.

Assembly Bill No. 11—An Act to protect lumber manufacturers

Mr. McKenna offered the following amendment: Amend section

one, by striking out the word "felony," and inserting "shall be guilty of a misdemeanor, and punishable by imprisonment in the County Jail."

Mr. Scrivner offered a substitute for section one. When, upon motion of Mr. Harding, the bill, with amendments proposed, were referred to the Judiciary Committee

Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County prior to May first, eighteen hundred and seventy-four.

Ordered engrossed.

Mr. Samuels had leave to withdraw, temporarily, Assembly Bill No. 64 and Assembly Bill No. 65, to correct clerical errors.

UNFINISHED BUSINESS

Mr. Clunie's resolution, offered yesterday, for the purpose of appointing a committee of five on the fish industry of this State, was taken up and adopted.

Whereupon the Speaker appointed the following gentlemen as a standing Committee on Fish Culture Messrs Clunie, Carson, Giffen, Roberts, and McKenna.

Assembly Concurrent Resolution No. 16—Relative to limiting the time for the introduction of bills—was taken up.

Mr. Biggs offered the following amendment: Amend by inserting "the eighth" instead of "the twentieth.'

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

Lost.

The previous question was then demanded by Messrs. Pullen, McConnell, and Harris, and so ordered by the House

Upon the adoption of the amendment offered by Mr. Biggs, the ayes and noes were demanded by Messrs. Clunie, Berry, and Biggs, and the amendment was adopted, by the following vote·

AYES—Messrs. Abbott, Archer, Bagge, Berry, Biggs, Blue, Bradley, Briceland, Burbank, Clark, Coffey, Collins, Clunie, Crutcher, Dixon, Gelwicks, Griswold, Hart, Harris, Harding, Jamison, Jenkins, Jones, Jourden, Kennedy, Maguire, McMann, McKenna, Nott Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, and Sullivan—41.

NOES—Messrs. Barber, Blackwell, Carter, Carson, Chapman, Clarken, Cornwell, Covington, Ferral, Giffen, Koutz, Lambourn, Lammers, McConnell, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Preston, Pullen, Sargent, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—31.

The resolution, as amended, was then adopted.

The resolution introduced by Mr. Young yesterday, relative to referring local bills to a standing committee, was taken up and adopted.

ADJOURNMENT

At twelve o'clock and forty-eight minutes P. M., on motion of Mr. Berry, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 5th, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

One day's leave of absence was granted Messrs. Hayne and Birney.

## PETITION.

Mr. Dunlap presented a petition from the residents and tax-payers of the Town of Sutter Creek, asking for the continuation of the town government.

Read and referred to the Amador delegation.

## REPORTS.

By Mr. Quigley:

MR SPEAKER The Committee on Enrollment have examined Assembly Bill No. 26—An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect agriculture, and to prevent trespass of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-six—and report the same correctly enrolled, and that the same was, on the fourth day of January, A. D. eighteen hundred and seventy-six, at one o'clock P. M., transmitted to the Governor for his approval.

QUIGLEY, for Committee.

By Mr. McConnell:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus—have had the same under consideration, report it back, and recommend that it do pass.

Also, Senate Bill No 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes—and recommend its passage.

Also, Senate Bill No. 91—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code—and recommend its passage.

Also, Senate Bill No 105—An Act to amend section three thousand seven hundred and fifty-six of the Political Code—and recommend its passage.

McCONNELL, Chairman

On motion of Mr. Covington, the Engrossing Clerk was authorized to supply a title to Assembly Bill No. 56—An Act concerning the office of Sheriff of Sonoma County

By Mr. Covington:

MR SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 27—An Act to grant C. F. Leavenworth and his assigns the right to supply the inhabitants of the Town of Modesto with pure fresh water.

Also, Assembly Bill No 56—An Act concerning the office of Sheriff of Sonoma County

Also, Assembly Bill No. 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

Also, Assembly Bill No 51—An Act in relation to roads in Plumas County.

Also, Assembly Concurrent Resolution No 7—Relative to the construction of a breakwater at Crescent City, California.

COVINGTON, for Committee

By Mr. Maguire:

Mr SPEAKER: Your Committee on Employés, Committee Rooms, etc, having examined and inquired into the merits of the following resolutions, beg leave to recommend that the resolutions authorizing the Sergeant-at-Arms to procure rooms for the San Francisco delegation and the Committee on Commerce and Navigation, do not pass; such rooms having been procured by this committee in the Capitol. We also recommend that the resolution authorizing the Committee on Commerce and Navigation to appoint a clerk, at a per diem of six dollars, be passed, with the following amendment That the word "six" be stricken out, and the word "five" inserted in its stead We further recommend that the resolution authorizing the Committee on State Hospitals to appoint a clerk, at a per diem of five dollars, be passed, without amendment.

Respectfully submitted

MAGUIRE, for Committee.

The resolution requiring the Sergeant-at-Arms to furnish suitable accommodations for the use of the San Francisco delegation was taken up and lost.

The resolution directing the Sergeant-at-Arms to procure a room for the use of the Committee on Commerce and Navigation was then taken up and lost.

The resolution allowing the Committee on Commerce and Navigation a clerk was amended to read "five dollars" per day, and adopted as amended

The resolution to allow the Committee on State Hospitals to employ a clerk, at a per diem of five dollars, was adopted.

By Mr. Murphy of San Francisco:

Mr. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Assembly Concurrent Resolution No 6—Requesting Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo—report the same back, and recommend its passage

MURPHY, for Committee.

By Mr. McConnell:

Mr SPEAKER The Los Angeles delegation, to whom was referred Assembly Bill No 90—An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay a certain indebtedness created by the former Board of Water Commissioners of said city—beg leave to report that they have had the same under consideration, and herewith report the same back, with the recommendation that it pass.

McCONNELL,
LAMBOURN

MOTIONS AND RESOLUTIONS.

By Mr. Chapman:

*Resolved* That one member, to be appointed by the Speaker, be added to the Committee on Swamp and Overflowed Lands

Ordered to lay on the table for one day

By Mr. Clarken:

*Resolved*, That the Chief Clerk of this House be and he is hereby empowered to appoint an assistant, at the per diem allowed other clerks at the desk, the same to be paid out of the Contingent Fund of the Assembly.

Referred to the Committee on Employés.

By Mr Maguire

*Resolved*, That the Copying Clerks of this Assembly be and are hereby authorized to appoint two assistants, at the same per diem received by the principals, to be paid out of the Contingent Fund

Referred to Committee on Attachés

By Mr Maguire:

*Resolved*. That the Engrossing Clerk be authorized to employ two Assistant Engrossing Clerks, at the same per diem as the Engrossing Clerk, to be paid out of the Contingent Fund of the Assembly.

Adopted.

Mr. Biggs was granted leave to withdraw Assembly Bill No. 18—An Act to provide for constructing division fences in Sacramento County.

On motion of Mr. McConnell, the Judiciary Committee was granted fifteen days' further time to report on Assembly Bills Nos. 2, 8, 10, 12, 13, 15, 16, 24, 36, 41, 48, and 57.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,
SACRAMENTO, January 5th, 1876

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on the fourth day of January, A. D. eighteen hundred and seventy-six, passed Assembly Joint Resolution No. 12—Relative to instructing our Representatives in Congress to increase mail service

CRAWFORD, Assistant Secretary.

[Mr. Wilcox in the chair.]

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Scrivner—Of an Act amending sections three hundred and thirty-four and three hundred and thirty-five of the Political Code.

By Mr. Rice—Of an Act to regulate the fees and salaries of county officers in Santa Cruz County.

By Mr Harris—Of an Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County, approved March thirteenth, eighteen hundred and seventy-four.

By Mr Jenkins—Of an Act to repeal sections two thousand nine hundred and seventy-eight, two thousand nine hundred and seventy-nine, two thousand nine hundred and eighty, two thousand nine hundred and eighty-one, two thousand nine hundred and eighty-two, and two thousand nine hundred and eighty-three of the Political Code.

By Mr. Biggs—Of an Act to reduce the salary of the Sheriff of Sacramento County.

By Mr Coffey—Of an Act to add another section to the Penal Code. (Chapter II, Title IX, Part I.)

Also, of an Act to regulate the quality and price of gas in the City and County of San Francisco.

By Mr. Ferral—Of an Act relative to theaters and other places of public amusement.

Also, of an Act to amend the fee and salary bill of Sonoma County.

By Mr. Crutcher—Of an Act to amend section five hundred and forty of the Code of Civil Procedure.

By Mr Blackwell (by request)—Of an Act for the relief of Richard Palmer.

By Mr. Preston—Of an Act to amend sections six hundred and thirty-five and one thousand five hundred and seventy of the Penal Code of the State of California.

By Mr. Carpenter—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, eleven hundred and seventy, twelve hundred and thirty, and thirteen hundred and twenty-three ——

Read first and second times and referred to Judiciary Committee.

Also, an Act to provide for the purchase of certain supplies for State officers and members of the Legislature

Read first and second times and referred to Committee on Public Expenditures and Accounts.

By Mr. McConnell—An Act to repeal an Act entitled an Act to enforce the educational rights of children.

Read first and second times and referred to the Committee on Education

By Mr. Clarke—An Act fixing the salary of District Attorney of Humboldt County.

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

By Mr. Dixon—An Act to amend sections two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and six, and two thousand seven hundred and seven of the Political Code

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

By Mr. Lambourn—An Act relating to highways in Los Angeles County.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Young—An Act to provide for the safety of persons attending public assemblies.

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

By Mr. Coffey—An Act to add a section to the Political Code, in regard to contesting elections for members of the Legislature.

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

By Mr. Briceland—An Act to amend section four thousand and twenty-four of the Political Code of the State of California.

Also, an Act to amend section three hundred and ninety-seven of the Penal Code.

Also, an Act to amend section one thousand and eighty-eight of the Penal Code.

Also, an Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Also, an Act to amend section nine hundred and seven of the Political Code.

Also, an Act to amend subdivision seven of section one thousand and ninety-seven of the Political Code.

Each read first and second times and referred to the Judiciary Committee.

By Mr. Sullivan—An Act relating to the purchase of lands in the City and County of San Francisco, known as City Hall lots.

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

By Mr. Harding—An Act to amend section six hundred and twenty-eight of the Penal Code.

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

By Mr. Carson—An Act for the relief of Frederick Victor.

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

Also, an Act to regulate appeals from the Justices' Court in and for the City and County of San Francisco.

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

By Mr. Crutcher—An Act to provide for the transfer of certain road moneys in Placer County.

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

By Mr Raisch—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

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

By Mr. Chapman—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code.

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

Mr. Scrivner asked and obtained leave to withdraw Assembly Bill No. 33—An Act to postpone payment of taxes in the Counties of Stanislaus, Kern, and Tulare.

Mr. Maguire made the following report:

MR. SPEAKER: Your Committee on Employés, etc., to whom was referred the resolution authorizing the Copying Clerks to appoint two Assistant Clerks, having had the same under consideration, beg leave to report it back, and recommend its passage.

MAGUIRE, for Committee

The resolution above reported was taken up and adopted.

Mr. Wetherill had leave to offer the following resolution:

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

Referred to Committee on Attachés.

Mr. Samuels presented a substitute for Assembly Bill No. 64—An Act to amend the Code of Civil Procedure.

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

Also, a substitute to Assembly Bill No. 65—An Act to amend the amendments to the Code of Civil Procedure.

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

At twelve o'clock and two minutes, on motion of Mr. Scrivner, the House adjourned.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 6th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved
At eleven o'clock and twenty-four minutes A. M Mr. McConnell moved that the House do now adjourn, as a tribute of respect to the memory of James Anthony, late deceased.
Upon which the ayes and noes were demanded by Messrs. Carson, Ferral, and Hart, and the House adjourned, by the following vote:

AYES—Messrs. Abbott, Archer Bagge, Berry, Biggs, Birney, Blackwell, Blue, Bradley, Broderick, Burbank, Carter, Chapman, Clarken, Collins, Covington, Crutcher, Dixon, Giffen, Harris, Harding, Jamison, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McInery, McCarthy, McKenna, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Pullen, Rankin, Raisch, Reddick, Rice, Ruggles, Sargent, Scrivner, Sullivan, Suverkrup, Swan, Wetherill, Wood, and Mr. Speaker—50

NOES—Messrs. Barber, Carson, Coffey, Cornwell, Dunlap, Ferral, Hart, Hinshaw, Jones, Jourden, McMann, Murphy of Del Norte and Klamath, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Roberts, Samuels, Watkins, Wilcox, and Young —22

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 7th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

Indefinite leave of absence was granted to the Committee on State Hospitals; also, for one day to Mr. Quigley

### PETITIONS

By Mr. McKenna—From the inhabitants of Woods' Island, Sacramento County.
Referred to the Sacramento and Solano delegations.
By Mr. Maguire—A memorial from Bancroft & Co., of San Francisco, having reference to the text books used in this State.
Referred to the Committee on Education.
By Mr. Preston—From citizens and tax-payers of the County of San Luis Obispo, against the raising of the salaries of the county officials.
Referred to the San Luis Obispo delegation.

REPORTS.

By Mr. McConnell:

Mr. Speaker: Your Committee on Judiciary, to whom was referred Assembly Bill No. 10—An Act in relation to the county officers of Colusa County, their fees and salaries—have had the same under consideration, report it back with amendments, and a majority of your committee recommend its passage as amended, while a minority recommend that it do not pass.

Also, Assembly Bill No. 13—An Act to repeal an Act entitled an Act to regulate assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom—and report the same back without recommendation.

McCONNELL, Chairman.

By Mr. Clunie:

Mr. Speaker: The Committee on Claims, to whom was referred Assembly Bill No. 34—An Act for the relief of San Benito County, Assembly Bill No. 47—An Act for the relief of John Solomon, Assembly Bill No. 5—An Act to provide for the audit and payment of the balance remaining due of the Indian war indebtedness of the State of California—and recommend that said bills do not pass.

CLUNIE, for Committee.

On motion of Mr. Abbott, Assembly Bill No. 34, above reported, was referred to the Judiciary Committee.

By Mr. Coffey:

Mr. Speaker: The San Francisco delegation, to whom was referred Assembly Bill No. 3—An Act for the relief of John Higgins—report the same back, with recommendation that it be referred to the Judiciary Committee.

COFFEY, Chairman.

Assembly Bill No. 3, above reported, was referred to the Judiciary Committee, as recommended.

By Mr. Covington.

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code of California.

Also, Assembly Bill No. 55—An Act granting leave of absence to the County Recorder of the County of Yuba.

Also, Assembly Bill No. 74—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 62—An Act entitled an Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.

COVINGTON, for Committee.

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

Also, Assembly Bill No. 43—An Act to amend section one thousand seven hundred and ninety-two of the Political Code of California.

Also, Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

Also, Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail and to issue the bonds of the county therefor.

COVINGTON, for Committee.

By Mr. Coffey:

Mr. Speaker: Your Committee on Enrollment beg leave to report that they have examined and compared Assembly Joint Resolution No. 12—Relative to instructing our Representatives in Congress to increase mail service—and that the same is correctly enrolled. And at ten o'clock and fifty-five minutes A. M., this day, presented the same to the Governor for his approval.

COFFEY, Chairman.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California—have had the same under consideration, and recommend its passage.

Also, Assembly Bill No. 92—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six, —and recommend its passage

BERRY, Chairman

By Mr. Hinshaw:

Mr SPEAKER: Your committee to whom was referred Assembly Bill No 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California—have examined the same, report it back, and recommend that it be referred to the Committee on Claims

HINSHAW, for Committee

On motion of Mr. Maguire, Assembly Bill No. 70, above reported, was referred to Committee on Ways and Means.

By Mr. Preston:

Mr SPEAKER Your Committee on Mileage, to whom was referred Assembly Bills Nos. 100 and 101, beg leave to herewith report them back, and recommend their passage

PRESTON, for Committee.

By Mr. Berry:

Mr SPEAKER. The Committee on Additional Employés have considered the resolution appointing F. Fisher to copy Assembly proceedings, and furnish the same to the printer daily, to be printed and laid on the desks of members, and recommend that it do not pass

Also, the Committee on Additional Employés have considered the resolution appointing V. G. Glynn Page of the Assembly, and recommend that it do not pass.

Also, resolution authorizing the Speaker to appoint an additional Page, have considered the same, and report it back that it do not pass. No additional Page needed

BERRY, for Committee

The resolutions above reported were each separately considered, and lost.

By Mr. Lambourn:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 116—An Act relating to highways in Los Angeles County—after having considered the same, beg leave to report it back, and recommend that it do pass

McCONNELL,
LAMBOURN.

By Mr. Rice:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 94—An Act concerning the Surveyor of the County of Santa Cruz—have considered the same, and report it back, and recommend its passage.

RICE, for Delegation

On motion of Mr. Rice Assembly Bill No. 94, above reported, was taken up, the rules suspended, considered engrossed, read third time, and passed.

By Mr. Collins:

Mr. SPEAKER The Fresno delegation, to whom was referred Assembly Bill No. 69—An Act to fix the bond of the Tax Collector of Fresno County—with instructions to amend said bill so as to include the words "Tulare and Kern Counties," beg leave to introduce a substitute for said bill, including the amendments, and recommend that the substitute pass

COLLINS, for Delegation

On motion of Mr Coffey, the San Francisco delegation were granted fifteen days' additional time to report on the bills referred to the said delegation prior to the adjournment for the holidays.

By Mr. Murphy of Del Norte:

Mr. SPEAKER The Del Norte delegation, to whom was referred Assembly Bill No. 20—An Act to provide for the relief and maintenance of the indigent sick of Klamath County—beg leave to report it back, with an amendment, and recommend its passage as amended.

MURPHY, for Delegation

Mr. Bradley had leave to present a copy of a resolution, adopted by the Board of Supervisors of Yuba County, with reference to certain sections of the Political Code

Referred to the Yuba delegation

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 7th, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 26—An Act amendatory of an Act entitled 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, approved March thirtieth, eighteen hundred and seventy-four.

WILLIAM IRWIN, Governor

RESOLUTIONS.

By Mr. Murphy of Del Norte:

*Resolved*, That the Assembly, on each day of session, take a recess from twelve o'clock M. to twelve and a half o'clock P. M.

On motion of Mr Collins, the above resolution was amended so as to take a recess from twelve o'clock M to one o'clock P. M.

The resolution, as amended, was adopted.

By Mr. Samuels:

*Resolved*, That all committees of this House employing clerks for their committees, be and are hereby empowered to discharge the same at pleasure.

Adopted

By Mr. Archer:

*Resolved*, That the Committee on Corporations be authorized to employ a clerk for said committee

Referred to Committee on Employés.

By Mr. Birney:

*Resolved*, That the Chairman of the State Prison Committee be and he is hereby authorized to increase said committee by the addition of one more member

Referred to Committee on Rules and Regulations.

By Mr. Giffen:

*Resolved*, That the State Prison Committee be and they are hereby authorized to employ a clerk, at a per diem of five dollars Said clerk to be discharged when, in the judgment of the committee, his services are no longer required

Referred to Committee on Employés.

By Mr. Sullivan:

WHEREAS, Grave abuses have grown up in this State through our imperfect land system, whereby individuals have become the possessors of immense tracts of lands which formerly belonged to the public domain, thereby monopolizing that which should be left for actual settlers, and, whereas, the greater number of producers we have, the greater will be the material prosperity of the State therefore, be it

*Resolved*, That a committee of five be appointed by the Speaker, whose duty it shall be to inquire into the matter of land monopoly, and who shall report a bill to this House, at as early a day as possible, whereby the evils growing out of our present land system may be abolished.

Referred to Committee on Public Lands.

By Mr. Clarken

*Resolved*, That the Sergeant-at-Arms be instructed to inquire into the whereabouts of the iron safe purchased by order of the Assembly, four years ago, for the use of the Chief Clerk, and if the same be found, that it be restored to its place at the desk, for use by the Clerk.

Adopted.

By Mr. McConnell.

*Resolved*, That the Supreme Court-room be devoted exclusively to the use of the House Judiciary Committee.

Mr. Patterson of Tulare and Kern moved to amend by striking out the word "exclusively."

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

Pending the consideration of which motion, the hour of twelve o'clock M. having arrived, the House took a recess until one o'clock P. M.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The House resumed consideration of the motion of Mr. Archer, as pending at time of recess.

Mr Archer withdrew his motion to lay on the table.

Mr Young offered the following Amend by adding, "and that the Sergeant-at-Arms be required to provide a suitable room for the exclusive use of the San Francisco delegation."

Lost.

The question recurring on the amendment offered by Mr. Patterson, it was adopted.

The resolution, as amended, was then lost.

By Mr. Ferral:

*Resolved*, That the Sergeant-at-Arms of this House furnish the San Francisco delegation and the Judiciary Committee with suitable rooms in this House, in which to transact their business, at his earliest convenience

Laid on the table.

Mr. Carson moved that so much of the report of the Committee on Rules and Regulations, heretofore adopted by this House, providing that the Judiciary Committee and the San Francisco delegation have the use of the Supreme Court-room, be now rescinded.

Mr. Clarken offered the following as an amendment:

*Resolved* That the Judiciary Committee be authorized to occupy the Supreme Court-room during the day, to seven o'clock P. M., and that the San Francisco delegation be permitted to occupy the same from that hour, for the purposes of committee duty.

Adopted.

Upon the adoption of the resolution, as amended, the ayes and noes were demanded by Messrs. Wetherill, Carson, and Jourden

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Clarken, Kennedy, Maguire, McInerny, and O'Connell—5.

NOES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Biggs, Binney, Blackwell, Blue, Bradley, Brodenick, Burbank, Carter, Carson, Chapman, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Ferral, Garretson, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jones, Jourden, Koutz, Lambourn, McConnell McMinn, McCarthy, McKenna, Murphy of Del

Norte and Klamath, Murphy of San Francisco, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Rankin, Raisch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, Mr Speaker—67.

By Mr. McKenna:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to furnish, as soon as possible, a suitable room for the exclusive use of the Judiciary Committee, *provided*, that the same be within the State Capitol.

Laid on the table.

By Mr. Archer.

*Resolved*, That Standing Rule Number One be changed to read as follows.

RULE 1. The House shall meet each day of sitting at ten o'clock A. M., unless the House shall adjourn to some other hour

Referred to the Committee on Rules and Regulations.

INTRODUCTION OF BILLS.

By Mr. Wilcox—An Act to authorize the payment of the claims of A G. Black

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

By Mr. Harris—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County.

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

By Mr. Dixon—An Act to amend section three thousand six hundred and forty-four of the Political Code.

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

By Mr. Hart—An Act to amend section three thousand five hundred and twenty-one of the Political Code.

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

By Mr. Abbott—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, in the State of California, to absent himself from said State for a period of not to exceed sixty days.

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

By Mr. Murphy of Del Norte—An Act to protect fish in the County of Del Norte.

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

By Mr. Jourden—An Act to amend an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times and referred to the San Francisco delegation, with instructions to report on to-morrow.

By Mr. Jones—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Clark—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt.

Read first and second times and referred to the Committee on Public Roads and Highways.

By Mr. Clunie—An Act to amend section two thousand and twenty-four of the Code of Civil Procedure

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

Also, an Act to amend section four hundred and thirteen of the Code of Civil Procedure.

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

By Mr. Ferral—An Act relative to theaters and other places of public amusement.

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

By Mr. Patterson of Kern and Tulare—An Act to provide for the building of and furnishing a Court-house, offices, and jail, in Tulare County, and for improving the Court-house grounds

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

Also, an Act for the relief of purchasers of State lands.

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

By Mr. O'Connell—An Act for the relief of James H. Clarke.

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

By Mr. Reddick—An Act to amend section one thousand seven hundred and fifty of the Political Code.

Read first and second times and referred to the Committee on Education.

By Mr. Hart—An Act concerning partition fences in Colusa County.

Read first and second times and referred to the Colusa delegation.

Also, an Act to amend section two hundred and forty of the Penal Code of the State of California.

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

By Mr. Preston—An Act to repeal an Act entitled an Act to provide road funds for San Luis Obispo and Santa Barbara Counties.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate

By Mr. Blackwell—An Act for the relief of Richard Palmer.

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

By Mr. Scrivner—An Act to amend sections three hundred and thirty-four and three hundred and thirty-five of the Political Code of the State of California.

Read first and second times and referred to the Committee on Printing

By Mr. Clarken—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside under certain circumstances.

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

By Mr. Biggs—An Act to provide for the construction of division fences.

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

By Mr. Crutcher—An Act to amend section five hundred and forty of the Code of Civil Procedure

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

By Mr. Pierce—An Act to provide for the funding of the floating indebtedness of San Diego County

Read first and second times and referred to Judiciary Committee

By Mr. Preston—An Act to amend section six hundred and thirty-five of the Penal Code of the State of California.

Read first and second times and referred to Committee on Fish.

Also, an Act to amend section fifteen hundred and seventy of the Penal Code of the State of California

Read first and second times and referred to Committee on Fish.

By Mr. Ferral—An Act relative to the Treasurer's office of Sonoma County

Read first and second times, rules suspended, considered engrossed, and, upon motion of the author, referred to Sonoma delegation, with instructions to amend.

By Mr. Preston—An Act to grant leave of absence from the State to George W. Welch, Superintendent of Public Schools of Shasta County.

Read first and second times and referred to Committee on Education

By Mr. Carson—An Act to authorize the Board of Supervisors of the City and County of San Francisco, to allow and order paid certain claims.

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

By Mr. McKenna—An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County.

Read first and second times and referred to the Sacramento and Solano delegations

By Mr. Coffey—An Act to add another section to the Penal Code. (Chapter II., Title IX., Part I.)

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

Mr Preston gave notice that he would, on to-morrow, move to reconsider the resolution adopted by this House on the fifth instant, in relation to the manner of payment for the shelves now being added to the desks of the members.

NOTICES OF THE INTRODUCTION OF BILLS

By Mr. Abbott—Of an Act to settle the financial differences between Monterey and San Benito Counties.

By Mr Covington—Of an Act concerning the destruction of certain wild animals in the Counties of Mendocino, Sonoma, and Lake

By Mr Berry—Of an Act to provide for collecting and obtaining information as to the extent of hydraulic mining, the amount of destruction caused thereby upon the valley lands, the effect the same

is having upon the navigable waters of the State, and such other information as may be obtainable and pertinent to the subject, and cause the same to be reported to the Legislature of the State to assemble in the year A. D. eighteen hundred and seventy-seven-eight.

By Mr. Raisch—Of an Act to prevent the employment of females in dance-houses, cellars, and all houses where spirituous or malt liquors are sold, within the boundaries of this State.

By Mr. Murphy of Del Norte—Of an Act in relation to life insurance companies doing business in the State of California

By Mr. Giffen—Of an Act to authorize Frazer & Co. to stock the Truckee River, between Lake Bigler and Camp Eighteen, in Nevada County, with three million young trout.

Also, of an Act to establish a branch County Jail at the Town of Truckee, in Nevada County.

By Mr. Wood—Of proposed amendments to the Constitution of the State of California, all relative to assessments and taxation.

By Mr. Maguire—Of an Act to amend section one thousand four hundred and one of the Civil Code.

By Mr. Hayne—Of an Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure, on the subject of "Eminent Domain."

By Mr. Pierce—Of an Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two.

By Mr. Lambourn—Of an Act to amend section seven hundred and ninety-one of the Political Code, in reference to the number of notaries.

Also, of an Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and to authorize his payment

By Mr. Suverkrup—Of an Act to protect agriculture in San Bernardino County.

By Mr. Scrivner—Of an Act to amend section three thousand six hundred and seventy-two of the Political Code.

By Mr. Dunlap—Of an Act to amend sections two hundred and forty-three, three hundred and thirty, and five hundred and eighty-eight of the Penal Code.

By Mr. Collins—Of an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Fresno.

Also, of an Act regulating the fees of witnesses in criminal cases in Fresno County.

By Mr. McKenna—Of an Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Also, of an Act in relation to public highways in the County of Solano

Mr. Ferral had leave to withdraw notice, heretofore given, of his intention to introduce a bill to repeal the Act creating a State Board of Equalization.

GENERAL FILE.

Senate Bill No. 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes.

Read third time and passed.

Senate Bill No. 91—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.

Read third time and passed.

Senate Bill No. 105—An Act to amend section three thousand seven hundred and fifty-six of the Political Code.

Read third time and passed

Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus.

Ordered engrossed.

Assembly Bill No. 90—An Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 6—Requesting Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo.

Ordered engrossed.

Assembly Concurrent Resolution No. 7—Relative to a breakwater at Crescent City.

Read third time and passed.

Mr. Covington had leave to offer the following:

*Resolved*, That all bills introduced into this House and now in the hands of delegations, applying for relief of a financial character, be referred to the Committee on Claims, to be passed upon by that committee and reported to the House.

Laid on the table.

Upon motion of Mr. Chapman, the resolution heretofore offered by him and laid on the table, providing for the appointment by the Speaker of an additional member of the Committee on Swamp and Overflowed Lands, was taken up and adopted.

At three o'clock and thirty minutes P. M., on motion of Mr. Jourden, the House adjourned.

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Saturday, January 8th, 1876.

House met pursuant to adjournment

Speaker in the chair

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved

### RESOLUTION.

By Mr. Murphy:

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 Monday, January tenth, 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 obtain that glorious victory over a foreign foe.

Adopted.

The Speaker here announced as an additional member on Swamp and Overflowed Lands, Mr. C. P Berry.

PETITIONS

By Mr. O'Connell—From the citizens and tax-payers of the City and County of San Francisco.

Referred to the San Francisco delegation.

By Mr. Dunlap—From the tax-payers of the Town of Sutter Creek, Amador County.

Referred to the Amador delegation.

REPORTS.

By Mr. Coffey.

Mr Speaker The San Francisco delegation, to whom was referred Assembly Bill No. 138—An Act to amend an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two—report the same back, with a substitute therefor, the passage of which is recommended

Also, resolution introduced by Hon. D C Sullivan, to investigate the affairs of San Francisco Park Commission, with a substitute therefor the passage of which is recommended.

Also, resolution introduced by Hon J. O B Kennedy, relating to appointing a committee to investigate into the acts of the Tide Land Commissioners, with a recommendation that it do not pass, for the reason that a committee having been appointed by the Senate for a similar purpose, the delegation deems the action asked for by this resolution unnecessary

COFFEY, Chairman.

Assembly Bill No 138, above reported, was taken up, rules suspended, substitute adopted, considered engrossed, read third time, and recommitted to the San Francisco delegation.

By Mr. McConnell.

Mr Speaker Your Committee on Judiciary, to whom was referred a resolution introduced by Mr Wood, relative to calling the attention of the Secretary of State to section two of an Act recommending the calling of a Constitutional Convention, have had the same under consideration, and report it back, with a recommendation that it be indefinitely postponed, on the specific ground that the Secretary of State has already complied with the request contemplated in the resolution

Also, Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure—and ten members of your committee assenting and three dissenting, report it back with recommendation that it do pass

Also, Assembly Bill No 30—An Act to amend section two hundred and forty-five of the Penal Code—and report it back, recommending its passage.

McCONNELL, Chairman.

Mr Speaker Your Committee on Education, having had under consideration an Act to grant leave of absence from the State to George Welch, Superintendent of Public Schools of Shasta County, beg leave to report it back, and unanimously recommend its passage

Also, a petition from teachers of San Luis Obispo County to increase the salary of the County Superintendent of Public Schools Your committee recommend that no action be taken upon it.

McCONNELL, Chairman.

RECESS.

At twelve o'clock M. the House took a recess until one o'clock P. M.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

[Speaker pro tem in the chair]

REPORTS.

By Mr. Wilcox

MR. SPEAKER: Your Committee on Rules, to whom was referred a resolution relative to adding one name to the State Prison Committee, report the same back, and recommend that it pass.

Also, have considered resolution relative to changing Rule One and recommend it do not pass.

WILCOX, Chairman.

Report adopted.

By Mr. Coffey

MR. SPEAKER: The San Francisco delegation, to whom was recommitted substitute for Assembly Bill No. 138, report the same back, recommending its passage, by a vote of sixteen in favor to three against the recommendation—Maguire, Pullen, and Harding voting in the negative.

COFFEY, Chairman.

Substitute for Assembly Bill No. 138, above reported, was taken up, and the question being on the passage of the bill, Mr. Maguire moved to make it the special order for Monday at one o'clock. The previous question was demanded by Messrs. Murphy of San Francisco, Clarken, and McConnell, and sustained by the House.

The question being on making the bill the special order for Monday, January tenth, at one o'clock, the ayes and noes were demanded by Messrs. Maguire, Pullen, and Carson, and the House so ordered, by the following vote:

AYES—Messrs. Berry, Biggs, Blue, Bradley, Burbank, Chapman, Collins, Covington, Crutcher, Dixon, Dunlap, Gifford, Harris, Harding, Hinshaw, Kennedy, Koutz, Lammers, Maguire, McConnell, McMann, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Rice, Roberts, Samuels, Swan, Wood and Mr. Speaker—33.

NOES—Messrs. Abbott, Archer, Binney, Blackwell, Carter, Carson, Clarken, Coffey, Chune, Ferral, Garretson, Hart, Hayne, Jamison, Jourden, McInerny, McCarthy, McKenna, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Rankin, Rarsch, Reddick, Sargent, Scrivner, Sullivan, Suverkrup, Watkins, Wilcox and Young—31.

By Mr. Patterson of Sacramento:

MR. SPEAKER: The Solano and Sacramento delegations, to whom was referred Assembly Bill No. 163, beg leave to report the same back with the following amendment, to wit: after the words "Solano County," in section one of said bill insert the words "for school purposes only," and with said amendment recommend its passage.

PATTERSON,
SWAN.

By Mr. Covington:

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three and one thousand and thirty-four of the Penal Code.

Also, Assembly Bill No. 6—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County, prior to May first, eighteen hundred and seventy-four.

Also, Assembly Bill No. 45—An Act supplementary to an Act approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirteenth, eighteen hundred and seventy-two.

COVINGTON, for Committee.

The San Francisco delegation was granted fifteen days' further time to report on Assembly Bill No. 28.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to the Committee on Commerce and Navigation.

RESOLUTIONS.

By Mr. Preston:

*Resolved*, That this House do now reconsider the resolution adopted on January fifth, as regards that portion relating to the fund from which payment is to be made for shelves now being placed under the desks of members

Adopted.
By Mr. Biggs:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby empowered and directed to procure, for the use of the Enrolling Clerk of the Assembly, a suitable desk or safe for the safe-keeping of bills while in his possession for enrollment.

Referred to the Committee on Public Expenditures.
By Mr. Berry—Memorial and concurrent resolutions relative to hydraulic mining.
Read first and second times and referred to the Committees on Mines and Mining Interests and Agriculture.
By Mr. Burbank.

*Resolved*, That Mr. Preston, of San Luis Obispo, be added to the State Prison Committee.

Laid over for one day.
The Speaker pro tem announced that Mr. Ferral of Sonoma had been appointed, by the Chairman of the State Prison Committee, as additional member of said committee.
By Mr McInerny.

*Resolved*, That the attachés of this House be and are hereby instructed not to employ Chinamen to do work of any kind in this House.

Adopted.
By Mr. Koutz:

*Resolved* That two thousand copies of the memorial and concurrent resolutions in reference to hydraulic mining be printed

Laid over for one day, under the rules.
By Mr. Preston:

*Resolved*, That the Committee of this House on Contingent Expenses be requested to obtain information from the Controller of the State, for the purpose of reporting to this House, the monthly expenses, as compared with the monthly expenses of the Assemblies of the nineteenth and twentieth sessions of the State Legislature, and that the said committee be requested to report such comparison once in each month, during the present session of the House.

Adopted.
By Mr Bradley.

*Resolved*, That the usual number of copies of the proposed amendments to the Constitution of the State of California, adopted by the last Legislature, and found on page nine hundred and thirteen of the statutes of eighteen hundred and seventy-three–four, be and they are hereby ordered printed

Laid over for one day

## MESSAGES FROM THE SENATE.

SENATE CHAMBER,
SACRAMENTO, January 7th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on the fourth day of January, eighteen hundred and seventy-six, passed Senate Bill No. 32—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and two of the Political Code of the State of California.

Also, Senate Bill No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court.

And on this day indefinitely postponed Assembly Bill No. 17—An Act to grant Mark P. Schaffer Assessor of San Diego County, leave of absence from the State of California for sixty days.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 8th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on the seventh day of January, eighteen hundred and seventy-six, passed Senate Bill No. 46—An Act to appropriate money to pay the claim of James J. Green.

Also, Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love.

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of Dinny Melone.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 32, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 42, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 55, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 46, above reported, read first and second times and referred to the Committee on Claims.

Senate Bill No. 130, above reported, read first and second times and referred to the Committee on Claims.

Senate Bill No. 50, above reported, read first and second times and referred to the Committee on Claims.

## NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Carson—Of an Act to amend sections five hundred and seventy-three, five hundred and seventy-four, five hundred and seventy-seven, and five hundred and seventy-eight of the Civil Code, concerning savings and loan corporations.

By Mr. Maguire—Of an Act to legalize a contract heretofore entered into by and between A. L. Bancroft & Co. and the State Board of Education of the State of California.

By Mr. Harris—Of an Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

By Mr. Carpenter—Of an Act to provide for the construction, improvement, and repair of streets and sidewalks within the corporate limits of the City of Placerville, and for other purposes.

By Mr. Ferral—Of an Act allowing female teachers in the public schools of this State the same compensation as is allowed to male teachers.

Also, of an Act reincorporating the Town of Santa Rosa, Sonoma County.

By Mr. Preston—Of an Act to amend section three thousand six hundred and twenty-nine of the Political Code.

By Mr. Archer—Of an Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, of an Act to amend section three thousand six hundred and seventeen of the Political Code.

Also, of an Act prescribing the maximum rates which may be charged for the transportation of passengers and freight on the railroads of this State.

Also, of 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, approved May fourteenth, eighteen hundred and sixty-two.

By Mr. McMann—Of an Act in relation to street railroads in San Francisco

By Mr. McConnell—Of an Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds and provide means for the improvement of irrigation in said city

INTRODUCTION OF BILLS.

By Mr. Carson—An Act to amend section five hundred and seventy-one of the Civil Code, concerning savings and loan corporations

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

By Mr. Ostrom—An Act to reduce the number of members of the Board of Supervisors of Yuba County.

Read first and second times and referred to the Yuba delegation.

By Mr. Hayne—An Act concerning the County Treasurer of Ventura County.

Read first and second times and referred to the Ventura delegation.

Also, an Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure.

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

By Mr. McConnell—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to notaries.

Read first and second times and referred to the Judiciary Committee

By Mr. McKenna—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

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

By Mr. Scrivner—An Act to amend section three thousand seven hundred and seventy-two of the Political Code of the State of California.

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

By Mr. Dunlap—An Act to amend sections two hundred and forty-three, three hundred and thirty, and five hundred and eighty-eight of the Penal Code.

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

By Mr. Giffen—An Act to establish a branch County Jail at the Town of Truckee, Nevada County.

Read first and second times and referred to the Nevada delegation.

Mr. Ferral reported verbally on, and recommended the passage of Assembly Bill No. 159—An Act relative to the Treasurer's office of Sonoma County.

Assembly Bill No. 159, above reported, was taken up, read third time, and passed.

GENERAL FILE.

Assembly Bill No. 13—An Act to repeal an Act regulating the assessment of migratory herds.

Made a special order for Monday, January tenth, at one o'clock P. M.

Assembly Bill No 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code.

Read third time and passed.

Assembly Bill No. 43—An Act to amend section one thousand seven hundred and ninety-two of the Political Code.

Read third time and passed.

Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large.

Read third time and passed.

Assembly Bill No. 10—An Act in relation to county officers of Colusa County.

Made the special order for Tuesday, January eleventh, at one o'clock P. M.

Assembly Bill No. 5—An Act to pay balance remaining due of the Indian war indebtedness.

Made the special order for Wednesday, January twelfth, at two o'clock P. M.

Assembly Bill No. 69—An Act relative to the bond of Tax Collectors of Fresno County.

Substitute adopted and order engrossed.

Assembly Bill No. 47—An Act for the relief of Joseph Solomon.

Considered in Committee of the Whole.

IN ASSEMBLY.

Committee of the Whole reported adversely, and the House refused to engross.

RESOLUTIONS.

By Mr. McKenna

*Resolved*, That the Committee on the Protection of Fish be and it is hereby granted an indefinite leave of absence, and authorized to proceed to San Francisco and take such testimony as may be necessary for the discharge of its duties, and for the latter purpose be authorized to send for witnesses.

Mr. Collins had leave to present the following report:

MR. SPEAKER: Your committee to whom was referred the resolution authorizing the Chief Clerk to appoint an assistant, have considered the same, and report back that we are informed that such an appointment is necessary to the proper transaction of the business of this House. We recommend that the appointment take effect on the tenth instant.

COLLINS, for Committee.

The resolution above reported was taken up and adopted.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Scrivner, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 10th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of Saturday read and approved.

LEAVE OF ABSENCE.

Four days' leave of absence was granted to Mr. Abbott, also one day's leave to the following gentlemen Messrs. Bagge, Ruggles, McInerny, Rankin, Wood, Raisch, and McKenna.

The Speaker here announced as additional members to the Committee on Mines and Mining Interests, Messrs. Koutz and Briceland.

Mr Scrivner moved that the Engrossing Clerk be authorized to complete the enacting clause of Assembly Bill No. 21.

Adopted

PETITIONS

By Mr. Young—From the Board of Control of the California Woman's Suffrage Association.

Upon motion of Mr. Young, the above petition was referred to a special committee, and the Speaker appointed as such committee Messrs. Young, Reddick, and Dixon.

By Mr. Quigley—From citizens of Lake County.

Referred to the Lake County delegation.

By Mr. Dunlap—From citizens of Fiddletown.

Referred to the Amador delegation

REPORTS.

By Mr. Berry:

Mr. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 120—An Act to provide for the transfer of certain road moneys in Placer County—have considered the same, and recommend its passage.

BERRY.

By Mr. Hinshaw:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts beg leave to report that they have acquired a comparative statement of contingent expenses of the two Houses of the Legislature for the nineteenth, twentieth, and twenty-first sessions, from the opening of the same to and including January eighth of each session. It will be seen that the expenses of the Assembly for the nineteenth session were three thousand six hundred and fifty-three dollars and five cents, that of the twentieth session, three thousand and ninety-nine dollars and ten cents, exclusive of the reporters account, which, for both Houses, was two hundred and eighty-three dollars and twenty-two cents; and the account of this session is one thousand eight hundred

and ninety-five dollars and three cents, and for the reporters, thirty-five dollars and twenty-two cents.

It will be seen that the difference in favor of the House for this session, as compared with the nineteenth session, is one thousand seven hundred and twenty-two dollars and eighty cents; and the balance in favor of this session, as against the twentieth or last session, is one thousand seven hundred and fifty-eight dollars and two cents.

We would call attention to the fact, that during the two previous sessions the demands of the attaches of this House, as well as of the Senate, for stationery, and all that word includes, have been largely in excess of the members. This session, their desires have not been very exorbitant, but we would urgently advise the strictest economy among them, as there is much room for great saving in their accounts. This committee will, from time to time, make strict investigation into the various clerks' and committee-rooms, and render exact returns of all requisitions on the Secretary of State, with a view to stop all useless or extravagant demands.

HINSHAW, Chairman.

On motion, the above report was ordered printed.

By Mr. Berry :

Mr. SPEAKER: Your Committee on Additional Employés, to whom was referred resolutions authorizing the appointment of one clerk for Committee on Corporations, one clerk for Committee on State Prison, have considered the same and recommend their adoption.

Also, resolution to appoint one clerk for Committee on Elections, and recommend that it do not pass.

BERRY, for Committee.

Report adopted.

The resolution above reported, to authorize the Committee on Corporations to appoint a clerk, was taken up and adopted.

The resolution to allow the Committee on State Prison to appoint a clerk, and above reported, was taken up and adopted.

The resolution above reported, to allow the Committee on Elections a clerk, was taken up and lost.

The House took up for consideration the substitute for the resolution of Mr Sullivan in reference to Golden Gate Park, as reported by the San Francisco delegation.

Laid on the table.

The Committee on Federal Relations were granted fifteen days' additional time to report on all matters heretofore referred to said committee.

The House took up for consideration and adopted the resolution offered by Mr. Bradley on the eighth instant, providing for printing the usual number of copies of the proposed amendments to the Constitution, as adopted by the last Legislature.

The resolution offered by Mr. Wood, reported by the Judiciary Committee on Saturday last, asking the Secretary of State to furnish complete abstract of votes for and against a convention, was taken up and lost.

The resolution offered by Mr. Koutz on Saturday last, relative to printing two thousand copies of the memorial and resolutions in reference to hydraulic mining, was taken up.

Mr. Scrivner moved to amend—to print two hundred and forty copies. Pending the consideration of which motion the House took a recess until one o'clock P. M.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced the special order, substitute for Assembly Bill No. 138—An Act to amend an Act entitled an Act to facilitate

and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

On motion of Mr. Berry, the special order was postponed until the question under consideration at the time of taking recess was disposed of

The House then resumed consideration of resolution to print memorial, being the question pending at time of recess.

Upon motion of Mr. Harris, the resolution was postponed until the Committees on Mining and Agriculture shall report on the memorial.

Mr. Wilcox was granted two days' leave of absence on account of sickness.

The resolution of Mr. Burbank, offered on Saturday, to add Mr Preston to the State Prison Committee, was taken up and adopted.

The resolution offered by Mr. Kennedy, and reported upon by the San Francisco delegation on Saturday, having reference to the appointment of a committee to inquire into the authority and acts of the Tide Land Commissioners, was taken up and lost.

[Speaker pro tem in the chair]

Mr Preston had leave to introduce the following resolution

WHEREAS, A large class of the citizens of this State are suffering great inconvenience and consequent pecuniary injury from present imperfection in the titles to land, which they now hold under the lieu land laws in force in this State, and, whereas, it is the duty of all representatives of the people in this Legislature to do all in their power to better the condition, financially as well as morally, of their constituents therefore be it

*Resolved* That the Judiciary Committee of this House be and are hereby requested to prepare and introduce a bill for a law to correct the present unjust and oppressive state of affairs.

Referred to the Committee on Public Lands

By Mr. Patterson of Sacramento—Assemby concurrent resolution relative to making national currency receivable at par for all custom dues.

Read first and second times and referred to the Committee on Federal Relations.

On motion of Mr Hart, the House took up Assembly Bill No. 13—An Act to repeal an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Upon motion the House went into Committee of the Whole for consideration of the bill, with Mr. Archer in the chair.

On motion of Mr Murphy of Del Norte, the Committee of the Whole rose and reported back a recommendation to strike out the enacting clause

IN ASSEMBLY.

[Speaker pro tem. in the chair]

The enacting clause in Assembly Bill No. 13 was struck out, as recommended.

REPORT.

By Mr. Covington.

MR SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus

Also, Assembly Bill No 94—An Act concerning the office of County Surveyor of the County of Santa Cruz.

Also Assembly Bill No. 90—An Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners.

Also, Assembly Concurrent Resolution No. 6—Requesting Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo.

COVINGTON, Chairman

The Speaker announced the special order, being substitute for Assembly Bill No. 138—An Act to amend an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

Amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately, without engrossment, to the Senate

RESOLUTIONS

By Mr. Birney

*Resolved*, That Anthony Cammetti be and he is hereby authorized to make a true and correct copy of the Journal of the Assembly, and to compile the appendix or appendices to the journal, and furnish the same to the State Printer for which services he shall receive a compensation of six cents per folio, and the Board of Examiners shall estimate the same and certify thereto, and upon such certificate the Controller of State shall draw his warrant, payable out of the Contingent Fund of the Assembly *provided*, that before commencing work, the said Anthony Cammetti shall file with the Secretary of State a good and sufficient bond, in the sum of two thousand dollars, to be approved by him, for the performance of the work in a neat and correct manner, and in a reasonable length of time

Referred to the Committee on Employés.

The House took up the substitute for the resolutions introduced by Mr. Sullivan, and reported on last Saturday by the San Francisco delegation.

WHEREAS, The Hon D C Sullivan, a member of this House, has presented to this House an affidavit charging a certain delinquency in the management of the affairs of the Park Commissioners: therefore, be it

*Resolved*, That a committee of five be appointed to proceed to San Francisco and investigate the expenditures of public moneys by the Park Commissioners of San Francisco, and all the acts business, and affairs of said Commissioners in the improvement of the outside lands known and designated as Golden Gate Park from the date of the organization of said Commission to the present time, and that said committee be empowered to send for persons and papers

Adopted.

By Mr. McMann:

*Resolved*, That a committee of three be appointed by the Speaker to examine the books, papers and accounts of certain railroad corporations in San Francisco, who desire exemption from the proposed reduction of fares, as proposed in Assembly Bill No. 66, and that such committee have power to send for persons and papers Said committee shall receive no mileage.

Referred to Committee on Corporations, with instructions to report to-morrow.

By Mr. Ferral:

*Resolved*, That as a matter of economy, this House hereby refuses to appoint any more special committees

Indefinitely postponed

By Mr. Garretson—Assembly concurrent resolution relative to United States Mail Route Number Forty-six Thousand One Hundred and Nine.

Read first and second times and referred to the Committee on Federal Relations.

[Speaker in the chair.]

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 10th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to soldiers and sailors, their widows and orphans.

Also, indefinitely postponed Assembly Bill No. 54—An Act granting leave of absence to Wm. T. Beville, Assessor of Colusa County.

Also, passed Assembly Bill No. 52—An Act to fund certain indebtedness of Plumas County.

Also, concurred in Assembly Concurrent Resolution No. 13—Relative to printing the Governor's inaugural address in Spanish.

Also, passed Assembly Concurrent Resolution No. 3—Relative to a breakwater at San Luis Obispo.

CRAWFORD, Assistant Secretary.

Senate Bill No. 12, above reported, read first and second times and referred to the Judiciary Committee.

The Speaker announced the following gentlemen as members of the special committee to investigate the acts and affairs of the Park Commissioners: Messrs. Sullivan, Carson, Barber, Raisch, and Broderick.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Ferral—Of an Act to prevent the spearing and trapping of brook and salmon trout in all of the streams within the County of Sonoma.

By Mr. Birney—Of an Act to repeal an Act entitled an Act to make women eligible to educational offices.

Also, of an Act to amend section five hundred and thirty-six of the Civil Code of the State of California, in relation to telegraph corporations.

By Mr. Murphy of Del Norte—Of an Act concerning roads and highways in Del Norte County.

By Mr. Covington—Of an Act for the payment of certain school orders in the County of Mendocino.

Also, of an Act for the relief of Wm. Ford, of the County of Mendocino.

Also, of an Act to amend section one thousand five hundred and forty-seven of the Political Code.

By Mr. Garretson—Of an Act to amend section twenty-six hundred and fifty of the Political Code.

Also, of an Act to amend section twenty-six hundred and fifty-seven of the Political Code.

By Mr. Samuels—Of an Act to amend section three thousand three hundred and eighty-five of the Political Code.

By Mr. Jamison—Of an Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, of an Act to regulate the width of tires on all wheeled vehicles used in Santa Clara County.

Also, of an Act to repeal section four thousand and eighty of the Political Code.

Also, of an Act to amend section three thousand three hundred and eighty-five of the Political Code.

By Mr. Scrivner—Of an Act amending section one thousand three hundred and twenty-nine of the Penal Code.

By Mr. O'Connell—Of an Act to establish a State Book-bindery.

INTRODUCTION OF BILLS.

By Mr. Harris—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure

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

By Mr Clunie—An Act amendatory to an Act entitled an Act to provide for the erection and maintenance of a branch prison near the Town of Folsom.

Read first and second times and referred to the Committees on State Prison and Public Buildings and Grounds.

By Mr. McConnell—An Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds, and to provide means for the improvement of irrigation in said city.

Read first and second times and referred to the Los Angeles delegation

By Mr. Maguire—An Act to legalize a contract heretofore entered into by and between A. L Bancroft & Co. and the State Board of Education.

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

By Mr. Biggs—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Preston—An Act to amend section three thousand six hundred and twenty-nine of the Political Code.

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

By Mr. Ferral—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and amendment thereto, and to incorporate the City of Santa Rosa.

Read first and second times and referred to the Sonoma delegation.

By Mr Berry—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-seventh, eighteen hundred and seventy-two

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

GENERAL FILE.

Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County prior to May first, eighteen hundred and seventy-four.

Passed on file.

Assembly Bill No. 45—An Act supplemental to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Read third time and passed.

Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River at Napa City, approved March thirtieth, eighteen hundred and seventy-two

Read third time and passed.

Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code.

Read third time and passed.

Assembly Bill No. 92—An Act making appropriations for deficiencies

Passed on file.

Assembly Bill No 99—An Act relative to furnishing certain laws to county officers of Modoc County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 100—An Act to amend section one hundred and seventy-three of the Political Code.

Also, Assembly Bill No. 101—An Act to regulate distances from certain county seats.

The author was granted leave to withdraw for the purpose of amending.

Assembly Bill No 116—An Act relating to highways in Los Angeles County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 30—An Act to amend section two hundred and forty-five of the Penal Code.

Ordered engrossed

Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure

Ordered engrossed.

Assembly Bill No. 163—An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County.

Amended and ordered engrossed.

Assembly Bill No. 160—An Act to grant leave of absence from the State to George W. Welch, Superintendent of Public Schools of Shasta County.

Ordered engrossed.

ADJOURNMENT.

At three o'clock and fifty-one minutes P. M., on motion of Mr. Scrivner, the House adjourned until to-morrow at ten o'clock A M.

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Tuesday, January 11th, 1876.

House met pursuant to adjournment

Speaker in the chair.

Roll called, and a quorum present

Journal of yesterday read and approved

The Committee on Corporations, through their Chairman, Mr. Archer, asked for and was granted fifteen days' further time to report on Senate Bill No. 11, and the other matters before said committee.

By Mr. McConnell:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 57—An Act to add another section to the Political Code relative to the canvassing of election returns—have had the same under consideration, and report it back, with a substitute, and recommend the passage of the substitute.

McCONNELL, Chairman.

By Mr. Blackwell:

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Concurrent Resolution No. 4, report the same back, as amended, and recommend its adoption.

BLACKWELL, for Committee.

By Mr. Clunie:

MR. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 177—An Act entitled an Act in relation to the government of the County of Sacramento—beg leave to report the same back and recommend its passage.

CLUNIE, for Delegation.

By Mr. Hart:

MR. SPEAKER: The Colusa County delegation, to whom was referred Assembly Bill No. 148—An Act concerning partition fences in Colusa County—hereby report the same back, with recommendation that it pass.

HART, for Delegation.

Assembly Bill No. 148, above reported, was referred to the Committee on Agriculture.

By Mr. Blackwell:

MR. SPEAKER: Your Committee on Public Lands, to whom was referred resolution relative to a committee of five to be appointed by the Speaker to investigate land monopolies, have had the same under consideration, and recommend its adoption.

BLACKWELL, for Committee.

The resolution above reported was adopted.

By Mr. Hayne:

MR. SPEAKER: The Special Committee of Delegation from Ventura and Santa Barbara Counties, to whom was referred Assembly Bill No. 166—An Act concerning the County Treasurer of Ventura County—beg leave respectfully to report back the same, with the recommendation that it pass.

HAYNE, for Committee.

Mr. Sullivan, as Chairman of the special committee which was instructed to inquire into the matter of water rates in Eastern cities, as compared with prices in San Francisco, submitted a report with tabular statements of such rates in the principal Eastern cities.

The report was received and ordered printed.

By Mr. Covington.

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 159—An Act relative to the Treasurer's office of Sonoma County.

Also Assembly Bill No. 20—An Act to amend section one of an Act entitled an Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Also, Assembly Bill No. 69—An Act to fix the bonds of the Tax Collectors of Fresno, Tulare, and Kern Counties.

COVINGTON, for Committee.

Upon motion of Mr. Hart, the House took up, out of order, Assembly Bill No. 10—An Act in relation to the county officers of Colusa

County, their fees and salaries—being the special order for one o'clock this day.

The bill was amended.

RECESS.

Pending consideration, the hour of twelve M. arrived, and the House took a recess for one hour.

RE-ASSEMBLED.

At one o'clock P. M. the House re-assembled.

Speaker in the chair.

Roll called, and a quorum present.

The House resumed consideration of Assembly Bill No. 10.

The question being upon a further amendment offered by Mr. Scrivner, the previous question was demanded by Messrs. Gelwicks, Harris, and Murphy of Del Norte

It was so ordered, and the amendment was lost

The question recurring upon the motion of Mr Chapman to strike out certain sections, the ayes and noes were demanded by Messrs. Chapman, McKenna, and Clunie, and the roll was called, with the following result

AYES—Messrs Archer, Blue, Bradley, Broderick, Carter, Carson, Chapman, Collins, Cornwell, Crutcher, Gelwicks, Hayne, Hinshaw, Jenkins, Kennedy, Koutz, Maguire, McConnell, McCarthy, McKenna, Nott, Patterson of San Joaquin, Quigley, Rankin, Rasch, Sullivan, Swan, Wood, and Young—29.

NOES—Messrs Barber, Berry, Blackwell, Coffey, Covington, Clunie, Dunlap, Garretson, Hart, Harris Harding, Jamison, Jones, Jourden, Lambourn, Lammers, McInerny, McMann, Murphy of Del Norte and Klamath, O'Connell, Patterson of Kern and Tulare, Pierce, Sargent Scrivner, Suverkrup, Watkins, and Mr. Speaker—27.

The Speaker announced the question to be upon suspension of the rules and the passage of the bill, and it was read a third time and passed.

RESOLUTIONS.

By Mr. Scrivner:

*Resolved*, That Standing Rule Number One be amended so as to read as follows

RULE 1. The House shall meet each day of sitting at ten o'clock A. M., unless the House shall adjourn to some other hour

Laid over for one day, under the rules.

By Mr. Young.

WHEREAS It has pleased Almighty God to remove from our midst Robert C. Hood, an attaché, namely, a Page of this Assembly, be it, therefore,

*Resolved*, That when this House adjourns, it adjourn till to-morrow at eleven o'clock, in respect to the memory of the deceased.

Adopted.

By Mr. McMann.

*Resolved*, That all select committees heretofore, or who may hereafter be, appointed by this House, shall serve without mileage.

Mr. Scrivner moved to lay upon the table. Upon which the ayes and noes were demanded by Messrs. McMann, McCarthy, and Murphy of Del Norte, and the House refused, by the following vote:

AYES—Messrs. Barber, Blackwell, Blue, Bradley, Broderick, Carter, Carson, Chapman, Coffey, Collins, Cornwell, Hayne, Lambourn, Maguire, McConnell, McKenna, O'Connell, Patterson of San Joaquin, Pierce, Raisch, Scrivner, Sullivan, Suverkrup, Wood, and Young—25.

NOES—Messrs. Archer, Berry, Covington, Clunie, Crutcher, Dunlap, Garretson, Gelwicks, Hart, Harris, Harding, Hinshaw, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lammers, McInerny, McMann, McCarthy, Murphy of Del Norte, Nott, Patterson of Kern and Tulare, Quigley, Rankin, Ruggles, Sargent, Swan, Watkins, and Mr. Speaker—32.

Mr. Berry offered the following substitute:

*Resolved*, That all select committees hereafter appointed by this House shall serve without mileage, unless otherwise directed by the House.

Mr. Gelwicks moved to lay the whole subject on the table. Upon which the ayes and noes were demanded by Messrs. McMann, Murphy of Del Norte, and Harris, and the House so ordered, by the following vote:

AYES—Messrs. Archer, Barber, Blackwell, Blue, Bradley, Broderick, Carter, Carson, Chapman, Coffey, Collins, Cornwell, Covington, Garretson, Gelwicks, Hayne, Hinshaw, Jamison, Lambourn, Maguire, McConnell, McKenna, O'Connell, Patterson of San Joaquin, Raisch, Scrivner, Sullivan, Suverkrup, Wood, and Young—30.

NOES—Messrs. Berry, Clunie, Crutcher, Dunlap, Hart, Harris, Harding, Jenkins, Jones, Jourden, Kennedy, Koutz, Lammers, McInerny, McMann, McCarthy, Murphy of Del Norte, Nott, Patterson of Kern and Tulare, Pierce, Quigley, Rankin, Reddick, Ruggles, Sargent, Swan, Watkins, and Mr. Speaker—28.

Mr. McConnell moved to adjourn.
Lost.
By Mr. Berry

*Resolved*, That all bills introduced into this House, amending either of the Codes, in addition to giving the number of the section amended, shall give the title to which it relates.

Adopted.
On motion of Mr. Berry, the House took up Assembly Bill No. 92—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.
Considered in Committee of the Whole, with the Speaker in the chair.
The committee arose and reported the above bill back, with the recommendation that it pass.

IN ASSEMBLY.

On motion of Mr. Berry, the rules were suspended, the bill considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to the special committee to investigate the affairs of the Park Commissioners.

INTRODUCTION OF BILLS.

By Mr. Archer—An Act prescribing the maximum rates which may be charged for transportation of passengers and freight on the railroads of this State.

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

Also, an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, A. D. eighteen hundred and sixty-one, approved May fourteenth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee

ADJOURNMENT

At two o'clock and twenty-seven minutes P. M., on motion of Mr. McConnell, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 12th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Speaker announced as Committee on Land Monopoly, Messrs. Harding, Chapman, Sullivan, Crutcher, and Koutz

PETITION.

By Mr. Suverkrup—From the Bar Association of San Bernardino. Referred to the Judiciary Committee.

REPORTS.

By Mr. Nott:

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Concurrent Resolutions Nos. 3 and 13, and find the same correctly enrolled, and that at ten o'clock and twenty-five minutes A. M. the same were presented to the Governor for his approval.

NOTT, for Committee.

By Mr. Berry:

Mr. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 70—An Act to appropriate money for translating into Spanish the laws of the twentieth session of the Legislature of the State of California—have amended the same, and recommend its passage as amended.

BERRY, Chairman.

By Mr. McInerny:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California.

Also, Assembly Bill No. 163—An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District Solano County

Also, Assembly Bill No. 30—An Act entitled an Act to amend section two hundred and forty-five of the Penal Code.

Also, Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure

McINERNY, for Committee.

By Mr. McConnell:

Mr. Speaker—Your Judiciary Committee, to whom was referred Assembly Bill No. 68—An Act to create the Twenty-first Judicial District—report the same back, and a majority (nine members) recommend its passage, while a minority (three members) make a contrary recommendation

Also, Assembly Bill No. 24—An Act to abate the squirrel nuisance in Stanislaus County—report it back, with a substitute, without recommendation and without prejudice

Also, Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of the Boards of Supervisors—report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 114—An Act fixing the salary of the District Attorney of Humboldt County—and recommend its passage

Also, Assembly Bill No. 97—An Act to amend the Civil Code, in relation to forms of certificates of acknowledgment—and recommend that it do not pass.

Also, Assembly Bill No. 95—An Act to amend section four hundred and ninety-six of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 91—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 88—An Act to amend section seventy of the Civil Code—and recommend that it do not pass

Also substitute for Assembly Bill No. 64—An Act to amend the Code of Civil Procedure—report the same back, with an amendment, and recommend its passage as amended

Also, Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside under certain circumstances—report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 136—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, in the State of California, to absent himself from said State for a period of not to exceed sixty days—report the same back, with recommendation that it do not pass.

Also, Assembly Bill No. 137—An Act to protect fish in the County of Del Norte—and recommend its reference to the Fish Committee.

Also, Senate Bill No. 32—An Act to amend section two thousand one hundred and seven and to repeal section two thousand one hundred and twelve of the Political Code—and recommend its passage.

Also, Senate Bill No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court—report the same back, with recommendation that it do pass.

Also, Assembly Bill No. 107—An Act to amend section three thousand seven hundred and fourteen of the Political Code—and recommend that it do not pass

Also, Assembly Bill No. 108—An Act to amend section four thousand and five of the Political Code—and recommend that it do not pass

McCONNELL, Chairman

Assembly Bill No. 137, above reported, was referred to the Fish Committee, as recommended.

On motion of Mr. Gelwicks, Assembly Bill No. 114, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Scrivner, Assembly Bill No. 24, above reported, was taken up, substitute read, and further consideration was postponed until to-morrow, at one o'clock P. M.

By Mr. Watkins:

Mr. Speaker—The Committee on Elections, to which was referred the matter of the contest of *Hugh S. Jones* v. *Cyrus Jones*, have considered the same, and report as follows

That said parties were respectively candidates for the office of Assemblyman of Santa Clara County at the last election.

That said Cyrus Jones was declared duly elected by the Board of Supervisors of said county, and a certificate of election was duly issued to him.

That on the twenty-fifth day of September, A. D. eighteen hundred and seventy-five, the said Hugh S. Jones filed a statement with the County Clerk of said Santa Clara County, contesting the election of said Cyrus Jones, and for grounds of contest alleged that the Boards of Election of the First, Second, and Third Wards of the City of San José were guilty of irregularities in the counting and returning the votes of their respective wards.

That, after proper proceedings had, testimony was duly taken which, after notice to the parties, your committee has carefully considered, and from it find the following

*First*—That neither of the Boards of Election of the First, Second, or Third Wards of said City of San José were guilty of irregularities in the counting and returning the votes polled therein.

*Second*—That said Cyrus Jones received in said County of Santa Clara a majority over said Hugh S. Jones of fifty-seven votes.

*Third*—That said Cyrus Jones is entitled to his seat in this House as one of the Representatives of said County of Santa Clara.

Your committee, therefore, submits the following resolution, and recommends its passage

*Resolved*, That Cyrus Jones be and is hereby declared to be one of the legally elected Representatives in this Assembly, from Santa Clara County

The papers in said contest and the testimony accompany this report.

WATKINS, Acting Chairman.

The above report and resolution were adopted.

By Mr. Clunie:

*Resolved by the Assembly, the Senate concurring*, That the following bills for expenses for the inaugural ceremonies of the Governor payable out of the Contingent Fund of the Senate and Assembly, in equal proportion, be paid as follows Fisch & Grant's band, one hundred dollars, T D Seiver one hundred and forty-five dollars, C M. Tucker, four dollars, N L Drew & Co., fifty dollars and eighty-seven cents, B F Alexander, twenty-four dollars and fifty cents, Wm. O'Brien, five dollars, J J Maloney (porter), four dollars: E. F. Boyle, four dollars.

Read, rules suspended, adopted, and ordered transmitted immediately to the Senate

By Mr. Clunie

Mr Speaker The undersigned, members of the committee to whom was referred Assembly Bill No 68—An Act to create an extra judicial district in the State of California, calling the same the Twenty-first Judicial District, and providing for the appointment of an additional District Judge at an annual compensation of five thousand dollars—beg leave to dissent from the opinion of the majority of the committee, on the ground that, from the evidence of the District Judge of that district, and the ex-District Judge, we do not believe it necessary that such additional expense be incurred, and believe that, instead of creating new offices, that we were sent here to abolish many that now unnecessarily exist. We find as a fact that neither the present incumbent nor his immediate predecessor favor the passage of the bill. That if said bill becomes a law, there are several other applications for the creation of other judicial districts which will be made to the Legislature, founded upon stronger proof of their necessity than the one now under consideration

THOS. J. CLUNIE.
I. W. HARDING,
THOS. M. SWAN.

By Mr. Swan:

Mr. Speaker Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 19—Relative to increasing mail service on United States Mail Route Number Forty-six Thousand One Hundred and Nine—have had the same under consideration, report it back, and recommend its passage.

SWAN, for Committee.

By Mr Hinshaw:

Mr. Speaker Your Committee on Expenditures and Accounts have commenced their work of investigation under an order of this House made by a resolution They have visited all the rooms occupied by clerks of the Assembly, and have found matters pertaining thereto in good working order The furniture in the Enrolling Clerk's office is not as good as it should be for the safe-keeping of the papers placed in his care, and they requested the Secretary of State to procure a good and substantial desk for the use of that office They have also been to see the Secretary of State, in reference to the stationery obtained at his office by the attachés of the Assembly, and have examined his books in relation to the matter, and have found enough to warrant them in reminding members and heads of committees of the Assembly of the necessity of using care in signing requisitions for stationery, except for their own use

HINSHAW, Chairman.

At twelve o'clock M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.
Speaker in the chair.
Roll called, and a quorum present.

REPORTS

By Mr. Archer.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations—having had said bill under consideration, beg leave to report the same back, recommending its passage.

ARCHER, Chairman.

MR. SPEAKER: Your Committee on Corporations, to whom was referred resolution relative to appointing a committee of three to examine books, and papers, and accounts of a certain street railroad in the City of San Francisco, having had said resolution under consideration, beg leave to report the same back, with the recommendation that it be referred to the San Francisco delegation.

ARCHER, Chairman.

The resolution above reported was referred as recommended.
By Mr. McConnell:

MR. SPEAKER: The Los Angeles delegation, to which was referred Assembly Bill No. 175—An Act to authorize the Mayor and Common Council of the City of Los Angeles to issue bonds and to provide means for the improvement of irrigation in said city—beg leave to report that they have had the same under consideration, and report the same back, with the recommendation that it pass.

McCONNELL AND LAMBOURN, Delegation.

RESOLUTIONS.

By Mr. Birney.

*Resolved*, That John D. Ricks be and he is hereby appointed Page of this Assembly, to fill the vacancy caused by the death of Robert Hood.

Mr. Clunie moved to strike out the name of John D. Ricks, and insert that of Master Hood.
On motion of Mr. Harris, the further consideration of the resolution was postponed until to-morrow.
By Mr. Nott:

*Resolved*, That the several newspaper correspondents on this floor be and are hereby required to furnish this House with their names and the paper for which they are so acting, in order that the Sergeant-at-Arms may know whose requisition for stationery to honor.

Adopted.
Mr. Bricceland had leave to withdraw Assembly Bill No. 119—An Act to amend section four hundred and twenty-four of the Political Code.
By Mr. Kennedy.

*Resolved by the Assembly, the Senate concurring*, That no mileage shall or will be allowed to any special committee except their traveling expenses, from and after this date. The Chairman of such committee is directed to report the expenses of such committee.

Read first and second times and laid over for one day.
On motion of Mr. Garretson, Assembly Concurrent Resolution No. 19—Relative to United States Mail Route Number Forty-six Thousand One Hundred and Nine—was taken up.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Scrivner, the House took up the resolution of yesterday, to amend Standing Rule Number One—to change the hour of meeting from eleven to ten o'clock A. M.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Berry, Nott, and Patterson of Kern and Tulare, and the roll was called, with the following result:

AYES—Messrs. Archer, Berry, Blackwell, Blue, Bradley, Breeland, Chapman, Clark, Coffey, Collins, Cornwell, Covington, Clune, Crutcher, Dunlap, Garretson, Griswold, Hinshaw, Jamison, Jenkins, Jones, Kennedy, Lambourn, Lammers, Magune, Nott, Patterson of Kern and Tulare, Rankin, Sargent, Scrivner, Swan, Wetherill, Wood, and Mr. Speaker—34.

NOES—Messrs. Gelwicks, Harris, Harding, Hayne, Jounden, Koutz, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, O'Connell, Patterson of San Joaquin, Pierce, Quigley, Reddick, Suverkrup, Watkins, and Young—19.

Accordingly, the resolution was declared lost, not having the requisite two-third vote.

By Mr. Scrivner:

*Resolved*, That the resolution by which the House agreed to take a recess from twelve to one each day be and the same is hereby rescinded.

Laid over one day, under the rules.

By Mr. Berry.

*Resolved*, That the Chaplain of this House be and is hereby allowed the sum of five dollars per day, and the Controller is directed to draw his warrant on the Treasurer for the same, payable out of the Contingent Fund of the Assembly.

Mr. Murphy of Del Norte moved to strike out the word "five," and insert "two and one-half."

Upon which the ayes and noes were demanded by Messrs. Murphy of Del Norte, Gelwicks, and Garretson, and the House refused, by the following vote:

AYES—Messrs. Bradley, Breeland, Chapman, Crutcher, Garretson, Hart, Harding, Hinshaw, Jenkins, Jounden, Kennedy, Lambourn, Magune, McInerny, McMann, Murphy of Del Norte and Klamath, O'Connell, Patterson of Kern and Tulare, Patterson of San Joaquin, Rankin, Wood, and Young—22.

NOES—Messrs. Archer, Berry, Blackwell, Blue, Carter, Clark, Coffey, Collins, Cornwell, Covington, Clune, Gelwicks, Griswold, Harris, Hayne, Jamison, Jones, Koutz, Lammers, McConnell, McCarthy, Nott, Pierce, Quigley, Ruggles, Sargent, Scrivner, Suverkrup, Swan, Watkins, Wetherill, Wilcox, and Mr. Speaker—33.

Mr. Murphy of Del Norte moved to refer to the Committee on Employés.

Lost.

Mr. Murphy moved to amend to "four" dollars instead of "five."

Lost.

The original resolution was then adopted.

By Mr. Wilcox:

*Resolved*, That two hundred and forty copies of the report of the Yosemite Valley Commissioners be ordered printed.

Adopted.

By Mr. Wilcox.

*Resolved*, That the Speaker be and he is hereby authorized and directed to appoint a special committee of five to inquire into the title, and the means by which said title was procured, of the Golden City Homestead Association, to certain tide lands in the City of San Francisco, with

a view of having them restored to the State; and that said committee shall have power to send for persons and papers.

Adopted.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, January 11th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 51—An Act in relation to roads in Plumas County.

Also, adopted Senate Concurrent Resolution No. 18—In reference to the Centennial.

Also, refused to concur in Assembly Concurrent Resolution No. 16—Relative to limiting the time for the introduction of bills.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 12th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the tenth day of January, eighteen hundred and seventy-six, passed Senate Bill No. 33—An Act to amend section six hundred and twenty-six of the Penal Code.

Also, Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of lands for taxes.

Also, Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code.

Also, on this date, adopted and passed a substitute for Assembly Bill No. 43—An Act to amend section one thousand seven hundred and ninety-two of the Political Code of California.

Also, adopted and passed a substitute for Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code of California.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 18, above reported, read first and second times and referred to the Committee on Ways and Means.

Senate Bills Nos. 33, 94, and 79, above reported, each read first and second times and referred to the Judiciary Committee.

Mr. Berry had leave to withdraw Assembly Bill No. 78, to amend.

Mr. Dunlap also had leave to withdraw Assembly Bill No. 172, for the same purpose.

The Speaker announced the special order, being Assembly Bill No. 5—An Act to provide for the auditing and payment of the balance remaining due of the Indian war indebtedness of the State of California.

Referred to the Judiciary Committee.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Garretson—Of an Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.

Also, of an Act in relation to boundary fences and trespass of animals in the County of San Mateo.

By Mr. Nott—Of an Act for the annexation of a portion of the Carson Creek School District, in the County of Sacramento, to the Carson Creek School District, in the County of El Dorado.

By Mr. Hayne—Of an Act to authorize the County of Santa Barbara to construct a railroad within its limits.

Also, of an Act to authorize the said county to issue bonds for the construction of a jail, and for hospital purposes in said county.

By Mr. Briceland—An Act to authorize Grant I. Taggart, former Clerk and Recorder of Shasta County, to certify and sign certain records.

Read first and second times, rules suspended, considered engrossed, read third time, and passed

By Mr. Gelwicks—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer.

Read first and second times and referred to the Alameda delegation.

By Mr Murphy of Del Norte—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

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

Also, an Act to amend section three hundred and ninety-eight of the Penal Code, relative to selling fire-arms to Indians

Read first and second times and referred to the Committee on Indian Affairs.

By Mr Wilcox—An Act creating the office of Bank Commissioner, and to prescribe his duties and powers

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

By Mr. Scrivner—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code of the State of California, in relation to witnesses in criminal cases.

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

By Mr. Lambourn—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and to authorize his payment.

Read first and second times and referred to the Los Angeles delegation.

By Mr Jenkins—An Act to grant leave of absence to A. L. Knowlton, County Surveyor of Butte County.

Read first and second times and referred to the Butte delegation.

By Mr. Covington—An Act entitled an Act for the relief of William Ford, of Mendocino County.

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

By Mr. Harris—An Act in reference to deeds and powers of attorney heretofore executed by married women.

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

By Mr. Wood—Proposed amendments to Articles V. and XI of the Constitution of the State of California, all relative to assessments and taxation, and the creation of the office of State Assessor.

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

By Mr. Jamison—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Santa Clara delegation

Also, an Act to amend section three thousand three hundred and eighty-five of the Political Code

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

By Mr. Covington—An Act entitled an Act to provide for the payment of certain school orders in the County of Mendocino

Read first and second times and referred to the Committee on Education.

By Mr. Hayne—An Act concerning the office of County Clerk of Santa Barbara County.

Read first and second times and referred to the Santa Barbara delegation.

By Mr. Maguire—An Act to amend section one thousand four hundred and one of the Civil Code, relating to the distribution of the common property in case of the death of the wife.

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

The Speaker announced as the committee provided for by Mr. Wilcox's resolution, this day adopted, and having reference to the affairs of the Golden City Homestead Association, Messrs. Wilcox, Harding, Carson, Murphy of Del Dorte, and Garretson.

ADJOURNMENT

At two o'clock and twenty-two minutes P. M., on motion of Mr. Clunie, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 13th, 1876

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE

One day's leave of absence was granted to Messrs. Hinshaw and Abbott, and three days to Mr. Jourden.

PETITIONS.

By Mr Berry—From the citizens and tax-payers of the Upper Sacramento Valley, State of California, in reference to hydraulic mining.

Referred to a Select Committee on Agriculture and Mining.

By Mr. Nott—From the residents of the eastern portion of Carson Creek School District, in Sacramento County.

Referred to the Committee on Education.

REPORTS.

By Mr. Maguire:

Mr. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 147—Relative to allowing the State Board of Education to issue certificates to persons holding life diplomas or State Normal School certificates granted in other States, and to allowing graduates of the State University of California to teach in our public schools without being subjected to a teacher's examination—beg leave to report the same back, and recommend its passage, with amendments.

MAGUIRE, for Committee

By Mr. Swan:

Mr. SPEAKER. Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 4—Relative to a tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon—have duly considered the same, report it back, and recommend its passage.

SWAN, Chairman

By Mr. Archer:

Mr. SPEAKER. Your Judiciary Committee, to whom was referred Assembly Bill No. 3—An Act for the relief of John Higgins—have had the same under consideration, can find no constitutional or legal objections to its passage, and report the same back without recommendation or prejudice.

Also, Assembly Bill No. 11—An Act to protect lumber manufacturers—report the same back with a substitute, and recommend the passage of the substitute.

McCONNELL, Chairman.

By Mr. Covington:

Mr. SPEAKER. Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 160—An Act to grant leave of absence from the State to George W. Welch, Superintendent of Public Schools of Shasta County.

Also, Assembly Bill No. 116—An Act relative to highways in Los Angeles County.

Also, Assembly Bill No. 114—An Act fixing the salary of District Attorney of Humboldt County.

COVINGTON, for Committee

By Mr. Reddick:

Mr. SPEAKER. The Calaveras delegation, to whom was referred Assembly Bill No. 53—An Act regulating certain township offices in the County of Calaveras—has had the same under consideration, and report it back, recommending its passage.

REDDICK, for Delegation

MOTIONS AND RESOLUTIONS.

Mr. Kennedy had leave to withdraw Assembly Concurrent Resolution No. 21—Relative to mileage of special committees.

By Mr. Kennedy:

*Resolved*, That no mileage be allowed to any special committee appointed by this House, except their actual traveling expenses.

Mr. Archer moved to amend, to include standing committees.

Adopted.

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

The ayes and noes were demanded by Messrs. Murphy of Del Norte, McMann, and Berry, and the House refused, by the following vote:

AYES—Messrs. Blackwell, Blue, Buckland, Chapman, Clark, Coffey, Cornwell, Garretson, Gelwicks, Griswold, Hayne, Jenkins, Jones, Lamboirn, McKenna, Patterson of San Joaquin, Reddick, Ruggles, Suverkrup, Wilcox, and Wood—21.

NOES—Messrs. Archer, Berry, Bradley, Carter, Collins, Covington, Chune, Crutcher, Dunlap, Hart, Harris, Harding, Jamison, Kennedy, Koutz, Lammers, Maguire, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Nott, O'Connell, Patterson of Kern and Tulare, Pierce, Quigley, Rankin, Sargent, Scrivner, Swan, Watkins, Young, and Mr. Speaker—33.

Mr Koutz offered the following amendment: Amend by adding, "but this resolution not to apply to any travel already performed by any committee"

Lost.

The original resolution, as amended, was then adopted.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr Berry—Of an Act to provide for funding the indebtedness of Levee District Number Two, Sutter County.

Also, of an Act for transferring the government of Levee District Number Two, Sutter County, from the Board of Supervisors to a Board of Directors to be elected by the voters of said district.

Mr. Clunie had leave to introduce the following bill without previous notice: An Act to amend section one hundred and seventy-two of the Code of Civil Procedure

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

Mr. Berry had leave to report back, with amendments, Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County prior to May first, eighteen hundred and seventy-four—and recommended passage.

Ordered on file

RECESS

At twelve o'clock M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced the special order, being substitute for Assembly Bill No. 24—An Act to abate squirrel nuisances in Stanislaus and other counties.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.

INTRODUCTION OF BILLS.

By Mr. Garretson—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.

Read first and second times and referred to the Committee on Roads and Highways.

Also, an Act in relation to boundary fences and the trespass of animals in the County of San Mateo.

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

Mr Dunlap had leave to report back Assembly Bill No. 172—An Act to amend sections two hundred and forty-three, three hundred and thirty, and five hundred and eighty-eight of the Penal Code, with amendment, and recommended its passage.

By Mr. Quigley—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr Gelwicks—An Act entitled an Act to district the City of Oakland into wards.

Read first and second times and referred to the Alameda delegation.

By Mr Clark—An Act to regulate the practice of medicine in the State of California

Read first and second times and referred to the Special Committee on Quackery.

By Mr. Covington—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Read first and second times and referred to the Committee on Education.

By Mr. Maguire—An Act to authorize the sale of the odd volumes of the Supreme Court Reports

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

GENERAL FILE.

[Speaker pro tem in the chair.]

Assembly Concurrent Resolution No. 6—Requesting Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo.

Read third time and passed.

Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus.

Read third time and passed.

Assembly Bill No. 20—An Act to amend section one of an Act entitled an Act to provide for the indigent sick of Klamath County.

Read third time and passed.

Substitute for Assembly Bill No. 69—An Act to fix the bonds of the Tax Collectors of Fresno, Tulare, and Kern Counties

Read third time and passed.

Assembly Bill No. 129—An Act to provide for the transfer of certain road moneys in Placer County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure.

Mr. Harris offered a substitute, and moved to recommit to the Judiciary Committee, with instructions to report the substitute.

Carried

Assembly Bill No 30—An Act entitled an Act to amend section two hundred and forty-five of the Penal Code.

Read third time and passed.

Assembly Bill No. 163—An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County

Read third time and passed.

Senate Bill No 42—An Act to amend section fifty-eight of the Code of Civil Procedure.

Read third time and passed.

Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court.

Read third time and passed.

Senate Bill No. 32—An Act to amend section two thousand one

hundred and seven, and to repeal section two thousand one hundred and twelve of the Political Code of the State of California.

Read third time and passed.

Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations.

Read third time and passed.

Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State.

Passed on file.

Assembly Bill No 57—An Act to add another section to the Political Code, relative to the canvassing of election returns.

Substitute adopted and ordered engrossed.

Assembly Bill No. 166—An Act concerning the County Treasurer of Ventura County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 177—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento

Referred to the Judiciary Committee.

Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of the Board of Supervisors

Amended and ordered engrossed

Substitute for Assembly Bill No. 64—An Act to amend the Code of Civil Procedure

Passed on file

Assembly Bill No. 68—An Act to create the Twenty-first Judicial District

Made the special order for Monday, January seventeenth, at one o'clock P. M.

Assembly Bill No. 88—An Act to amend section seventy of the Civil Code.

Passed on file.

Assembly Bill No. 91—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure.

Made the special order for Monday, January seventeenth, at two o'clock P. M.

Assembly Bill No. 95—An Act to amend section four hundred and ninety-six of the Penal Code.

Passed on file.

Assembly Bill No. 97—An Act to amend the Civil Code, in relation to forms of certificates of acknowledgment.

Passed on file.

Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside, under certain circumstances.

Amended and ordered engrossed

Assembly Bill No. 136—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, to absent himself from the State for a period not to exceed sixty days.

Passed on file.

Assembly Bill No. 107—An Act to amend section three thousand seven hundred and fourteen of the Political Code

Passed on file.

Assembly Bill No 108—An Act to amend section four thousand and five of the Political Code.

Passed on file

House went into Committee of the Whole for the consideration of Assembly Bill No 70—An Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of California

[Speaker pro tem. in the chair.]

The committee arose and reported the bill back, with amendments, and recommended its passage as amended

IN ASSEMBLY.

Assembly Bill No. 70, above reported, amendments adopted, and ordered engrossed

Assembly Bill No. 175—An Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds and to provide means for the improvement of irrigation in said city.

Ordered engrossed.

Mr. Hart offered the following resolution:

*Resolved*, That the Engrossing Clerk of this House be authorized to sectionize Assembly Bill No. 10.

Adopted.

Mr Berry moved that the Copying Clerks be authorized to insert the words "month of November" in last section of Assembly Bill No. 180

Adopted.

UNFINISHED BUSINESS.

The House took up the resolution of Mr Scrivner, to rescind the resolution providing for a recess from twelve to one o'clock.

Adopted.

By Mr. Carpenter:

*Resolved*, That this House take a recess from twelve o'clock and thirty minutes P. M. to one o'clock P. M., each day of session.

Mr. Berry moved to amend by inserting the words "from half-past twelve to half-past one P. M."

Adopted.

The resolution, as amended, was then adopted.

The House then took up the resolution of Mr Berry, offered yesterday, to appoint John D. Ricks, Page of this House, in place of Robert Hood, deceased; the question being upon the amendment offered yesterday by Mr. Clunie, to insert the name of Master Hood.

Mr Quigley offered the following substitute:

*Resolved* That this House do now proceed to the election of a Page, to fill the vacancy caused by the death of Robert Hood.

Adopted.

The Speaker announced the election of a Page in order.

Mr. Berry nominated John D. Ricks

Mr. Clunie nominated Master Geo L. Hood.

The roll was called, with the following result:

*For Ricks*—Messrs. Archer, Berry, Bradley, Buceland, Clark, Collins, Crutcher, Garretson, Hart, Jamison, Jones, Koutz, Lambourn, McKenna, Rankin, Scrivner, Suverkrup, Watkins, Wood, and Mr. Speaker—20.

*For Hood*—Messrs. Blackwell, Blue, Carter, Chapman, Coffey, Covington, Clune, Dunlap, Gelwicks, Griswold, Harris, Harding, Hayne, Jenkins, Kennedy, Lammers, Maguire, McInerny, McMann, Murphy of Del Norte and Klamath, Nott, O'Connell, Patterson of Kern and Tulare, Pierce, Quigley, Reddick, Ruggles, Sargent, Swan, and Young—30.

| | |
|---|---|
| Whole number of votes cast | 50 |
| Necessary to a choice | 26 |
| Hood received | 30 |
| Ricks received | 20 |

The Speaker declared Master Geo. L. Hood duly elected a Page of the Assembly.

Mr. Rankin offered the following:

*Resolved*, That the Speaker be authorized to appoint John D. Ricks as an additional Page.

Adopted.

SENATE MESSAGE.

The House took up a Senate message.

SENATE CHAMBER,
SACRAMENTO, January 13th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on Thursday, the thirteenth day of January, eighteen hundred and seventy-six, passed Senate Bill No. 187—An Act to amend sections three thousand seven hundred and fifty-eight and three thousand seven hundred and sixty-four of the Political Code.

CLARK, Assistant Secretary.

Senate Bill No. 187, above reported, read first and second times, rules suspended, read third time, and passed.

ADJOURNMENT.

At three o'clock and five minutes P. M. Mr. Sargent moved to adjourn to ten o'clock A. M. to-morrow.

Mr. Harris moved to amend by inserting "eleven o'clock A. M.," which amendment prevailed, and the House adjourned accordingly.

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Friday, January 14th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. McConnell, Hinshaw, Abbott, and Sargent, and two days' leave to Mr. Scrivner.

PETITION.

By Mr. Quigley—From the citizens and tax-payers of Lower Lake, Lake County.

Referred to the Committee on Education.

REPORTS.

By Mr. Berry:

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Concurrent Resolution No. 18—in reference to appointing a joint committee relative to the Centennial—have considered the same, and recommend its passage.

BERRY, Chairman.

By Mr. McKenna:

MR. SPEAKER: Your Committee on Enrollment beg leave to report that they have examined and compared Assembly Bill No. 51—An Act relative to roads in Plumas County.

Also, Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code of California.

Also, Assembly Bill No. 43—An Act to amend section one thousand seven hundred and ninety-two of the Political Code of California.

Also, Assembly Bill No. 52—An Act to fund certain indebtedness of Plumas County.

And that the same are correctly enrolled; and, at ten o'clock and twenty minutes A. M. this day, presented the same to the Governor for his approval.

McKENNA, for Committee.

By Mr. Jenkins:

MR. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No. 190—An Act to grant leave of absence to A. L. Knowlton, County Surveyor of Butte County—have considered the same, and recommend its passage.

JENKINS, for Delegation.

By Mr. Covington:

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 10—An Act in relation to the county officers of Colusa County, their fees and salaries.

Also, Assembly Bill No. 183—An Act to authorize Grant I. Taggart, former Clerk and Recorder of Shasta County, to certify and sign certain records.

Also, Assembly Concurrent Resolution No. 19—Relative to United States Mail Route Number Forty-six Thousand One Hundred and Nine.

COVINGTON, for Committee.

MOTIONS AND RESOLUTIONS.

Mr. Reddick moved that two hundred and forty additional copies of Assembly Bill No. 182—An Act to prescribe the maximum rates which may be charged for transportation of passengers and freights on railroads in this State—be printed.

Adopted.

By Mr. Koutz:

WHEREAS, Cheap postage is of inestimable value to the people, and one of the greatest aids to civilization and republican government, by the diffusion of knowledge and information among all classes; and whereas, near the close of the last session of Congress, the passage of an amendment to the postal laws was surreptitiously obtained by interested parties, increasing the rates of postage on third-class mail matter from one cent per two ounces to one cent per ounce; therefore, be it

*Resolved by the Assembly, the Senate concurring*: That our Senators and Representatives in Congress are requested to endeavor to procure, as speedily as possible, the repeal of said amendment, and the restoration of the rates existing previous to its passage.

*Resolved*, That his Excellency the Governor is hereby requested to forward a copy of the foregoing to each of our Senators and Representatives in Congress.

Referred to the Committee on Federal Relations.

By Mr Clunie·

*Resolved*, That the Committee on Claims be allowed a clerk, at a per diem of five dollars.

Referred to the Committee on Attachés.

INTRODUCTION OF BILLS.

By Mr. Jenkins—An Act to abolish the State Board of Health, by repealing certain sections of the Political Code.

Read first and second times and referred to the Committee on Public Expenditures and Accounts

By Mr. Quigley—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Read first and second times and referred to the Committee on Education.

By Mr. Koutz—Proposed amendments to the Constitution of the State of California.

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

By Mr Quigley—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Pierce—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two.

Read first and second times and referred to the San Diego delegation.

GENERAL FILE.

Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County prior to May first, eighteen hundred and seventy-four

Amended and ordered reengrossed.

Assembly Bill No. 160—An Act to grant leave of absence from the State to George W. Welch, Superintendent of Public Schools of Shasta County.

Read third time and passed

Assembly Concurrent Resolution No 4—Relative to the survey of mountain grazing lands in this State.

Passed on file

Substitute for Assembly Bill No 64—An Act to amend the Code of Civil Procedure.

Passed on file.

Assembly Bill No 88—An Act to amend section seventy of the Civil Code.

Passed on file.

Assembly Bill No. 95—An Act to amend section four hundred and ninety-six of the Penal Code.

Passed on file.

Assembly Bill No. 97—An Act to amend the Civil Code, in relation to forms of certificates of acknowledgment.

Recommitted to the Judiciary Committee.

Assembly Bill No. 136—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, to absent himself from the State for a period not to exceed sixty days.

Passed on file.

Assembly Bill No 107—An Act to amend section three thousand seven hundred and fourteen of the Political Code.

Passed on file.

Assembly Bill No 108—An Act to amend section four thousand and five of the Political Code.

Passed on file.

Assembly Bill No 3—An Act for the relief of John Higgins.

Referred to the San Francisco delegation.

Assembly Bill No 11—An Act to protect lumber manufacturers.

Substitute adopted and ordered engrossed.

Assembly Bill No. 53—An Act regulating certain township officers in the County of Calaveras.

Passed on file.

Assembly Bill No 147—An Act to amend section one thousand seven hundred and fifty of the Political Code.

Recommitted to the Committee on Education.

Assembly Concurrent Resolution No. 14—Relating to tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 172—An Act to amend sections two hundred and forty-three, three hundred and thirty, and five hundred and eighty-eight of the Penal Code.

Referred to the Judiciary Committee.

RESOLUTION.

By Mr Garretson:

WHEREAS, It has pleased Almighty God to remove from earth a Senator and former member of the Assembly from the County of San Mateo, the Hon Selden J. Finney, therefore,

*Resolved*, That when this Assembly adjourns to-day, it adjourn out of respect to the memory of the deceased.

Adopted.

At twelve o'clock M., on motion of Mr Murphy of Del Norte, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 15th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted as follows. To Messrs. Lammers, Pullen, and McConnell for one day, to Mr. Jamison for two days, and to Mr. Dunlap for three days.

Mr. Wilcox arose to a question of privilege, concerning a correspondent of the *San Francisco Chronicle*

PETITION

By Mr. Bradley—From the residents and tax-payers of Marysville Township, Yuba County, with reference to the trespassing of animals upon private property.

Referred to the Committee on Agriculture

REPORTS.

By Mr Covington:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 57—An Act to add two new sections to the Political Code, relative to the canvassing of election returns

Also Assembly Bill No. 175—An Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds, and to provide means for the improvement of irrigation in said city.

Also, Assembly Bill No 166—An Act concerning the County Treasurer of Ventura County

Also, Assembly Bill No 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside under certain circumstances.

COVINGTON, for Committee.

By Mr Archer.

Mr Speaker: Your Judiciary Committee to whom was referred Assembly Bill No. 176—An Act to legalize a contract heretofore entered into by and between A. L Bancroft & Co. and the State Board of Education of the State of California—have had the same under consideration, report it back, and recommend its reference to the Committee on Education.

Also Assembly Bill No. 117—An Act to provide for the safety of persons attending public assemblies—report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No 119—An Act to amend section four thousand and twenty-four of the Political Code—report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 120—An Act to amend section three hundred and ninety-seven of the Penal Code—report it back, a majority (five members) recommending that it do not pass, and a minority (four members) recommending its passage.

Also, Assembly Bill No. 162—An Act to add another section to the Penal Code (Chapter II, Title IX, Part I)—report the same back, and recommend its passage

Also, Assembly Bill No 155—An Act to amend section five hundred and forty of the Code of Civil Procedure—report the same back, and recommend that it do not pass

Also, Assembly Bill No. 149—An Act to amend section two hundred and forty of the Penal Code—report it back, and recommend that it do not pass

Also, Assembly Bill No 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure—report it back, recommending its passage

Also, Assembly Bill No 145—An Act for the relief of the purchasers of State lands—report it back without recommendation, and that its author may have an opportunity to withdraw it and present a substitute

Also, Assembly Bill No 140—An Act to amend section two thousand and twenty-four of the Code of Civil Procedure—report it back, and recommend that it do not pass

Also, Assembly Bill No. 135—An Act to amend section three thousand five hundred and twenty-one of the Political Code—report the same back, and recommend that it do not pass.

ARCHER, Acting Chairman.

Assembly Bill No. 176, above reported, referred to the Committee on Education, as recommended.

By Mr. Clunie:

Mr. Speaker: The Committee on Claims, to whom was referred Assembly Bill No 150—An Act for the relief of Richard Palmer—beg leave to report the same back, and recommend that it do not pass.

CLUNIE, for Committee.

MOTIONS AND RESOLUTIONS.

By Mr. Archer:

*Resolved*, That C. W. Upton be accorded the contract of copying and preparing for the use of the State Printer, the minutes of the proceedings of this Assembly, together with all documents and reports that are ordered to appear in the appendices of this session; *provided*, that he furnish a good and sufficient bond, to be approved of by the Secretary of State, for the faithful performance of such work.

Referred to the Committee on Employés.

On motion of Mr. Crutcher, the Engrossing Clerk was authorized to sectionize Assembly Bill No. 129.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 15th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the tenth day of January, eighteen hundred and seventy-six, passed Senate Bill No. 100—An Act to regulate fees of office and to fix the compensation of certain officers in the County of Contra Costa.

Also, Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

Also, Senate Bill No. 126—An Act making the County Recorder of Solano County ex officio Auditor of said county and fixing his compensation.

Also, Senate Bill No. 29—An Act to add an additional section to the Code of Civil Procedure.

Also, Senate Bill No. 53—An Act to provide for the redemption of certain bonds of the County of Solano.

Also, Senate Joint Resolution No. 14—In regard to the granting of pensions to soldiers of the Mexican war.

Also, Senate Concurrent Resolution No. 7—Asking a modification of our treaty with China.

And, on the eleventh instant, passed Senate Bill No. 31—An Act concerning the office of County Clerk in the City and County of San Francisco.

Also, Senate Bill No. 65—An Act to amend section three hundred and forty of the Code of Civil Procedure.

And, on the thirteenth instant, amended and passed Assembly Concurrent Resolution No. 20—Concerning expenses of the inaugural ceremonies of the Governor.

And, on the fourteenth instant, passed Assembly Bill No. 62—An Act entitled an Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.

Also, amended and passed Assembly Bill No. 60—An Act to amend an Act entitled an Act *prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.*

And indefinitely postponed Assembly Bill No. 151—An Act to repeal an Act entitled an Act to provide road funds for the Counties of San Luis Obispo and Santa Barbara.

Also, Assembly Bill No. 158—An Act to amend an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March twentieth, eighteen hundred and seventy-two.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 100, above reported, read first and second times and referred to the Contra Costa delegation.

Senate Bill No. 81, above reported, read first and second times and referred to the Contra Costa delegation.

Senate Bill No. 126, above reported, read first and second times and referred to the Solano delegation.

Senate Bill No. 29, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 53, above reported, read first and second times and referred to the Solano delegation.

Senate Joint Resolution No. 14, above reported, read first and second times and referred to the Committee on Federal Relations.

Senate Concurrent Resolution No. 7, above reported, read first and second times and referred to the Committee on Federal Relations.

Senate Bill No. 31, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No 65, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 20, above reported, Senate amendments concurred in

Assembly Bill No. 60, above reported, was referred to the delegations from Sonoma, Siskiyou, and Modoc.

INTRODUCTION OF BILLS.

By Mr. Rice—An Act to reincorporate the City of Santa Cruz.

Read first and second times and referred to the Santa Cruz delegation.

By Mr. Covington—An Act for the repeal of section one thousand five hundred and forty-two of the Political Code.

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

By Mr Archer—An Act in relation to the county officers of Santa Clara County, their fees and salaries

Read first and second times and referred to the Santa Clara delegation

By Mr. Ostrom—An Act to protect agriculture, and to prevent the trespassing of animals upon private property, in Marysville Township, Yuba County.

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

By Mr. Abbott—An Act to amend an Act entitled an Act to fix the terms of the County Court of Monterey County, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times and referred to the Monterey delegation.

By Mr Berry—An Act to amend section two hundred and forty-six of the Political Code, abolishing the office of Post-office Page of the Assembly.

Read first and second times and referred to the Judiciary Committee

By Mr. Clunie—An Act in relation to the Board of Supervisors of the County of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Patterson of Kern and Tulare—An Act to change the name of "Tule River School District," in the County of Tulare, to that of "Porterville School District," and to provide for additional school facilities therein.

Read first and second times and referred to the delegation.

By Mr. Sargent—An Act concerning certain reclamation districts in San Joaquin County.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

GENERAL FILE.

Senate Concurrent Resolution No. 18—In reference to the Centennial.

Read third time and passed.

Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State.

Passed on file.

Substitute for Assembly Bill No 64—An Act to amend the Code of Civil Procedure.

Passed on file.

Assembly Bill No. 88—An Act to amend section seventy of the Civil Code.

Passed on file.

Assembly Bill No. 95—An Act to amend section four hundred and ninety-six of the Penal Code.

Passed on file

Assembly Bill No. 136—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, to absent himself from the State for a period not to exceed sixty days.

Ordered engrossed.

Assembly Bill No 107—An Act to amend section three thousand seven hundred and fourteen of the Political Code.

Also, Assembly Bill No 108—An Act to amend section four thousand and five of the Political Code.

Referred to the Judiciary Committee.

Assembly Bill No. 53—An Act regulating certain township officers in the County of Calaveras.

Ordered engrossed.

Assembly Bill No. 190—An Act to grant leave of absence to A. L. Knowlton, County Surveyor of Butte County.

Ordered engrossed

At eleven o'clock and forty minutes A. M., on motion of Mr. Coffey, the House took a recess for ten minutes.

RE-ASSEMBLED.

At twelve o'clock M. the House re-assembled, with the Speaker in the chair.

Roll called, and a quorum present.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 15th, 1876.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 207—An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety of the Political Code—and ordered the same transmitted without engrossment

Also, passed Assembly Bill No 92—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six

Also, on the twelfth instant, passed Senate Bill No 89—An Act to abolish the State Board of Tide Land Commissioners and to repeal sections three hundred and sixty-five and three hundred and ninety-eight of the Political Code

Also, Senate Bill No. 120—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four

Also, Senate Bill No 149—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 in the City of Petaluma, approved January sixth eighteen hundred and seventy-six.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 207, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 149, above reported, read first and second times and referred to the Sonoma delegation.

Senate Bill No. 120, above reported, read first and second times and referred to the Tulare delegation.

Senate Bill No. 89, above reported, read first and second times and referred to the Judiciary Committee.

RESOLUTIONS

By Mr. Wilcox.

*Resolved*, That Mrs. Dora Metzlar be and is hereby appointed an Assistant Copying Clerk, at the per diem allowed other Assistant Copying Clerks, payable out of the Contingent Fund of the Assembly. This resolution shall not take effect until such time as, in the judgment of the Committee on Attaches, another assistant is required.

Referred to the Committee on Employés.

Mr. Harris had leave to submit the following report.

Mr. SPEAKER: Your Committee on Indian Affairs, to whom was referred Assembly Bill No. 186—An Act to amend section three hundred and ninety-eight of the Penal Code, relative to selling or furnishing fire-arms to Indians—beg leave to report the same back with an amendment, and recommend its passage.

HARRIS, for Committee.

Mr. Harding, by leave, offered the following:

*Resolved*, That the Sergeant-at-Arms be requested to furnish the Clerk of the Judiciary Committee with twelve copies of each printed bill of this House.

Adopted.

ADJOURNMENT

Mr. Hart moved to adjourn.

Lost.

Mr. Lambourn moved to adjourn to eleven o'clock and thirty minutes A. M., Monday.

Mr. Maguire moved to amend, to adjourn to one o'clock and thirty minutes P. M., Monday.

Mr. Nott moved to amend the amendment, to adjourn to eleven o'clock A. M., Monday.

Lost.

The amendment offered by Mr. Maguire prevailed.

Accordingly, at twelve o'clock and eighteen minutes P. M., the House adjourned, to meet Monday, January seventeenth, at one o'clock and thirty minutes P. M.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 17th, 1876.

House met pursuant to adjournment.

In the absence of the Speaker and Speaker pro tem., the House was called to order by the Chief Clerk, Mr Ferral.

Roll called, and quorum present.

On motion of Mr. Young, Mr. Archer was called to preside.

Prayer by the Chaplain

Journal of Saturday read and approved.

## LEAVE OF ABSENCE.

Messrs. Scrivner and Murphy of Del Norte were each granted one day's leave of absence, and two days to Mr. Jones.

The Chair announced the special order, being Assembly Bill No. 91—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure.

Recommitted to the Judiciary Committee.

On motion of Mr. Chapman, the rules were suspended, and the House took up the special order set for one o'clock this day, being Assembly Bill No. 68—An Act to create the Twenty-first Judicial District

Amended and ordered engrossed.

## PETITIONS.

By Mr. Preston—From the citizens and tax-payers of the County of San Luis Obispo.

Referred to the Santa Barbara delegation.

By Mr. Berry—From the citizens, residents, and tax-payers of the Upper Sacramento Valley, relative to mining debris.

Referred to the Committees on Agriculture and Mining.

By Mr. Gelwicks—From citizens of Inyo County, in reference to a division of said county

Referred to the Inyo delegation

By Mr. Griswold—From citizens of Inyo and Mono Counties, in reference to the boundary line of said counties.

Referred to the Committee on Counties and County Boundaries.

## REPORTS.

By Mr. Dixon.

MR. SPEAKER The Committee on Roads and Highways, to whom was referred Assembly Bill No 141—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt—have had the same under consideration, report it back, and recommend its passage

Also, Assembly Bill No. 200—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof—have had the same under consideration, report it back, and recommend its passage.

DIXON, for Committee.

By Mr McConnell:

MR. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one and three thousand four

hundred and forty-two of the Political Code—report the same back with a substitute, and recommend passage of the substitute.

Also, Assembly Bill No. 118—An Act to add a section to the Political Code, in regard to contesting elections for members of the Legislature—report a substitute and recommend passage of the substitute.

Also Assembly Bill No. 100—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure—report the same back and recommend its passage.

Also, Assembly Bill No. 123—An Act to amend section nine hundred and seven of the Political Code—and recommend that it do not pass.

Also Assembly Bill No. 121—An Act to amend section one thousand and eighty-eight of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 124—An Act to amend subdivision seven of section one thousand and ninety-seven of the Political Code—and recommend that it do not pass.

Also Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, one thousand two hundred and thirty, and one thousand three hundred and twenty-three of the Penal Code—report the same back with a substitute, and recommend passage of substitute.

McCONNELL, Chairman.

## By Mr. Lambourn.

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 105—An Act to promote and encourage the propagation of new varieties of fruit—after having considered the same, beg leave to report it back, with the recommendation that it do not pass.

Also, Assembly Bill No. 109—An Act for the protection of the common blue crane (*Ardea Herodias*)—was duly considered, and a majority recommend that it do not pass.

Also Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code—report it back, a majority recommending its passage.

Also Assembly Bill No. 154—An Act to provide for the construction of division fences—have carefully considered and amended the same and report it back, and recommend its passage as amended.

LAMBOURN, Chairman.

## Assembly Bill No. 154, above reported. The rules were suspended, the bill taken up, amended, rules further suspended, considered engrossed, read third time, and passed.

## By Mr. Gelwicks.

Mr. SPEAKER: The Alameda County delegation, to whom was referred Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation.

## Assembly Bill No. 184, above reported, was referred to the Judiciary Committee.

## By Mr. McConnell:

Mr. SPEAKER: Your Committee on Education, to which was referred Assembly Bill No. 113—An Act entitled an Act to repeal an Act to enforce the educational rights of children—beg leave to report that it has had the same under consideration, and report the same, with the recommendation that it pass.

McCONNELL, Chairman.

## By Mr. Lambourn.

Mr. SPEAKER: Your committee, the Los Angeles delegation, to whom was referred Assembly Bill No. 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and to authorize his payment—beg leave to report it back, and recommend its passage.

LAMBOURN,
McCONNELL.

## By Mr. Patterson of Tulare.

Mr. SPEAKER: The delegation from Kern and Tulare, to whom was referred Assembly Bill No. 219—An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District, and to provide for additional school facilities therein—would respectfully report the same back, and recommend that it do pass.

PATTERSON, for Delegation.

By Mr. Swan:

Mr. SPEAKER: The delegation from Solano, to whom was referred Senate Bill No. 14, providing for the redemption of certain bonds of the County of Solano, also, Senate Bill No. 126, relative to the Auditor of Solano County, have duly considered the same, report them back, and recommend their passage.

SWAN, for Delegation.

By Mr. Rice:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz—have considered the same and report it back, and recommend its passage.

RICE, for Delegation.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Young—Of an Act to compel the County Clerk of the City and County of San Francisco to keep open his office on election days.

By Mr. Bradley—Of an Act to reduce the number of the permanent employés of the State Capitol and Capitol grounds, and to fix their compensation.

By Mr. Carpenter—Of an Act appointing and empowering Charles F. Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom.

By Mr. Suverkrup—Of an Act to protect irrigation in the County of San Bernardino.

INTRODUCTION OF BILLS.

By Mr. Collins—An Act to establish the county line between the Counties of Fresno and Tulare.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Quigley—An Act in relation to the Fourth and Seventh Judicial Districts, and fixing the terms of Court therein.

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

By Mr. Birney—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations.

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

Also, an Act to repeal an Act entitled an Act to make women eligible to educational offices, approved March twelfth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Education.

By Mr. McConnell—An Act to regulate the fees of the Sheriff of Los Angeles County.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Pullen—An Act to provide a remedy in certain cases.

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

By Mr. Abbott—An Act to amend an Act entitled an Act supplementary to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Patterson of Sacramento—An Act amending that portion of the Political Code which relates to license taxes.

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

Also, an Act to abolish the office of County Coroner in the City and County of Sacramento, and to create Justices of the Peace of their respective townships, or adjoining townships, Coroners therein, and to retain and repeal certain sections of the Political Code.

Read first and second times and referred to the Sacramento delegation

By Mr. Gelwicks—An Act confirming the action of the Board of Supervisors of Alameda County, in allowing the claim of N. W. Spaulding.

Read first and second times and referred to the Alameda delegation.

By Mr. Suverkrup—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Bernardino

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

By Mr. Berry—An Act to amend section three thousand three hundred and eighty-four of the Political Code, relative to license.

Also, an Act to repeal section six hundred and eighty-four of the Political Code, relative to the salary of the State Board of Examiners.

Each read first and second times and referred to the Judiciary Committee

GENERAL FILE.

Assembly Bill No 57—An Act to add two new sections to the Political Code, relative to the canvassing of election returns.

Read third time and passed.

Assembly Bill No. 175—An Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds and to provide means for the improvement of irrigation in said city

Read third time and passed.

Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside under certain circumstances.

Read third time and passed

Assembly Concurrent Resolution No 4—Relative to the survey of mountain grazing lands in this State.

Passed on file

Assembly Bill No. 64—An Act to amend the Code of Civil Procedure.

Amended and ordered engrossed

Assembly Bill No 88—An Act to amend section seventy of the Civil Code

Passed on file.

Assembly Bill No. 95—An Act to amend section four hundred and ninety-six of the Penal Code

Amended, and the House refused to engross.

Assembly Bill No. 117—An Act to provide for the safety of persons attending public assemblies

Amended and recommitted to the author.

Assembly Bill No 119—An Act to amend section four thousand and twenty-four of the Political Code of the State of California.

Amended and ordered engrossed.

Assembly Bill No. 120—An Act to amend section three hundred and ninety-seven of the Penal Code.

Ordered engrossed.

Assembly Bill No. 162—An Act to add another section to the Penal Code, Chapter II., Title IX., Part I.

Ordered engrossed.

Assembly Bill No. 155—An Act to amend section five hundred and forty of the Code of Civil Procedure

Refused engrossment.

Assembly Bill No 149—An Act to amend section two hundred and forty of the Penal Code of the State of California.

Amended, and the House refused engrossment.

Assembly Bill No. 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure.

Passed on file.

Assembly Bill No. 140—An Act to amend section two thousand and twenty-four of the Code of Civil Procedure.

Passed on file.

Assembly Bill No. 135—An Act to amend section three thousand five hundred and twenty-one of the Political Code

Refused engrossment.

Assembly Bill No. 150—An Act for the relief of Richard Palmer.

Indefinitely postponed

Assembly Bill No. 186—An Act to amend section three thousand and ninety-eight of the Penal Code, relative to selling fire-arms to Indians

Passed on file.

At four o'clock P. M., on motion of Mr. McConnell, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 18th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

Two days' leave of absence was granted to Messrs Covington, Maguire, Collins, Reddick, Briceland, Wood, and McKenna, and one day's leave for Mr. Sargent.

PETITIONS

By Mr. Archer—From merchants of Santa Clara County, relative to the license tax.

Referred to the Committee on Ways and Means.

Also, from citizens and merchants of Santa Clara County, in reference to the statute of limitations.

Referred to the Judiciary Committee.

By Mr. Patterson of Kern and Tulare—From citizens of Tule River School District, in Tulare County, in reference to a change of name of said district.

Laid on the table.

REPORTS.

By Mr. McConnell.

Mr Speaker Your Judiciary Committee, to whom was referred Assembly Bill No 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey approved March thirtieth, eighteen hundred and seventy-two—have had the same under consideration, report it back, and recommend its passage

Also, Senate Bill No 33—An Act to amend section six hundred and twenty-six of the Penal Code—and recommend its passage

Also, Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code—report the same back, and recommend its passage.

Also, Assembly Bill No 175—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure—report the same back, and recommend its passage

Also, Assembly Bill No 192—An Act in reference to deeds and powers of attorney heretofore executed by married women—report the same back, and recommend its passage.

Also, Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure—report the same back, and recommend its passage.

McCONNELL Chairman

By Mr. Coffey:

Mr Speaker The San Francisco delegation, to whom was referred Assembly Bill No 4—An Act to amend section one thousand one hundred and sixty of the Political Code—report the same back with an amendment, with a recommendation that it pass as amended

Also Assembly Bill No. 38—An Act to authorize the appointment of an additional interpreter for the Criminal Courts of the City and County of San Francisco—with recommendation that it pass

Also, Assembly Bill No. 39—An Act to exempt firemen in the City and County of San Francisco from the payment of poll-tax—with recommendation that it pass.

COFFEY, Chairman.

Fifteen days' further time was granted the San Francisco delegation to report upon Assembly Bills Nos 23, 37, 40, 61, 66, 86, 110, 126, 127, 161, and Senate Bill No. 31

By Mr. Ferral:

Mr Speaker Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County

Also Assembly Concurrent Resolution No. 14—Relating to tri-weekly mail service from Crescent City California, to Jacksonville Oregon

Also, Assembly Bill No 129—An Act to provide for the transfer of certain road moneys in Placer County.

Also, Assembly Bill No. 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California

Also, Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of the Board of Supervisors

FERRAL, for Committee.

By Mr. Young:

Mr. SPEAKER: I herewith report back Assembly Bill No. 117—An Act to provide for the safety of persons attending public assemblies—with amendments, and recommend its passage as amended.

YOUNG.

[Speaker pro tem. in the chair.]

MOTIONS AND RESOLUTIONS.

By Mr. Harris:

*Resolved*, That the Speaker appoint a committee of seven, to be known as the "Committee on Local Affairs," to whom shall be referred all bills of a local nature after having been acted upon by the delegation.

Laid on the table.

By Mr. Giffen:

WHEREAS, Under the provisions of an Act passed by Congress March third, eighteen hundred and seventy-three, entitled an Act to amend an Act entitled an Act to enable honorably discharged soldiers and sailors their widows and orphan children, to acquire homesteads on the public lands of the United States, and the amendments thereto, large bodies of the public lands in this State have been located as additional homesteads for soldiers and sailors of other States, and, whereas, while such locations appear on their face to be for the benefit of the soldiers and sailors entitled to the benefit of said Act they are in reality made by and for the sole benefit of land-grabbers and speculators, and, whereas, such additional homestead rights are being offered for sale and purchased by speculators, and used by them in the same manner as scrip for location on unoffered lands; and, whereas, under the laws established in the United States District Land Offices in this State, parties holding such additional homestead claims are allowed to and do file the same upon lands already filed upon by preemption claimants, and although a preemptor of the public lands is allowed by law thirty-three months from the time of his settlement in which to prove up and pay for his quarter section, such district land offices have issued citations to bona fide preemptors to appear at the United States Land Offices and contest their right to hold the land preempted by them in good faith, with a holder of these soldiers additional homestead claims, that such citations are being issued to preemptors within ten months after their settlement upon the land; and, whereas, but few of the actual settlers on the public lands are prepared, or able, to present themselves, with their witnesses at the land offices, at the time they are cited to appear, thereby permitting, without laches on their part, a judgment by default to be taken against them in favor of the speculator, and not the soldier or sailor in whose name the claim is placed upon the land; and, whereas, owing to the action of the United States Land officers in this State, in regard to the location of these additional homestead claims, that immediate relief and protection is required of Congress for the bona fide settlers on the public lands; therefore, be it

*Resolved by the Assembly, the Senate concurring*, That our Senators in Congress be instructed and our Representatives requested to procure such action on the part of the General Land Office as shall, as speedily as possible, put a stop to further locations of fraudulent additional homestead claims; and also, to procure the passage of an Act by Congress, requiring that all additional homestead entries in California shall be made by the applicant in person before the Register and Receiver, and that no such application shall be filed or allowed, unless the applicant is the party, or his heir, entitled to such additional homestead, and a resident of this State, and that no patent thereof shall issue until after the expiration of six months from the date of the location, and that any sale, or agreement to sell, or power of attorney to sell, made or executed prior to the issuance of the patent, shall be null and void, and such other action be taken by our Senators and Representatives as to them seems best, for the relief and protection of the actual settler on the public lands.

Read first and second times and referred to the Committee on Federal Relations.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 17th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that, on the fifteenth day of January, eighteen hundred and seventy-six, the President of the Senate appointed Messrs. Hendricks and Lame the committee on the part of the Senate, authorized to be appointed under Senate Concurrent Resolution No. 18—In reference to the Centennial.

CRAWFORD, Assistant Secretary.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Giffen—Of an Act to regulate and govern the State Prison of this State.

By Mr. Samuels—Of an Act to amend the city charter of the Town of Cloverdale, in the County of Sonoma.

By Mr. Barber—Of an Act to establish and maintain a training-ship in the City and County of San Francisco.

By Mr. Carson—Of an Act to amend sections one thousand four hundred and fifteen, one thousand four hundred and sixty-nine, one thousand four hundred and ninety-one, one thousand six hundred and twenty-eight, one thousand six hundred and thirty-seven, one thousand six hundred and forty-seven, of the Code of Civil Procedure, concerning estates of decedents.

By Mr. Sullivan—Of an Act amending section four of an Act for the incorporation of water companies, approved April twenty-second, eighteen hundred and fifty-eight.

By Mr. Abbott—Of an Act for the encouragement of planting and cultivating forest trees in this State.

By Mr Coffey—Of an Act to amend section three thousand seven hundred and seventy-nine of the Political Code, also, of an Act to amend section three thousand seven hundred and eighty-eight, Political Code, also, of an Act to add a section to the Political Code—all in relation to collection of property taxes.

Also, of an Act to add a section to the Code of Civil Procedure. (Chapter II., Title II, Part II)

INTRODUCTION OF BILLS.

By Mr Carpenter—An Act appointing and empowering Chas F Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom.

Read first and second times and referred to El Dorado delegation.

Also, an Act to amend section sixty-eight of the Code of Civil Procedure

Read first and second times and referred to El Dorado delegation.

By Mr. McConnell—An Act to provide for calling a convention to revise and change the Constitution of this State.

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

By Mr. Archer—An Act to amend sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-nine of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee

By Mr. Young—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days.

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

By Mr. Quigley—An Act concerning county officers of Lake County, and to regulate the fees and salaries thereof.

Read first and second times and referred to the Lake County delegation.

By Mr. Birney—An Act to appropriate money for the relief of General John A. Sutter.

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

Senate Bill No. 53—An Act to provide for the redemption of certain bonds of the County of Solano.

Read third time and passed.

Senate Bill No. 126—An Act making the County Recorder of Solano County ex officio Auditor of said county and fixing his compensation

Read third time and passed.

Assembly Concurrent Resolution No 4—Relative to the survey of mountain grazing lands in this State.

Substitute adopted and ordered engrossed.

Assembly Bill No. 88—An Act to amend section seventy of the Civil Code.

Indefinitely postponed.

Assembly Bill No. 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure.

Ordered engrossed.

Assembly Bill No. 140—An Act to amend section two thousand and twenty-four of the Code of Civil Procedure

Indefinitely postponed

Assembly Bill No. 186—An Act to amend section three thousand and ninety-eight of the Penal Code, relative to selling fire-arms to Indians.

Amended and ordered engrossed.

Assembly Bill No 200—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.

Ordered engrossed

Assembly Bill No. 141—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 118—An Act to add a section to the Political Code, in regard to the contesting elections for members of the Legislature.

Substitute adopted and ordered engrossed.

Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one and three thousand four hundred and forty-two of the Political Code.

Substitute adopted and ordered engrossed.

Assembly Bill No 199—An Act to amended section one hundred and seventy-two of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 123—An Act to amend section nine hundred and seven of the Political Code.

Refused engrossment

Assembly Bill No. 121—An Act to amend section one thousand and eighty-eight of the Penal Code

Refused engrossment.

Assembly Bill No. 124—An Act to amend subdivision seven of section one thousand and ninety-seven of the Political Code

Refused engrossment.

Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, one thousand one hundred and seventy, one thousand two

hundred and thirty, and one thousand three hundred and twenty-three of the Penal Code.

Passed on file.

Assembly Bill No 105—An Act to promote and encourage the propagation of new varieties of fruit.

Refused engrossment.

Assembly Bill No. 109—An Act for the protection of the common blue crane (*Ardea Herodias*).

Indefinitely postponed.

Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Passed on file.

Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children.

Ordered engrossed.

Assembly Bill No. 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney, and to authorize his payment.

Ordered engrossed.

Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 219—An Act to change the name of "Tule River School District," in the County of Tulare, to that of "Porterville School District," and to provide for additional school facilities therein.

Rules suspended, considered engrossed, read third time, and passed.

FURTHER INTRODUCTION OF BILLS.

Mr. Harris had leave to introduce the following bill: An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.

Read first and second times, ordered printed, and referred to the Siskiyou, Modoc, and Klamath delegations.

RESOLUTION.

By Mr Nott:

*Resolved*, That the Speaker shall appoint a committee of three on retrenchment and reform, to confer with and act in conjunction with a similar committee so acting in the Senate.

Adopted.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 18th 1876.

Mr. SPEAKER. I am directed to inform your honorable body that the Senate, on the fourteenth day of January, eighteen hundred and seventy-six, passed Senate Bill No. 74—An Act regulating the salaries of certain officers of Tuolumne County.

Also, Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern.

And, on this day, passed Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Also, Senate Bill No 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Also, Senate Bill No 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats.

Also, Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 74, above reported, read first and second times and referred to Tuolumne delegation.

Senate Bill No. 140, above reported, read first and second times and referred to Fresno, Kern, and Tulare delegations.

Senate Bill No. 84, above reported, read first and second times and referred to Committee on Corporations.

Senate Bill No. 85, above reported, read first and second times and referred to Judiciary Committee

Senate Bill No. 97, above reported, read first and second times and referred to Committee on Counties and County Boundaries.

Senate Bill No. 43, above reported, read first and second times and referred to Committee on Public Lands.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Scrivner, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 19th, 1876.

House met pursuant to adjournment
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITIONS.

By Mr. Carter—From citizens of the Town of Fiddletown and vicinity.

Referred to the Amador delegation.

By Mr. Archer—From citizens of Santa Clara County, in reference to the homestead laws.

Referred to the Judiciary Committee

REPORTS.

By Mr. McConnell:

Mr. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 34—An Act for the relief of San Benito County—have had the same under consideration, report it back without recommendation or prejudice.

Also Assembly Bill No 197—An Act concerning the office of County Clerk of Santa Barbara County—report the same back, and recommend its passage

Also, Assembly Bill No 167—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure—report the same back, with the recommendation that the author be allowed to withdraw it.

Also, Assembly Bill No 103—An Act to amend section one thousand two hundred and forty-one of the Civil Code—and recommend its passage

Also, Assembly Bill No 104—An Act to amend section one hundred and thirty-seven of the Civil Code—and recommend its passage

Also, Assembly Bill No. 106—An Act to amend section six hundred and twenty-six of the Penal Code—and recommend its reference to the Committee on Agriculture

Also, Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to soldiers and sailors, their widows and orphans—report the same back, and recommend its indefinite postponement

Also, Assembly Bill No 126—An Act to amend section six hundred and twenty-eight of the Penal Code—and recommend its reference to the Committee on Agriculture

Also, Assembly Bill No 122 and Assembly Bill No 188—Acts to amend section one thousand three hundred and twenty-nine of the Penal Code—have considered the two in conjunction, report them back with a substitute for the two, and recommend the passage of the substitute.

Also, Assembly Bill No. 85—Proposed amendment to the Constitution of the State of California—report the same back, and recommend its indefinite postponement

Also Assembly Bill No. 209—Proposed amendment to the Constitution of the State of California—report the same back, and recommend its passage.

Also, Assembly Bill No. 217—An Act to amend section two hundred and forty-six of the Political Code abolishing the office of Post-office Page of the Assembly—report the same back, and recommend its indefinite postponement

Also, Assembly Bill No 213—An Act for the repeal of section one thousand five hundred and forty-two of the Political Code—report the same back, with recommendation that it do not pass, for the reason that the section sought to be repealed was twice repealed by the last Legislature.

Also Assembly Bill No. 91—An Act to amend section nine hundred and forty six of the Code of Civil Procedure—and recommend that it do not pass

Also Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer—report the same back, and recommend its passage.

Also, Assembly Bill No 107—An Act to amend section three thousand seven hundred and fourteen of the Political Code—and recommend its reference to the Committee on Ways and Means.

Also, Assembly Bill No. 108—An Act to amend section four thousand and five of the Political Code—and recommend its reference to the Committee on Ways and Means

Also Senate Bill No 29—An Act to add an additional section to the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Senate Bill No 65—An Act to amend section three hundred and forty of the Code of Civil Procedure—report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No 89—An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code—report the same back and recommend its passage.

Also, Assembly Bill No 15—An Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow—report the same back without recommendation

Also, Assembly Bill No 198—An Act to amend section one thousand four hundred and one of the Civil Code, relating to the distribution of the common property in case of the death of the wife—report the same back, and recommend that it do not pass.

Also, Assembly Bill No 193—Proposed amendment to the Constitution of the State of California—and recommend that it do not pass.

Also Assembly Bill No 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday—and recommend its passage

Also Assembly Bill No 172—An Act to amend sections two hundred and forty-three, three hundred and thirty, and five hundred and eighty-eight of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure—have considered the same in conjunction with a substitute proposing an amendment to said section, report that a majority (seven members) are opposed to, and a minority (two members) are in favor of, the adoption of the substitute and that a majority (five members) recommend the passage of the original repealing bill, while a minority (four members) recommend that said bill do not pass.

McCONNELL, Chairman.

Assembly Bill No. 167, above reported, the author was allowed to withdraw

Assembly Bill No. 106, above reported, was referred to the Committee on Agriculture

Assembly Bill No. 126, above reported, referred to the Committee on Agriculture.

Assembly Bill No. 107, above reported, referred to the Committee on Ways and Means.

Assembly Bill No. 108, above reported, referred to the Committee on Ways and Means.

By Mr Chapman:

Mr. Speaker Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county—have had the same under consideration and report it back with an amendment, and recommend its passage as amended

CHAPMAN, Chairman.

By Mr. Swan:

Mr. Speaker: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No 9—Relative to a tax on native grape brandy—having had said resolution under consideration, beg leave to report the same back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 8—On Chinese immigration—report the same back, and recommend that it do not pass, for the reason that Senate Concurrent Resolution No 7, which has passed the Senate, fully answers the purpose for which said Assembly resolution was intended

Also, Senate Concurrent Resolution No. 7—Asking a modification of our treaty with China—report the same back, and recommend that it pass

Also, Senate Concurrent Resolution No. 14—In regard to granting pensions to soldiers of the Mexican War—having amended the same, report the same back, and recommend its passage as amended.

SWAN, Chairman.

By Mr. Berry:

Mr. Speaker Your Committee on Additional Employés, to whom was referred the resolution to authorize the Committee on Claims to employ a clerk, at a per diem of five dollars, have considered the same, and recommend its passage.

BERRY, Chairman.

The resolution above reported was taken up and adopted.

By Mr. Hinshaw:

Mr. Speaker Your Committee on Public Expenditures and Accounts have had under consideration Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature—and as it is a measure of vast importance, we would ask fifteen days' additional time wherein to perfect a report.

HINSHAW, for Committee.

By Mr. Ferral:

Mr Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 11—An Act to protect lumber manufacturers

Also, Assembly Bill No 53—An Act regulating certain township officers in the County of Calaveras

Also, Assembly Bill No 68—An Act to create the Twenty-first Judicial District.

Also, Assembly Bill No 64—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.

Also, Assembly Bill No 136—An Act giving consent of the Legislature to John Markey, County Clerk of Monterey County, in the State of California, to absent himself from said State for a period not to exceed sixty days

FERRAL, for Committee

By Mr. Birney:

Mr. Speaker Your joint committee, consisting of the Committees on Mines and Mining Interests and Agriculture, having met for the purpose of considering Assembly Concurrent Resolution No 17—In relation to hydraulic mining—and not coming to any conclusion, beg leave to ask fifteen days' further time, also, a majority of the committee recommend that there be two thousand copies of said resolutions printed.

BIRNEY, Chairman.

Fifteen days' further time was granted, as requested in the above report.

The question being upon printing two thousand copies of Assembly Concurrent Resolution No. 17, Mr. Murphy of Del Norte moved to amend by making it five hundred.

Lost.

The question recurring upon the original motion, to print two thousand copies, was lost, and the resolution was laid on the table.

By Mr. Quigley:

MR. SPEAKER: The delegation, to whom was referred Assembly Bill No. 239—An Act concerning county officers of Lake County, and to regulate the fees and salaries thereof—beg leave to report the same back, and recommend its passage.

QUIGLEY, for Delegation.

By Mr. Samuels:

MR. SPEAKER: The Siskiyou, Modoc, and Sonoma delegations, to whom was referred Assembly Bill No. 60, as amended in the Senate, have had the same under consideration, and now report it back, with the recommendation that it pass as amended.

SAMUELS, for Delegations.

By Mr. Ostrom:

MR. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 165—An Act to reduce the number of members of the Board of Supervisors of Yuba County—beg leave to report the same back to the House with a substitute, and recommend passage of substitute.

OSTROM, for Delegation.

MOTIONS AND RESOLUTIONS.

By Mr. Harris—Assembly concurrent resolution relative to the transfer of Indian affairs to the War Department.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Sullivan:

*Resolved*, That the sum of fifty dollars is hereby appropriated, out of the appropriation for the contingent expenses of the Assembly, to D. P. Fenton, as clerk of the Special Committee on Water Rates.

Referred to Committee on Employés.

By Mr. Clarken:

*Resolved*, That the Committee on Public Buildings be and they are hereby instructed to inquire and report whether any lumber, or other material belonging to the State, has been fraudulently or wrongfully removed from the State Printing Office building, known as the Governor's Mansion, and if so, whether there has been any unlawful combination for the same.

Adopted.

INTRODUCTION OF BILLS.

By Mr. Sullivan—An Act to amend section three hundred and forty of the Penal Code, relating to pawnbrokers.

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

By Mr. Suverkrup—An Act to protect irrigation and to make water-rights responsible for expenses incurred on irrigating ditches.

Read first and second times and referred to the San Bernardino delegation.

By Mr. Barber—An Act to establish and maintain a training-ship in the City and County of San Francisco.

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

By Mr. Bagge—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city.

Read first and second times and referred to the Alameda delegation.

Also, an Act to authorize the City of Oakland to deposit public money with any bank in said city.

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

By Mr. Patterson of Kern and Tulare—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County.

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

By Mr. O'Connell—An Act to establish a State Book-bindery

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

By Mr. Quigley—An Act to encourage the destruction of squirrels in the County of Lake.

Also, an Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County.

Each read first and second times and referred to the Committee on Agriculture.

Also, an Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, A. D. eighteen hundred and seventy-five.

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

By Mr. Coffey—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code, in relation to the collection of property taxes.

Also, an Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the collection of property taxes.

Also, an Act to add a section to the Code of Civil Procedure, Chapter II., Title II , Part II

Also, an Act to add a section to the Political Code, in relation to the collection of property taxes, to be known as section three thousand eight hundred and seventeen.

Each read first and second times and referred to the Committee on Ways and Means.

By Mr. Dixon—An Act to add an additional section to the Penal Code, relating to game in the County of Alameda, and to be designated as section six hundred and thirty-eight.

Read first and second times and referred to the Alameda delegation.

By Mr. Ferral—An Act to protect salmon trout and brook trout in the streams of Sonoma County.

Read first and second times and recommitted to the author.

By Mr. Carson—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, concerning attachments.

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

Also, an Act to grant to H. S. Gates the right to construct and operate a railroad in the City and County of San Francisco.

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

By Mr. Bradley—An Act to fix the number of permanent employés of the State Capitol grounds, their duties and compensation.

Read first and second times and referred to the Committee on Public Expenditures and Accounts.

By Mr. Archer—An Act to amend an Act entitled an Act amending certain sections of the Political Code, relative to the assessment of property for taxation, approved March thirtieth, eighteen hundred and seventy-four.

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

By Mr. Koutz—An Act to authorize E. Barry to remove certain remains of deceased persons.

Read first and second times and referred to the Sierra delegation.

By Mr. Chapman—An Act to fix the amount of the bond of the County Treasurer of Lassen County.

Read first and second times and referred to the delegation from Lassen and Plumas.

By Mr. Crutcher—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors in the County of Placer and providing for the election of the same, approved March thirteenth, A. D. eighteen hundred and seventy-four.

Read first and second times and referred to the Judiciary Committee

GENERAL FILE.

[Speaker pro tem. in the chair.]

Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code

Read third time and passed.

Senate Bill No 33—An Act to amend section six hundred and twenty-six of the Penal Code.

Read third time and passed.

Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County.

Read third time and passed.

Assembly Bill No 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California.

Read third time and passed

Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of the Boards of Supervisors.

Read third time and passed.

Assembly Bill No. 111, passed on file

Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Amended and ordered engrossed.

Assembly Bill No. 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.

Ordered engrossed.

Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

Ordered engrossed.

Assembly Bill No. 192—An Act in reference to deeds and powers of attorney heretofore executed by married women.

Ordered engrossed.

Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Amended and ordered engrossed.

The hour for taking a recess having arrived, Mr. Harris moved that the House finish the business of the day before taking a recess.

Adopted.

Assembly Bill No. 4—An Act to amend section one thousand one hundred and sixty of the Political Code.

Amended and ordered engrossed.

Assembly Bill No. 38—An Act to authorize the appointment of an additional interpreter for the Criminal Court of the City and County of San Francisco.

Ordered engrossed

Assembly Bill No. 39—An Act to exempt firemen in the City and County of San Francisco from the payment of poll-tax.

Recommitted to the author, with special instructions to amend.

Assembly Bill No. 117—An Act to provide for the safety of persons attending public assemblies.

Amended and ordered engrossed.

RESOLUTION.

By Mr. Scrivner:

*Resolved*, That the Committee on Irrigation be authorized to employ a clerk, at the per diem of five dollars, to be paid out of the Contingent Fund. The said clerk to be retained or discharged at the pleasure of the committee.

Adopted.

REPORT.

By Mr. Biggs:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 229—An Act to abolish the office of County Coroner in the City and County of Sacramento and to create Justices of the Peace of their respective townships, or adjoining township, Coroner therein, and replace certain sections of the Political Code—beg leave to report the same back, and recommend that it be indefinitely postponed.

BIGGS, Chairman.

ADJOURNMENT.

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

# IN ASSEMBLY

HOUSE OF ASSEMBLY,
Thursday, January 20th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

## COMMITTEES.

The Speaker announced the following committees:

Assembly members of Joint Committee on Centennial Celebration—Messrs. Harding, Hayne, and Clark.

Assembly members of Committee on Retrenchment—Messrs Nott, Rankin, and Bradley.

## PETITIONS.

By Mr. Griswold—From citizens of Inyo County, with reference to the stock law

Referred to the Inyo delegation.

Also, from the citizens and tax-payers of Inyo County, relative to the salary of Assessor of said county.

Referred to the Inyo delegation.

By Mr. Hayne—From the managers of the Santa Barbara Orphan Asylum, soliciting aid.

Referred to the Committee on Claims.

By Mr. Burbank—Protest from the Committee on Legislation of the State Medical Society of Homœopathic Practitioners.

Referred to the Committee on Quackery.

## REPORTS

By Mr. Cornwell:

MR. SPEAKER: Your Committee on Public Buildings and Grounds, which has had under consideration Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane—beg leave to report the same back, and to recommend the adoption of the amendments inserted therein and added thereto, and the passage of the bill as so amended.

CORNWELL, for Committee.

By Mr. McConnell:

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 115—An Act to amend sections two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and six, and two thousand seven hundred and seven of the Political Code—have had the same under consideration, report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 87—An Act to add an additional section to the Penal Code, to be known as section four hundred and twenty—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments—and recommend that it be referred to the Committee on Corporations, to be considered in conjunction with Senate Bill No. 84.

Also, Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure—and a majority (five members) recommend that it do not pass, while a minority (four members) recommend its passage.

Also, Assembly Bill No. 179—An Act to amend section three thousand six hundred and twenty-nine of the Political Code—and recommend that it do not pass.

Also, Assembly Bill No. 36—An Act to amend section two hundred and twenty-five of the Code of Civil Procedure—report the same back and recommend its return to its author, that he may substitute a special Act applicable alone to San Francisco

Also, Assembly Bill No 168—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to Notaries—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No 48—An Act to legalize and validate the assessment roll and equalization and levy of taxes for Salinas City, for the fiscal year of said city ending March thirty-first, A. D. eighteen hundred and seventy-five—report the same back and recommend that it do not pass.

Also, Assembly Bill No. 41—An Act to further define the duties of the Tax Collector of the City and County of San Francisco—and recommend its reference to the San Francisco delegation.

Also, Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of land for taxes—and recommend that it do not pass

Also, Assembly Bill No. 71—An Act to amend section two hundred and sixty-nine of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No 76—An Act relative to apprentices and masters—and recommend that it be returned to its author, that he may reduce it to convenient shape for consideration.

Also, Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure—and recommend that it do not pass

Also, Assembly Bill No. 98—An Act to amend section four hundred and sixty of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 96—An Act relating to mortgages and debts secured by mortgages—and recommend that it do not pass

Also, Assembly Bill No. 144—An Act to provide for the building of and furnishing a Court-house offices, and jail in Tulare County, and for improving the Court-house grounds—and recommend its reference to the delegation.

Also, Assembly Bill No. 65—An Act to amend the amendments to the Code of Civil Procedure—and recommend that it do not pass, on the grounds that its objects have been accomplished by the recent passage of a similar bill.

Also, Assembly Bill No 156—An Act to provide for the funding of the floating indebtedness of San Diego County—and recommend its reference to the delegation

Also, Assembly Bill No 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes—report the same back and recommend its passage.

Your committee further ask leave to report the unanimous adoption of the following preamble and resolution

WHEREAS, The business of the Judiciary Committee is becoming very great, and every effort should be used to expedite the consideration of bills referred to it therefore, be it

*Resolved*, That no bill will hereafter be passed on file for more than two meetings, on account of the absence of a member from the committee, when the member so absenting himself has answered to his name in the Assembly on the days in which the meetings are held

McCONNELL, Chairman.

Senate Bill No. 85, above reported, referred to the Committee on Corporations

Assembly Bill No. 36, above reported, referred to the author.

Assembly Bill No 41, above reported, referred to the San Francisco delegation

Assembly Bill No. 76, above reported, referred to the author

Assembly Bill No. 144, above reported, referred to the Tulare delegation.

Assembly Bill No. 156, above reported, referred to the San Diego delegation, and, on motion of Mr. Pierce, the usual number of copies ordered printed

On motion of Mr McConnell, Senate Concurrent Resolution No. 12 was taken from the file and recommitted to the Judiciary Committee.

By Mr Murphy of San Francisco:

Mr. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 28, have had the same under consideration, and the majority of said committee have instructed me to report the same back with the recommendation that it do not pass.

MURPHY, Chairman.

By Mr. Murphy of San Francisco:

Mr Speaker We, the undersigned, constituting a minority of your Committee on Commerce and Navigation, beg leave to report that they respectfully dissent from the opinions expressed by a majority of said committee in relation to Assembly Bill No 28—An Act for the appointment of a State Inspector of Boilers, for the following reasons

*First*—That the bill is designed to protect life and property.

*Second*—That we believe the majority of the people of this State are in favor of such a law.

Therefore the minority of your committee respectfully recommend that said bill do pass.

J. C. MURPHY,
T. H. BARBER,
F A PULLEN,
JONATHAN CLARK.

By Mr Swan.

Mr. Speaker Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 24—Relative to the transfer of Indian Affairs to the War Department—have had the same under consideration, report it back, and recommend its passage

SWAN, Chairman.

Assembly Concurrent Resolution No. 24, above reported, was taken up, the rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr Young:

Mr. Speaker The Committee on Counties and County Boundaries, to whom was referred Senate Bill No 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats—report back the same, and recommend it be referred to the Judiciary Committee.

YOUNG, Chairman

Senate Bill No 97, above reported, was referred to the Judiciary Committee, as recommended

By Mr. Clunie:

Mr Speaker The committee, to whom was referred Senate Bill No 46—An Act to appropriate money to pay the claim of James J. Green, and Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love and Senate Bill No 50—An Act to appropriate money to pay the claim of Drury McIlone—report the same back with an amendment, to wit strike out the words "sixty-six," in the first section of said bill No. 50, and insert in lieu thereof the word "sixteen," and recommend their passage.

CLUNIE, for Committee.

Mr Clunie moved that Senate Bills Nos. 50, 46, and 130, above reported, be referred to the Judiciary Committee.

Lost

By Mr. Berry

Mr Speaker Your committee to whom was referred the resolution appropriating the sum of fifty dollars to D. P. Fenton, as clerk of special committee to investigate water rates of San Francisco, have considered the same, and recommend its passage.

BERRY, Chairman

The resolution above reported was taken up and adopted.

By Mr Ferral.

Mr Speaker Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 119—An Act to amend section four thousand and twenty-four of the Political Code of the State of California

Also Assembly Bill No 120—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, Assembly Bill No. 162—An Act to add another section to the Penal Code (Chapter II., Title IX, Part I.)

Also, Assembly Bill No 190—An Act to grant leave of absence to A L. Knowlton, County Surveyor of Butte County.

FERRAL, for Committee.

By Mr. Gelwicks:

Mr. Speaker: The Alameda County delegation, to whom was referred Assembly Bill No. 203—An Act entitled an Act to district the City of Oakland into wards—have had the same under consideration, report it back with a substitute, and recommend the adoption of the substitute.

GELWICKS, for Delegation.

By Mr. Giffen:

Mr. Speaker: The Nevada delegation, to whom was referred Assembly Bill No. 171—An Act to establish a branch County Jail in Nevada County—report the same back with amendments, and recommend its passage as amended.

GIFFEN, for Delegation.

By Mr. Nott:

Mr. Speaker: The El Dorado delegation, to whom was referred Assembly Bill No. 234—An Act appointing and empowering Charles F. Irwin a trustee, to execute a certain trust, directing the manner of executing the same, and the use of the funds arising therefrom; also, Assembly Bill No. 235—An Act to amend section sixty-eight of the Code of Civil Procedure—have had the same under consideration, report them back, and recommend their passage.

NOTT AND CARPENTER, for Delegation.

By Mr. Samuels:

Mr. Speaker: The Sonoma delegation, to whom was referred Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open by tearing down fences, or otherwise; also, to prevent hunting upon inclosed lands without permission of the owner or occupant, in the County of Sonoma, report the same back with amendments, and recommend passage as amended.

SAMUELS, for Delegation.

Assembly Bill No. 79, above reported, was taken up, amended, and referred to the Committee on Agriculture.

By Mr. Carson:

Mr. Speaker: Assembly Bill No. 39—An Act to exempt firemen in the City and County of San Francisco from the payment of poll-tax—having been referred to the undersigned, the author of the bill, with instructions to amend the same so as to make its provisions general, I now beg leave to report the same, with amendments, in accordance with the instructions of the House.

CARSON.

Assembly Bill No. 39, above reported, was taken up.

Pending the consideration of which, the hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.
The House resumed consideration of Assembly Bill No. 39.
Rules suspended, the bill amended, and ordered engrossed.

REPORT.

By Mr. Chapman:

Mr. Speaker: The delegation for Plumas and Lassen Counties, to whom was referred Assembly Bill No. 262—An Act to fix the amount of the bond of the Treasurer of Lassen County—report the same back, and recommend that it pass.

CHAPMAN, for Delegation.

Assembly Bill No. 262, above reported, referred to the Committee on Ways and Means.

RESOLUTIONS.

By Mr. Preston:

*Resolved*, That the members of the Committee for the Protection of Fish be allowed a leave of absence not to exceed four days, for the purpose of obtaining information which will enable them to act as a committee

Laid on the table.

By Mr. Wilcox.

*Resolved*, That the Special Committee on investigation of Golden City Homestead Association be allowed a clerk for the period of three days, at a per diem of five dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Bagge:

*Resolved*, That the Speaker of this House order the Committee on the Golden Gate Park, San Francisco to return at as early a date as possible, to San Francisco, and investigate the charges preferred against the honorable member from San Francisco, Mr D C Sullivan, in the *San Francisco Evening Bulletin* of January nineteenth, eighteen hundred and seventy-six.

Mr McMann offered the following substitute:

*Resolved*, That the San Francisco delegation of this House be appointed a committee to whom all matters pertaining to further investigations in relation to Golden Gate Park matters be referred with power to summon persons and send for papers

On motion of Mr. Murphy of Del Norte, the whole matter was laid on the table.

By Mr. Biggs:

*Resolved*, That the Committees on Agriculture and Mines and Mining Interests be allowed a clerk, at a per diem of five dollars.

Referred to Committee on Attachés

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 19th, 1876

MR SPEAKER I am directed to inform your honorable body that the Senate, on the fourteenth day of January, eighteen hundred and seventy-six, passed Senate Bill No 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first eighteen hundred and seventy-two

Also, on the fifteenth, passed Senate Bill No 148—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two, and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four

Also, on the seventeenth, passed Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 183, above reported, read first and second times and referred to the Kern delegation.

Senate Bill No. 148, above reported, read first and second times and referred to the Sonoma delegation.

Senate Bill No. 115, above reported, read first and second times and referred to the San Francisco delegation.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Griswold—Of an Act to fix the compensation of the Assessor of Inyo County.

By Mr. Lambourn—Of an Act for the better protection of the public treasury

INTRODUCTION OF BILLS.

By Mr. Sullivan—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California.

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

By Mr Murphy of Del Norte—An Act in relation to the Superintendent of Schools of Del Norte County.

Read first and second times and ordered on file.

By Mr. Harding—An Act to amend section fifty of the Code of Civil Procedure.

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

By Mr Clark—An Act to confer certain powers on the State Board of Health, and to repeal section three thousand and eighty, Chapter III., Title VII., of the Political Code, relating to registry of births, marriages, and deaths.

Read first and second times and referred to the Committee on Public Expenditures and Accounts.

By Mr Ferral—An Act concerning roads and highways in the County of Sonoma.

Read first and second times and referred to the Sonoma delegation.

By Mr Raisch—An Act amending sections three hundred and three, three hundred and six, and three hundred and seven of the Penal Code.

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

By Mr. Abbott—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and for other purposes

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

[Speaker pro tem. in the chair ]

GENERAL FILE.

Assembly Bill No. 11—An Act to protect lumber manufacturers.

Read third time and passed.

Assembly Bill No 53—An Act regulating certain township officers in the County of Calaveras.

Read third time and passed.

The House took up out of order consideration of Assembly Bill No. 235—An Act to amend section sixty-eight of the Code of Civil Procedure

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 64—An Act to amend section three hundred and ninety-one of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 68—An Act to create the Twenty-first Judicial District.

Made special order for Monday, January twenty-fourth, at two P. M.

Assembly Bill No. 136—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, to absent himself from the State for a period not to exceed sixty days.

Read third time and passed.

Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

Read third time and passed.

Senate Bill No. 89—An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

Read third time and passed.

Senate Bill No. 65—An Act to amend section three hundred and forty of the Code of Civil Procedure.

Amended, read third time, and passed.

Senate Bill No. 29—An Act to add an additional section to the Code of Civil Procedure.

Read third time and passed.

Senate Concurrent Resolution No. 7—Asking a modification of our treaty with China.

Read third time and passed.

[Mr Carson in the chair.]

Senate Joint Resolution No 14—In regard to granting pensions to soldiers of the Mexican War.

Amended, read third time, and passed.

Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, one thousand one hundred and seventy, one thousand two hundred and thirty, and one thousand three hundred and twenty-three of the Penal Code.

Substitute adopted, amended, and ordered engrossed.

Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Substitute adopted and ordered engrossed.

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. McConnell, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 21st, 1876.

House met pursuant to adjournment.

Speaker in the chair

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to the Committee on Hospitals.

QUESTION OF PRIVILEGE.

Mr. Sullivan arose to a question of privilege in reference to charges published against him in regard to the Golden Gate Park, at San Francisco

PETITION.

By Mr. Quigley—From the residents of the northern part of Lake County.

Referred to the Committee on Agriculture.

REPORTS

By Mr. McConnell

Mr. Speaker: Your Judiciary Committee, to which was referred Assembly Bill No. 177—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento—report that it perceives no legal or constitutional questions involved in said bill calling for its interposition; that as to the merits of the bill, it has no authentic facts before it to enable it to judge of its expediency; that therefore it reports the same back without recommendation or prejudice; and that, being a local bill, it be re-referred to the Sacramento delegation.

McCONNELL, Chairman.

Assembly Bill No. 177, above reported, referred to the Sacramento delegation, as recommended.

By Mr. Ferral:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children.

Also, Assembly Bill No. 186—An Act to amend section three hundred and ninety-eight of the Penal Code, relative to selling fire-arms to Indians.

Also, Assembly Bill No. 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and to authorize his payment.

Also, Assembly Bill No. 199—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure.

Also, Assembly Bill No. 200—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.

Also, Assembly Bill No. 154—An Act to provide for the construction of division fences.

FERRAL, for Committee.

On motion of Mr. Ferral, the Engrossing Clerk was authorized to sectionize Assembly Bill No. 227.

By Mr. Dixon:

Mr. Speaker: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes—have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

DIXON, for Committee.

By Mr. Dixon:

Mr. Speaker: The Alameda delegation, to whom was referred Assembly Bill No. 244—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city—have had the same under consideration, report it back and recommend its passage.

BAGGE,
GELWICKS,
DIXON.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means have considered Assembly Bill No. 107—An Act to amend section three thousand seven hundred and fourteen of the Political Code, relative to county revenue.

Also Assembly Bill No. 108—Amending section four thousand and five of the Political Code, relative to county expenditures—and recommend that they be referred to the Committee on Retrenchment and Reform.

We have also considered Assembly Bill No. 206—An Act to authorize the sale of the odd volumes of the Supreme Court Reports—and recommend its indefinite postponement.

BERRY, Chairman.

Assembly Bills Nos. 107 and 108, above reported, were referred to the Committee on Retrenchment and Reform, as recommended.

By Mr. Lambourn:

Mr. Speaker: Your Committee on Agriculture, to whom was referred Assembly Bill No. 148—An Act concerning partition fences in Colusa County—have had the same under consideration, and report it back, with the recommendation that it pass.

Also, have considered Assembly Bill No. 180—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-seventh, eighteen hundred and seventy-two—and report the same back, with an amendment and recommend the passage of the bill as amended.

Also, report back Assembly Bill No. 1[illegible]—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County—with an amendment and recommend the passage of the bill as amended.

LAMBOURN, Chairman.

By Mr. Coffey:

Mr. Speaker: The San Francisco delegation to whom was referred Senate Bill No. 31—An Act concerning the office of County Clerk of the City and County of San Francisco—report the same back, with a recommendation that it pass.

Also, Assembly Bill No. 146—An Act for the relief of James H. Clarke—report a substitute therefor, and recommend the passage of said substitute.

Also, Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days—report the same back, with an amendment, and recommend the passage of the bill as amended.

COFFEY, Chairman.

By Mr. Kennedy:

Mr. Speaker: We, the undersigned, present our minority report against the recommendation of the majority report of the San Francisco delegation on Senate Bill No. 31, and recommend that it do not pass.

J. O'B. KENNEDY,
HERMAN RANKIN.

By Mr. Koutz:

Mr. Speaker: The Sierra delegation, to whom was referred Assembly Bill No. 261—An Act to authorize E. Barry to remove certain remains of deceased persons—have considered the same, and report it back, and recommend its passage.

KOUTZ, for Delegation.

By Mr. Coffey—A report from the San Francisco Lying-in Hospital and Foundling Asylum.

Referred to the Committee on Ways and Means.

By Mr. Berry.

Mr. Speaker: Your Committee on Additional Employes and Attachés, to whom was referred the resolution of Anthony Caminetti, authorizing the journal of the Assembly to be copied for the State Printer, have considered and amended the same, and recommend its passage as amended.

Also, resolution authorizing C. W. Upton to perform the same work, and recommend that it do not pass.

BERRY, Chairman.

The House took up consideration of the resolution reported above, and having reference to the employment of Mr. Caminetti.

The amendment reported by the committee was adopted.

Mr. Archer then offered the following substitute:

*Resolved*, That C. W. Upton be and he is hereby awarded the contract of copying and preparing the minutes of the proceedings of this Assembly for the use of the State Printer, at the sum of four and three-fourth cents per folio, provided he give a good and sufficient bond for the faithful performance of such work; and the Board of Examiners to estimate the folios of same, as per report of committee this day made.

Mr. Birney moved, as a further amendment, that the Chief Clerk be authorized to employ some person to do the copying of the journal, at a rate not to exceed four cents per folio.

Adopted.

The resolution, as amended, was then adopted.

By Mr. Patterson of Kern and Tulare:

Mr. Speaker: The Tulare delegation, to whom was referred Assembly Bill No. 144—An Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds—have duly considered the same, and herewith report it back, and recommend its passage.

PATTERSON, for Delegation.

The rules were suspended and Assembly Bill No. 144, above reported, taken up for consideration.

Rules further suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Nott.

Mr. Speaker: The Committee on Enrollment have examined Assembly Bill No. 62—An Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.

Also, Assembly Bill No. 92—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, Assembly Concurrent Resolution No. 20—Concerning expenses of the inaugural ceremonies of the Governor.

And report the same correctly enrolled; and that at eleven o'clock and thirty minutes a. m. the same was presented to the Governor for his approval.

NOTT, for Committee.

By Mr. Suverkrup:

Mr. Speaker: The San Bernardino delegation, to whom was referred Assembly Bill No. 242—An Act to protect irrigation and to make water rights responsible for expenses incurred on irrigating ditches—had the same under consideration, and report it back with its title corrected by adding the words "in San Bernardino County" thereto, and move its reference to the Committee on Irrigation.

SUVERKRUP, for Delegation.

Assembly Bill No. 242, above reported, referred to the Committee on Irrigation, as recommended.

By Mr. Patterson of Kern and Tulare:

Mr. Speaker: The Tulare delegation, to whom was referred Senate Bill No. 120—An Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four—have duly considered the same, and herewith report the same back, and recommend its passage.

PATTERSON, for Delegation.

By Mr. Biggs.

Mr. Speaker: The Sacramento delegation, to whom was referred Assembly Bill No. 177—An Act entitled an Act in relation to the government of the County of Sacramento—beg leave to report the same back, and recommend its passage.

BIGGS, for Delegation.

RESOLUTIONS

By Mr. Preston:

*Resolved*, That the Clerk of the Sergeant-at-Arms be and he is hereby authorized to sign the name of the Sergeant-at-Arms at such times as the Sergeant-at-Arms may be sick or absent, in matters pertaining to his office.

Adopted.

[Mr. Archer in the chair.]

By Mr. Gelwicks:

WHEREAS, On the —— day of January, 1876, a special committee was appointed by the Speaker of this House to investigate the affairs of the San Francisco Park Commission, and, whereas, said committee did, on the —— day of January, proceed to the City of San Francisco to make such investigation and did take testimony therein; and, whereas, since the return of said committee from San Francisco, and before they had made any report to this House upon the subject-matter of said investigation, certain charges reflecting upon the character of William H. Hall, the Superintendent of works in charge of said Park Commission, purporting to come from said committee or its Chairman, have appeared in the public prints; and, whereas, by the affidavit of said Hall, and other parties disinterested, it appears that the Hon. D. C. Sullivan, the Chairman of said committee, has heretofore been in the employ of said Park Commission, and has performed certain labor for them, and that the duty of auditing his accounts for such labor devolved upon said Hall, who, upon the presentation of his, the Hon. D. C. Sullivan's claim, refused to audit the same, and it appearing to the satisfaction of this House that the said Hon. D. C. Sullivan is an interested party, and disqualified from acting impartially upon said committee; therefore, be it

*Resolved*, That the said Hon. D. C. Sullivan be and he is hereby removed from said committee; and be it further

*Resolved*, That the Speaker appoint some other suitable person to fill the vacancy; and that this committee be instructed to return to San Francisco, and there thoroughly investigate the whole subject-matter, allowing each party to appear in person or by attorney at all their sittings, and offer testimony therein.

Mr. Carson offered the following as a substitute:

*Resolved*, That a special committee of three be appointed by the Chair to proceed to San Francisco and investigate the charges made against the Hon. D. C. Sullivan, a member of this House, and that said committee shall have power to send for persons and papers; provided, that no member of the present Special Committee on Park Investigation shall be appointed upon the committee called for by this resolution.

RECESS.

Pending the consideration of the above, the Chair announced the hour for recess, and accordingly the House took a recess for one hour.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

The House resumed consideration of the question pending at time of recess.

On motion of Mr. Archer, the resolution and substitute were laid on the table.

By Mr. Sargent:

*Resolved*, That when this House adjourns to-day, it adjourn to Monday, January twenty-fourth, at three o'clock P. M.

Lost.

The House took up consideration of the resolution offered yesterday by Mr. Bagge.

The question was stated by the Speaker to be upon the adoption of the substitute offered yesterday by Mr. McMann.

On motion of Mr. Maguire, the whole matter was laid upon the table.

REPORTS.

By Mr. Scrivner:

Mr. Speaker: Your Committee on Irrigation, to whom was referred Assembly Bill No. 73—An Act to create an irrigation district to be called the West Side Irrigation District—have had the same under consideration, and respectfully report a substitute for the same, and recommend its passage.

SCRIVNER, Chairman.

Assembly Bill No. 73, above reported, taken up, substitute adopted, ordered printed, rules suspended, considered engrossed, and made a special order for Thursday, January twenty-seventh, at one o'clock and thirty minutes P. M.

Mr. Sullivan tendered his resignation as a member of the Park Investigating Committee, which was accepted.

By Mr. Ferral.

Mr. Speaker: The Sonoma delegation, to whom was referred Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma—have had the same under consideration, and report the same back with amendments, to strike out certain sections, and recommend its passage.

FERRAL, for Delegation.

Assembly Bill No. 268, above reported, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

RESOLUTION.

By Mr. Pullen:

Whereas, It appears from the comments of the public press that the people of this State are dissatisfied with the action of a majority of the members of the Committee on Commerce and Navigation, *that they did not investigate further into the condition of steamships sailing to and* from San Francisco; therefore,

*Resolved*, That the Speaker appoint a committee of five to investigate further into the loss of the steamship Pacific, and general condition of the steamships sailing to and from the Port of San Francisco and that said committee have power to administer oaths, send for persons and papers, and examine into the facts, and report back to this House for further action.

Mr. Biggs moved to indefinitely postpone. Upon which the ayes and noes were demanded by Messrs. Pullen, Murphy of San Francisco, and Clarken.

The roll was called, and the resolution was indefinitely postponed, by the following vote:

Ayes—Messrs. Abbott, Archer, Bagge, Berry, Biggs, Burney, Blackwell, Blue, Bradley, Brodderick, Burbank, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Hart, Harris, Hayne, Hinshaw, Jamison, Jones, Jourden, Kennedy, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Rankin, Ratsch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Young, and Mr. Speaker—61.

Noes—Messrs. Barber, Koutz, Patterson of Sacramento, Pullen, Sargent, and Watkins—6.

SENATE MESSAGES.

Senate Chamber,
Sacramento, January 20th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the eighteenth day of January, eighteen hundred and seventy-six passed Senate Bill No. 40—An Act to amend

an Act entitled an Act regulating the sale of mining lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four.

And on this day passed Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 21st, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate, on the eighteenth day of January, eighteen hundred and seventy-six, passed Senate Bill No 190—An Act to further define the duties of the short-hand reporters of the County Court of the County of San Joaquin.

Also, Senate Bill No 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and from the taking of private property for public uses

Also, on this day concurred in Assembly amendments to Senate Bill No. 65, and Senate Concurrent Resolution No 14.

Also, on this day, amended and passed Assembly Bill No. 159—An Act relative to the Treasurer's office of Sonoma County.

Also, on this day, indefinitely postponed Assembly Bill No 136—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, in the State of California, to absent himself from the State for a period not to exceed sixty days

Also, passed Senate Bill No. 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code, relating to partnerships.

Also, Assembly Bill No. 69—An Act to fix the bonds of the Tax Collectors of Fresno, Tulare, and Kern Counties

Also, Assembly Bill No 129—An Act to provide for the transfer of certain road moneys in Placer County

Also, amended and passed Assembly Bill No 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras

And, also, return herewith Assembly Bill No. 20—An Act to amend section one of an Act entitled an Act to provide for the relief and maintenance of the indigent sick of Klamath County.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 190 and 191, above reported, each read first and second times and referred to the San Joaquin delegation.

Senate Bill No. 67, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No 157, above reported, read first and second times and referred to the Committee on Public Expenditures and Accounts

Senate Bill No 40, above reported, read first and second times and referred to the Committee on Mines and Mining Interests.

Assembly Bill No 159, above reported, ordered to be returned to the Senate for correction.

Assembly Bill No. 46, above reported, Senate amendments concurred in.

## NOTICES OF THE INTRODUCTION OF BILLS

By Mr. Garretson—Of an Act to amend section six hundred and ninety-one of the Code of Civil Procedure, relative to liens on real property

By Mr. Hayne—Of an Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

By Mr. Clunie—Of an Act to repeal section six hundred and eighty-four of the Political Code, which provides for the pay of the Board of Examiners.

INTRODUCTION OF BILLS.

By Mr Archer—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters.

Read first and second times and referred to the Committee on Irrigation

By Mr. Lambourn—An Act for the better protection of the public treasury

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

By Mr Jamison—An Act to protect the public roads in Santa Clara County.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Dunlap—An Act to repeal an Act entitled an Act to incorporate the Town of Sutter Creek, in Amador County, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times and referred to the Amador delegation

By Mr. Hart—An Act to amend section two thousand and three of the Civil Code of the State of California.

Read first and second times and referred to the Committee on Public Expenditures and Accounts.

GENERAL FILE.

Assembly Bill No. 119—An Act to amend section four thousand and twenty-four of the Political Code of the State of California.

Read third time and passed.

[Mr. Clunie in the chair.]

Assembly Bill No. 120—An Act to amend section three hundred and ninety-seven of the Penal Code.

Read third time and passed.

Assembly Bill No 162—An Act to add another section to the Penal Code, Chapter II., Title IX., Part I.

Read third time and passed.

Assembly Bill No. 190—An Act to grant leave of absence to A. L. Knowlton, County Surveyor of Butte County.

Read third time and passed.

Senate Bill No 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of lands for taxes.

Recommitted to the Judiciary Committee.

Mr. Preston moved that Senate Bills Nos. 130, 46, and 50 be made a special order for Monday, January twenty-fourth, at three o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Ferral, McCarthy, and Hart

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Archer, Bagge, Berry, Biggs, Blackwell, Blue, Carter, Collins Cornwell, Clunie, Dixon, Ferral, Gelwicks Giffen, Hart Harris, Hinshaw, Jamison, Lambourn, Lammers, Magune, McInerny McCarthy, Nott, Ostrom, Preston, Rankin, Rice, Roberts, Ruggles, Samuels, Scrivner Sullivan, and Watkins—34.

NOES—Messrs. Abbott, Barber, Burney, Bradley, Brodrick, Burbank, Carson, Chapman, Clarken Coffey, Crutcher, Dunlap, Garrelson, Harding, Hayne, Jones, Jourden, Kennedy, Koutz, McConnell, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Raisch, Sargent, Sullivan, Suverkrup, Wetherill, Young, and Mr. Speaker—36.

Mr. Harris moved to adjourn.

Lost.

Upon motion of Mr McKenna, the House resolved itself into a Committee of the Whole (Mr. Clunie in the chair) for the consideration of Senate Bill No 130—An Act to appropriate money to pay the claim of John L. Love.

Also, Senate Bill No. 46—An Act to appropriate money to pay the claim of James J. Green

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone.

IN ASSEMBLY.

Committee of the Whole reported progress, and asked further time for the consideration of Senate Bills Nos. 130, 46, and 50.

ADJOURNMENT.

At four o'clock and forty minutes, on motion of Mr. Ferral, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 22d, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Mr. Patterson of San Joaquin, and indefinite leave to Mr. Clarken.

PETITION.

By Mr. Swan—From citizens of Vallejo, in Solano County, with reference to the change in text-books now used in the public schools of this State.

Referred to the Committee on Education.

REPORTS.

By Mr. McConnell:

MR. SPEAKER: The Judiciary Committee, to which was referred the memorial of the Bar Association of San Bernardino County—relative to the frequent changes in the Codes—now report That it concurs in the opinion of the Bar Association, that "frequent and unnecessary changes in the Codes are undesirable and inconsiderate, and contrary to the spirit which enacted the same"

It is undoubtedly true, that the Codes were intended as a permanent and fixed system: but it is scarcely possible that any human system, on its first introduction, can be endowed with the quality of perfection, and hence *some* changes and modifications always follow the first conception of the very best of those systems.

The difficulty is, that these changes, from year to year, become too frequent. We cannot, however, perceive any means by which this result is to be avoided.

Members of the two branches of the Legislature object to various sections of the several Codes. They are under no restraint as to proposing amendments to the many sections objected to. These proposed amendments are referred to various committees, especially to that on judiciary, to be considered and reported on. The committees are compelled, from the very nature of the case, to consider each amendment on its own merits, and not in relation to the whole system, of which it is intended to form a part. The result is, that many inconsistent, and even *contradictory* provisions, are liable to become incorporated into the body of our laws.

Even when a committee goes through the labor of thoroughly examining proposed amendments in their relation to the entire system, this House is under no obligation of respecting its conclusions, but may reject or modify them according to the feeling of the moment.

"Too much legislation" has at all times been a subject of complaint, but no remedy has as yet been invented for this evil, in matters of ordinary law-making, and your committee fears that it will be equally difficult to find or invent a check on the too numerous modifications of the several Codes.

For these reasons your committee, though expressing its partial concurrence with the Bar Association of San Bernardino in the memorial and resolutions presented, yet finds itself compelled to report back the same, with the recommendation that no action thereon be had.

McCONNELL, Chairman.

By Mr. Murphy of San Francisco:

Mr. Speaker: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 59—An Act to authorize the President and Trustees of San Diego City to convey certain real estate to the United States, for the purpose of changing the present course of the River San Diego—have had the same under consideration, and report the same back, recommending its passage.

MURPHY, Chairman.

By Mr. Coffey:

Mr. Speaker: The San Francisco delegation, to whom was referred Assembly Bill No. 110—An Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them—report the same back, and recommend its reference to the Judiciary Committee.

COFFEY, Chairman.

Assembly Bill No. 110, above reported, was referred to the Judiciary Committee, as recommended.

GOVERNOR'S MESSAGE.

State of California, Executive Department,
Sacramento, January 21st, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code.

Also, Assembly Bill No. 44—An Act to amend section one thousand seven hundred and ninety-two of the Political Code, relating to teachers' certificates.

Also, Assembly Bill No. 51—An Act in relation to roads in Plumas County.

WILLIAM IRWIN, Governor.

PETITION.

By Mr. Clunie—From the teachers of the public schools of this State, in reference to a change of text-books.

Referred to the Committee on Education.

MOTIONS AND RESOLUTIONS.

Mr. Murphy of Del Norte moved that the House take up for consideration the report of the Committee of the Whole, made yesterday, just prior to adjournment.

Mr. Berry raised the point of order that the matter proposed to be taken up had gone to unfinished business, and could only be taken

up by a two-third vote, and therefore the motion of Mr. Murphy was out of order.

The Chair decided that the matter had gone to unfinished business, and that it requires a two-thirds vote to take up any unfinished business out of order.

Mr. Young appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the House?" the ayes and noes were demanded by Messrs. Ferral, Berry, and Biggs.

The roll was called, and the House refused to sustain the Chair, by the following vote:

AYES—Messrs. Bagge, Barber, Berry, Biggs, Blue, Collins, Cornwell, Covington, Clunie, Dunlap, Ferral, Hart, Harris, Hinshaw, Jamison, Kennedy, Koutz, Lambourn, McCarthy, Nott, Osborn, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Roberts, Samuels, Scrivner, Swan, and Watkins—31

NOES—Messrs. Abbott, Archer, Birney, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Coffey, Crutcher, Dixon, Garnetson, Gelwicks, Griffen, Harding, Hayne, Jones, Jourden, Lammers, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Pierce, Pullen, Raisch, Reddick, Ruggles, Sargent, Sullivan, Suverkrup, Wilcox, and Young—40

The motion of Mr. Murphy of Del Norte to take up the report of the Committee of the Whole, as made yesterday, was then put and prevailed.

Mr. Murphy of Del Norte moved that the further time asked by the Committee of the Whole be granted, and that the time for the sitting of the Committee of the Whole to further consider Senate Bills Nos. 130, 46, and 50, be fixed at one o'clock and thirty minutes P. M. on Monday, January twenty-fourth.

Mr. Harris moved to amend, by fixing the time for Monday, at eleven o'clock A. M.

Mr. Murphy of Del Norte moved, as an amendment to the amendment, that the time be fixed at three o'clock P. M. on Monday, January twenty-fourth.

The motion of Mr. Murphy prevailed; the motion as amended was adopted, and the time to further consider the above Senate bills was accordingly fixed at three P. M., January twenty-fourth.

RECESS.

The Speaker announced the hour for recess, and the House took a recess, accordingly, for one hour.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M. Speaker in the chair.

Roll called, and a quorum present.

REPORT.

By Mr. Archer:

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 54—An Act to add another section to the Civil Code, relating to corporations—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 55—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishment—beg leave to report the same back, and recommend its passage.

ARCHER, Chairman.

[Mr. Clunie in the chair.]

Mr. Carpenter moved to recommit Assembly Bill No. 111 to the Judiciary Committee, with special instructions to amend.

Adopted.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Carpenter—Of an Act to amend section one hundred and sixty of the Code of Civil Procedure.

By Mr Hayne—Of an Act to change the name of the Town of San Buenaventura, in the County of Ventura, to "Ventura;" to reincorporate said town, extend the limits thereof, and so forth.

On motion of Mr. McCarthy, Assembly Bill No 76—An Act relative to apprentices and masters—was referred to the Judiciary Committee, and ordered printed.

INTRODUCTION OF BILLS.

By Mr Preston—An Act to provide for the payment of the claim of John Breuner.

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

By Mr. Collins—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.

Read first and second times and referred to Fresno and Tulare delegations

By Mr. Ruggles—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four.

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

By Mr. Harding—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

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

By Mr Hayne—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

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

By Mr. Garretson—An Act to amend section six hundred and ninety-one of the Code of Civil Procedure

Read first and second times and referred to Judiciary Committee.

GENERAL FILE.

Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children.

Made the special order for Wednesday, January twenty-sixth, at two o'clock P. M.

Assembly Bill No. 186—An Act to amend section three hundred and ninety-eight of the Penal Code, relative to selling fire-arms to Indians.

Read third time and passed.

Assembly Bill No. 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and authorize his payment.

Read third time and passed.

Assembly Bill No. 200—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.

Read third time and passed.

Senate Bill No 31—An Act concerning the office of County Clerk of the City and County of San Francisco.

Made the special order for Tuesday, January twenty-fifth, at two o'clock P. M.

Senate Bill No. 120—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four

Read third time and passed.

[Speaker in the chair.]

Assembly Bill No. 22—An Act to repeal section eighteen hundred and eighty-two of the Code of Civil Procedure.

The question being upon the adoption of the substitute reported by the Judiciary Committee, the House refused to adopt the same.

The question recurring upon the passage of the original bill, the previous question was demanded by Messrs. Murphy of Del Norte, Patterson of Sacramento, and Gelwicks, and the same was read a third time, and passed.

Assembly Bill No. 15—An Act entitled an Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow.

Mr. Hart offered a substitute, which was amended, and, on motion of Mr. Hart, the bill and substitute was recommitted to the Judiciary Committee.

[Speaker pro tem in the chair.]

Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer

Rules suspended, considered engrossed, read third time, and passed.

Mr. Berry had leave to withdraw Assembly Bill No. 217—An Act to amend section two hundred and forty-six of the Political Code, abolishing the office of Post-office Page of the Assembly.

Assembly Bill No. 234—An Act appointing and empowering Charles F. Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom—was taken from the file and recommitted to the El Dorado delegation.

Mr. Preston had leave to withdraw Assembly Bill No 179—An Act to amend section three thousand six hundred and twenty-nine of the Political Code

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. Samuels, the House adjourned to Monday, January twenty-fourth, at eleven o'clock A. M.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 24th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present
Prayer by the Chaplain.
Journal of Saturday read and approved

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Bagge, Wood, McInerny, and Patterson of San Joaquin, and two days' leave to Mr Abbott.

## PETITIONS.

By Mr. Griswold—From the citizens of Inyo County, relative to the boundary line between Mono and Inyo Counties.
Referred to Inyo delegation.
By Mr. Reddick—From citizens of Calaveras County, in reference to the destruction of fish
Referred to the Committee on Fish
By Mr. Young—From teachers in the public schools of San Francisco, asking for a change of text-books
Referred to the Committee on Education

## REPORTS.

By Mr. Covington.

MR SPEAKER. *Your Committee on Engrossment have examined and find correctly engrossed* Assembly Bill No 118—An Act to add a section to the Political Code, in regard to contesting elections for members of the Legislature.

Also, Assembly Bill No 131—An Act to amend sections three thousand four hundred and forty-one and three thousand four hundred and forty-two of the Political Code.

Also, Assembly Bill No. 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure

Also, Assembly Bill No 227—An Act to amend an Act entitled an Act supplementary to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four

COVINGTON, for Committee

By Mr. Lambourn:

MR. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No 201—An Act in relation to boundary fences and the trespass of animals in the County of San Mateo—have had the same under consideration, amended the same, and beg leave to report it back, with the recommendation that it pass as amended.

LAMBOURN, Chairman.

By Mr. Hinshaw

MR. SPEAKER Your Committee on Public Expenditures and Accounts beg leave to report that they have examined the following bills, and recommend that they be paid, as follows John J. Cass, one hundred dollars, Wells, Fargo & Co. three dollars and thirty cents

*Resolved*, That the Controller be and he is hereby authorized and directed to draw warrants in favor of the persons named in the report above, for the sums set opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly

HINSHAW, Chairman

The above report, account, and resolution were referred back to the Committee on Expenditures and Accounts.

By Mr Lammers:

Mr. SPEAKER The delegation, to whom was referred Senate Bill No. 190—An Act to further define the duties of the short-hand reporter of the County Court of San Joaquin County also, Senate Bill No. 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use—have had the same under consideration, and report them back, recommending their passage

LAMMERS, for Delegation.

By Mr. Dunlap:

Mr SPEAKER Your committee, to whom was referred Assembly Bill No 274—An Act to repeal an Act entitled an Act to incorporate the Town of Sutter Creek, Amador County, approved March thirtieth, eighteen hundred and seventy-four—would herewith respectfully report the same back, and recommend its passage

DUNLAP, for Delegation.

Assembly Bill No. 274, above reported, taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr. Collins.

Mr SPEAKER The Fresno and Tulare delegations, to whom was referred Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of Kings River and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two—report the same back, and recommend its passage

COLLINS, for Delegation.

Mr Murphy of Del Norte was allowed to withdraw Assembly Bill No. 20.

MOTIONS AND RESOLUTIONS.

By Mr. Samuels.

*Resolved*. That on and after Thursday next, January twenty-seventh, the general file shall be the special order each day at two o'clock P. M., if not reached in its order before that hour

Laid over for one day, under the rules.

On motion of Mr. Dixon, Assembly Bill No. 203—An Act entitled an Act to district the City of Oakland into wards—was taken up, rules suspended, substitute adopted, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

On motion of Mr. Sargent, the rules were suspended for the purpose of considering Senate Bills Nos. 190 and 191, this day reported.

Senate Bill No. 190 read third time and passed.

Senate Bill No. 191 read third time and passed.

On motion of Mr. Murphy of Del Norte, the rules were suspended and Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county—was taken from the file.

Amended.

Rules further suspended, considered engrossed, read third time, and passed.

On motion of Mr. Koutz, the rules were suspended and Assembly Bill No. 261—An Act to authorize E. Barry to remove certain remains of deceased persons—was taken from the file.

Rules further suspended, considered engrossed, read third time, and passed.

By Mr. Murphy of San Francisco:

WHEREAS, Your Committee on Commerce and Navigation, during their investigation at San Francisco, required and did engage the services of T. H. Hyatt, as short-hand reporter, at a per diem of ten dollars, for taking the testimony, and twenty cents per folio for transcribing the same, the whole amount being one hundred and thirty-eight dollars, as per bill rendered;

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above amount, and the Treasurer is hereby directed to pay the same.

Referred to the Committee on Public Expenditures and Accounts.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Cornwell—Of an Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four.

Also, of an Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same.

By Mr Preston—Of an Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

By Mr. Berry—Of an Act authorizing the appointment of a commission to collect and collate information relative to hydraulic mining and the destruction caused thereby to the valley lands, rivers, and bays, and report the same the Legislature of this State to convene in December, eighteen hundred and seventy-seven.

INTRODUCTION OF BILLS.

By Mr. Patterson of Kern and Tulare—An Act to fix the salary and bond of the Assessor of the Counties of Tulare and Kern.

Read first and second times and referred to the Kern and Tulare delegation.

By Mr McConnell—An Act to incorporate the Town of Anaheim.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Roberts—An Act to establish the fees of Justices of the Peace in and for the County of San Benito.

Read first and second times and referred to the San Benito delegation.

By Mr. Griswold—An Act to fix the compensation of the Assessor of Inyo County.

Read first and second times and referred to the Inyo delegation.

By Mr. Ferral—An Act to protect salmon trout and brook trout in the streams of Sonoma County.

Read first and second times and referred to the Committee on Fish Culture

By Mr Hayne—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Read first and second times and referred to the Santa Barbara delegation.

By Mr. Giffen—An Act to authorize T. C. Fraser and his associates to stock the Truckee River, between Lake Bigler and Camp Eighteen, in Nevada County, with three million young trout, and pay for the same.

Read first and second times and referred to the Committee on Fish Culture.

GENERAL FILE.

Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Read third time and passed.

Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Read third time and passed.

Assembly Bill No. 198—An Act to amend section one thousand four hundred and one of the Civil Code, relating to the distribution of the common property in cases of the death of the wife.

Pending consideration, the hour of recess was announced, and the House took a recess for one hour.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

GENERAL FILE RESUMED.

House resumed consideration of Assembly Bill No. 198, and the House refused to engross.

On motion of Mr. Chapman, the House took up Assembly Bill No. 68—An Act to create the Twenty-first Judicial District.

Read third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Carson, Chapman, and Patterson of Kern and Tulare.

The roll was called, with the following result:

AYES—Messrs. Archer, Barber, Birney, Blackwell, Blue, Breeland, Broderick, Burbank, Carter, Chapman, Clark, Coffey, Collins, Cornwell, Crutcher, Dixon, Dunlap, Garretson, Gelwicks, Giffen, Griswold, Harris, Hayne, Jamison, Jones, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of San Francisco, Nott, Preston, Pullen, Rankin, Reddick, Rice, Scrivner, Suverkrup, Watkins, Young and Mr. Speaker—45.

NOES—Messrs. Berry, Biggs, Bradley, Carson, Covington, Clune, Ferral, Hart, Harding, Hinshaw, Jourden, Kennedy, Murphy of Del Norte and Klamath, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Quigley, Roberts, Ruggles, Sargent, Samuels, Swan, and Wilcox—25.

The bill having failed to receive the requisite constitutional majority, was declared lost.

Messrs. Scrivner and Pierce gave notice of motion to reconsider.

Assembly Bill No. 193—Proposed amendments to Articles V. and XI. of the Constitution of the State of California, relative to assessments and taxation, and the election of State Assessors.

Passed on file.

Assembly Bill No. 172—An Act to amend sections two hundred and forty-three, two hundred and thirty, and five hundred and eighty-eight of the Penal Code.

Refused to engross.

Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

Ordered placed at the head of file for to-morrow.

Assembly Bill No. 213—An Act entitled an Act for the repeal of section one thousand five hundred and forty-two of the Political Code.

Passed on file.

Assembly Bill No. 209—Proposed amendment to the Constitution of the State of California.

Ordered engrossed.

Assembly Bill No. 91—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure.

Ordered placed at the foot of file for to-morrow.

Assembly Bill No 85—Proposed amendment to the Constitution of the State of California.

Passed on file.

Assembly Bill No. 34—An Act for the relief of San Benito County.

Made the special order for Thursday, January twenty-seventh, at three o'clock P. M.

Assembly Bill No. 197—An Act concerning the office of County Clerk of Santa Barbara County.

Rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER

The Chair announced as the special order of this hour

Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love.

Also, Senate Bill No. 46—An Act to appropriate money to pay the claim of James J Green.

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone.

On motion of Mr Murphy of Del Norte, the House resolved itself into a Committee of the Whole, with the Speaker pro tem. in the chair, for the consideration of the above Senate bills.

On motion of Mr Wilcox, the committee arose and reported the bills back, with recommendation that they pass

IN ASSEMBLY.

The Chairman of the Committee of the Whole reported back Senate Bills Nos 130, 46, and 50, with recommendation that they pass.

Upon the question of concurring in the report of the Committee of the Whole, the ayes and noes were demanded by Messrs. Berry, Clunie, and Ferral, and the House concurred, by the following vote:

AYES—Messrs. Archer, Barney, Blackwell, Bradley, Broderick, Burbank Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garrotson Gillen, Griswold, Harding, Hayne, Jones, Jourden, Koutz, Lammers, Magune, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Suverkrup, Wilcox, and Young—36.

NOES—Messrs. Barber, Berry, Biggs, Blue Brecland, Collins, Cornwell, Covington, Clunie, Dixon, Dunlap, Ferral, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Limbourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Roberts, Ruggles, Samuels, Scrivner, Swan, Watkins, and Mr. Speaker—35.

At five o'clock and fifteen minutes P. M. Mr. Clunie moved to adjourn.

The Chair decided the motion lost.

Mr. Clunie appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the House?" the ayes and noes were demanded by Messrs. Clunie, Nott, and Harris

The roll was called, and the Chair sustained, by the following vote:

AYES—Messrs. Archer, Birney, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson, Giffen, Griswold, Harding, Hayne, Jones, Jourden, Koutz, Lammers, McConnell, McInerny, McCarthy, McKenna, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Swan, Wilcox, Young, and Mr. Speaker—37.

NOES—Messrs. Barber, Berry, Biggs, Blue, Breeland, Collins, Cornwell, Covington, Clunie, Dixon, Dunlap, Ferral, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, Maguire, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Roberts, Ruggles, Samuels, Scrivner, and Watkins—33.

At five o'clock and twenty-five minutes Mr. Carpenter moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Biggs, Carpenter, and Clunie.

The House refused, by the following vote:

AYES—Messrs. Barber, Berry, Biggs, Blue, Breeland, Collins, Cornwell, Covington, Clunie, Dixon, Dunlap, Ferral, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Roberts, Ruggles, Samuels, Scrivner, Swan, Watkins, and Mr. Speaker—35

NOES—Messrs. Archer, Birney, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson, Giffen, Griswold, Harding, Hayne, Jones, Jourden, Koutz, Maguire, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Wilcox, and Young—36.

The question being upon the passage of Senate Bill No. 130, the previous question was demanded by Messrs. Wilcox, Murphy of San Francisco, and McKenna, and so ordered by the House.

Upon the passage of Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love—the ayes and noes were demanded by Messrs. Clunie, Ostrom, and McKenna, and the bill was read third time and passed, by the following vote:

AYES—Messrs. Archer, Birney, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson, Giffen, Griswold, Harding, Hayne, Jones, Jourden, Koutz, Lammers, Maguire, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Wilcox, and Young—37

NOES—Messrs. Barber, Berry, Biggs, Blue, Breeland, Collins, Cornwell, Covington, Clunie, Dixon, Dunlap, Ferral, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Roberts, Ruggles, Samuels, Scrivner, Swan, Watkins, and Mr. Speaker—34

Mr. Harris gave notice of a motion to reconsider the vote by which Senate Bill No. 130 was passed.

[Speaker in the chair.]

On motion of Mr. Murphy of Del Norte, Senate Bill No. 46—An Act to appropriate money to pay the claim of James J. Green; and Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone—were ordered placed second and third on the file for to-morrow.

## SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 24th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-first day of January, eighteen hundred and seventy-six, passed Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.

Also, on the twentieth instant, passed Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto.

Also, Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

Also, Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

Also, Senate Bill No. 95—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to Notaries' fees.

Also, Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools.

Also, Senate Bill No. 93—An Act to amend certain sections of the Political Code, relating to public schools.

Also, Senate Bill No. 189—An Act to amend section six hundred and twenty-seven of the Penal Code.

CLARK, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 124, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 15, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 68, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 108, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 95, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bills Nos. 90 and 93, above reported, each read first and second times and referred to the Committee on Education.

Senate Bill No. 189, above reported, read first and second times and referred to the Committee on Agriculture.

## ADJOURNMENT.

At five o'clock and forty-six minutes P. M., on motion of Mr. Carson, the House adjourned.

---

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 25th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted for one day to Messrs. Sullivan and Raisch, and indefinite leave to Mr. Covington

PETITIONS.

By Mr. Maguire—From the citizens and tax-payers of San Francisco, in reference to the text-books used in this State.

Referred to the Committee on Education.

By Mr. Patterson of Sacramento—From Charles E. Pickett

Indefinitely postponed.

By Mr Young—From citizens and tax-payers of San Francisco, in reference to a change of text-books in the public schools.

Referred to the Committee on Education.

By Mr Coffey—From citizens of San Francisco, in reference to text-books in the public schools

Referred to the Committee on Education.

By Mr. Patterson of San Joaquin—From citizens of San Joaquin County, against a change of text-books in the public schools.

Referred to the Committee on Education.

REPORTS.

By Mr. Archer:

Mr Speaker Your Committee on Corporations, to whom was referred Assembly Bill No 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four—have had said bill under consideration, and herewith report the same back and recommend its passage

ARCHER Chairman.

By Mr. Patterson of Kern and Tulare.

Mr. Speaker The Tulare delegation, to whom was referred Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern—report the same back, and recommend its passage

PATTERSON, for Delegation

By Mr. Gelwicks.

Mr. Speaker The Alameda County delegation, to whom was referred Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda in allowing the claim of N W. Spaulding—have had the same under consideration, report it back with a substitute, and recommend the adoption and passage of the substitute.

GELWICKS, for Delegation.

By Mr. Lambourn:

Mr Speaker Your Committee on Agriculture, to whom was referred Assembly Bill No 231—An Act to protect agriculture and to prevent the trespassing of animals on private property in the County of San Bernardino—have considered and amended the same, and beg leave to report it back with the recommendation that it pass as amended

Also Assembly Bill No 126—An Act to amend section six hundred and twenty-eight of the Penal Code—having considered the same, recommend that it do pass.

Also Assembly Bill No 106—An Act to amend section six hundred and twenty-six of the Penal Code—recommend that it do not pass.

LAMBOURN, Chairman

By Mr. Hayne:

Mr. Speaker The special committee of the delegation from Santa Barbara and Ventura Counties, to whom was referred Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds of said county for construction thereof, and to provide for the payment of the same—respectfully report back the same, and recommend its passage.

HAYNE, for Delegation.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Giffen, Assembly Bill No. 171—An Act to establish a branch County Jail at the Town of Truckee, Nevada County—was recommitted to the Nevada delegation

On motion of Mr Archer, two hundred and forty copies of substitute to Assembly Bill No. 182 were ordered printed.

Mr. Pierce, in accordance with previous notice, moved to reconsider the vote by which the House yesterday failed to pass Assembly Bill No. 68—An Act to create the Twenty-first Judicial District.

Mr. Carson moved to indefinitely postpone reconsideration.

Lost.

The motion of Mr. Pierce to reconsider prevailed.

On motion of Mr. Chapman, Assembly Bill No. 68, above referred to, was ordered to the head of file for to-morrow.

Upon motion of Mr. Murphy of San Francisco, Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto—was ordered copied and printed out of order.

[Mr. Archer in the chair.]

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 25th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-fourth day of January, eighteen hundred and seventy-six, passed Assembly Bill No. 6—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four

Also, Assembly Bill No 116—An Act in relation to highways in Los Angeles County

Also, Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail, and to issue bonds of the county therefor

And indefinitely postponed Assembly Bill No 190—An Act to grant leave of absence to A. L Knowlton, County Surveyor of Butte County

Also, Assembly Bill No 55—An Act granting leave of absence to the County Recorder of the County of Yuba

And herewith to return corrected, as requested, Assembly Bill No 159—An Act relative to the Treasurer's office of Sonoma County.

CRAWFORD, Assistant Secretary.

Senate amendment to Assembly Bill No. 159, above reported, was concurred in.

MOTIONS AND RESOLUTIONS.

Mr. Harris, in accordance with a previous notice, moved to reconsider the vote by which the Assembly on yesterday passed Senate Bill No 130—An Act to appropriate money to pay the claim of John L. Love.

Mr. Preston having stated that Mr Drury Melone had made misrepresentations to members concerning the rulings of the Speaker, Mr. McConnell moved that Mr Melone be invited to come on the floor and explain.

Mr. Briceland moved to amend by having a committee of five appointed to hear any explanation that Mr. Melone chose to make.

Mr. Maguire moved, as an amendment to the amendment, that the whole subject be referred to the Committee of the Whole, to sit at two o'clock P. M. this day.

Pending the consideration of which, the hour of twelve o'clock and thirty minutes P. M having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Mr Archer in the chair.

Roll called, and a quorum present

The House resumed consideration of the amendment offered by Mr. Maguire, pending at the time of recess.

Mr. Berry raised the point of order that the House could not go into Committee of the Whole on the subject proposed until the House should have reconsidered the vote on passage of Senate Bill No. 130

The Chair held the point of order well taken.

The question being upon the motion of Mr. McConnell, it was adopted.

Messrs. Berry, Hinshaw, Samuels, Briceland, and Jamison, asked to have their protest entered on the journal of the Assembly against the privilege accorded to Mr. Melone by the motion just adopted.

Mr. Melone, at the invitation of the House, made a statement in reference to the charge made against him by Mr. Preston

The question recurring on the motion of Mr. Harris, to reconsider the vote on the passage of Senate Bill No. 130

Pending the consideration of which, the hour for taking up the special order, Senate Bill No. 31—An Act concerning the office of County Clerk of the City and County of San Francisco—having arrived, on motion it was postponed and made the special order for Friday, January twenty-eighth, at two o'clock P. M.

The question being upon the motion to reconsider Senate Bill No. 130, the previous question was demanded by Messrs. Ferral, Berry, and Birney, and the House so ordered.

Upon the original motion the ayes and noes were demanded by Messrs. Berry, Ostrom, and Rice.

The roll was called, and the passage of Senate Bill No. 130 was reconsidered, by the following vote.

AYES—Messrs Archer, Baggo, Bulter, Berry, Biggs, Birney, Blue, Briceland, Collins, Cornwell, Covington, Clunie, Dixon, Dunlap, Ferral, Gelwicks, Griswold, Hart, Harris, Hinshaw, Jamison Jenkins, Kennedy, Lamboum, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrymer, Watkins, and Mr Speaker—40.

NOES—Messrs. Blackwell, Bradley, Broderick, Burbank Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson Giffen, Harding, Hayne, Jones, Jounden, Koutz, Lammers, Maguire, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin Pierce, Pullen, Reddick, Sargent, Suverkrup, Swan, Wilcox, Wood, and Young—35.

Mr Murphy of Del Norte moved that Senate Bill No. 130 be made the special order for to-morrow, Wednesday, at one o'clock and thirty minutes P. M

Upon which the ayes and noes were demanded by Messrs. Murphy of Del Norte, Wilcox, and Ferral.

The roll was called, and the House refused, by the following vote:

AYES—Messrs Archer, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson, Giffen, Harding, Hayne, Jones, Jounden, Koutz, Lammers,

Maguire, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Swan, Wilcox, Wood, and Young—36

NOES—Messrs Bagge, Barber, Berry Biggs, Birney, Blue, Briceland, Collins, Cornwell, Covington, Clune, Dixon, Dunlap, Ferral, Gelwicks, Griswold, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner Watkins, and Mr. Speaker—39

Mr. Murphy of Del Norte moved to recommit to the Judiciary Committee, with special instructions to inquire into the constitutionality of the Act upon which the claim is based.

[Speaker in the chair.]

Upon the adoption of which the previous question was demanded by Messrs. Berry, Rice, and Ostrom, and so ordered.

On the question to recommit with special instructions, the ayes and noes were demanded by Messrs. Chapman, McKenna, and Murphy of Del Norte

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Archer, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson, Griffen, Harding Hayne, Jones, Jourden, Koutz, Lammers, Maguire, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Swan, Wilcox, Wood, and Young—36.

NOES—Messrs. Bagge, Barber Berry, Biggs Birney, Blue, Briceland, Collins, Cornwell, Covington, Clune, Dixon, Dunlap, Ferral, Gelwicks, Griswold, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McCarthy, Nott Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare Preston Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels Scrivner, Watkins, and Mr. Speaker—39.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Berry, Rice, and Samuels.

The roll was called, and the House refused to pass the bill, by the following vote:

AYES—Messrs. Archer, Blackwell, Bradley, Broderick, Burbank, Carter, Chapman, Clark, Coffey, Crutcher, Garretson, Griffen, Harding, Hayne, Jones, Jourden, Koutz Lammers Maguire, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen Reddick Sargent Suverkrup, Swan, Wilcox, Wood and Young—35.

NOES—Messrs Bagge, Barber, Berry, Biggs, Birney, Blue, Briceland, Carson Collins, Cornwell, Covington, Clune, Dixon, Dunlap, Ferral, Gelwicks, Griswold, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Watkins, and Mr. Speaker—40.

Mr. Carson gave notice of a motion to move a reconsideration of the vote by which the House refused to pass Senate Bill No. 130 on this day.

ADJOURNMENT.

At five o'clock and seven minutes P. M., on motion of Mr. Wilcox, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 26th, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITIONS.

By Mr. Young—From citizens of San Francisco, protesting against a change of text-books in the schools of this State.

Referred to the Committee on Education.

By Mr. Biggs—From the citizens of this State, protesting against a change of books in the schools of this State.

Referred to the Committee on Education.

The Speaker announced Mr McMann as a member of the Committee on Park Investigation, to fill the place made vacant by the resignation of Mr. Sullivan.

REPORTS.

By Mr. Birney.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate Bill No 40—An Act to amend an Act entitled an Act regulating the sale of mining lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four—beg leave to report the same back, and recommend its passage.

BIRNEY, Chairman.

By Mr. McConnell:

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county, to pay a judgment recovered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five—have had the same under consideration, report it back, and recommend its passage

McCONNELL, Chairman.

By Mr. Hinshaw:

MR. SPEAKER: The Committee on Public Expenditures and Accounts, to whom was referred the bill of T. H. Hyatt for services as short-hand reporter to the Committee on Commerce and Navigation, would respectfully report the same, together with the accompanying resolution, back without recommendation, for the reason that the Committee on Commerce and Navigation employed said short-hand reporter without any authority from this House to do so. Your committee find that on the sixth instant said Committee on Commerce and Navigation was authorized by resolution to employ a clerk at a per diem of five dollars, and that since that time no further clerical assistance was allowed said committee by this House.

HINSHAW, Chairman.

The resolution above referred to, which reads as follows, was taken up and adopted:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for one hundred and thirty-eight dollars, in favor of T. H Hyatt, and the Treasurer is hereby directed to pay the same.

By Mr. Covington.

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 141—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt.

Also, Assembly Bill No 236—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 4—An Act to amend section eleven hundred and sixty of the Political Code.

Also Assembly Bill No 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes

Also, Assembly Bill No. 192—An Act in reference to deeds and powers of attorney heretofore executed by married women

Also, Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

COVINGTON, for Committee.

By Mr. Quigley.

Mr Speaker The Committee on Enrollment have examined Assembly Bill No 129—An Act to provide for the transfer of certain road moneys in Placer County

Also, Assembly Bill No 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa, Tuolumne, and Calaveras.

Also, Assembly Bill No. 69—An Act to fix the bonds of the Tax Collectors of Fresno, Tulare, and Kern Counties.

And report the same correctly enrolled and that at ten o clock and fifty-five minutes a m. the same was presented to the Governor for his approval

QUIGLEY, for Committee.

The Committee on Public Morals was granted three days' further time to report on Assembly Bill No. 143.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means have considered Assembly Bill No 241 —An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers—and recommend its passage

Also, Assembly Bill No. 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County—and recommend that it pass

BERRY, Chairman

By Mr. Scrivner:

Whereas, This House, by resolution, did, on the ——— day of January eighteen hundred and seventy-six, allow the Committee on Irrigation to appoint a clerk, at a per diem of five dollars, to be discharged at the pleasure of the committee, and, whereas, the said committee, by virtue of said resolution, did, on the twentieth day of January, eighteen hundred and seventy-six, appoint J C Halley of said committee and whereas, said committee have no further immediate occasion for the services of said clerk, therefore, be it

*Resolved*, That the said appointment be and the same is hereby rescinded

Received and placed on file.

By Mr. Berry

Mr. Speaker: Your committee, to whom was referred the resolution authorizing the Committees on Agriculture and Mines and Mining Interests, and the select committee composed of the Committees on Agriculture and Mines and Mining Interests to appoint a clerk, report the same back, and a majority recommend that the resolution pass.

BERRY, Chairman.

Mr Collins, a minority of the committee, objected to the passage of the resolution, on the grounds that it is unnecessary, and the clerk is not needed.

The resolution above reported was taken up and adopted.

MOTIONS AND RESOLUTIONS.

By Mr. Murphy of San Francisco:

*Resolved*, That the Copying Clerks be allowed three Assistant Copying Clerks, at the same per diem as allowed the Copying Clerks, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Employés

By Mr. Coffey:

*Resolved*, That the Enrolling Clerk of the Assembly be allowed two assistants, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Employés

By Mr. Harding:

*Resolved by the Assembly, the Senate concurring*, That a committee of three from each House be appointed respectively by the Speaker and President, to receive proposals and award the contract for translating into Spanish the laws of the present session of the Legislature

Laid over one day, under the rule.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, January 25th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No 74—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four

Also, passed and ordered transmitted without engrossment, Senate Bill No. 268—An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano

Also, passed Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County.

Also, passed Assembly Bill No. 200—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.

Also, passed Assembly Bill No 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and to authorize his payment.

Also, passed and ordered transmitted without engrossment, Senate Joint Resolution No 20—Relative to obtaining cheap telegraphic facilities for the State of California.

And indefinitely postponed Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code

Also, Assembly Bill No. 160—An Act to grant leave of absence to Geo. W Welch, Superintendent of Public Schools of Shasta County.

Also, Assembly Bill No 30—An Act entitled an Act to amend section two hundred and forty-five of the Penal Code.

And passed Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California

CRAWFORD Assistant Secretary.

Senate Bill No. 268, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Joint Resolution No. 20, above reported, read first and second times and referred to Committee on Corporations.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Jones, the House took a recess until two o'clock and thirty minutes P M.

RE-ASSEMBLED.

The House re-assembled at two o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present

On motion of Mr. McConnell, Assembly Bill No. 113 was made the special order for Friday, January twenty-eighth, at one o'clock and thirty minutes P. M.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Coffey—Of an Act to amend section eleven hundred and eleven of the Code of Civil Procedure.

By Mr. Birney—Of an Act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of California, but doing business therein.

By Mr. Maguire—Of an Act to amend the Political Code, to protect the health and regulate the hours of labor of street-car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

By Mr. McConnell (by request)—Of an Act to regulate the practice of law in reference to champerty and maintenance.

By Mr. Harding—Of an Act to amend section six hundred and seven of the Code of Civil Procedure.

INTRODUCTION OF BILLS.

By Mr. Patterson of Sacramento—An Act to provide for the construction of a canal or flume for the transportation of lumber, wood, and for mining and irrigating purposes, in the Counties of El Dorado and Sacramento.

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

By Mr. Coffey—An Act to regulate the prices and quality of gas in the City and County of San Francisco

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

By Mr Cornwell—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of waterworks for said city, and for the future government of the same.

Read first and second times and referred to the Committee on Irrigation

REPORT.

By Mr. Collins:

MR. SPEAKER The Committee on Employés and Attachés, to whom was referred a resolution that the Enrolling Clerk be allowed two assistant clerks, beg leave to report the same back with a substitute, and unanimously recommend that the substitute pass

COLLINS, for Committee.

Substitute reported by the committee as follows:

*Resolved*, That the Enrolling Clerk of the Assembly be allowed one assistant, at a per diem of six dollars, to be paid out of the Contingent Fund of the Assembly.

Substitute adopted.

The original resolution, as amended, was then adopted.

FURTHER INTRODUCTION OF BILLS.

By Mr. Samuels—An Act amendatory to an Act entitled an Act to incorporate the Town of Cloverdale, County of Sonoma, approved February twenty-eighth, eighteen hundred and seventy-two.

Read first and second times and referred to the Sonoma delegation.

By Mr. Preston—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Mileage.

By Mr Garretson—An Act to declare Redwood City Slough navigable

Read first and second times and referred to Committee on Commerce and Navigation.

MOTION.

Mr Carson, in accordance with notice given yesterday, moved to reconsider the vote by which the House refused to pass Senate Bill No. 130.

The Chair ruled the motion out of order, there having been already one reconsideration on the passage of said bill.

GENERAL FILE.

Assembly Bill No 68—An Act to create the Twenty-first Judicial District.

Upon the passage of the bill, the roll was called, with the following result

AYES—Messrs. Abbott, Archer, Barber, Birney Blackwell, Blue, Bruceland, Broderick, Burbank, Carter, Chapman, Clark, Coffey, Collins, Cornwell, Crutcher, Dixon, Dunlap, Ferral, Garretson Giffen, Griswold Harris Hayne, Jamison, Jones, Koutz, Lambourn, Lammers Magune, McConnell, Melnerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco Nott, Ostrom, Patterson of San Joaquin, Pierce, Preston Pullen, Rankin, Raisch, Reddick, Rice, Roberts, Sargent, Scrivner, Sullivan, Suverkrup, Watkins, Wood, Young, and Mr Speaker—55

NOES—Messrs Bagge, Berry Biggs Bradley, Carson, Covington, Clunie, Hart, Harding, Hinshaw, Jourden, McMann, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Samuels, Swan, and Wilcox—19

The bill having received the required two-thirds vote, was passed.

RESOLUTION.

Mr. Young had leave to offer the following:

*Resolved*, That Rule Seventy be and the same is hereby amended by adding thereto the following "No person, not a member of this House, shall be allowed to lobby within the Assembly Chamber, for or against any measure pending before the House The Sergeant-at-Arms is charged with the enforcement of this additional part of the rule"

Referred to the Committee on Rules and Regulations.

GENERAL FILE RESUMED.

Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

The question being upon the engrossment of the bill, the previous question was demanded by Messrs. Harris, Rankin, and Barber, and so ordered by the House.

The ayes and noes were demanded by Messrs. Berry, Collins, and Harding, and the House refused to engross, by the following vote:

AYES—Messrs. Bagge, Barber, Birney, Blackwell, Broderick, Carson, Chapman, Coffey, Cornwell, Clunie, Ferral, Garretson, Hart, Harris, Jourden Lambourn, Lammers, Magune McConnell, Melnerny, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Pullen, Quigley, Rankin, Reddick, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wilcox, and Young—35

NOES—Messrs. Abbott, Archer, Berry, Biggs, Blue, Bradley, Briceland, Burbank, Carter, Clark, Collins, Covington, Crutcher, Dixon, Dunlap, Giffen, Griswold, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Koutz, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of San Joaquin, Pierce, Preston, Raisch, Rice, Roberts, Ruggles, Sargent, Samuels, Wood, and Mr. Speaker—41.

Mr. Murphy of Del Norte gave notice of motion to reconsider the vote by which the House refused to engross Assembly Bill No. 185.

Mr. Koutz moved to adjourn. Upon which the ayes and noes were demanded by Messrs. Harris, Covington, and Preston.

The roll was called, with the following result:

AYES—Messrs. Bagge, Berry, Biggs, Binney, Blackwell, Blue, Briceland, Carson, Chapman, Clark, Covington, Clunie, Dixon, Ferral, Griswold, Harris, Harding, Hayne, Jamison, Jenkins, Jones, Jourden, Koutz, Lamboutn, Lammers, McConnell, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Quigley, Rankin, Rice, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Wilcox, and Mr. Speaker—49.

NOES—Messrs. Abbott, Archer, Barber, Bradley, Broderick, Burbank, Carter, Coffey, Collins, Crutcher, Dunlap, Garretson, Giffen, Hart, Hinshaw, Maguire, McInerny, Murphy of San Francisco, Patterson of San Joaquin, Raisch, Reddick, Roberts, Sargent, Watkins, Wood, and Young—26.

And accordingly, at four o'clock and twenty-six minutes P. M., the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 27th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

One day's leave of absence was granted to Mr. Kennedy.

### PETITIONS.

By Mr. Rice—From citizens of this State, in reference to the Centennial celebration.

Referred to the Committee on Centennial Celebration.

By Mr. Broderick—From citizens of San Francisco, to legalize the Bancroft contract.

Referred to the Committee on Education.

### REPORTS.

By Mr. Maguire:

MR. SPEAKER: Your Committee on Employés, etc., to whom was referred a resolution authorizing the Copying Clerks to appoint three assistants, having had the same under consideration, report it back, and recommend its passage.

MAGUIRE, for Committee.

The resolution above reported was taken up for consideration.

Mr Young moved to amend by striking out the word "three," and inserting the word "one."

Lost

Mr. Blue moved to recommit the resolution to the Committee on Attachés.

Lost.

Mr. Roberts moved to lay the resolution on the table

Lost.

Mr. Crutcher moved to indefinitely postpone

Lost.

Mr Scrivner moved to amend by making the compensation five dollars per day.

Mr Young moved to recommit to the Committee on Attachés, with special instructions to inquire into the amount of work on hand in the office of the Copying Clerks.

Adopted.

By Mr. Wilcox.

Mr. Speaker Your Committee on Rules, to whom was referred the resolution relative to amending Rule Seventy, have considered the same, and beg leave to report the accompanying substitute, and recommend its adoption.

WILCOX, Chairman

*Resolved*, That Rule Seventy be and the same is hereby amended by adding thereto the following "No person, except be a member of this House, shall be allowed within the bar of this House for the purpose of working for or against any measure which is or may come before this House The Sergeant-at-Arms is charged with the enforcing of this additional part of the rule"

Substitute adopted.

By Mr. Covington:

Mr Speaker Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

Also, Assembly Bill No 38—An Act to authorize the appointment of an additional interpreter for the Criminal Courts of the City and County of San Francisco.

Also, Assembly Bill No. 117—An Act to provide for the safety of persons attending public assemblies.

Also, Assembly Bill No. 219—An Act to change the name of Tule River School District, in the County of Tulare to that of Porterville School District, and to provide for additional school facilities therein

COVINGTON, for Committee

By Mr. Carter:

Mr. Speaker Your committee to whom was referred Assembly Bill No. 143—An Act relative to theaters and other places of public amusement—having had the same under consideration, report the same back, and recommend that it do not pass

CARTER, Chairman

By Mr. Swan:

Mr. Speaker Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 23—Relative to additional homestead claims for soldiers and sailors—have had the same under consideration, and beg leave to report that they have amended the same, and report it back, with a recommendation that it pass as amended

SWAN, Chairman

Assembly Concurrent Resolution No. 23, above reported, amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. McConnell.

Mr. Speaker: Your Judiciary Committee, to whom was referred Assembly Bill No. 237—An Act to amend sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-nine of the Code of Civil Procedure—have had the same, and an accompanying memorial, under consideration, report it back, and recommend that it do not pass.

McCONNELL, Chairman.

By Mr. Lambourn:

Mr. Speaker: Your Committee on Agriculture, to whom was referred Senate Bill No. 189—An Act to amend section six hundred and twenty-seven of the Penal Code—report the same back, and recommend that it do not pass.

Also, have had under consideration Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open; also, to prevent hunting upon inclosed lands without permission of the owner or occupant, in the County of Sonoma—and report the same back with amendments and recommend its passage as amended.

LAMBOURN, Chairman.

By Mr. Berry.

Mr. Speaker: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 262—An Act to fix the bond of the County Treasurer of Lassen County—have considered the same and report it back, recommending its passage.

BERRY, Chairman.

By Mr. Clunie:

Mr. Speaker: The Committee on Claims, to whom was referred Assembly Bill No. 102—An Act for the payment of certain claims against the State of California—beg leave to report that they have had the same under consideration for some time and report back a substitute therefor, and recommend its passage—one member dissenting from the report.

CLUNIE, for Committee.

By Mr. Jones:

Mr. Speaker: Your special committee, the Santa Clara delegation, to whom was referred Assembly Bill No. 214—An Act in relation to the county officers of Santa Clara County, their fees and salaries—has had the same under consideration, and report back the bill with amendments, and recommend its passage.

JONES, for Delegation.

Assembly Bill No. 214, above reported, was taken up, rules suspended, and amended.

Mr. McKenna moved to strike out section twenty-one of the bill. Upon which the ayes and noes were demanded by Messrs Clunie, Hart, and Jones, pending which the hour for recess was announced, and the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced as the special order substitute for Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

On motion of Mr. Scrivner, it was made the special order for Tuesday, February first, at one o'clock and thirty minutes P. M.

House resumed consideration of Assembly Bill No. 214.

Mr. Cornwell moved to refer the bill to the Committee on Ways and Means, with special instructions.

Lost.

The question recurring upon the motion of Mr. McKenna to strike out section twenty-one, the roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Berry, Birney, Blackwell, Blue, Buceland, Broderick, Burbank, Chapman, Clark, Collins, Cornwell, Covington, Crutcher, Dixon, Gelwicks, Griswold, Hayne, Hinshaw, Jenkins, Kennedy, Koutz, Maguire, McConnell, McCarthy, McKenna, Nott, Osborn, Patterson of San Joaquin, Preston, Pullen, Quigley, Rankin, Reddick, Roberts, Ruggles, Swan, and Wood—37.

NOES—Messrs. Abbott, Archer, Bagge, Barber, Biggs, Carter, Coffey, Chunn, Dunlap, Ferral, Garretson, Hart, Harris, Harding, Jamison, Jones, Jourden, Lambourn, Lammers, McInerny, McMann, O'Connell, Patterson of Kern and Tulare, Pierce, Raisch, Rice, Samuels, Scrivner, Sullivan, Suverkrup, Watkins, Young, and Mr. Speaker—33.

The rules were further suspended, the bill considered engrossed, read third time, and passed.

MOTIONS AND RESOLUTIONS.

By Mr. Young

WHEREAS, One of the safes in the Secretary of State's office, containing one million and a half of gold coin, had to be broken open, and is now without a lock, and, whereas, the Board of Examiners have not as yet been able to arrange for a safe, or the repair of the present one be it therefore

*Resolved*, That the Secretary of State be and is hereby authorized and empowered to employ one additional Night Watchman until said safe is repaired; said Watchman to be paid the same compensation as is now paid to the present Night Watchman, out of the Contingent Fund of the Assembly.

Laid upon the table.

By Mr. Abbott:

WHEREAS, The State Agricultural Society of California has been the recipient from time to time of money subsidies, voted out of the State treasury, and, whereas said appropriations have failed to relieve this society from debt, but, on the contrary, seem only to have increased the same, the last annual report showing its debt to be sixteen thousand dollars, against but two thousand six hundred four years ago, notwithstanding an appropriation of fifteen thousand dollars only two years ago, and, whereas, it is believed that some other more central locality than Sacramento would better accommodate the farmers of this State for their annual exhibitions; therefore be it

*Resolved*, That the Committee on Agriculture be and they are hereby instructed to investigate the affairs of the State Agricultural Society as at present governed and officered, and also to inquire into the propriety or expediency of forming another State Agricultural Society, that shall hold its annual fair and exhibition at San Jose, or some other central locality south of the City of Sacramento

*Resolved*, That the Committee on Agriculture be requested to report the result of their investigations to this House within ten days from the passage of this resolution.

Referred to the Committee on Agriculture.

By Mr. Harris—Assembly concurrent resolution relative to the establishment of a mail route and ordering service thereon from Winnemucca, in the State of Nevada, by way of the Town of Varyville and the Summit Lake Valley, to Lake City, in the State of California.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Harris—Assembly concurrent resolution relative to the establishment of a mail route from the Town of Susanville, by the way of Horse Lake Valley and the South Fork of Pit River and Dorris Bridge and Davis Creek, to Willow Ranch, in the State of California

Read first and second times and referred to the Committee on Federal Relations

Mr. Murphy of Del Norte moved to reconsider the vote by which the Assembly on yesterday refused to engross Assembly Bill No. 185 —An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

Mr. Berry moved to indefinitely postpone the motion to reconsider. Lost

The motion to reconsider prevailed, and the bill was ordered engrossed.

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, January 26th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 163—An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County.

Also, Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

And, on the twenty-first instant, passed Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law.

And, on yesterday, indefinitely postponed Assembly Bill No. 199—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 27th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed and ordered transmitted without engrossment Senate Bill No. 269—An Act to authorize the electors of the County of Tehama to vote on the question of continuing in force an Act of the Legislature commonly known as the stock law.

Also, amended and passed Assembly Bill No. 144—An Act to provide for the building of and furnishing a Court-house, offices and jail, in Tulare County, and for improving the Court-house grounds.

Also, to return herewith Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties, said bill having been amended and passed in the Senate on the fourteenth of January, and duly reported to the Assembly for concurrence.

And, on the twenty-fifth of January, passed Senate Bill No. 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Also, Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

Also, Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code.

And, on the twenty-sixth day of January, passed Senate Bill No. 261—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, approved January eighth, eighteen hundred and seventy-two.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 269, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 173, above reported, read first and second times and referred to the Committee on Education.

Senate Bill No. 101, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 238, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 230, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 231, above reported, read first and second times and referred to the Committee on Irrigation.

Senate Bill No. 202, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 261, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No 60, above reported, Senate amendments concurred in.

Assembly Bill No 144, above reported, Senate amendments concurred in.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Young—Of an Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable purposes.

By Mr. Murphy of Del Norte—Of an Act to create the office of Legislative Reporter, and provide for a *Legislative Globe*.

By Mr. Broderick—Of an Act concerning the office of Board of Commissioners of the Fire Department of the City and County of San Francisco

By Mr. Burbank—Of an Act to amend sections one thousand eight hundred and fifty-eight and one thousand six hundred and ninety-seven of the Political Code

REPORT.

By Mr. Quigley.

Mr. Speaker The Committee on Enrollment have examined Assembly Bill No 6—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four

Also, Assembly Bill No. 159—An Act relative to the Treasurer's office of Sonoma County.

Also, Assembly Bill No 116—An Act relative to highways in Los Angeles County.

Also, Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail and to issue the bonds of the county therefor.

Also, Assembly Bill No 74—An Act to amend an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

And report the same correctly enrolled and that at twelve o'clock M. the same was presented to the Governor for his approval

QUIGLEY, for Committee.

INTRODUCTION OF BILLS.

By Mr Abbott—An Act to incorporate Salinas City.

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

By Mr Archer—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company.

Read first and second times and referred to Committee on Corporations

By Mr McConnell (by request)—An Act entitled an Act to regulate the practice of law in the State of California before the various Courts in the State, in reference to champerty and maintenance.

Read first and second times and referred to the Judiciary Committee

By Mr. Hart—An Act to amend section nine hundred and eighty-seven of the Penal Code of the State of California.

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

Also, an Act to authorize the Board of Trustees of the Town of Colusa to construct a branch railroad and to issue bonds therefor

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

By Mr. Covington—An Act entitled an Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Read first and second times and referred to Committee on Education.

By Mr. Berry—An Act establishing a commission relative to hydraulic mining and the damage resulting therefrom.

Read first and second times and referred to Select Committee on Agriculture and Mining Interests

By Mr. Hayne—An Act to legalize, ratify, and confirm Ordinance Number Forty-seven, entitled "In relation to city blocks numbers eighty-eight and eighty-nine, and the Plaza Alameda," passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city, on the twentieth day of January, eighteen hundred and seventy-six.

By Mr Barber—An Act to amend certain sections and to add certain new sections to the Political Code of the State of California.

Read first and second times and referred to Committee on Commerce and Navigation.

By Mr Bradley—An Act to provide for the funding of the levee indebtedness of the City of Marysville

Read first and second times and referred to the Yuba delegation.

Also, an Act concerning the construction and repairs of levees in the City of Marysville, and the mode of raising revenue therefor

Read first and second times and referred to the Yuba delegation.

By Mr Coffey—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure

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

By Mr Harding—An Act to amend section six hundred and twenty of the Code of Civil Procedure

Read first and second times and referred to the Judiciary Committee

GENERAL FILE.

Assembly Bill No. 87—An Act to add an additional section to the Penal Code, to be known as section four hundred and twenty.

Referred to the Judiciary Committee

Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure

Referred to the Judiciary Committee

Senate Bill No 46—An Act to appropriate money to pay the claim of James J. Green

Mr. Harris moved to indefinitely postpone.

The previous question was demanded by Messrs. Berry, Clunie, and Biggs, and the House so ordered.

The question being to indefinitely postpone, the ayes and noes were demanded by Messrs Berry, Barber, and Murphy of San Francisco

The roll was called, and the bill was indefinitely postponed, by the following vote:

Ayes—Messrs Barber, Berry, Biggs, Birney, Blue, Briggland, Collins, Cornwell, Covington, Clunie Dixon, Dunlap, Ferral, Gilwicks, Griswold Hart, Harris, Hinshaw, Jamison Jenkins,

Kennedy, Lambourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rasch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Watkins, and Mr. Speaker—39.

Noes—Messrs. Abbott, Archer, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson, Giffen, Harding, Hayne, Jones, Jourden, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Swan, Wilcox, Wood, and Young—38.

Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone.

Mr. Harris moved to indefinitely postpone the bill.

The previous question was demanded by Messrs. Harris, Berry, and Collins, and the House so ordered.

Upon the main question, to indefinitely postpone, the ayes and noes were demanded by Messrs. Giffen, Jones, and Rice.

The roll was called, and the bill was indefinitely postponed, by the following vote:

Ayes—Messrs. Baggs, Barber, Berry, Biggs, Binney, Blue, Briceland, Collins, Cornwell, Covington, Chime, Dixon, Dunlap, Ferral, Golwicks, Griswold, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rasch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Watkins, and Mr. Speaker—40.

Noes—Messrs. Abbott, Archer, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Crutcher, Garretson, Giffen, Harding, Hayne, Jones, Jourden, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Swan, Wilcox, Wood, and Young—37.

Assembly Bill No. 34—An Act for the relief of San Benito County.

On motion, it was made the special order for Monday, January thirty-first, at two o'clock and thirty minutes P. M.

FURTHER INTRODUCTION OF BILLS.

By Mr. Wilcox—An Act to amend an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Mariposa delegation.

GENERAL FILE CONTINUED.

Assembly Bill No. 118—An Act to add a section to the Political Code, in regard to the contesting of elections for members of the Legislature.

Read third time and passed.

[Mr. Harris in the chair.]

Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code.

Read third time and passed.

Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children.

Made the special order for Friday, February fourth, at one o'clock and thirty minutes P. M.

ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Chapman, the House adjourned, to meet to-morrow at ten o'clock A. M.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 28th, 1876

House met pursuant to adjournment
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved

## PETITIONS.

By Mr. Bradley—From citizens of Marysville, in reference to the reincorporation of that city, and other matters.

Referred to the Yuba delegation.

By Mr. Berry—From citizens and tax-payers of the Upper Sacramento Valley, in reference to hydraulic mining.

Referred to the Committee on Agriculture and Mining.

Also, from citizens of Sutter County, in reference to the no-fence law.

Referred to the Committee on Agriculture.

By Mr. Abbott—From citizens of Salina City, in reference to the charter of said city.

Referred to the Committee on Corporations.

## REPORTS.

By Mr. Preston

MR SPEAKER Your committee, to whom was referred Assembly Bill No. 204—An Act to amend an Act entitled an Act to establish a Political Code—beg leave to report the same back and recommend its passage

PRESTON, for Committee

By Mr. Covington

MR SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State.

Also, Assembly Bill No 261—An Act to authorize E Barry to remove certain remains of deceased persons

Also, Assembly Bill No 39—An Act to exempt firemen in the City and County of San Francisco from the payment of poll-tax.

Also, Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code

Also, Assembly Bill No 245—An Act to amend section sixty-eight of the Code of Civil Procedure

COVINGTON, for Committee.

By Mr. Coffey.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco—report the same back with a substitute, the passage of which is recommended.

COFFEY, Chairman.

By Mr. Swan:

MR SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No 22—Relative to cheap postage—have had the same under consideration, amended the same, report it back, and recommend its passage as amended

SWAN, Chairman.

Assembly Concurrent Resolution No. 22, above reported, amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hayne

Mr. Speaker: The special committee of the delegation from Santa Barbara and Ventura Counties, to whom was referred Assembly Bill No. 302—An Act to legalize and confirm Ordinance Number Forty-seven, entitled, "In relation to city blocks numbers eighty-eight and eighty-nine, and the Plaza Alameda, in the City of Santa Barbara," passed and approved by the Mayor and Common Council of said city on twentieth day of July, eighteen hundred and seventy-six—respectfully report back the same and recommend its passage.

HAYNE, for Delegation.

By Mr. Bradley.

Mr. Speaker: The Yuba delegation, to whom was referred Assembly Bill No. 304—An Act to provide for the funding of the levee indebtedness of the City of Marysville.

Also, Assembly Bill No. 307—An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor—would respectfully report the same back and recommend their passage.

BRADLEY, for Delegation.

Assembly Bill No. 304, above reported, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 307, above reported, rules suspended, considered engrossed, read third time, and passed.

Mr. Jamison was granted fifteen days' further time to report on Assembly Bill No. 194.

MOTIONS AND RESOLUTIONS

By Mr. Ferral

*Resolved*, That the Controller be and he is hereby authorized and directed to draw a warrant on the Contingent Fund of the Assembly for twelve dollars and twenty-five cents, in favor of the Sergeant-at-Arms, and that the Treasurer be directed to pay the same.

Referred to the Committee on Expenditures and Accounts.

The House took up the resolution offered by Mr. Samuels:

*Resolved*, That on and after Monday next, January thirty-first, the general file shall be the special order each day at two p. m., if not reached in its order before that hour.

Adopted.

Mr. McMann moved that the Chief Clerk be instructed to make a weekly printed report of the condition of all Assembly bills, similar to the report now made by the Secretary of the Senate.

The matter was referred to the Committee on Printing.

[Speaker pro tem. in the chair.]

NOTICES OF THE INTRODUCTION OF BILLS

By Mr. Ferral—Of an Act relating to the printing of the laws of this State in the Spanish language.

By Mr. Wood—Of an Act to amend and add new sections to the road law, as applicable to Contra Costa County.

INTRODUCTION OF BILLS.

By Mr. Carson—An Act to amend sections two thousand four hundred and fifty-seven, two thousand four hundred and fifty-eight, two thousand four hundred and sixty-four, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-eight of the Political Code, relating to pilot regulations for San Francisco, Mare Island, and Benicia.

Read first and second times and referred to Committee on Commerce and Navigation

By Mr. Hayne—An Act declaring the waters of the State not to be the subject of property, and that grist mills manufacturing breadstuffs for toll are a public use

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

By Mr. Clark—An Act concerning the examination of teachers in the County of Humboldt.

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

By Mr Young—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes

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

By Mr Bradley—An Act to reincorporate the City of Marysville.

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

By Mr. Berry—An Act to provide for funding the indebtedness of Levee District Number Two of Sutter County.

Also, an Act to define the boundary and provide for the government of Levee District Number Two of Sutter County.

Each read first and second times and referred to the Committee on Ways and Means.

LEAVE OF ABSENCE.

Two days' leave of absence was granted to Mr. Lammers

GENERAL FILE

Assembly Bill No. 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure

Read third time and passed.

Assembly Bill No. 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.

Read third time and passed.

Assembly Bill No 4—An Act to amend section one thousand one hundred and sixty of the Political Code.

Read third time and passed.

Assembly Bill No. 192—An Act in reference to deeds and powers of attorney heretofore executed by married women.

Read third time and passed.

Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code

Read third time and passed.

Senate Bill No 40—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four.

Read third time and passed.

Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure

Read third time and passed.

Assembly Bill No 38—An Act to authorize the appointment of an

additional interpreter for the Criminal Court of the City and County of San Francisco.

Read third time and passed.

Assembly Bill No 117—An Act to provide for the safety of persons attending public assemblies.

Read third time and passed.

Senate Bill No 189—An Act to amend section six hundred and twenty-seven of the Penal Code

Amended.

Indefinitely postponed.

RESOLUTION.

By Mr. Reddick.

*Resolved*, That this House request the Senate to return to the Clerk of the Assembly, Assembly Bill No. 235—An Act to amend section sixty-eight of the Code of Civil Procedure—for the purpose of amending the same.

Adopted

Mr. Wilcox had leave to offer the following report.

MR. SPEAKER The Mariposa delegation, to whom was referred Assembly Bill No. 305, relative to salaries of certain officers in the County of Mariposa have considered the same, and report it back to the House, and recommend its passage.

WILCOX for Delegation

Assembly Bill No. 305, above reported, rules suspended, considered engrossed, read third time, and passed.

GENERAL FILE CONTINUED

Assembly Bill No 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, and to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 193—Proposed amendments to Articles V and XI of the Constitution of the State of California, relative to assessments and taxation, and the election of State Assessors

Recommitted to the Judiciary Committee.

Assembly Bill No. 213—An Act entitled an Act for the repeal of section one thousand five hundred and forty-two of the Political Code.

The House refused to engross.

Assembly Bill No. 85—Proposed amendment to the Constitution of the State of California.

Recommitted to the Judiciary Committee.

Assembly Bill No. 103—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

Ordered engrossed.

Assembly Bill No 104—An Act to amend section one hundred and thirty-seven of the Civil Code.

Ordered engrossed

Assembly Bill No. 165—An Act to reduce the number of the Board of Supervisors of Yuba County.

Made the special order for Monday, February seventh, at two o'clock and thirty minutes P M.

Assembly Bill No. 229—An Act to abolish the office of County Coroner in the City and County of Sacramento, and to create Justices

of the Peace of their respective townships, or adjoining townships. Coroners therein, and to retain and repeal certain sections of the Political Code.

Indefinitely postponed.

Assembly Bill No 239—An Act concerning county officers of Lake County, their fees and salaries.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 8—On Chinese immigration.

Passed on file.

Assembly Concurrent Resolution No 9—Relative to tax on native grape brandy

Rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 115—An Act to amend sections two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, and sections two thousand seven hundred and six and two thousand seven hundred and seven, of the Political Code.

Amended and ordered engrossed.

The hour of twelve o'clock and thirty minutes having arrived, the House took the usual recess.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

[Mr. Berry in the chair.]

REPORT.

By Mr. Quigley.

SACRAMENTO, January 28th, 1876.

MR SPEAKER The Committee on Enrollment have examined Assembly Bill No 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County

Also, Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California

Also, Assembly Bill No 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and to authorize his payment

Also, Assembly Bill No 200—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof

And report the same correctly enrolled and that at ten o'clock and forty minutes A. M. the same were presented to the Governor for his approval.

QUIGLEY, for Committee

GENERAL FILE RESUMED

Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure.

Made the special order for Wednesday, February second, at two o'clock P. M.

Assembly Bill No. 168—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to notaries.

Amended, and recommitted to the Judiciary Committee with special instructions.

Assembly Bill No. 48—An Act to legalize and validate the assessment roll and equalization and levy of taxes for Salinas City, for the fiscal year of said city, ending March thirty-first, eighteen hundred and seventy-five.

Indefinitely postponed

Assembly Bill No. 31—An Act entitled an Act to amend section two hundred and sixty-nine of the Code of Civil Procedure.

Author had leave to withdraw.

Assembly Bill No. 96—An Act relating to mortgages, and debts secured by mortgages

Recommitted to the Judiciary Committee

Assembly Bill No. 98—An Act to amend section four hundred and sixty of the Penal Code

Passed on file.

Substitute for Assembly Bill No. 65—An Act to amend the amendments of the Code of Civil Procedure

Indefinitely postponed

Assembly Bill No. 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes.

Substitute adopted and ordered engrossed.

SPECIAL ORDER.

The Speaker announced the special order, being Senate Bill No. 31—An Act concerning the office of County Clerk of the City and County of San Francisco.

Recommitted to the San Francisco delegation

GENERAL FILE RESUMED.

[Mr Wilcox in the chair.]

Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane.

Amended and ordered engrossed

Assembly Bill No. 28—An Act for the appointment of a State Inspector of Stationary Boilers, for the better security of lives and property in mills, factories, and other shops where steam-power is employed.

Made a special order for Tuesday, February first, at two o'clock P M.

Assembly Bill No. 266—An Act in relation to the Superintendent of Schools of Del Norte County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 244—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and plazas in the said city.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 206—An Act to authorize the sale of the odd volumes of the Supreme Court Reports.

Indefinitely postponed.

Assembly Bill No 148—An Act concerning partition fences in Colusa County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 180—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-seventh, eighteen hundred and seventy-two.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 133—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County.

Amended and ordered engrossed

Assembly Bill No. 146—An Act for the relief of James H. Clarke.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days.

Amended, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 177—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento.

Mr Quigley moved to amend so as to take effect upon the first day of March, eighteen hundred and seventy-eight.

Upon the adoption of which, the ayes and noes were demanded by Messrs Clunie, Biggs, and Maguire.

The roll was called, and the amendment adopted, by the following vote.

AYES—Messrs Abbott, Birney, Blackwell Blue, Bradley, Brelland, Broderick, Burbank, Chapman, Clark Collins, Crutcher, Ferral, Garretson, Gelwicks Griswold, Hayne, Jamison, Jones, Jourden, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin Pierce, Preston, Quigley, Reddick Rice Ruggles, Sargent, Scrivner, Suverkrup, Wilcox, Wood, and Mr Speaker—39

NOES—Messrs Archer Bagge, Barber Berry, Biggs, Coffey, Cornwell Clunie, Dixon, Hart, Harris, Harding, Hinshaw, Kennedy, Koutz, Lamboum Maguire, McMann, Ostrom, Patterson of Kern and Tulare, Rankin, Raisch, Roberts, Swan, Watkins, and Young—26

The question being upon the engrossment of the bill, on motion of Mr. Clunie the rules were suspended, bill considered engrossed, read third time, and passed.

At four o'clock and thirty minutes P. M., on motion of Mr. Griswold, the House adjourned to ten o'clock A. M to-morrow.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 29th, 1876

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs Archer, Ostrom, Giffen, Murphy of San Francisco, and an indefinite leave to Mr. Sullivan.

PETITIONS.

By Mr Berry—From the citizens of Sutter County, in reference to the no-fence law.

Referred to the Committee on Agriculture.

By Mr Berry—From citizens of the Upper Sacramento Valley, in reference to hydraulic mining.

Referred to the Committee on Mines and Mining Interests.

By Mr. Ruggles—From citizens of Hamilton Township, Butte County, in reference to the no-fence law.

Referred to the Committee on Agriculture

By Mr. Broderick—From citizens of San Francisco, in favor of legalizing the Bancroft contract.

Referred to the Committee on Education.

By Mr. Maguire—From seventy-nine teachers in San Francisco, in favor of legalizing the Bancroft contract.

Referred to the Committee on Education.

REPORTS.

By Mr Berry:

Mr. Speaker Your Committee on Ways and Means, to whom was referred Assembly Bill No. 247—An Act to establish a State Book-bindery—have considered the same, and recommend that it do not pass.

BERRY, Chairman

By Mr. McConnell:

Mr. Speaker Your Judiciary Committee, to whom was referred Assembly Bill No 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure—have had the same under consideration, report it back with amendments, and recommend its passage as amended.

McCONNELL, Chairman.

By Mr. Watkins:

Mr Speaker The Committee on Elections, to which was referred the matter of the contest of *P. J. Hopper* v. *Marion Biggs, Jr.*, has considered the same, and reports as follows.

That at the general election, held last September, Mr Biggs was duly elected as one of the representatives of Sacramento to the present session of the Legislature, that after said election, and within the time prescribed by law, said P J. Hopper, who was one of Mr Biggs' opponents at said election, filed his statement with the County Clerk of said Sacramento County, contesting the election of Mr. Biggs, on the ground that he, the said Biggs, had not been a citizen and inhabitant of said county one year next before his election. Considerable testimony was taken before the Justices to whom said contest was certified for trial, and this committee has examined witnesses about the matter The testimony is conflicting and the following resolution expresses the conclusion that the committee has been forced to come to, in the absence of at least a clear preponderance of evidence in favor of the allegations of the contestant

*Resolved*, That Marion Biggs, Jr., be and he is hereby declared legally entitled to the seat which he now occupies in this Assembly

Testimony and papers accompanying this report.

WATKINS, for Committee.

The resolution above reported was adopted

By Mr. Reddick:

Mr. Speaker The Committee on Education, to which was referred Assembly Bill No. 147—An Act to amend section one thousand seven hundred and fifty of the Political Code—has had the same under consideration, and report back an amended copy of the bill, and recommend the passage of the amended copy.

REDDICK, for Committee.

By Mr. Maguire:

Mr Speaker Your Committee on Employés, to whom was referred a resolution authorizing the Copying Clerks to appoint three assistants, beg leave to report the same back without recom-

mendation. We find that said clerks have now before them upwards of five hundred folios to be copied, and that they work six hours per day. We have also considered the resolution relating to the appointment of Mrs. Metzlar, and recommend its passage.

MAGUIRE, for Committee.

The resolution above reported was taken up.

Mr. Blue moved to amend by striking out "three" and insert "two."

Adopted.

Mr. Clunie moved that the Chief Clerk be authorized to appoint the Assistant Copying Clerks.

Adopted.

The original resolution, as amended, was then adopted.

The resolution above reported, to appoint Mrs. Metzlar Assistant Copying Clerk, was taken up, and laid on the table.

Three days' additional time was allowed Mr. Wood to report upon Senate Bills Nos. 81 and 100.

Mr. Gelwicks, for the Committee on Printing, to whom was referred the matter of printing weekly reports of Assembly bills, submitted the following resolution:

*Resolved*, That the Clerk of this House make out and have printed weekly reports of Assembly bills, similar to the one ordered printed by the Senate.

Referred to the Committee on Expenditures and Accounts.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 28th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 159—An Act relative to the Treasurer's office of the County of Sonoma.

Also, Assembly Bill No. 6—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in the State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 92—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 52—An Act to fund certain indebtedness of Plumas County.

WILLIAM IRWIN, Governor.

RESOLUTION.

By Mr. Baggo.

*Resolved*, That the Copying Clerks be compelled to work eight hours per day, instead of six, when necessary.

Mr. McMann moved to amend so as to apply to all clerks.

Mr. Carson moved to indefinitely postpone.

Adopted.

By Mr. Clark, for the Committee on State Hospitals.

*Resolved*, That the Sergeant-at-Arms be directed to regulate the temperature of the Assembly Chamber so that the thermometer will range between sixty-five and seventy-five degrees Fahrenheit, and that, for the purpose of carrying out this resolution, the said Sergeant-at-Arms is hereby authorized to purchase three thermometers for use in the Assembly Chamber.

Adopted.

By Mr. Scrivner:

WHEREAS, By an Act of the Legislature, approved March twenty-fifth, eighteen hundred and sixty-eight, entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," the Board of Supervisors of said county were empowered to erect certain

Levee Districts, Numbers Two, Three, and so on; and, whereas, the said Board did, in the year eighteen hundred and seventy, pursuant to the provisions of said Act, erect a certain levee district, numbered five, and proceeded to construct the works and levy the tax as therein required, and, by virtue of said proceedings, have incurred a large indebtedness, to wit about six hundred thousand dollars, which said indebtedness was, by virtue of an Act approved March thirtieth, eighteen hundred and seventy-two, entitled "An Act to provide for funding the indebtedness of reclamation and levee districts of this State," funded, and the bonds of said Levee District Number Five were issued for the said sum of over five hundred thousand dollars, bearing interest at eight per cent per annum, which said bonds are now held by purchasers in good faith, for value; and, whereas, it appears that the interest on said bonds has not been paid for eighteen months last past, and that no adequate means have been taken to collect or pay the interest or principal of said bonds as therein agreed to be paid; and, whereas, it is alleged that a much larger amount of bonds have been issued than was necessary to pay for the work done in and about the reclamation of said Levee District Number Five, and that a fraud has been or is about to be perpetrated upon the people of said district, and upon the holders of said bonds, now, therefore, be it

*Resolved*, That a special committee of five be appointed by the Chair, whose duty it shall be to make a full investigation into the affairs of said Levee District Number Five, in Sutter County; that said committee be empowered to send for persons and papers, and also to proceed to Sutter County to take testimony, if by them deemed necessary; also, to employ a short-hand reporter to report the testimony taken. Said committee to report to this House within twenty days from this date.

Adopted.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, January 28th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, Assembly Bill No. 114—An Act fixing the salary of the District Attorney of Humboldt County.

Also, Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus.

Also, to return, as requested by resolution, Assembly Bill No. 235—An Act to amend section sixty-eight of the Code of Civil Procedure.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, January 28th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of January, eighteen hundred and seventy-six, passed Assembly Bill No. 11—An Act to protect lumber manufacturers.

Also, on the twenty-fifth instant, passed Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code.

Also, Senate Bill No. 163—An Act to amend section four thousand three hundred and thirty-two of the Political Code, in relation to Sheriffs' fees.

Also, Senate Bill No. 164—An Act to add a new section to the Code of Civil Procedure, and repeal certain sections of the Civil Code.

Also, Senate Bill No. 128—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure, in relation to appeals.

Also, Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property.

Also, Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 178, above reported, read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 235, above reported, was referred to Mr. Reddick.

Senate Bill No. 159, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 163, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 164, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 128, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 166, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 181, above reported, read first and second times and referred to the Judiciary Committee.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. McKenna—Of an Act to change the time of holding the terms of the County and Probate Courts in the County of Solano.

Also, of an Act to re-register the voters of said county

By Mr. Watkins—Of an Act to create the Twenty-second Judicial District.

By Mr. Jourden—Of an Act to repeal an Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco, approved February twenty-eighth, eighteen hundred and seventy-four

INTRODUCTION OF BILLS

By Mr. Dixon—An Act to prohibit the sale of intoxicating liquors to the students of the University of California, within four miles of the University grounds, and to repeal an Act entitled an Act to prohibit the sale of intoxicating liquors within two miles of the University of California, approved December twenty-third, eighteen hundred and seventy-three.

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

By the Committee on Ways and Means—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six

Read first and second times and ordered on file.

By Mr. Harris—An Act to amend section three thousand three hundred and eighty-five of the Political Code, relating to propagation license.

Also, an Act to reënact section nine hundred and forty-six of the Civil Code, relating to personal property

Each read first and second times and referred to the Judiciary Committee.

By Mr Collins—An Act to provide for the distribution of school money in the Counties of Fresno and Lassen.

Read first and second times and referred to the Fresno and Lassen delegations.

By Mr. Crutcher—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County.

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

By Mr Berry (by request)—An Act to make certificates of purchase of University lands evidence of title.

Read first and second times and referred to the Judiciary Committee

Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State.

Read third time and passed.

Assembly Bill No. 39—An Act to exempt certain persons from the payment of poll-tax

Read third time and passed

Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Read third time and passed.

Assembly Concurrent Resolution No 8—On Chinese immigration.

Indefinitely postponed.

Assembly Bill No 98—An Act to amend section four hundred and sixty of the Penal Code

Passed on file.

Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Ordered engrossed

Assembly Bill No. 201—An Act in relation to boundary fences and the trespass of animals in the County of San Mateo.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two

Referred to the Judiciary Committee

Assembly Bill No. 91—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure.

Indefinitely postponed

Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of Tulare and Kern Counties.

Rules suspended, considered engrossed, and read third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Clunie, Biggs, and Gelwicks.

The roll was called, and the bill was passed, by the following vote:

AYES—Messrs. Abbott, Bagge, Barber, Berry, Biggs, Burney, Blackwell, Brierland, Broderick, Carson, Clark, Coffey, Collins, Cornwell, Covington, Clunie, Dixon, Ferral, Garretson, Gelwicks, Griswold, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Jourden, Kontz, Lambourn, McKenna, Murphy of Del Norte and Klamath, Patterson of Kern and Tulare, Pullen, Rankin, Ruggles, Samuels, Scrivner, Suverkrup, Swan, Watkins, Wilcox, Young, and Mr. Speaker—45.

NOES—Messrs. Blue, Burbank, Chapman, Crutcher, Kennedy, McConnell, McMann, Patterson of San Joaquin, Pierce, Preston, Quigley, Rice, Roberts, and Sargent—14.

Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda in allowing the claim of N. W. Spaulding—was taken up for consideration.

Pending which, at twelve o'clock and twenty-eight minutes P. M., Mr. McMann moved to adjourn to one o'clock and thirty minutes P. M., Monday.

Mr. Blue moved to amend, that the House adjourn to nine A. M. on Monday.

Pending which motion, the Speaker announced the hour for recess, and the House accordingly took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair

Roll called, and a quorum present.

The Speaker announced as the special committee under the resolution of Mr. Scrivner, this day adopted, to investigate the affairs of Levee District Number Five, in Sutter County. Messrs. Scrivner, Jenkins, Harris, Collins, and Bradley.

RESOLUTION

Mr. Hart offered the following.

WHEREAS, The reporters on the staff of the *San Francisco Chronicle* have been expelled from the floor of the Senate on account of breaches of the privileges of the Senate, and disrespectful language and comments on members of the Legislature; therefore, be it

*Resolved*, That the reporters of the *San Francisco Chronicle* are hereby expelled from the floor of the Assembly Chamber.

Withdrawn by leave of the House

By Mr. Harris

*Resolved*, That this Assembly do request the Chief Clerk to appoint as one of the Assistant Copying Clerks, Constantine O'Donald, under the resolution this day adopted.

Mr. McConnell moved to amend by inserting also the name of Miss C. Crittenden.

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

House resumed consideration of Assembly Bill No. 230, under consideration at the time of recess.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed

ADJOURNMENT

At two o'clock and eight minutes P. M. Mr. Murphy moved to adjourn to Monday, January thirty-first, at one o'clock and thirty minutes P. M.

Mr. Blue moved to amend by inserting "nine o'clock A. M."

Lost.

Mr. Harris moved to amend by inserting "ten o'clock and thirty minutes A. M."

Lost.

The original motion prevailed, and the House adjourned at two o'clock and ten minutes P. M., to meet on Monday, January thirty-first, at one o'clock and thirty minutes P. M.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 31st, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present
Prayer by the Chaplain.
Journal of Saturday read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted as follows. Messrs. Archer, Jamison, and McInerny, each one day; Messrs. Dixon and Bagge, each two days, Messrs. Rice and Jenkins were each granted an indefinite leave.

## PETITIONS.

By Mr Berry—From citizens of Sutter County, asking for the no-fence law
Referred to the Committee on Agriculture.
By Mr. Briceland—From citizens of Shasta County, in reference to the change of text-books in the public schools
Referred to the Committee on Education.
By Mr Maguire—From forty-eight teachers of the public schools of San Francisco, in favor of legalizing the Bancroft contract.
Referred to the Committee on Education.
By Mr. Coffey—From the Mechanics' State Council of California, in reference to the Bancroft contract
Referred to the Committee on Education
By Mr. Barber—From the Mechanics' State Council, also from merchants and shippers of San Francisco, both in reference to a training-ship.
Referred to the San Francisco delegation.

## REPORTS

By Mr. Murphy of Del Norte:

MR SPEAKER The Committee on Corporations, to whom was referred Assembly Bill No. 295—An Act to incorporate Salinas City—beg leave to report the same back with amendments, and recommend its passage as amended

MURPHY, for Committee

Assembly Bill No 295, above reported, was taken up, amended, rules suspended, considered engrossed, read third time, and passed
By Mr. McConnell.

MR. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 2—An Act to authorize Abraham S Sally to construct and maintain a ditch for irrigating, domestic, and other purposes, in San Benito County—have had the same under consideration, report it back with amendments and recommend its passage as amended.

Also, Assembly Bill No 265—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four—and report the same back, recommending its passage.

Also, Assembly Bill No 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations—report the same back, with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats—report the same back, and recommend its passage.

Also, Senate Bill No 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code—report the same back, and recommend its passage.

Also, Senate Bill No. 95—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to notaries' fees—report the same back, and recommend that it do not pass

Also Senate Bill No. 68—An Act to amend sections two hundred and twenty-six of the Civil Code, in regard to the adoption of children—report the same back, and recommend its passage.

Also, Assembly Bill No. 233—An Act to repeal section six hundred and eighty-four of the Political Code, relative to the salary of the State Board of Examiners—report the same back, with a substitute, and recommend the adoption and passage of the substitute

Also, Assembly Bill No 232—An Act to amend section three thousand three hundred and eighty-four of the Political Code, relative to license—report the same back, and recommend that it do not pass

Also, Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, one thousand one hundred and seventy, one thousand two hundred and thirty, and one thousand three hundred and twenty-three of the Penal Code—report the same back, with a substitute, conforming to the instructions of the House

Also, Senate Bill No 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code in relation to partnerships—report the same back, and recommend that it do not pass

McCONNELL, Chairman.

Mr. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 207, beg leave to report the same back without action, and recommend that it be referred to the author, Mr. Quigley, to draw a substitute

Also, Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law—has been considered, and the committee report the same back and recommend its passage, with the following amendments

To strike out of section three the words "and whose standard of proficiency shall reach eighty per cent. of the credits affixed to such studies by the State Board of Education." Strike out of the same section the words "and whose standard of proficiency shall reach seventy per cent of all credits affixed to such studies by the State Board of Education" Section four is amended as follows Strike out the word "shall," wherever it occurs in the section, and insert "may," in its stead. Strike out of section two the words "County Judge" and insert in their stead the words "County Superintendent"

Also, Assembly Bill No. 224—An Act entitled an Act to repeal an Act to make women eligible to educational offices—beg leave to report the same back, with the recommendation that it be referred to the Judiciary Committee, with instructions to report on the constitutionality of the Act entitled an Act to make women eligible to educational offices, approved March twelfth, eighteen hundred and seventy-four

Also, Senate Bill No. 93—A majority of the committee present, consisting of Messrs. Covington, Wood, Maguire, and McConnell, recommending that it do not pass, and a minority—Messrs. Collins and Briceland—being in favor of its passage

Also, Assembly Bill No 205—An Act entitled an Act to amend section one thousand seven hundred and fifty-one of the Political Code—and recommend its passage

McCONNELL, Chairman

Assembly Bill No 224, above reported referred to the Judiciary Committee, with special instructions.

Assembly Bill No 207, above reported, referred back to the author.

By Mr. Lambourn:

Mr SPEAKER. Your committee, to whom was referred Assembly Bill No 248—An Act to encourage the destruction of squirrels in Lake County—have had the same under consideration and report it back without recommendation

LAMBOURN, Chairman.

By Mr. Covington

Mr SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county

Also, Assembly Bill No. 197—An Act concerning the office of County Clerk of Santa Barbara County.

Also, Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer.

Also, Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Also, Assembly Concurrent Resolution No. 23—Relative to additional homestead claims for soldiers and sailors.

COVINGTON, for Committee.

By Mr. Swan:

Mr. Speaker: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 27—Relative to the establishment of a mail route from Winnemucca, in the State of Nevada, by way of Marysville, to Lake City, California—have had the same under consideration, report it back, and recommend that it pass.

Also, Assembly Concurrent Resolution No. 26—Relative to the establishment of a mail route from the Town of Susanville, by way of Doris Bridge, and other places, to Willow Ranch, in the State of California—report it back, and recommend its passage.

SWAN, Chairman.

Assembly Concurrent Resolution No. 27, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 26, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Ostrom:

Mr. Speaker: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 293—An Act to declare Redwood City Slough navigable—report the same back, with the recommendation that it do pass.

OSTROM, for Committee.

By Mr. Coffey:

Sacramento, January 29th, 1876.

Mr. Speaker: The Committee on Enrollment have examined Assembly Bill No. 163—An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County.

Also, Assembly Bill No. 144—An Act to provide for the building of and furnishing a Court-house, offices, and jail, in Tulare County, and for improving the Court-house grounds.

And report the same correctly enrolled, and that at three o'clock and fifteen minutes P. M., of the twenty-ninth day of January, eighteen hundred and seventy-six, the same was presented to the Governor for his approval.

COFFEY, Chairman.

By Mr. Birney:

Mr. Speaker: Your committee, to whom was referred Senate Bill No. 74—An Act regulating the salaries of certain officers in Tuolumne County—beg leave to report the same back, and recommend its passage.

BIRNEY, for Committee.

Senate Bill No. 74, above reported, taken up, read third time, and passed.

By Mr. Samuels:

Mr. Speaker: The Sonoma delegation, to whom was referred Assembly Bill No. 291—An Act to amend an Act entitled an Act incorporating the Town of Cloverdale, in the County of Sonoma, in the State of California, approved February twenty-eighth, eighteen hundred and seventy-two—have amended the same, and recommend its passage as amended.

SAMUELS, for Delegation.

Assembly Bill No. 291, above reported, was taken up, amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Collins:

Mr. Speaker: The Fresno and Lassen delegations, to whom was referred Assembly Bill No. 320—An Act to provide for the distribution of school money in the Counties of Fresno and Lassen—report the same back, and recommend its passage.

COLLINS, for Delegation.

On motion of Mr. Collins, Assembly Bill No 320, above reported, was referred to the Committee on Education.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 29th, 1876

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa, Tuolumne, and Calaveras

Also, Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail and to issue the bonds of the county therefor.

Also, Assembly Bill No 69—An Act to fix the bonds of the Tax Collectors of Fresno, Tulare, and Kern Counties

Also, Assembly Bill No 78—An Act to provide for the payment of the indebtedness registered against the General Road Fund of Sutter County.

Also, Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California.

Also, Assembly Bill No. 129—An Act to provide for the transfer of certain road moneys in Placer County.

Also, Assembly Bill No. 189—An Act to empower the Board of Supervisors of Los Angeles to authorize the appointment of a Deputy District Attorney for said county, and to authorize his payment.

Also, Assembly Bill No 74—An Act to amend an Act entitled an Act for the incorporation of Wheatland, approved March thirteenth, eighteen hundred and seventy-four

WILLIAM IRWIN, Governor

[Speaker pro tem. in the chair]

MOTIONS AND RESOLUTIONS.

On motion of Mr Reddick, Senate Bill No 93, this day reported, was recommitted to the Committee on Education.

By Mr. Hayne—Assembly concurrent resolution relative to the change of route of the Southern Pacific Railroad.

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

By Mr. Cornwell.

*Resolved*, That the Committee on Public Buildings and Grounds be authorized to employ a competent accountant to examine the books and accounts, and report a detailed and tabulated statement, under appropriate heads, of all disbursements made or ordered by the Board of Directors of the Napa State Asylum for the Insane.

Adopted.

By Mr. Harris—Assembly concurrent resolution relating to the establishment of a tri-weekly mail service from the Town of Linkville, in the State of Oregon, by the Klamath River route, to the City of Yreka, in the State of California.

Read first and second times and referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

By Mr. Carpenter—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

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

Also, an Act for the relief of James W. Marshall

Read first and second times and referred to the Committee on Claims

By Mr. Scrivner—An Act to amend section nine hundred and nineteen of the Penal Code.

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

By Mr. Reddick—An Act concerning the offices of Supervisor and District Attorney in the County of Calaveras.

Read first and second times and referred to the Calaveras delegation.

By Mr. Harris—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

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

By Mr. Berry—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Read first and second times and referred to the Sutter delegation.

By Mr. Clark—An Act to fix the compensation of the County Clerk of Humboldt County.

Read first and second times and referred to the Judiciary Committee

By Mr Watkins—An Act to create the Twenty-second Judicial District, and define the Sixth and Seventh Judicial Districts.

Read first and second times and referred to the Judiciary Committee

By Mr Hayne—An Act to empower the County of Santa Barbara to construct, operate, maintain, and own a railroad within its limits.

Read first and second times, five hundred copies ordered printed, and referred to a special committee of five, to be appointed by the Chair.

The Chair announced as the special order for this hour (two o'clock and thirty minutes P M) Assembly Bill No. 34—An Act for the relief of San Benito County

The House went into Committee of the Whole on the bill, with Mr. Harding in the chair

IN ASSEMBLY

[Speaker pro tem in the chair]

The Committee of the Whole reported back Assembly Bill No 34, with amendments, and recommended passage as amended.

Upon the question of concurring in the recommendation of the Committee of the Whole, the ayes and noes were demanded by Messrs. Sargent, McMann, and Birney.

The roll was called, and the House concurred, by the following vote:

AYES—Messrs Abbott, Barber, Biggs, Birdland, Broderick, Burbank, Carson, Clark, Coffey, Gelwicks, Harris Hayne, Jones, Jourden, Lambourn, Maguire, McConnell, Murphy of San Francisco, O'Connell, Osborn, Patterson of Sacramento, Pierce, Rankin, Reddick, Roberts, Ruggles, Scrivner, Suverkrup, Swan Watkins, Wood, Young, and Mr Speaker—33

NOES—Messrs Berry, Birney, Blackwell Blue, Bradley, Chapman, Covington, Clunie, Crutcher Ferral, Garretson, Hart, Harding, Hinshaw, Kennedy, Koutz, Lammers, McMann, Murphy of Del Norte and Klamath Patterson of Kern and Tulare Patterson of San Joaquin, Preston, Sargent, and Samuels—24.

The bill was then amended and ordered engrossed

GENERAL FILE.

Assembly Bill No. 98—An Act to amend section four hundred and sixty of the Penal Code

House refused to engross.

Assembly Bill No. 231—An Act to protect agriculture and to prevent the trespassing of animals on private property in the County of San Bernardino.

Amended, title amended, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

Ordered engrossed.

Assembly Bill No. 106 passed on file.

Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment rendered against said county, in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 241—An Act to amend section three hundred and forty of the Penal Code, relating to pawnbrokers.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 143—An Act relating to theaters and other places of public amusement

Passed on file.

Assembly Bill No. 237—An Act to amend sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-nine of the Code of Civil Procedure.

Withdrawn by author.

Assembly Bill No. 79 passed on file.

Assembly Bill No. 262—An Act fix the bond of the County Treasurer of Lassen County.

Amended, rules suspended, considered engrossed, read third time, and passed, and title amended.

Assembly Bill No. 102—An Act for the payment of certain claims against the State of California.

Passed on file

Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Ordered engrossed and ordered printed

Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

Substitute adopted and ordered engrossed

At three o'clock and fifty minutes P. M. Mr. Ferral moved to adjourn.

Lost.

Assembly Bill No 302—An Act to legalize and confirm Ordinance

Number Forty-seven, entitled, "In relation to city blocks numbers eighty-eight and eighty-nine, and the Plaza Alameda, in the City of Santa Barbara," passed and approved by the Mayor and Common Council of said city on the twentieth of January, eighteen hundred and seventy-six.

Ordered engrossed.

At three o'clock and fifty-two minutes, upon motion of Mr McMann, the House adjourned

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, Febuary 1st, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

### SPECIAL COMMITTEE.

The Chair announced as a special committee upon the bill authorizing the County of Santa Barbara to build, own, and operate a railroad within its limits, Messrs. Hayne, Carson, McKenna, McConnell, and Clarken.

### PETITIONS

By Mr. Archer—From teachers in the public schools, in reference to change of text-books.

Referred to the Committee on Education.

By Mr. Berry—From citizens in Sutter County, in reference to the no-fence law.

Referred to the Committee on Agriculture.

By Mr. Archer—From citizens of Santa Clara County, remonstrating against the legalizing of the Bancroft contract.

Referred to the Committee on Education.

By Mr. Ostrom—A remonstrance from citizens of Marysville, against the passage of Assembly Bill No. 165

Referred to the Yuba delegation.

### REPORTS

By Mr. Lambourn.

MR. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No 215—An Act to protect agriculture and to prevent the trespassing of animals upon private property in Marysville Township, Yuba County—have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

Also, have considered Assembly Bill No 278—An Act to amend an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four—and report it back, with the recommendation that it pass

Also, have considered Assembly Bill No. 290—An Act to provide for the construction of a canal or flume for the transportation of lumber and wood, and for mining and irrigation purposes in the Counties of El Dorado and Sacramento—and report it back, without recommendation.

LAMBOURN, Chairman

By Mr. Archer:

Mr. Speaker: Your Committee on Corporations, to whom was referred Assembly Bill No. 298—An Act to authorize the Board of Trustees of the Town of Colusa to construct a branch railroad, and to issue bonds therefor—having had the same under consideration, report said bill back, with an amendment and recommend the passage thereof, with the amendment made as reported.

ARCHER, Chairman.

Assembly Bill No. 298, above reported, taken up, rules suspended, considered engrossed, and placed at the head of the file for to-morrow.

By Mr. McConnell.

Mr. Speaker: Your Judiciary Committee, to whom was referred Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State—have had the same under consideration, report it back, and a majority (eight members) unite in a favorable recommendation, and special report accompanying the bill, requesting that said report be printed, and, together with the bill, and a minority report hereafter to be presented be made the special order for consideration one week from this date.

Also, Assembly Bill No. 87—An Act to add an additional section to the Penal Code to be known as section four hundred and twenty—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code—report the same back, amended, and recommend its passage as amended.

Also, Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures—report the same back, and recommend that it do not pass.

McCONNELL, Chairman.

Assembly Bill No. 236, above reported, made the special order for Tuesday, February eighth, at one o'clock and thirty minutes P. M., and the majority report therein ordered printed, and the minority granted leave to make report, and when made to be also printed.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means have had under consideration Assembly Bills Nos. 251, 252, and 253—amendatory of the Codes, relative to the collection of taxes and title to property derived from tax sales—and recommend they be referred to the Judiciary Committee.

We have also considered Assembly Bill No. 260—An Act relative to assessment of the property of corporations—and report it favorably, and with the recommendation that it be referred to the Judiciary Committee for the purpose of inquiring into the legal points which are involved.

BERRY, Chairman.

Assembly Bills Nos. 251, 252, 253, and 260, above reported, referred to the Judiciary Committee.

Also:

Mr. Speaker: The Committee on Ways and Means have considered Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District Number Two, Sutter County—and recommend that it pass.

We have also considered and amended Assembly Bill No. 315—An Act to define the boundaries and to provide for the government of Levee District Number Two, Sutter County—and recommend that it pass as amended.

BERRY, Chairman.

Assembly Bill No. 315, above reported, taken up, amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 314, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Quigley:

Sacramento, February 1st, 1876.

Mr. Speaker: The Committee on Enrollment have examined Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

Also, Assembly Bill No. 11—An Act to protect lumber manufacturers.

Also, Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus.

Also Assembly Bill No. 114—An Act fixing the salary of the District Attorney of Humboldt County.

And report the same correctly enrolled, and that at ten o'clock and forty minutes A. M. the same was presented to the Governor for his approval.

QUIGLEY, for Committee.

By Mr. Berry.

Mr. Speaker: The Sutter delegation, to whom was referred Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein—have amended the same, and recommend that it pass as amended.

BERRY, for Delegation.

By Mr. Birney.

Mr. Speaker: Your Joint Committee on Agriculture and Mines and Mining Interests, to whom was referred Assembly Concurrent Resolution No. 17—Relative to hydraulic mining—beg leave to report, that having considered the same, and failing to arrive at any conclusion, would respectfully ask fifteen days' further time to consider the said resolution.

BIRNEY, Chairman.

The time asked for above was granted.

Mr. Wood was granted fifteen days' further time to report upon Assembly Bills Nos. 81 and 100.

By Mr. Samuels.

Mr. Speaker: The Sonoma delegation, to whom was referred Senate Bill No. 148—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third eighteen hundred and seventy-two, and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four, have examined the same, and beg leave to report favorably, and recommend its passage.

SAMUELS, for Delegation.

Senate Bill No. 148, above reported, read third time, and passed.

By Mr. Reddick.

Mr. Speaker: The Calaveras delegation, to whom was referred Assembly Bill No. 326—An Act concerning the offices of Supervisor and District Attorney in the County of Calaveras—has had the same under consideration, and report it back, recommending its passage.

REDDICK, for Delegation.

Mr. Blackwell was granted seven days' further time to report upon Senate Bill No. 43.

By Mr. Pierce:

Mr. Speaker: The San Diego delegation, to whom was referred Assembly Bill No. 156—An Act to provide for the funding of the floating indebtedness of San Diego County—have had the same under consideration, and ask leave to report it back with amendments, and recommend its passage as amended.

PIERCE, for Delegation.

Assembly Bill No. 156, above reported, was referred to the Judiciary Committee.

By Mr. Patterson of Kern and Tulare:

Mr. Speaker: Your committee, to whom was referred Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two—have had the same under consideration, report the same back, and recommend that it pass.

PATTERSON, for Delegation.

By Mr. Harris:

*Resolved*, That from and after the second day of February, A. D. eighteen hundred and seventy-six no per diem will be allowed or paid any Copying or Engrossing Clerk, but that the sum of fifteen cents per folio of one hundred words be allowed respectively to the Engrossing Clerk for all bills and resolutions correctly engrossed, and a like compensation to the two principal Copying Clerks for all bills and resolutions correctly copied; that the Assistant Copying Clerks and Engrossing Clerks are hereby discharged; that the said principal clerks are empowered to employ as many assistant clerks as they deem necessary to the prompt performance of their respective duties, provided that no extra allowance shall be made any of said assistant clerks over the said sum of fifteen cents per folio of one hundred words.

Indefinitely postponed.

By Mr. McConnell:

*Resolved*, That the Committee on Education be authorized to employ a short-hand reporter to take down the evidence and statements made in connection with Assembly Bill No. 176, such reporter to be paid eight dollars per day for every day he shall be actually employed, from the Contingent Fund of the Assembly.

Adopted.

By Mr. Covington:

*Resolved*, That the Engrossing Clerk be authorized to appoint three assistants, at the same per diem allowed the Engrossing Clerk, to be paid out of the Contingent Fund of the Assembly.

Referred to the Committee on Employés.

Upon motion of Mr. Harding, the House took up Assembly Concurrent Resolution No. 25—Relative to appointing a joint committee of three from the Assembly and three from the Senate, to receive proposals and award the contract for translating the laws of this session of the Legislature into Spanish.

The rules were suspended, the resolution considered engrossed, read third time and passed, and ordered transmitted to the Senate without engrossment.

The Speaker announced as the committee on the part of the House, as provided for by the above resolution, Messrs. Harding, Crutcher, and Preston.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 1st, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of January, eighteen hundred and seventy-six, passed Senate Bill No. 177—An Act to regulate Sheriffs' commissions in this State.

Also, Senate Bill No. 213—An Act supplementary to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 241—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the Township of Oakland, County of Alameda.

Also, Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness, contracted for street repairs in said city.

Also, Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

And, on the twenty-eighth of January, passed Senate Bill No. 228—An Act to amend section two hundred and forty-nine of the Penal Code.

Also, Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Also, Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Also, Senate Bill No. 73—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, approved March thirtieth, eighteen hundred and seventy-four.

And, on the thirty-first of January, passed Assembly Bill No. 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 177, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 213, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No 241, above reported, read first and second times and referred to the Alameda delegation.

Senate Bills Nos 267 and 24, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bills Nos. 228, 204, and 98, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 75, above reported, read first and second times and referred to the Alameda delegation

NOTICES OF THE INTRODUCTION OF BILLS

By Mr Briceland—Of an Act to repeal section one thousand eight hundred and seventy-five of the Political Code.

By Mr. Preston—Of an Act to provide for funding the floating debt of the Town of San Luis Obispo

Also, of an Act to provide for an increase in the number of Supervisors in the County of San Luis Obispo, and to provide for redistricting the said county

Also, of an Act to provide for the issuance of bonds for general road purposes in the County of San Luis Obispo.

Also, of an Act to amend the charter of the Town of San Luis Obispo.

By Mr. Coffey—Of an Act to amend section one thousand two hundred and ten of the Code of Civil Procedure, Title V., Part III

INTRODUCTION OF BILLS.

By Mr Ferral—An Act to amend section four hundred and fifteen of the Political Code.

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

By Mr. Bagge—An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company

Read first and second times and referred to the Alameda delegation.

By Mr. Clunie—An Act to pay the claim of Michael Essinger.

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

By Mr Carson (by request)—An Act to ratify and confirm the proceedings and report of Commissioners appointed under and pursuant to the Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street, in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street, approved April second, eighteen hundred and seventy, and the Act amendatory thereof and supplemental thereto, approved April first, eighteen hundred and seventy-two, and to provide for the payment of the sums of money awarded as the value of the lands taken, and as the value of

the work done in opening and grading said street, to the respective parties justly entitled thereto, and for a tax on the taxable property of said city and county, to pay the cost of the said improvement

Read first and second times, five hundred copies ordered printed, and referred to the San Francisco delegation

By Mr. Carson—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations.

Also, an Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations.

Each read first and second times and referred to the Committee on Corporations.

By Mr Hayne—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighth, A. D. eighteen hundred and seventy-four.

Read first and second times and referred to the Santa Barbara and Ventura delegations.

[Mr. Carson in the chair.]

GENERAL FILE.

Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Read third time and passed

Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relative to the removal of county seats.

Read third time and passed.

Assembly Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.

Read third time and passed.

FURTHER INTRODUCTION OF BILLS.

By Mr. Harris—An Act to fix the compensation of the Engrossing and Copying Clerks of the Assembly.

Read first and second times and referred to the Engrossing Committee.

GENERAL FILE RESUMED.

Senate Bill No. 95—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to notaries' fees.

RECESS.

Pending consideration, the hour of twelve o'clock and thirty minutes P. M arrived, and the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Clarken and Giffen.

House resumed consideration of Senate Bill No. 95.

Mr. Carson moved to indefinitely postpone.

Mr. Murphy moved the previous question, and the House so ordered.

Upon the indefinite postponement, the ayes and noes were demanded by Messrs. Gelwicks, Berry, and Wood

The roll was called, and the bill indefinitely postponed, by the following vote:

AYES—Messrs. Barber, Biggs, Birney, Bradley, Brickland, Broderick, Carter, Carson, Chapman, Coffey, Cornwell, Clunie, Crutcher, Ferral, Garretson, Griswold, Hart, Harris, Harding, Jourden, Magune, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Preston, Pullen, Quigley, Rankin, Rusch, Reddick, Roberts, Scrivner, Suverkrup, and Young—39.

NOES—Messrs. Abbott, Archer, Bagge, Berry, Blackwell, Blue, Burbank, Collins, Covington, Dunlap, Gelwicks, Hayne, Hinshaw, Jenkins, Jones, Kennedy, Koutz, Lamboum, Lammers, Ostrom, Patterson of Kern and Tulare, Sargent, Samuels, Swan, Watkins, Wood, and Mr. Speaker—27.

The Speaker announced the special order, being substitute for Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

[Mr. Harris in the chair]

The vote by which Assembly Bill No. 73 was considered engrossed on January twenty-first, was, on motion of Mr. Berry, reconsidered, and the bill was referred to the Committees on Irrigation and Judiciary, to act on it jointly.

Mr. Samuels had leave to offer the following report:

MR. SPEAKER: Your Committee on Attachés, to whom was referred the resolution in regard to additional Engrossing Clerks, have examined into the same, and beg leave to report that the Engrossing Clerk is now behind with the work, about one thousand folios, and the work rapidly accumulating. Your committee, therefore, recommend that this House take such action as in their judgment seems proper.

SAMUELS, for Committee.

The consideration of the resolution above reported was laid on the table for one day.

Assembly Bill No. 28 made special order for to-morrow, at one o'clock and thirty minutes P. M.

GENERAL FILE RESUMED.

Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

Read third time and passed.

Senate Bill No. 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code, in relation to partnerships

Refused passage.

Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law.

Amended, read third time, and passed.

Assembly Bill No. 106—An Act to amend section six hundred and twenty-six of the Penal Code.

House refused to engross.

ADJOURNMENT.

At four o'clock P. M., upon motion of Mr. McConnell, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 2d, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

By Mr. Berry—From citizens of Sutter County, asking for the no-fence law.

Referred to the Committee on Agriculture.

By Mr. Briceland—From citizens of Shasta County, against legalizing the Bancroft contract.

Referred to the Committee on Education.

By Mr. Hart—From citizens of Colusa County, in reference to a bill introduced by Mr. Hart.

Referred to the Judiciary Committee.

By Mr. Reddick—From citizens of Calaveras County, in reference to the no-fence law.

Referred to the Committee on Agriculture.

By Mr. Maguire—From teachers of San Francisco, to legalize the Bancroft contract.

Referred to the Committee on Education.

REPORTS.

By Mr. Clunie:

MR. SPEAKER: Your committee, having had under consideration several bills referred to it, begs leave to respectfully report back Assembly Bill No. 75, for the payment of claims of E. O. F. Hastings and A. L. Bancroft & Co., with a substitute therefor, with the recommendation that the substitute be passed.

Also, report back petition from the Managers of the Santa Barbara Orphan Asylum, and recommend its reference to the Committee on Ways and Means.

CLUNIE, Chairman.

So much of Assembly Bill No. 75, above reported, as refers to the claims of E. O. F. Hastings, was referred to the Judiciary Committee.

The petition above reported referred to the Committee on Ways and Means.

By Mr. Archer:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers—having had the same under consideration, beg leave to report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company—having been considered, is reported back, with the recommendation that it do pass.

ARCHER, Chairman.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz

Also, Assembly Bill No. 103—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

Also, Assembly Bill No. 146—An Act for the relief of James H. Clarke.

Also, Assembly Bill No. 209—An Act entitled "Proposed amendment to the Constitution of the State of California."

Also, Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

COVINGTON, for Committee.

By Mr. Hinshaw:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts, to whom was referred Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office—have had the same under consideration, report it back, and recommend that it pass.

HINSHAW, Chairman.

By Mr. Hayne:

Mr. SPEAKER: The special committee of delegation from Santa Barbara and Ventura Counties, to whom was referred Assembly Bill No. 338—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four—respectfully report back the same, and recommend its passage.

HAYNE, for Delegation.

Assembly Bill No. 338, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

MOTIONS AND RESOLUTIONS.

By Mr. Harris:

*Resolved*, That a committee of three be appointed by the Speaker, whose duty it shall be to inquire into the amount of labor performed by the several attachés of this Assembly, and the amount of compensation paid therefor. They shall also inquire into the necessity for the clerks of the several committees of this House, and into the necessity for continuing the several and numerous officers attached to this Assembly, and make a full report of all matters relating to our contingent expenses, and present such bill and resolution as will reduce the expenses of this House.

Adopted.

In accordance with the above resolution the Speaker appointed Messrs. Harris, Young, and Bradley as such committee.

By Mr. Gelwicks:

*Resolved*, That Standing Rule Number One, of this House, be amended so as to read as follows: "The House shall meet, each day of sitting, at ten o'clock A. M., unless the House shall adjourn to some other hour. A daily recess of one hour, from twelve M. to one P. M., shall be had."

Laid over for one day.

By Mr McConnell:

*Resolved*, That the Committee on Commerce and Navigation be and they are hereby directed to report Senate Bill No 15—Relative to the State Board of Harbor Commissioners—back to this House immediately, and that the same be made the special order for to-day at two o'clock.

Laid on the table.
By Mr. Carson:

*Resolved*, That the Committee on Commerce and Navigation be and they are hereby instructed to obtain, and report to this Assembly, for its information, a statement of the receipts of fees by the pilots of the Port of San Francisco for the four years last past together with the amounts paid by said pilots to the steam-tug pilots or steam-tug pilot-boats of said port, during said period, and the form and tenor of the agreements under which said last-named amounts have been paid, and, also, a schedule showing the names and tonnage of all vessels lost or run ashore, in or about the entrance to the said port, since January first, eighteen hundred and fifty, with the dates of such mishaps, and their names, and the length of service of the pilots, if any, in charge of such vessels at the times of such mishaps And the said committee are hereby empowered to send for persons and papers for the purpose of obtaining such information.

Laid over for one day.
By Mr. Sargent:

*Resolved*, That the Clerk of the Committee on Claims be and he is hereby appointed Clerk of the Committee on Swamp and Overflowed Lands, and without additional compensation.

Adopted.
By Mr. Berry:

*Resolved by the Assembly, the Senate concurring*, That the Committees on Public Printing, of the Senate and Assembly, be and are hereby requested to examine the claims for State printing, now on file in the Controller's office, and ascertain if the allowances are made in accordance with the laws. The said committees are authorized to employ competent experts to assist them in examining said claims. The expenses to be jointly paid from the Contingent Fund of the Senate and Assembly The Controller is hereby directed to draw no warrants for the payment of the claims now on file in his office, until the same have been examined as provided for in this resolution.

Laid over for one day.
By Mr. Clunie:

*Resolved*, That the Undine Club be allowed the use of the Assembly Chamber on Friday evening, February eleventh, eighteen hundred and seventy-six provided, that the chamber shall be ready for the use of the members at the usual hour the next day

Lost.

Upon motion of Mr. Samuels, the House took up for consideration the resolution reported yesterday, allowing the Engrossing Clerk three additional assistant clerks.

Mr. Abbott offered the following as a substitute:

*Resolved* That the Engrossing Clerk be instructed to engross and report all bills back to this House within forty-eight hours from the receipt of the same, and if he cannot do so with his present force, that he be authorized to employ any and all help necessary, at a cost not to exceed fifteen cents per folio.

RECESS.

Pending the consideration of which, the Speaker announced the hour for recess, and the House took a recess accordingly, for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

On motion of Mr. Abbott, the Engrossing Clerk was ordered to engross, out of its order, Assembly Bill No. 295

The special order for this hour—Assembly Bill No. 28—was temporarily postponed

House resumed consideration of the question pending at the time of taking recess.

Mr. Berry offered the following amendment: Amend by adding: "The Engrossing Clerk shall also report to this House, once a week, the number of folios written by each employé in his office, and the name of each employé, also, the number of folios written by the assistance permanently employed in his office."

Adopted.

The substitute, as amended, was then adopted.

LEAVE OF ABSENCE

One day's leave of absence was granted to Mr. Dixon.

REPORT.

Mr. Archer had leave to offer the following report.

Mr Speaker Your Committee on Corporations, to whom was referred Assembly Bill No. 313—An Act to reincorporate the City of Marysville—having had the same under consideration, report it back, and recommend its passage

ARCHER, Chairman.

SPECIAL ORDER.

The Speaker announced as the special order, Assembly Bill No. 28—An Act for the appointment of a State Inspector of Stationary Boilers, for the better security of lives and property in mills, factories, and other shops where steam-power is employed.

Pending consideration of which, the hour arrived for the special order, being Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure—which, upon motion of Mr. Hart, was made the special order for to-morrow at three o'clock P. M.

[Mr. McKenna in the chair.]

Consideration of Assembly Bill No. 28 resumed.

Amended.

The author had leave to withdraw the bill.

[Speaker in the chair.]

On motion of Mr. Hart, the House took from the file for consideration, Assembly Bill No 298—An Act to authorize the Board of Trustees of the Town of Colusa to construct a branch railroad, and to issue bonds therefor.

Read third time, passed, and ordered transmitted to the Senate without engrossment.

On motion of Mr. Scrivner, Senate Bill No 220—An Act to add a new section to the Penal Code, in relation to false weights and measures—was taken from the file and recommitted to the Judiciary Committee

SENATE MESSAGE.

Senate Chamber,
Sacramento, February 1st, 1876.

Mr. Speaker I am directed to inform your honorable body that the Senate, on the twenty-eighth day of January, eighteen hundred and seventy-six, passed Senate Bill No. 201—An Act

to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

Also, Senate Bill No. 196—An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County.

And on this day amended and passed Assembly Bill No. 261—An Act to authorize E. Barry to remove certain remains of deceased persons.

And passed Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure.

Also, amended and passed Assembly Bill No. 141—An Act to provide for the construction and completion of a certain wagon road in the County of Humboldt.

Also, amended and passed Assembly Bill No. 90—An Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners.

Also, passed Assembly Concurrent Resolution No. 23—Relative to additional homestead claims for soldiers and sailors

Also, passed Assembly Bill No. 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

Also, Assembly Bill No. 94—An Act concerning the office of County Surveyor of the County of Santa Cruz.

Also, Assembly Concurrent Resolution No 24—Relative to the transfer of Indian affairs to the War Department.

Also, Assembly Concurrent Resolution No. 7—Relative to the construction of a breakwater at Crescent City, California.

Also, Assembly Concurrent Resolution No. 19—Relative to United States Mail Route Number Forty-six Thousand One Hundred and Nine.

Also, Assembly Concurrent Resolution No. 14—Relating to tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon.

Also, Assembly Concurrent Resolution No. 6—Requesting Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 201, above reported, read first and second times and referred to the Solano delegation.

Senate Bill No. 224, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 196, above reported, read first and second times and referred to the Mendocino delegation.

Senate Bill No. 222, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 261, 141, and 90, above reported, Senate amendments concurred in.

At four o'clock P. M. Mr. Chapman moved to adjourn.

Lost

NOTICE.

Mr. Wood gave notice that at an early day he would introduce a bill relative to assessments in Reclamation District Number One Hundred and Eighteen, in Contra Costa County.

PETITION.

By Mr. Sargent—From citizens of San Joaquin County, in reference to text-books in public schools.

Referred to the Committee on Education.

ADJOURNMENT.

At four o'clock and three minutes P. M., on motion of Mr. Maguire, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 3d, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Mr. Hart, and indefinite leave to Mr. Birney.

## PETITIONS.

By Mr. Coffey—From citizens of San Francisco, in reference to the extension of the time for the redemption of property sold for mortgages.

Referred to the Judiciary Committee.

By Mr. Reddick—From citizens of Calaveras County, in reference to the no-fence law.

Referred to the Committee on Agriculture.

## REPORTS.

By Mr. Hinshaw:

Mr. SPEAKER. The Committee on Public Expenditures and Accounts, to whom was referred a resolution relating to printing a weekly statement of Assembly bills, have made all necessary inquiries about the matter, ask leave to report it back, and recommend its adoption.

HINSHAW, Chairman.

Resolution above reported adopted.

By Mr. Hinshaw:

Mr. SPEAKER. The Committee on Public Expenditures and Accounts, to whom was referred the accompanying bill and resolution, would respectfully report the same back without recommendation, as your committee can find no law or rule that authorizes the purchase of the articles named in said bill.

HINSHAW, Chairman.

The resolution above reported is as follows:

*Resolved*. That the Controller be and he is hereby authorized and directed to draw a warrant on the Contingent Fund of the Assembly for twelve dollars and twenty-five cents, in favor of the Sergeant-at-Arms, and that the Treasurer be directed to pay the same.

Adopted.

By Mr. McConnell:

Mr. SPEAKER. Your Judiciary Committee, to whom was referred Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property—report the same back with amendment, and recommend its passage as amended.

Also, Assembly Bill No. 281—An Act to amend section six hundred and ninety-one of the Code of Civil Procedure—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 303—An Act to amend section eleven hundred and eleven of the Code of Civil Procedure—report the same back, and recommend its passage.

McCONNELL, Chairman.

Mr Harris, from the Committee on Additional Employés, presented a report, recommending a reduction in the number of attachés of the House [For report, see Appendix to Journal.]

Mr. Carson moved to recommit the report, for the purpose of allowing the committee to make further examination into the matters referred to in the report

Mr Archer moved, as an amendment, that the report be received and the committee continued, with instructions to make further reports from time to time.

The amendment of Mr Archer was agreed to and adopted.

Mr. Ferral moved to add three more members to the number comprising the committee above referred to.

Lost.

By Mr. Gelwicks:

Mr. Speaker The Alameda delegation, to whom was referred Assembly Bill No 332—An Act to authorize the City Council of the City of Oakland Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company—have had the same under consideration, report it back, and recommend its passage.

Also, Senate Bill No. 241—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the Township of Oakland, County of Alameda—report it back, and recommend its passage.

GELWICKS, for Delegation.

By Mr. Swan:

Mr. Speaker The Solano delegation to whom was referred Senate Bill No 201—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four—have had the same under consideration, report it back, and recommend its passage

SWAN, for Delegation.

By Mr. Griswold:

Mr Speaker Your committee, to whom was referred Assembly Bill No 285—An Act to fix the compensation of the Assessor of Inyo County—having had the same under consideration, report it back, and recommend that it pass.

GRISWOLD, for Delegation.

Assembly Bill No. 285, above reported, taken up and recommitted to the delegation.

RESOLUTIONS.

By Mr. Murphy of San Francisco:

*Resolved*, That the Clerk of the Committee on Commerce and Navigation be and is hereby allowed the sum of fifty dollars in full for mileage and expenses in subpenaing witnesses for said committee.

Referred to the Committees on Public Expenditures and Accounts and Mileage.

By Mr. Murphy of San Francisco

Whereas, Your Committee on Commerce and Navigation being in doubt as to whether the authority conferred on them, by the resolution directing an investigation into the seaworthiness of vessels plying to and from the Port of San Francisco, was intended to apply to the different steamers that have been lost in the past years, therefore, be it

*Resolved*, That the said committee are directed to investigate only into the condition of vessels now afloat, and carrying passengers to and from the Port of San Francisco

Pending the consideration of which, the hour for recess was announced by the Speaker, and the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.
House resumed consideration of resolution pending at time of recess.
Mr. Pullen offered the following amendment:

*Resolved*, That the said committee are directed to investigate into the loss of all steamships that have been lost within the past year, sailing to and from San Francisco, and also investigate into the condition of steamers sailing to and from the Port of San Francisco, and that said committee shall examine only six more witnesses at the expense of the State.

Mr. Archer offered the following substitute:

*Resolved*, That it is the wish of the Assembly that the Committee on Commerce and Navigation report to the House, at as early a day as practicable, the result of their investigation under the previous resolution of this House, in regard to unseaworthiness of vessels, and present a memorial to Congress upon the subject.

Adopted
The resolution, as amended, was then adopted.
By Mr. Young:

WHEREAS, That as the copying of the bills of the Assembly up to this time has cost the sum of one thousand six hundred and sixteen dollars, and will (if the same number of Copying Clerks be continued to the end of the session), cost the State an additional sum of two thousand seven hundred and eighty-four dollars; also, in addition to that, a large amount for stationery, etc.; therefore, be it

*Resolved*, That all bills now in the hands of the Copying Clerks be immediately transmitted to the State Printer, and all bills hereafter ordered printed by the Assembly shall be delivered by the Chief Clerk of the Assembly to the State Printer, who shall be responsible for the safe return thereof to the Assembly

*Resolved*, That all Assistant Copying Clerks of the Assembly are hereby discharged.

Laid over for one day.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 2d, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the first day of February, eighteen hundred and seventy-six, concurred in Assembly Concurrent Resolution No. 25—Relative to appointing a joint committee of three from the Assembly and Senate to receive proposals and award the contract for translating the laws of this session into Spanish—and that the President appointed, on the part of the Senate, Messrs McCoppin, Graves, and Edgerton.

And, on the second day of February, passed substitute for Senate Bills Nos 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two

And, on the first day of February, passed Senate Bill No 247—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein.

Also, Senate Bill No. 223—An Act to provide for the refunding the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four.

Also, Senate Bill No 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads

Also, Senate Bill No 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No 271—An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Senate Bills Nos. 23 and 205, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 247, above reported, read first and second times and referred to the El Dorado delegation

Senate Bill No. 223, above reported, read first and second times and referred to the Tehama delegation.

Senate Bill No. 497, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 146, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 38, above reported, read first and second times and referred to the Committee on Public Buildings and Grounds.

Senate Bill No. 271, above reported, read first and second times and referred to the Trinity and Shasta delegations.

The House took up for consideration Assembly Concurrent Resolution No. 30—Relative to Committees on Public Printing of both Houses examining claims now on file in the Controller's office for State printing, and ascertain if the allowances are made according to law.

Referred to the Committee on Public Printing.

INTRODUCTION OF BILLS.

By Mr. Murphy of Del Norte—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads within this State.

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

By Mr. McKenna—An Act to provide a new Great Register for Solano County, and to re-register the voters thereof.

Read first and second times and referred to the Committee on Elections

By Mr. Reddick—An Act to amend Article IV., Chapter III., of the Political Code, pertaining to Teachers' Institutes.

Read first and second times and referred to the Committee on Education.

By Mr. Clark—An Act to grant land for the right of way to the Arcata Transportation Company.

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

By Mr. Koutz—An Act to amend sections eight hundred and nineteen and eight hundred and sixty-nine of the Penal Code.

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

Also, an Act to amend section one thousand one hundred and twenty-nine of the Political Code.

Read first and second times and referred to the Committee on Elections.

Also, proposed amendments to the Constitution of the State of California.

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

By Mr. Wood—An Act relative to the assessments in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands

By Mr. Murphy of San Francisco—An Act to amend sections two thousand four hundred and fifty-seven, two thousand four hundred and sixty-six, and two thousand four hundred and sixty-eight of the Political Code, relative to pilots in the Harbor of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hayne—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County.

Read first and second times and referred to the Santa Barbara delegation.

By Mr. Harris—An Act to regulate the compensation of certain attachés of the Assembly and to abolish certain offices therein named, and to provide for the performance of the duties of offices so abolished.

Read first and second times and ordered on file, and to be given to the State Printer for the purpose of printing the same.

By Mr. Suverkrup—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

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

By Mr. Carson—An Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure, relative to estates of decedents.

Read first and second times and referred to Judiciary Committee.

Also (by request)—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 Committee on Public Morals.

By Mr. Burbank—An Act to amend sections one thousand six hundred and ninety-seven and one thousand eight hundred and fifty-eight of the Political Code, relating to schools.

Read first and second times and referred to Committee on Education.

By Mr. Sargent—An Act to provide for a levee on the Mokelumne River, and to provide revenue therefor.

Read first and second times and referred to Committee on Swamp and Overflowed Lands.

## MOTIONS AND RESOLUTIONS.

On motion of Mr. Gelwicks, the House took up for consideration the resolution laid over yesterday, relative to amending Standing Rule Number One.

The resolution above referred to was referred to the Committee on Rules and Regulations.

On motion of Mr. Carson, the House took up for consideration the resolution offered by him yesterday, relative to instructing the Committee on Commerce and Navigation of this House to obtain and

report to this House the receipts of fees by pilots of the Port of San Francisco.

The resolution above referred to was, upon motion of Mr. Carson, adopted.

[Speaker pro tem. in the chair.]

GENERAL FILE.

Assembly Bill No. 103—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

Read third time and passed

Assembly Bill No. 209—Proposed amendment to the Constitution of the State of California.

*The Legislature of the State of California, at its twenty-first session, proposes the following amendment to the Constitution of said State:*

SECTION 1. Amend section thirteen, Article XI, of said Constitution, so as to read as follows: Section 13. All taxation shall be equal and uniform throughout the State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law.

Upon the passage of the above, the roll was called, and the bill having received the constitutional majority, was declared passed, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Blue, Bradley, Briceland, Brodrick, Burbank, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Jounden, Kennedy, Koutz, Lamboum, Lammers, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Raisch, Reddick, Roberts, Ruggles, Sargent, Samuels, Sullivan, Suverkrup, Swan, Watkins, Wilcox, Wood, and Mr. Speaker—64.

NOES—None.

Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

Passed on file.

Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code.

Amended, read third time, and passed.

Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Read third time and passed.

Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Read third time and passed.

Assembly Bill No. 143—An Act relating to theaters and other places of public amusement.

Indefinitely postponed.

Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open; also, to prevent hunting upon inclosed lands without permission of the owner or occupant, in the County of Sonoma.

The hour having arrived for the special order—Assembly Bill No. 32—on motion of Mr. Clunie, it was made the special order for Tuesday, February eighth, at one o'clock and thirty minutes P. M.

Consideration of Assembly Bill No. 79 resumed.

Amended, ordered printed, and referred to the Judiciary Committee.

Assembly Bill No. 102—An Act for the payment of certain claims against the State of California.

House resolved itself into a Committee of the Whole for the consideration of the above bill, with the Speaker pro tem. in the chair.

IN ASSEMBLY.

The Committee of the Whole reported back a substitute for Assembly Bill No. 102, with recommendation that it pass.

The bill was taken up, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 290—An Act to provide for the construction of a canal or flume, for the transportation of lumber and wood, and for mining and irrigation purposes, in the Counties of El Dorado and Sacramento.

Taken from the file and referred to the El Dorado delegation.

Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four.

Taken from the file and referred to the Butte delegation.

Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and sixty-seven.

Referred to the Judiciary Committee.

Assembly Bill No. 247—An Act to establish a State Book-bindery.

Passed on file.

Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.

Amended and ordered engrossed.

Assembly Bill No. 147—An Act to amend section one thousand seven hundred and fifty of the Political Code.

Substitute adopted and ordered engrossed.

Assembly Bill No. 2—An Act to authorize A. S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County.

Amended, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Ordered engrossed.

Assembly Bill No. 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations.

Amended and ordered engrossed.

Assembly Bill No. 233—An Act to repeal section six hundred and

eighty-four of the Political Code, relating to the salary of the State Board of Examiners.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 232—An Act to amend section three thousand three hundred and eighty-four of the Political Code, relative to licenses.

Author had leave to withdraw the bill.

Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, one thousand one hundred and seventy, one thousand two hundred and thirty, and one thousand three hundred and twenty-three of the Penal Code.

Substitute adopted and ordered engrossed.

Assembly Bill No. 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Amended and ordered engrossed.

Assembly Bill No. 248—An Act to encourage the destruction of squirrels in Lake County.

Author had leave to withdraw the bill.

Assembly Bill No. 193—An Act to declare Redwood City Slough navigable.

Ordered engrossed.

Assembly Bill No. 87—An Act to add an additional section to the Penal Code, to be known as section four hundred and twenty.

Withdrawn by author.

Assembly Bill No. 215—An Act to protect agriculture and to prevent the trespassing of animals upon private property in Marysville Township, Yuba County.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Amended and referred to the Judiciary Committee.

Assembly Bill No. 326—An Act concerning the offices of Supervisors and District Attorney in the County of Calaveras.

Referred to the Judiciary Committee.

Assembly Bill No. 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers.

Made special order for Tuesday, February eighth, at two o'clock P. M.

Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company.

Rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 312—An Act to reincorporate the City of Marysville.

Ordered engrossed.

On motion of Mr. Berry, Assembly Bill No. 317 was ordered printed.

## ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. Harding, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 4th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Harris.

## SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 4th, 1876.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the first day of February, eighteen hundred and seventy-six, passed Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county.

Also, Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Also, Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Also, Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica.

Also, Senate Concurrent Resolution No. 2—Asking for an appropriation to improve the Feather, Sacramento, and San Joaquin Rivers.

Also, Senate Bill No 56—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.

And, on the third day of February, passed Assembly Bill No. 70—An Act entitled an Act making appropriations for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California.

Also, Senate Bill No 299—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, also to amend an Act entitled an Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March seventeenth, eighteen hundred and seventy-four

Also, concurred in Assembly amendments to Senate Bill No. 173.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 299, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 203, above reported, read first and second times and referred to the Kern and Tulare delegation.

Senate Bill No. 239, above reported, read first and second times and referred to the Solano delegation.

Senate Bill No. 219, above reported, read first and second times and referred to the Committee on Claims.

Senate Bill No. 256, above reported, read first and second times and referred to the Committee on Fish Culture.

Senate Joint Resolution No. 2, above reported, read first and second times and referred to the Committee on Federal Relations.

Senate Bill No. 56, above reported, read first and second times and referred to the San Francisco delegation.

Mr. Wilcox had leave to offer the following:

*Resolved*, That the use of this chamber be allowed to Mr. J. M. Hutchings, on Thursday, February tenth, for the purpose of delivering his illustrated lecture on the Yosemite Valley.

Adopted.

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
SACRAMENTO, February 4th, 1876.

*To the Senate and Assembly of the State of California:*

It becomes my painful duty to inform your honorable bodies that the Hon. James W. Mandeville, Controller of State, died this day at eight o'clock and five minutes A. M.

Your honorable bodies will, without doubt, take such measures touching the obsequies of the deceased as his character, and his connection with this department of the government, render proper.

Yours respectfully,

WILLIAM IRWIN, Governor.

SENATE MESSAGE

SENATE CHAMBER,
SACRAMENTO, February 4th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21—Relative to the death of Hon. J. W. Mandeville, Controller of State—and that the President has appointed under this resolution Messrs. Lakin, Evans, Rogers, Howe, and Timm.

CRAWFORD, Assistant Secretary.

Senate Concurrent Resolution No. 21, above reported, was taken up and adopted.

The Speaker announced the following committee on the part of the House, under Senate Concurrent Resolution No. 21, to wit: Messrs. Birney, Ferral, Gelwicks, McConnell, and Archer.

Mr. Gelwicks offered the following:

*Resolved*, That we have learned with profound sorrow of the the death of J. W. Mandeville, Controller of the State of California, and deplore the loss to society and the public of so good a man and so faithful an officer.

*Resolved*, That in all his relations of life, whether public or private, he has been faithful and true, and that in his death the public have sustained an irreparable loss.

*Resolved*, That in respect to his memory, the Assembly of the State of California do now adjourn, to meet on Monday next, at three o'clock P. M.

Adopted.

And accordingly, at eleven o'clock and fifty minutes A. M., the House adjourned till Monday, February seventh, at three o'clock P. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 7th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Friday, February fourth, read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Reddick, Hinshaw, Murphy of Del Norte, Jenkins, Wood, McInerny, and Perkins, and three days' leave for Master Hood, Page of the Assembly.

Upon motion of Mr. Quigley, one day's leave of absence was granted to all absentees.

[Mr. Clunie in the chair.]

PETITIONS.

By Mr. Bradley—From residents and tax-payers of Long Bar Township, Yuba County, asking for the passage of an Act to protect agriculture and to prevent animals from running at large within said township.

Referred to the Yuba delegation.

By Mr. Jamison—A petition from merchants of Santa Clara County, praying to be relieved from the payment of license tax.

Referred to the Committee on Ways and Means.

By Mr Maguire—From citizens and tax-payers of San Francisco, to the effect that said citizens had heretofore signed a protest against a change in the text-books in public schools under a misapprehension, and asking that their names be withdrawn from said remonstrance or protest; and they now favor the legalizing of the contract made by A. L. Bancroft & Co. with the State of California.

Referred to the Committee on Education.

By Mr. Wilcox—From citizens, asking that the Legislature make an appropriation for the purpose of constructing roads and bridges in Yosemite Valley.

Laid on the table.

REPORTS.

By Mr. McConnell:

Mr Speaker Your Judiciary Committee, to whom was referred Assembly Bill No 332—An Act to make certificates of purchase of University lands evidence of title—have had the same under consideration, report it back, and recommend that it do not pass.

Also, Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code—and recommend its passage

Also, Senate Bill No. 128—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure in relation to appeals—and recommend that it do not pass.

Also, Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc—and recommend its passage.

Also, Assembly Bill No 323—An Act to fix the compensation of the County Clerk of Humboldt County—and recommend its passage.

Also, Senate Bill No 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code—and recommend its passage

Also, Senate Bill No. 213—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—report the same back, and recommend its reference to the San Francisco delegation

Also, Senate Bill No. 177—An Act to regulate Sheriffs' commissions in this State—and recommend its passage

Also, Assembly Bill No. 251—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code, in relation to the collection of property taxes—and recommend that it do not pass

Also, Assembly Bill No 252—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the collection of property taxes—and recommend that it do not pass.

Also, Assembly Bill No. 253—An Act to add a section (three hundred and twenty-nine) to the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No 156—An Act to provide for the funding of the floating indebtedness of San Diego County—and recommend its passage.

Also, Assembly Bill No. 326—An Act concerning the offices of Supervisor and District Attorney in the County of Calaveras—and recommend its passage

Also, Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons—and recommend its passage.

Also, Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure—and recommend its passage.

Also, petition from citizens of San Francisco, advocating an additional section to bill last above named (Senate Bill No. 222), and your committee report adversely to the prayer of the petitioners

Also, Assembly Bill No 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure—and recommend its passage

Also, Assembly Bill No 319—An Act to repeal section nine hundred and forty-six of the Civil Code, relating to personal property—and recommend its passage

Also, Assembly Bill No. 318—An Act to amend section three thousand three hundred and eighty-five of the Political Code—and recommend its indefinite postponement.

Also, Assembly Bill No 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable purposes—and a majority of your committee recommend its passage

Also, Senate Bill No. 220—An Act to add a new section (five hundred and fifty-five) to the Penal Code, in relation to false weights and measures—and recommend its passage.

Also, Assembly Bill No. ——An Act to amend section one hundred and sixty of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 337—An Act to amend section four hundred and fifteen of the Political Code—and recommend its reference to the Committee on Printing.

Also, Assembly Bill No. 264—An Act to amend section five hundred and forty-nine of the Civil Code—report the same back and recommend that it do not pass

Also, Assembly Bill No 228—An Act amending that portion of the Political Code which relates to license taxes—report the same back and recommend that it do not pass

Also, Assembly Bill No 257—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, concerning attachments—report the same back and recommend that it do not pass.

Also Assembly Bill No. 272—An Act for the better protection of the public treasury—report the same back, recommending its return to its author, its operation to be limited to Los Angeles County, and the County Judge and Auditor to be substituted for the Board of Supervisors as a Board of Examiners, and when thus changed your committee recommend the passage of the bill

Also, Assembly Bill No 245—An Act to authorize the City of Oakland to deposit public money with any bank in said city—report the same back without recommendation.

McCONNELL, Chairman.

Assembly Bill No. 272, above reported, was returned to the author.

Senate Bill No 213, above reported, was referred to the San Francisco delegation

Assembly Bill No 337, above reported, was referred to the Committee on Printing.

By Mr. Wilcox:

MR. SPEAKER You Committee on Rules, to whom was referred resolution relative to amending Rule Number One of the House, have had the same under consideration, and report the same back to the House without recommendation.

WILCOX, Chairman.

The resolution above reported was laid over for one day.

By Mr. Archer:

MR. SPEAKER The undersigned, a minority of your Committee on Corporations, to whom was referred Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State —beg leave to report the same back with a substitute, and recommend the passage of the substitute.

ARCHER, Chairman,
SWAN

[For report, see Appendix.]

Upon motion of Mr. Archer, five hundred copies of the foregoing report were ordered printed; the original copy to be furnished to the State Printer for that purpose.

By Mr. Archer:

Mr. Speaker: The undersigned, a minority of your Committee on Judiciary, to whom was referred Assembly Bill No. 236—An Act to provide for calling a Constitutional Convention —beg leave to report the same back, and recommend that it do not pass.

ARCHER,
HARDING,
CARSON,
HARRIS.

[For report, see Appendix.]

The usual number of copies of the above report were ordered printed.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr. McConnell, Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State—was made the special order for Friday, February eleventh, at one o'clock and thirty minutes P. M.

FURTHER REPORTS.

By Mr. Wilcox:

Mr. Speaker: Your Committee on Corporations, to whom was referred Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State—have had the same under consideration, and a majority of said committee report the same back, with a substitute offered by Assemblyman Archer in committee without recommendation.

Also, Assembly Bill No. 254—An Act to provide for a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads within this State—a majority of said committee report the same back, and recommend its passage.

WILCOX, for Majority.

Assembly Bill No. 182, above reported, was made the special order for Monday, February fourteenth, at one o'clock and thirty minutes P. M.

By Mr. Covington.

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 295—An Act to reincorporate Salinas City.

Also, Assembly Bill No. 214—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

Also, Assembly Bill No. 304—An Act to provide for the funding of the levee indebtedness of the City of Marysville.

Also, Assembly Bill No. 231—An Act to protect agriculture, and to prevent the trespassing of animals on private property in the County of San Bernardino, and in the County of San Diego.

Also, Assembly Bill No. 307—An Act concerning the construction and repair of levees in the City of Marysville and the mode of raising revenue therefor.

Also, Assembly Bill No. 244—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in said city.

Also, Assembly Bill No. 148—An Act concerning partition fences in Colusa County.

Also, Assembly Bill No. 266—An Act in relation to the Superintendent of Schools of Del Norte County.

Also, Assembly Bill No. 305—An Act to amend an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four.

Also, Assembly Concurrent Resolution No. 9—Relative to tax on native grape brandy.

Also, Assembly Bill No. 180—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-seventh, eighteen hundred and seventy-two.

Also, Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days.

Also, Assembly Bill No. 133—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County.

Also, Assembly Bill No. 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes.

Also, Assembly Bill No. 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes.

Also, Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma.

Also, Assembly Bill No. 104—An Act to amend section one hundred and thirty-seven of the Civil Code.

Also, Assembly Concurrent Resolution No. 22—Relative to cheap postage.

Also, Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane.

Also, Assembly Bill No. 338—An Act to repeal an Act to provide road funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 115—An Act to amend sections two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and six, and two thousand seven hundred and seven of the Political Code.

Also, Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

Also, Assembly Bill No. 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County.

Also, Assembly Bill No. 177—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento.

Also, Assembly Bill No. 262—An Act to fix the bond of the County Treasurer of Lassen and Modoc Counties.

Also, Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Also, Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, one thousand one hundred and seventy, one thousand two hundred and thirty, and one thousand three hundred and twenty-three of the Penal Code.

Also, Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda, in allowing the claim of N. W. Spaulding.

Also, Assembly Bill No. 241—An Act to amend section three hundred and forty of the Penal Code, relating to pawnbrokers.

Also, Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company.

Also, Assembly Bill No. 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations.

Also, Assembly Bill No. 2—An Act to authorize Abraham S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County.

Also, Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same.

Also, Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern.

Also, Assembly Bill No. 293—An Act to declare Redwood City Slough navigable.

Also, Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

Also, Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Also, Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District Number Two of Sutter County.

Also, Assembly Concurrent Resolution No. 26—Relative to the establishment of a mail route from the Town of Susanville, by the way of Horse Lake Valley, and the South Fork of Pit River, and Dorris Bridge, and Davis Creek, to Willow Ranch, in the State of California.

Also, Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 291—An Act amendatory of an Act entitled an Act to incorporate the Town of Cloverdale, County of Sonoma, approved February twenty-eighth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 239—An Act concerning county officers of Lake County, their fees and salaries.

Also, Assembly Bill No. 314—An Act to provide for the funding the indebtedness of Levee District Number Two of Sutter County.

COVINGTON, for Committee.

## By Mr. Watkins:

Mr. Speaker—The Committee on Elections, to whom was referred Assembly Bill No. 340—An Act to provide a new Great Register for Solano County, and to re-register the voters thereof—have considered the same, and report it back, and recommend its passage.

WATKINS, Chairman.

By Mr. Dixon:

Mr. Speaker: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 273—An Act to protect the public roads in Santa Clara County—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Bill No. 58—An Act concerning roads in the County of Humboldt—have had the same under consideration, and herewith report it back to the Assembly, with the recommendation that it be passed.

DIXON, for Committee.

Assembly Bill No. 58, above reported, was taken up, amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Quigley:

Sacramento, February 3d, 1876.

Mr. Speaker: The Committee on Enrollment have examined Assembly Bill No. 94—An Act concerning the office of County Surveyor of the County of Santa Cruz.

Also, Assembly Bill No. 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

Also, Assembly Bill No. 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Concurrent Resolution No. 23—Relative to additional homestead claims for soldiers and sailors.

And report the same correctly enrolled, and that at ten o'clock and thirty-five minutes A. M. the same was presented to the Governor for his approval.

QUIGLEY, for Committee.

By Mr. Lambourn:

Mr. Speaker: Your Committee on Agriculture, to whom was referred Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County, approved March eighteenth, eighteen hundred and seventy-four, and substitute for same—after due consideration report back the substitute with amendments, and recommend the passage of the same as amended.

Also, request fifteen days' further time to consider the resolution requiring the committee to investigate the affairs of the State Agricultural Society.

LAMBOURN, Chairman.

By Mr. Chapman:

Mr. Speaker: Your committee, to which was referred Assembly Bill No. 220—Concerning certain reclamation districts in San Joaquin County—have had the same under consideration, and report it back, with the recommendation that the bill be passed.

CHAPMAN, Chairman.

By Mr. Carpenter.

Mr. Speaker: The delegations from the several counties of the Eleventh Judicial District, to whom was referred Assembly Bill No. 225—An Act to amend section sixty-eight of the Code of Civil Procedure—having agreed upon the substitute therefor, herewith reported, they unite in recommending the passage of the substitute.

CARPENTER, for Delegations.

Assembly Bill No. 225, above reported, was taken up, substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Carpenter:

Mr. Speaker: The El Dorado delegation, to whom was referred Assembly Bill No. 234—An Act appointing and empowering Charles P. Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom—herewith report back a substitute therefor, and recommend the passage of the substitute.

CARPENTER,
NOTT.

Mr. Speaker: The El Dorado delegation, to whom was referred Senate Bill No. 247—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein—having considered, report the same back, and recommend its passage.

CARPENTER,
NOTT.

By Mr. Biggs:

Mr. Speaker: The Sacramento delegation, to whom was referred Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city—beg leave to report the same back, and recommend its passage.

BIGGS, for Delegation.

By Mr. Coffey:

Mr. Speaker: The San Francisco delegation, to whom was referred Assembly Bill No. 243—An Act to establish a training-ship in the City and County of San Francisco—have had the same under consideration, and report the same back, and recommend that the author be permitted to withdraw the same.

Also, have had under consideration Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco—report the same back with amendments, and recommend the passage of the bill as amended; nine members voting in the affirmative, seven in the negative, and four absent from meeting.

COFFEY, Chairman.

Assembly Bill No. 243, above reported, was returned to the author.

By Mr. Griswold:

Mr. Speaker: The Inyo delegation, to whom was referred Assembly Bill No. 285, having had the same under consideration, beg leave to report back a substitute, and recommend that it pass.

GRISWOLD, for Delegation.

Assembly Bill No. 285, above reported, taken up, substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Hayne:

Mr. Speaker: The special committee, of delegation from Santa Barbara and Ventura Counties, to whom was referred Assembly Bill No. 343—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County—respectfully report back the same, and recommend its passage.

HAYNE, for Delegation.

Assembly Bill No. 243, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Patterson of Kern and Tulare:

Mr. Speaker: Your committee, to whom was referred Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county—report the same back, and recommend that it pass.

PATTERSON, for Delegation.

By Mr. Lambourn:

Mr. Speaker: The Los Angeles delegation, to whom was referred Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of Los Angeles County—have had the same under consideration, and beg leave to report it back as amended, with the recommendation that it pass as amended.

McCONNELL,
LAMBOURN.

By Mr. Bradley:

Mr. Speaker: The Committee on Retrenchment and Reform, to whom was referred Assembly Bill No. 107—An Act to amend the Political Code, and Assembly Bill No. 108—An Act to amend section four thousand and five of the Political Code—would respectfully report both of said bills back without recommendation.

BRADLEY, for Committee.

Mr. Harris, from the Special Committee on Contingent Expenses, presented a report, which, together with the report made by the same committee on February third, was ordered printed. [See Appendix.]

MOTIONS AND RESOLUTIONS.

By Mr. Hayne:

*Resolved*, That the Engrossing Clerk be authorized to sectionize Assembly Bill No. 287.

Adopted.

By Mr. Wilcox:

*Resolved*, That the Hon. D. W. Gelwicks be added to the Committee on Translation.

Adopted.

Upon motion of Mr. McKenna, Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children—was made the special order for Thursday, February tenth, at two o'clock P. M.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 7th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the second day of February, eighteen hundred and seventy-six, passed Senate Concurrent Resolution No. 17—In relation to the Presidio Reservation.

Also, Senate Bill No. 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

Also, Senate Bill No. 235—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code.

Also, Senate Bill No. 250—An Act to provide for the construction of an academy in the County of Colusa.

And, on February fourth, amended and passed Assembly Bill No. 274—An Act to repeal an Act entitled an Act to incorporate the Town of Sutter Creek, Amador County, approved March thirtieth, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 27—An Act to grant C. F. Leavenworth and his assigns the right to supply the inhabitants of the Town of Modesto with pure fresh water.

And indefinitely postponed Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State.

Also, concurred in Assembly amendments to Senate Bill No. 202.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 17, above reported, read first and second times and referred to Committee on Federal Relations.

Senate Bill No. 303, above reported, read first and second times and referred to San Bernardino delegation.

Senate Bill No. 230, above reported, read first and second times and referred to the Butte delegation.

Senate Bill No. 298, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 250, above reported, read first and second times and referred to the Tehama delegation.

Assembly Bills Nos. 274 and 27, above reported, Senate amendments concurred in.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Carpenter—Of an Act to reorganize and simplify the school system and public education of the State of California.

By Mr. Koutz—Of an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

INTRODUCTION OF BILLS.

By Mr. Clarken—An Act to authorize and direct the Secretary of State to purchase for and provide the office of the Attorney-General, at San Francisco, with a set of Supreme Court Reports, Statutes, Codes, etc.

Read first and second times and referred to the Committee on Public Expenditures and Accounts.

Also, an Act to amend section one thousand two hundred and sixty-one of the Civil Code.

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

By Mr. McConnell—An Act to amend section seventy-two of the Civil Code, in reference to marriages.

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

By Mr Carson (by request)—An Act to provide for the representation of the mountain scenery and mineral productions of the State of California at the Centennial Exhibition, to be held in Philadelphia in the year eighteen hundred and seventy-six.

Read first and second times and referred to the Centennial Committee.

By Mr. Carson—An Act to amend sections three thousand seven hundred and fifty, three thousand seven hundred and fifty-one, three thousand seven hundred and fifty-three, and three thousand seven hundred and fifty-four of the Political Code, and to add a new section thereto, to be known as section three thousand eight hundred and eleven, in relation to collection of property taxes.

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

By Mr. Ferral—An Act in regard to graduates of regular colleges in the State of California.

Read first and second times and referred to the Committee on Education.

By Mr. Bagge—An Act to amend an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Alameda delegation.

By Mr. Giffen—An Act to regulate and govern the California State Prison, and to establish a State Penal Reformatory.

Read first and second times and referred to the State Prison Committee.

By Mr. Maguire—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street-car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

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

Mr Sargent had leave to offer the following:

*Resolved*, That the usual number of copies of Assembly Bill No. 351 be ordered printed.

Adopted.

REPORT.

By Mr. Quigley:

SACRAMENTO, February 7th, 1876.

Mr. SPEAKER The Committee on Enrollment have examined Assembly Concurrent Resolution No 7—Relative to the construction of a breakwater at Crescent City, California.

Also, Assembly Concurrent Resolution No. 24—Relative to the transfer of Indian affairs to the War Department.

Also, Assembly Concurrent Resolution No. 19—Relative to United States Mail Route Number Forty-six Thousand One Hundred and Nine.

Also, Assembly Concurrent Resolution No. 14—Relative to tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon.

Also, Assembly Concurrent Resolution No. 6—Requesting Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo

Also, Assembly Bill No. 141—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt

Also, Assembly Bill No. 90—An Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners.

Also, Assembly Bill No. 261—An Act to authorize E Barry to remove certain remains of deceased persons.

Also, Assembly Concurrent Resolution No 25—Relative to appointing a joint committee of three from the Assembly and Senate, to receive proposals and award the contract for translating the laws of this session into Spanish.

And report the same correctly enrolled, and that at four o'clock and fifty minutes P. M. the same was presented to the Governor for his approval.

QUIGLEY, for Committee.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. McConnell, the House adjourned, to meet at ten o'clock A. M. to-morrow.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 8th, 1876.

House met pursuant to adjournment.
Speaker pro tem. in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Clunie, Raisch, Jenkins, Garretson, Wood, and Collins.

PETITIONS.

By Mr. Berry—From residents of Sutter County, asking for the passage of a no-fence law for said county.

Referred to the Committee on Agriculture.

By Mr. Berry—From residents and tax-payers of the Upper Sacramento Valley, asking for measures to be taken to protect agricultural lands from mining debris.

Referred to the Committees on Agriculture and Mines and Mining Interests

By Mr. Ostrom—From residents of Yuba County, praying for the passage of Assembly Bill No. 165.

Referred to the Yuba delegation.

REPORTS.

By Mr. Briceland:

Mr. SPEAKER: Your Committee on State Hospitals have the honor to report that on January seventh, eighteen hundred and seventy-six, in accordance with their duties, they visited and inspected the Institution for the Education of the Deaf and Dumb and Blind, located near Oakland.

Since the last session of the Legislature the building formerly occupied by the institution has been destroyed by fire, and the structure now in use is merely temporary, erected by the Board of Directors through the aid of several public-spirited gentlemen of Alameda County, who loaned their credit to the Directors until the Legislature might convene and make an appropriation to indemnify them.

In consequence of the fire the management has been seriously cramped in its efforts to ameliorate the condition of the inmates. The dormitories of the present structure are necessarily so crowded that the laws of hygiene must be unavoidably violated. In the event of contagious diseases attacking the children, there is no appropriate room or rooms, apart from the sleeping rooms, suitable for hospital purposes.

Your committee also find that among the pupils present are several semi-blind, and two or three who possess imperfect articulation. To insure all possible success in the cure and restoration of such pupils to their proper place in the normal population, we recommend that the Board of Directors do secure the services of the best-skilled oculist and aurist convenient to said institution, to treat such cases. We, the committee, do not desire to divert the primary and educational objects of this institution by the above suggestion, but do so as a matter of economy and humanity, and that the services of such skilled oculist and aurist be paid out of the General Expense Fund of the institution.

Your committee with pleasure commend the excellent and appropriate management of the institution, the culinary department being in strict harmony with good taste and economy—thoroughly supervised by a competent and estimable Matron.

The corps of attachés deserve special mention for their patient, earnest, and thorough work of instruction, and the tact and ingenuity of the learned Principal and his accomplished wife, as exhibited in the several devices and original methods of instruction whereby this abnormal class of our population may be taught to become self-sustaining and useful citizens, should elicit the approbation of the State.

Your committee, in view of all the facts and the urgent necessity for ample accommodations, do most earnestly recommend that no cramped idea of economy shall be permitted to prevent the thorough development of a charity which appeals so directly to the most impressionable sensibilities of humanity.

BRICELAND, Chairman.

By Mr. McConnell:

Mr. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 16—An Act to relieve owners of incumbered real estate from double taxation—have had the same under consideration, report it back, and recommend that it do not pass.

Also, Assembly Bill No. 96—An Act relating to mortgages and debts secured by mortgage—report the same back, and recommend that it do not pass.

McCONNELL, Chairman.

MOTIONS AND RESOLUTIONS.

By Mr. Clarken:

*Resolved*, That the State Printer be requested to have the daily file of this House printed every day, in preference to other matter, that it may be placed on the desks of the members by nine o'clock each morning.

Adopted.

By Mr. O'Connell.

*Resolved*, That the State Controller be and he is hereby directed to lay before this House all vouchers for moneys paid for binding the pamphlets, laws, journals, Codes, Supreme Court reports, and reports of the various State officers, for ruling and binding the blank books and blanks of the various State officers, and for rebinding the books of the State Library, as well as other work that comes within the province of the binder to do, during the term of the late State Printer.

Adopted.

REPORT.

By Mr. McKenna.

MR. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes—has considered the same, and report it back, and recommend its passage.

McKENNA, for Delegation.

Upon motion of Mr. Young, the House took up for consideration the resolution heretofore offered by him, in relation to discharging all Assistant Copying Clerks.

On motion of Mr. Birney, the resolution above referred to was made the special order for Wednesday, February ninth, at eleven o'clock A. M.

INTRODUCTION OF BILLS.

By Mr. Preston—An Act to provide for funding the floating debt of the Town of San Luis Obispo.

Read first and second times and referred to the San Luis Obispo delegation.

Also, an Act to amend section fifty-eight of the Code of Civil Procedure.

Read first and second times and referred to the San Luis Obispo and Santa Barbara delegations.

By Mr. Clark—Assembly concurrent resolution relative to the establishment of a tri-weekly mail from Mendocino City, in Mendocino County, to the City of Eureka, in Humboldt County.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Rice—An Act to provide for the payment of claims against the City of Santa Cruz.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Carpenter—An Act to amend section two hundred and four of the Code of Civil Procedure.

Read first and second times and referred to the El Dorado delegation.

Also, an Act to reorganize and simplify the school system and public education of the State of California.

Read first and second times, referred to the Committee on Education, five hundred copies ordered printed, and the original bill to be furnished to the State Printer for that purpose.

By Mr. Jones—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine.

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

By Mr. O'Connell—An Act for the relief of Michael Purcell.

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

By Mr. Birney—An Act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of California, but doing business therein.

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

By Mr. Clark—An Act fixing the number of Supervisors of Humboldt County.

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

By Mr. Koutz—An Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

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

Mr. Harris moved that Assembly Bill No. 342, now number thirty-four on the file, be placed number ten on the file.

Lost.

GENERAL FILE.

Assembly Bill No. 185 passed on file.

Senate Bill No 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over

Amended, read third time, and passed.

[Speaker in the chair.]

Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property.

Amended, read third time, and passed.

Senate Bill No. 241—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the Township of Oakland, County of Alameda.

Read third time and passed.

Senate Bill No. 201—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Read third time and passed

Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Read third time and passed.

Assembly Bill No 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

Passed on file temporarily.

Assembly Bill No. 293—An Act to declare Redwood City Slough navigable.

Passed on file

Mr. Harris had leave to withdraw Assembly Bill No. 318—An Act to amend section three thousand three hundred and eighty-five of the Political Code, relating to propagation licenses.

Assembly Bill No 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations.

Read third time and passed

Assembly Bill No 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, and one thousand three hundred and twenty-three of the Penal Code.

Read third time and passed.

Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

Read third time and passed.

Assembly Bill No. 115—An Act to amend sections two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and six, and two thousand seven hundred and seven of the Political Code.

Read third time and passed.

Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane.

Read third time and passed.

Assembly Bill No 104—An Act to amend section one hundred and thirty-seven of the Civil Code.

Read third time and passed.

Assembly Bill No 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes.

Read third time and passed

Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Read third time and passed.

Assembly Bill No. 133—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County.

Read third time and passed.

Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code

Read third time and passed.

Assembly Bill No 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco

Amended, read third time, and passed.

Senate Bill No. 128—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure, in relation to appeals.

House refused to pass.

Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Read third time and passed.

Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Read third time and passed.

Senate Bill No. 177—An Act to regulate Sheriff's fees in certain counties in this State.

Made special order for Saturday, February twelfth, at eleven o'clock A. M

Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

Read third time and passed.

Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure

Read third time and passed.

Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures.

Read third time and passed.

Senate Bill No. 247—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein

Read third time and passed

Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city.

Read third time and passed.

[Mr. Harding in the chair.]

Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

The bill was amended.

During consideration of the bill, the Chair announced the hour for recess, and the House took a recess accordingly.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Murphy of Del Norte, Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State—was made the special order for Monday, February fourteenth, at one o'clock and thirty minutes P. M., and the bill ordered printed.

RESOLUTION.

By Mr. McConnell:

WHEREAS, A. J. Phelan, a resident of the City of San Francisco, has been duly summoned by authority of this House to appear as a witness before the Judiciary Committee, and, whereas, said Phelan has in fact attended said committee as a witness, and been kept from his home for the period of three days, therefore, be it

*Resolved*, That the sum of fifty dollars be and the same is hereby appropriated from the Contingent Fund of this House, to be paid to said Phelan for traveling and other expenses while attending as a witness, as aforesaid.

Adopted.

REPORT.

By Mr. Murphy of San Francisco:

Mr. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto—have had the same under consideration, have amended the same, and beg leave to report the same back, and recommend its passage as amended.

MURPHY, Chairman.

Senate Bill No. 15, above reported, was referred to the San Francisco delegation, with instructions to report on Saturday next.

Upon motion of Mr. Ostrom, the substitute for Assembly Bill No. 165—An Act to reduce the number of the Board of Supervisors of Yuba County—was made the special order for Tuesday, February fifteenth, at two o'clock P. M.

House resumed consideration of Senate Bill No. 108.

Mr. McMann moved that the bill be passed on file, and that it be printed as amended.

Mr. Archer moved the previous question, which was ordered by the House.

The motion of Mr. McMann was put and lost.

The bill was read third time and passed.

## SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 8th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the third day of February, eighteen hundred and seventy-six, passed Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation.

Also, Senate Bill No. 254—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teachers.

And, on the fourth instant, passed Senate Bill No. 169—An Act to establish water rates in the City and County of San Francisco.

Also, Senate Bill No. 121—An Act to incorporate the Town of Ukiah City, in the County of Mendocino.

And, on the seventh instant, amended and passed Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

And indefinitely postponed Assembly Bill No. 166—An Act concerning the County Treasurer of Ventura County.

And, on this day, amended and passed Assembly Bill No. 214—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

And, also, to return Assembly Bill No. 235—An Act to amend section sixty-eight of the Code of Civil Procedure—together with the substitute therefor, that the proper indorsements may be made thereon, and the history of the same corrected.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 235, above reported, was withdrawn by leave of the House.

Assembly Bill No. 214, above reported, Senate amendments concurred in.

Senate Bill No. 215, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 229, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 254, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 169, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 121, above reported, read first and second times and referred to the Mendocino delegation.

Assembly Bill No. 71, above reported, Senate amendments concurred in.

Mr. Reddick had leave to introduce the following bill: An Act to amend section sixty-eight of the Code of Civil Procedure.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Upon motion of Mr. Murphy of Del Norte, the House took up Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

Read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. McMann, Berry, and Ostrom.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Bagge, Barber, Birney, Broderick, Carson, Chapman, Clarken, Coffey, Cornwell, Clunie, Dixon, Ferral, Gelwicks, Harris, Jenkins, Lambourn, Lammers, McConnell, McInerny, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Pullen, Quigley, Rankin, Reddick, Ruggles, Scrivner, Sullivan, Suverkrup, Wilcox, and Young—34.

NOES—Messrs. Archer, Berry, Blue, Bradley, Breeland, Carter, Crutcher, Dunlap, Giffen, Griswold, Hayne, Jamison, Jones, Kennedy, Koutz, McMann, McCarthy, McKenna, Nott, Ostrom, Patterson of San Joaquin, Pierce, Preston, Raisch, Rice, Roberts, Sargent, Swan, and Mr. Speaker—29

Mr. Young had leave to introduce the following bill out of order: An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplemental thereto, and substituting this Act for said Article IV.

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

On motion of Mr. Clunie, Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure—was made the special order for Friday, February eleventh, at two o'clock and thirty minutes P. M.

On motion of Mr. Patterson of Sacramento, Assembly Bill No. 228—An Act amending that portion of the Political Code which relates to license tax—was taken from the file and referred to the Committee on Ways and Means.

SPECIAL ORDER.

The Speaker annouced the hour for consideration of Assembly Bill No. 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers.

Upon motion of Mr. Clunie, the bill was ordered printed as amended, the bill to be furnished to the State Printer for that purpose, and the consideration of the bill was made the special order for Friday, February eleventh, at two o'clock P. M.

On motion of Mr Harris, Assembly Bill No. 342—An Act to regulate the compensation of certain attachés of the Assembly, and to abolish certain offices therein named, and to provide for the performance of the duties of offices so abolished—was ordered placed at head of file for to-morrow.

[Mr. Harris in the chair.]

Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county.

Read third time and passed.

REPORT

By Mr. Carpenter.

Mr. SPEAKER The El Dorado delegation, to whom was referred Assembly Bill No 367—An Act to amend section two hundred and four of the Code of Civil Procedure—having considered the same, report it back, and recommend its passage.

CARPENTER.
NOTT

Assembly Bill No. 367, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

The House took up for consideration the resolution of Mr. Gelwicks, to amend Standing Rule Number One, in reference to the hour for meeting.

The resolution was lost.

REPORT.

By Mr. Quigley:

SACRAMENTO, February 8th, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California.

Also, Assembly Bill No. 27—An Act to grant C. F. Leavenworth and his assigns the right to supply the inhabitants of the Town of Modesto with pure fresh water.

Also, Assembly Bill No. 274—An Act to repeal an Act entitled an Act to incorporate the Town of Sutter Creek, Amador County, approved March thirtieth, eighteen hundred and seventy-four.

And report the same correctly enrolled, and that at two o'clock and twenty minutes P. M. the same was presented to the Governor for his approval.

QUIGLEY, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 247—An Act to establish a State Book-bindery.

Passed on file.

Assembly Bill No. 281—An Act to amend section six hundred and ninety-one of the Code of Civil Procedure.

Passed on file.

Assembly Bill No. 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 332—An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.

Referred to the Committee on Corporations.

[Speaker in the chair.]

Assembly Bill No. 264—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California.

Engrossment refused.

RESOLUTION.

Mr. Harding had leave to offer the following, out of order:

*Resolved*, That all bills ordered printed shall be sent to the printer, and printed, in the order in which the same are introduced.

Laid over one day.

GENERAL FILE RESUMED.

Assembly Bill No. 252—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the collection of property tax.

The author was granted leave to withdraw the bill.

Assembly Bill No. 253—An Act to add a section to the Code of Civil Procedure, Chapter II., Title II., Part II.

Withdrawn by the author, by leave of the House.

Assembly Bill No. 257—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, concerning attachments.

Withdrawn by the author.

Assembly Bill No. 251—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code, in relation to the collection of property taxes.

Withdrawn by the author.

Assembly Bill No 245—An Act to authorize the City of Oakland to deposit public money with any bank in said city

Upon the question, "Shall the bill be enrolled?" the ayes and noes were demanded by Messrs. Birney, Clunie, and Patterson of San Joaquin.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Bagge, Coffey, Covington, Clunie, Dixon, Hart, Harris, Harding, Jamison, Jones, Lamboum, McInerny, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Rausch, Roberts, Sargent, Samuels, Scrivner, Suverkrup, Watkins, and Mr. Speaker—26

NOES—Messrs Archer, Berry, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Chapman, Clark, Clarken, Crutcher, Dunlap, Gelwicks, Giffen, Griswold, Hayne, Jenkins, Kennedy, Koutz, Lammers, Maguire, McConnell, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, Patterson of San Joaquin, Preston, Pullen, Quigley, Rankin, Rice, Ruggles, Sullivan, and Swan—37.

Assembly Bill No. 322—An Act to make certificates of purchase of University lands evidence of title.

Withdrawn by the author.

Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 323—An Act to fix the compensation of the County Clerk of Humboldt County.

Ordered engrossed.

Assembly Bill No. 326—An Act concerning the offices of Supervisors and District Attorney in the County of Calaveras.

Passed on file.

ADJOURNMENT.

At three o'clock and forty minutes P. M. Mr. Scrivner moved to adjourn to ten o'clock A. M. to-morrow.

Mr. Harding moved to amend, to meet at eleven o'clock A. M. to-morrow.

The amendment prevailed, and the motion as amended was adopted.

Accordingly, at three o'clock and forty-two minutes P. M., the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 9th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Garretson and Collins.

Upon motion of Mr. Harding, the House took up for consideration the resolution offered yesterday, having reference to the order in which bills shall be printed

The resolution was laid over one day.

## SPECIAL ORDER.

The Speaker announced as the special order the resolution offered on February seventh, relative to transmitting to the State Printer all bills to be printed, and to discharge all Assistant Copying Clerks of the Assembly.

Pending consideration of the resolution above referred to, the Speaker announced the hour for recess, and the House took a recess for one hour.

## RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

The House resumed consideration of the resolution pending at the time of recess.

Mr Murphy of Del Norte moved that the resolution be laid upon the table until after the bill now on file, and having reference to the office of Copying Clerk, shall be disposed of.

Upon which motion the ayes and noes were demanded by Messrs. Clunie, Berry, and Crutcher. The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Blackwell, Briceland, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Ferral, Garretson, Giffen, Griswold, Hart, Harding, Hayne, Jones, Jourden, Lamboum, Lammers, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Quigley, Rankin, Reddick, Sargent, Samuels, Scrivner, Suverkrup, Swan, Wilcox, and Wood—42.

NOES—Messrs. Bagge, Berry, Biggs, Blue, Bradley, Covington, Clunie, Crutcher, Dixon, Dunlap, Gilwicks, Harris, Jamison, Jenkins, Kennedy, Koutz, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Pullen, Raisch, Rice, Roberts, Ruggles, Sullivan, Watkins, Young, and Mr. Speaker—29.

## PETITIONS.

By Mr. Berry—From citizens and residents of the Upper Sacramento Valley, praying for relief from debris from mines.

Referred to the Joint Committees on Agriculture and Mines and Mining Interests.

By Mr. Sargent—From citizen and land owners of San Joaquin County, remonstrating against the passage of a bill pending, providing for the construction of levees on the Mokelumne River.

Referred to the Committee on Swamp and Overflowed Lands.

RESOLUTION.

By Mr. Murphy of Del Norte:

WHEREAS, One Edward O'Meagher Condon, a citizen of the United States, and who fought in the Union army during the late war, is now, and has been for eight years past, immured in a British dungeon under life sentence of imprisonment, and, whereas, the most satisfactory proofs exist to show that the conviction of said Edward O'Meagher Condon was procured by testimony of a very questionable character, and that the nature of his offense, if any, consisted in giving expression to his political sentiments, and, whereas, it is the duty of the Government of the United States to protect her citizens in every clime, therefore be it

*Resolved by the Assembly, the Senate concurring*, That our Senators in Congress be instructed and our Representatives requested to take such action in the premises, to the end that said Edward O'Meagher Condon may be speedily released from unjust punishment and imprisonment.

*Resolved*, That his Excellency the Governor of this State be required to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress.

Read, ordered printed, and referred to the Committee on Federal Relations.

REPORT.

By Mr. Scrivner:

Mr. SPEAKER: Your Committee on Irrigation, to whom was referred substitute for Assembly Bill No. 73, beg leave to report that they have had the same under consideration, and hereby report the same back with various amendments, and would respectfully recommend its passage as so amended.

SCRIVNER, Chairman.

Assembly Bill No. 73, above reported, was made the special order for Wednesday, February sixteenth, at one o'clock and thirty minutes P. M.

Upon motion of Mr. Archer, Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State; and Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State—were made the special order for Tuesday, February fifteenth, at one o'clock and thirty minutes P. M.

REPORTS.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.

Also, Assembly Bill No. 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Also, Assembly Bill No. 102—An Act for the payment of certain claims against the State of California.

Also, Assembly Concurrent Resolution No. 27—Relative to the establishment of a mail route, and ordering service thereon, from Winnemucca, in the State of Nevada, by way of Varyville, to Lake City, California.

Also, Assembly Bill No. 147—An Act to amend section one thousand seven hundred and fifty of the Political Code.

Also, Assembly Bill No. 233—An Act to repeal section six hundred and eighty-four of the Political Code, relative to the salary of State Board of Examiners

Also, Assembly Bill No 201—An Act in relation to boundary fences and the trespass of animals in the County of San Mateo

Also, Assembly Bill No 215—An Act to protect agriculture and to prevent the trespassing of animals upon private property in Marysville Township, Yuba County.

Also, Assembly Bill No. 302—An Act to legalize and confirm Ordinance Number Forty-seven, entitled "In relation to city blocks numbers eighty-eight and eighty-nine and the Plaza Alameda, in the City of Santa Barbara," passed and approved by the Mayor and Common Council of said city on the twentieth day of January, eighteen hundred and seventy-two.

Also, Assembly Bill No 34—An Act for the relief of San Benito County

Also, Assembly Bill No. 312—An Act to reincorporate the City of Marysville

Also, Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds of said county for construction thereof, and to provide for the payment of the same

COVINGTON, for Committee.

On motion of Mr. Covington, the action of the Engrossing Clerk in correcting Assembly Bill No. 102 was ratified.

By Mr. McConnell:

Mr. SPEAKER Your Judiciary Committee, to whom, jointly with the Committee on Irrigation, was referred Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District—report thereon that amendments which have been made to section forty-five obviate the legal objections to that section, as originally drawn. Your Judiciary Committee make no recommendation as to the merits of the bill, which remains in the hands of the Committee on Irrigation.

Also, Assembly Bill No. 75—An Act to pay the claims of E O. F. Hastings and A. L. Bancroft & Co.—which, together with a substitute, was referred to this committee to examine and report upon so much as refers to the claim of E. O F Hastings, has been fully considered, and we find that the claim of E. O F Hastings is legal, as certified by the Board of Examiners, and we recommend that said original Bill No 75 be referred to the Committee on Claims, with *instructions to report a separate bill embracing only the claim of said E O F Hastings.*

Also, Assembly Bill No 226—An Act to provide a remedy in certain cases—report the same back, and recommend that it do not pass.

Also, Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to soldiers and sailors, their widows and orphans—report the same back, and recommend its indefinite postponement, for the reason that similar resolutions have already been adopted.

Also, Senate Bill No 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two—report the same back, and a majority (five members) recommend passage, while a minority (three members) make a contrary recommendation

Also, Assembly Bill No. 134—An Act to amend section three thousand six hundred and forty-four of the Political Code—report the same back, with a substitute, and recommend the passage of the substitute

Also, Senate Bill No 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of land for taxes—report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No 228—An Act to amend section two hundred and forty-nine of the Penal Code—and recommend that it do not pass

Also, Assembly Bill No. 299—An Act to regulate the practice of law in the various Courts of this State, in reference to champerty and maintenance—and recommend that it do not pass.

Also Assembly Bill No. 132—An Act to authorize the payment of the claim of A G. Black—and a majority (four) recommend that it do not pass, while a minority (three) recommend its passage.

Also Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices—your committee find that the law sought to be repealed is not unconstitutional, and recommend that the bill under consideration do not pass

Also, Assembly Bill No 181—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto approved May twentieth, eighteen hundred and sixty-one, approved May fourteenth eighteen hundred and sixty-two—and recommend that it do not pass

Also, Assembly Bill No. 260—An Act to amend an Act entitled an Act amending certain sections of the Political Code, relative to the assessment of property for taxation, approved March thirtieth, eighteen hundred and seventy-four—and recommend that it do not pass

Also, Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein—report the same back, and recommend its passage

Also, substitute for Senate Bills Nos 23 and 205—An Act to amend an Act entitled an Act to

establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and recommend its indefinite postponement.

Also, Assembly Bill No. 327—An Act to amend section nine hundred and nineteen of the Penal Code, concerning testimony before Grand Juries—and recommend that it do not pass.

Also, Assembly Bill No 310—An Act declaring the waters of the State not to be the subject of property, and that grist mills manufacturing breadstuffs for toll are a public use—and recommend that it do not pass.

Also, Assembly Bill No. 222—An Act in relation to the Fourth and Seventh Judicial Districts, and fixing the terms of Court therein; and Assembly Bill No. 230—An Act to create the Twenty-second Judicial District, and define the Sixth and Seventh Judicial Districts—and recommend the reference of both bills to the delegations from Sacramento, Marin, Mendocino, Napa, Lake, Sonoma, Solano, San Francisco and Yolo Counties

Also, Senate Bill No 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County—and recommend its passage

Also, Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code—and recommend its passage.

Also, Assembly Bill No 349—An Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure, relative to the estates of deceased persons—and recommend its passage

Also, Assembly Bill No. 347—An Act to amend sections eight hundred and nineteen and eight hundred and sixty-nine of the Penal Code—and recommend that it do not pass

McCONNELL, Chairman.

Assembly Bill No. 75, above reported, was referred to the Committee on Claims.

Assembly Bill No. 222, above reported, was referred to the delegations as recommended.

Assembly Bill No. 132, above reported, was ordered to be withheld from the file until the minority of the committee shall submit their report thereon.

[Mr. Berry in the chair.]

By Mr. Archer:

Mr. SPEAKER. Your Committee on Corporations, to whom was referred Assembly Bill No. 355—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County—having had the same under consideration, beg leave to report the same back, and recommend its passage.

ARCHER, for Committee.

NOTICE.

Mr. Young gave notice that he would introduce proposed amendments to the Constitution of the State, relative to preserving our common schools from the disturbing element of partisan, sectional, or religious prejudice.

RESOLUTION.

By Mr. Lambourn:

WHEREAS, It may become necessary, for a full investigation of the affairs of the State Agricultural Society, to send for persons and papers; therefore, be it

*Resolved*, That the Committee on Agriculture, to whom was referred the resolution relative to investigating the affairs of the State Agricultural Society, be and are hereby empowered to send for persons and papers for such purpose.

Adopted.

REPORT.

By Mr. Hart:

Mr. SPEAKER. The Colusa and Tehama delegations, to whom was referred Senate Bills Nos. 250 and 223, hereby report the same back favorably, and recommend their passage.

HART, for Delegations.

Senate Bills Nos. 250 and 223, above reported, were referred to the Committee on Education.

INTRODUCTION OF BILLS

By Mr. McConnell—An Act to regulate the practice of medicine in the State of California.

Read first and second times and referred to the Committee on Medicine.

Also, an Act to prescribe the manner of furnishing text-books for the public schools of this State.

Read first and second times and referred to the Committee on Education.

By Mr. Abbott—An Act to incorporate the City of Monterey.

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

REPORT.

By Mr. Crutcher:

Mr. SPEAKER: Your committee, to which was referred Assembly Bill No. 276—An Act to pay the claim of John Breuner—having duly considered the same, report the bill back with an amendment reducing the amount one-half, and recommend the bill, as amended, be passed.

CRUTCHER, for Committee.

FURTHER INTRODUCTION OF BILLS.

By Mr. Quigley—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Read first and second times and ordered on file.

By Mr. O'Connell—An Act for the relief of S Driscoll and Edward Deady.

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

By Mr. Clunie—An Act concerning evidence of title to State lands.

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

By Mr. Rice—An Act in relation to the offices of Coroner and Public Administrator of the County of Santa Cruz.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

REPORT.

By Mr. Ruggles:

Mr. SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 235—in relation to issuing bonds in Chico School District—have had the same under consideration, and report the same back, and recommend its passage.

RUGGLES, for Delegation.

RESOLUTION.

By Mr. Covington:

WHEREAS, The Port of Mendocino, situated on the coast of the Pacific Ocean, about half way between San Francisco and Humboldt Bay, in the State of California, is one of the ports on said coast which has sufficient depth of water, and capacity to furnish good anchorage for a number of large vessels at the same time, and is of easy access, and could, by the construction of a breakwater, be made a safe harbor at all seasons of the year; and, whereas, it is essential, not only for the security of the vessels engaged in taking cargoes to and from said port, as also for the security of other merchant vessels, as well as of vessels belonging to the revenue and naval service of the United States, engaged in navigating the adjacent seas, that a safe harbor should be provided in that locality, to be available for such vessels as a port of refuge in stress of weather, or when in actual distress; therefore, be it

*Resolved by the Assembly, the Senate concurring.* That our Senators be instructed and our Representatives requested to use their influence to secure an appropriation of money for the con-

struction of a breakwater at said Port of Mendocino, and for the erection of a light-house at the entrance thereto.

*Resolved*, That his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress

Read first and second times and referred to the Committee on Federal Relations.

FURTHER INTRODUCTION OF BILLS.

By Mr. Sargent—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County.

Read first and second times and referred to the San Joaquin delegation.

Also, an Act to cure certain defects in applications for the purchase of land, and to confirm land titles.

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

By Mr. Pullen—An Act for the appointment of an Inspector of Stationary Steam Boilers and Steam Tanks, for the better security of life and property in the City and County of San Francisco.

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

By Mr. Sullivan—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California.

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

By Mr. Harris—An Act to amend section three thousand eight hundred and twenty of the Political Code, relating to the collection of taxes by the Assessor

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

On motion of Mr. Harding, the resolution heretofore adopted, adding Mr. Gelwicks to the Committee on Translation, was rescinded.

[Speaker in the chair.]

GENERAL FILE.

Assembly Bill No. 342—An Act to regulate the compensation of certain attachés of the Assembly, and to abolish certain offices therein named, and to provide for the performance of the duties of offices so abolished.

Mr. McKenna offered a substitute.

Mr. Harding offered certain amendments to the bill.

Mr Carson moved that the bill, together with the substitute and amendments, be referred to the Judiciary Committee, with special instructions.

The previous question was moved by Mr. Murphy of Del Norte, and so ordered by the House.

Upon the motion to refer to the Judiciary Committee, the ayes and noes were demanded by Messrs. Berry, Gelwicks, and Patterson of Kern and Tulare.

The roll was called, and the House refused, by the following vote:

AYES—Messrs Barber Blackwell, Broderick, Carter, Carson, Clark, Clarken, Coffey, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Jourden, Lambourn, Lammers, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Reddick, Sargent, Samuels, Suverkrup, Swan, and Wilcox—33.

NOES—Messrs. Abbott, Archer, Berry, Blue, Bradley, Briceland, Chapman, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Hart, Harris, Jamison, Jenkins, Jones, Kennedy, Koutz, Maguire, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Scrivner, Sullivan, Watkins, Wood, Young, and Mr. Speaker—40.

Upon the question of adopting the substitute offered by Mr. McKenna, the ayes and noes were demanded by Messrs. Harding, Clarken, and Patterson of Kern and Tulare.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Abbott, Barber, Blackwell, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Cornwell, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Reddick, Sargent, Suverkrup, Swan, Wilcox, and Wood—35.

NOES—Messrs. Archer, Bagge, Berry, Birney, Blue, Bradley, Briceland, Covington, Clunie, Crutcher, Dixon, Dunlap, Harris, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lammers, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Samuels, Scrivner, Sullivan, Watkins, Young, and Mr. Speaker—37.

Upon the adoption of the amendment to the title, offered by Mr. Harding, the ayes and noes were demanded by Messrs. Carson, Ferral, and Patterson of Kern and Tulare

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Abbott, Barber, Blackwell, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Cornwell, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Quigley, Rankin, Reddick, Sargent, Samuels, Suverkrup, Swan, Wilcox, and Wood—38

NOES—Messrs. Archer, Bagge, Berry, Birney, Blue, Bradley, Briceland, Covington, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Harris, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lammers, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Raisch, Rice, Roberts, Ruggles, Scrivner, Sullivan, Watkins, Young, and Mr. Speaker—36.

Mr. Harding offered an amendment to section one of the bill, pending consideration of which, at four o'clock and forty-three minutes P. M., Mr. McKenna moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Ostrom, Bradley and Gelwicks. The roll was called, and the House refused, by the following vote:

AYES—Messrs. Abbott, Blackwell, Broderick, Carter, Carson, Chapman, Clark, Clarken, Covington, Ferral, Garretson, Giffen, Griswold, Hart, Harding, Hayne, Lambourn, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Quigley, Reddick, Sargent, Samuels, Suverkrup, Swan, Wilcox, and Wood—36.

NOES—Messrs. Archer, Bagge, Barber, Berry, Birney, Blue, Bradley, Briceland, Coffey, Cornwell, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Harris, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lammers, McCarthy, Murphy of San Francisco, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Rankin, Raisch, Rice, Roberts, Ruggles, Scrivner, Sullivan, Watkins, and Young—39.

The question recurring on the adoption of the amendments to section one, the ayes and noes were demanded by Messrs. Berry, Ostrom, and Crutcher. The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Barber, Blackwell, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Quigley, Rankin, Reddick, Sargent, Samuels, Scrivner, Suverkrup, Swan, Wilcox, and Wood—39.

NOES—Messrs. Archer, Bagge, Berry, Binney, Blue, Bradley, Briceland, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Hart, Harris, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Raisch, Rice, Roberts, Ruggles, Sullivan, Watkins, Young, and Mr. Speaker—39

The bill was further amended and ordered engrossed.

Mr. Young gave notice of motion to reconsider the vote by which Assembly Bill No. 342 was ordered engrossed.

At five o'clock P. M., on motion of Mr. Clunie, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 10th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

Two days' leave of absence was granted to Mr. Biggs.

Upon motion of Mr. Quigley, all absentees were granted one day's leave of absence.

### REPORTS

By Mr. Dixon:

Mr SPEAKER The Committee on Roads and Highways, to whom was referred Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four—have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute

DIXON, for Committee.

By Mr. Cornwell:

Mr. SPEAKER: Your Committee on Public Buildings and Grounds have had under consideration Senate Bill No. 38, referred to it, and now report the same back, with a recommendation that it do pass.

CORNWELL, Chairman.

By Mr. Carter:

Mr. SPEAKER Your committee, to whom was referred Assembly Bill No. 269—An Act amending sections three hundred and three, three hundred and six, and three hundred and nine of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

CARTER, Chairman.

By Mr. Quigley:

SACRAMENTO, February 10th, 1876.

Mr. SPEAKER The Committee on Enrollment have examined Assembly Bill No. 214—An Act in relation to the county officers of Santa Clara County, their fees and salaries—and report the same correctly enrolled, and that at ten o'clock and fifty minutes A. M the same was presented to the Governor for his approval

QUIGLEY, for Committee.

## GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 9th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 62—An Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.

Also, Assembly Bill No 116—An Act relative to highways in Los Angeles County

Also, Assembly Bill No. 144—An Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds.

Also, Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in and for the County of Stanislaus.

Also, Assembly Bill No 163—An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County.

Also, Assembly Bill No. 200—An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.

WILLIAM IRWIN, Governor.

## RESOLUTIONS.

### By Mr. Murphy of Del Norte:

*Resolved*, That subdivision fourteen of Assembly Rule Two, in relation to unfinished business, be abolished, and any bill or resolution pending at the time of adjournment of the House shall be considered as being on the table, to be taken up at any time by a majority vote.

Laid over for one day.

### By Mr. Young:

*Resolved*. That the Chief Copying Clerks be and they are hereby ordered and directed to allow no bill or concurrent resolution to be taken from the Capitol building for the purpose of being copied, and shall also keep a book in which they shall enter the number and date of each bill or other document to be copied; and the same shall be copied in the same order in which they are received from the Chief Clerk, and so returned.

Adopted.

### By Mr. Clarken:

*Resolved*, That the Committee on Public Buildings be and it is hereby instructed to inquire into the reasons why the grand stairway, originally intended in the architect's plan, has never been built in front of the Capitol, and that the committee be further instructed to report whether the same may not yet be constructed at such price as would complete the edifice and justify the work

Adopted.

## REPORTS.

### By Mr. Covington.

Mr. SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Assembly Bill No 58—An Act concerning roads in the County of Humboldt.

Also, Assembly Bill No. 375—An Act to amend section sixty-eight of the Code of Civil Procedure.

Also, Assembly Bill No. 367—An Act to amend section two hundred and four of the Code of Civil Procedure.

Also, Assembly Bill No. 343—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County.

COVINGTON, for Committee

### By Mr. Swan:

Mr SPEAKER Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 2—Asking for an appropriation to improve the Feather, Sacramento, San Joaquin, and Mokelumne Rivers, and Petaluma and Sonoma Creeks—have had the same under consideration, report it back, and recommend its passage.

SWAN, Chairman.

By Mr. Chapman:

Mr. Speaker: Your Committee on Swamp and Overflowed Lands, to which was referred Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation—having duly considered the same, beg leave to report the bill back, with the recommendation that it be passed.

CHAPMAN, Chairman.

PETITIONS.

By Mr. Abbott—From citizens of Monterey County, relative to the incorporating of the City of Monterey.

Also, a remonstrance from citizens of the same county, against the incorporation of the City of Monterey.

Referred to the Committee on Corporations.

By Mr. Briceland—A remonstrance from the citizens of Shasta County, against a change in text-books in the public schools of this State.

Referred to the Committee on Education.

SENATE MESSAGE.

Senate Chamber,
Sacramento, February 9th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the seventh day of February, eighteen hundred and seventy-six, passed Senate Bill No. 243—An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, to return to the Assembly Assembly Bill No. 24—An Act to abate the squirrel nuisance in Stanislaus County, State of California—that the same may be properly authenticated.

Also, on the seventh day of February, eighteen hundred and seventy-six, passed Senate Concurrent Resolution No. 19, concerning public lands.

CLARK, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

[Speaker pro tem. in the chair.]

Senate Concurrent Resolution No. 19, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 243, above reported, read first and second times and referred to the Committee on Public Expenditures and Accounts.

REPORTS.

By Mr. Preston:

Mr. Speaker: The San Luis Obispo delegation, to whom was referred Assembly Bill No. 365—An Act to provide for funding the floating debt of the Town of San Luis Obispo—beg leave to report the same back, and recommend its passage.

PRESTON, for Delegation.

Mr. Speaker: The San Luis Obispo and Santa Barbara delegations, to whom was referred Assembly Bill No. 366—An Act to amend section fifty-eight of the Code of Civil Procedure—beg leave to report the same back, and recommend its passage.

PRESTON, for Delegations.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means have considered Assembly Bill No. 254—An Act to add a section to the Political Code, relative to collection of property taxes, to be known as section three thousand eight hundred and seventeen—and recommend that the author be permitted to withdraw the same, it being his desire so to do.

BERRY, Chairman.

Assembly Bill No. 254, above reported, the author was permitted to withdraw.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Sullivan—Of an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

By Mr. Samuels—Of an Act to authorize the Trustees of the City of Healdsburg to aid in establishing a seminary or college in said city.

By Mr. Pullen—Of an Act authorizing the Governor of the State of California to appoint an inspector of canned meats, fruits, and vegetables.

INTRODUCTION OF BILLS.

By Mr. Kennedy—An Act regulating official salaries in and for the City and County of San Francisco.

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

By Mr Samuels—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.

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

By Mr. Rice—An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz.

Read first and second times and referred to the Santa Cruz delegation.

By Mr. Scrivner—An Act to regulate the practice of medicine and surgery in the State of California.

Read first and second times and referred to the Committee on Medicine.

By Mr. Berry—An Act to amend the Political Code, and to reduce the expense of the National Guard.

Read first and second times and referred to the Committee on Retrenchment and Reform.

By Mr. Patterson of Kern and Tulare—An Act to amend an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

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

By Mr. Coffey—An Act to amend section one thousand two hundred and ten of the Code of Civil Procedure. (Title V., Part III.)

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

GENERAL FILE.

Assembly Bill No. 281—An Act to amend section six hundred and ninety-one of the Code of Civil Procedure; and Assembly Bill No. 293—An Act to declare Redwood City Slough navigable—were withdrawn by the author, by leave of the House.

Assembly Bill No. 327—An Act to amend section nine hundred and nineteen of the Penal Code, concerning testimony before Grand Juries.

Withdrawn by the author.

Assembly Bill No. 260—An Act to amend an Act entitled an Act

amending certain sections of the Political Code, relating to the assessment of property for taxation, approved March thirtieth, eighteen hundred and seventy-four.

The author had leave to withdraw the bill.

Assembly Bill No. 310—An Act declaring the waters of the State not to be the subject of property, and that grist mills manufacturing breadstuffs for toll are of public use.

Withdrawn by the author.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 10th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth day of February, eighteen hundred and seventy-six, passed Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure.

And, on yesterday, passed Senate Bill No. 337—An Act for the relief of W. S. Safford.

Also, Assembly Bill No. 68—An Act to create the Twenty-first Judicial District.

And, on this day, passed Assembly Bill No. 304—An Act to provide for the funding of the levee indebtedness of the City of Marysville.

Also, adopted Senate Concurrent Resolution No. 24—Relative to the adjournment *sine die* of the Legislature.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bills Nos. 160 and 337, above reported, each read first and second times and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 24, above reported, was read first and second times and referred to the Committee on Ways and Means.

GENERAL FILE RESUMED.

Assembly Bill No. 96—An Act relating to mortgages and debts secured by mortgages.

Withdrawn by the author.

Assembly Bill No. 226—An Act to provide a remedy in certain cases.

Withdrawn by the author.

Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven, of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Read third time and passed.

Assembly Bill No. 147—An Act to amend section one thousand seven hundred and fifty of the Political Code.

Read third time and passed.

Assembly Bill No. 302—An Act to legalize and confirm Ordinance Number Forty-seven, entitled "In relation to city blocks eighty-eight and eighty-nine, and the Plaza Alameda, in the City of Santa Barbara," passed and approved by the Mayor and Common Council of said city on the twentieth of January, eighteen hundred and seventy-six.

Recommitted to the Santa Barbara delegation, with instructions to report a substitute.

The delegation from Santa Barbara had leave to make a report out of order, on Assembly Bill No. 302, and reported a substitute therefor, and recommended the passage of the same

The substitute was adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 108—An Act to amend section four thousand and five of the Political Code: and

Assembly Bill No. 107—An Act to amend section three thousand seven hundred and fourteen of the Political Code.

Withdrawn by the author.

Assembly Bill No. 34—An Act for the relief of San Benito County.

Pending consideration, the Speaker announced the hour for recess, and the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

House resumed consideration of Assembly Bill No. 34.

Mr. McMann moved to indefinitely postpone the bill.

Pending the consideration of which, the hour arrived for special order, Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children

Upon motion of Mr. McKenna, it was made the special order for Saturday, February twelfth, at two o'clock P. M.

The question being upon the motion of Mr. McMann to indefinitely postpone Assembly Bill No. 34, the previous question was moved by Mr. Jones, and so ordered by the House.

The ayes and noes were demanded by Messrs. Berry, Harding, and McMann. The roll was called, and the motion to indefinitely postpone was lost, by the following vote:

AYES—Messrs. Bagge, Berry, Birney, Blackwell, Blue, Bradley, Burbank, Chapman, Clarken, Cornwell, Clunie, Crutcher, Garretson, Giffen, Hart, Harding, Hinshaw, Jenkins, Kennedy, McInerny, McMann, Murphy of Del Norte and Klamath, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Rankin, Reddick, Ruggles, Sargent, Samuels, and Sullivan—32

NOES—Messrs. Abbott, Archer, Briceland, Broderick, Carter, Carson, Clark, Coffey, Dixon, Dunlap, Griswold, Harris, Hayne, Jamison, Jones, Jourden, Koutz, Lambourn, Lammers, Maguire, McConnell, McKenna, Nott, Patterson of Sacramento, Pierce, Pullen, Quigley, Raisch, Rice, Roberts, Scrivner, Suverkrup, Swan, Watkins, Wood, Young, and Mr. Speaker—37.

The bill was read a third time, and upon the passage of the same the ayes and noes were demanded by Messrs. Berry, McMann, and Hart.

The roll was called, and the bill was passed, by the following vote:

AYES—Messrs. Abbott, Archer, Briceland, Broderick, Carter, Carson, Coffey, Covington, Dixon, Dunlap, Griswold, Harris, Hayne, Jamison, Jones, Jourden, Koutz, Lambourn, Lammers, Maguire, McConnell, McKenna, Nott, Pierce, Preston, Quigley, Raisch, Rice, Roberts, Scrivner, Suverkrup, Swan, Watkins, Wood, Young, and Mr. Speaker—36.

NOES—Messrs. Bagge, Berry, Birney, Blackwell, Blue, Bradley, Burbank, Chapman, Clarken, Cornwell, Clunie, Crutcher, Garretson, Giffen, Hart, Harding, Hinshaw, Jenkins, Kennedy, McInerny, McMann, Murphy of Del Norte and Klamath, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Rankin, Reddick, Ruggles, Sargent, Samuels, and Sullivan—33

RESOLUTION.

By Mr. Young:

WHEREAS, As it is necessary for the information of the Special Committee on Contingent Expenses to know the exact amount of the contingent expenses of this House, to enable them to make an accurate report thereon, therefore, be it

*Resolved*, That the Chairman of each traveling committee of this House be instructed to report to this House the amount of expense of each member and attaché of his respective committee, on or before Saturday, the twelfth instant.

Adopted.

FURTHER INTRODUCTION OF BILLS.

By Mr. Clunie—An Act concerning corporations.

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

By Mr. McKenna—An Act in relation to highways in the County of Solano.

Read first and second times and referred to the Solano delegation.

GENERAL FILE RESUMED.

Assembly Bill No. 312—An Act to reincorporate the City of Marysville.

Read third time and passed.

Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Read third time and passed.

Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code.

Read third time and passed.

REPORT.

By Mr. McConnell:

Mr. SPEAKER. The majority of your Judiciary Committee, to which was referred Assembly Bill No. 132—An Act to authorize the payment of the claim of A. G. Black—beg leave to make this special report, in addition to their general report of February ninth:

They do not deny the general truth of the statements contained in the minority report, as far as they go, but those statements do not cover the whole ground. Their report does not state the fact, which is shown by the evidence, that the three thousand dollars deducted from the amount of the first Controller's warrant were not returned to the State treasury, but were appropriated to Ira B. Folsom, one of the claimants under the Act of March twenty-third, eighteen hundred and seventy-four, to indemnify bona fide settlers in the Yosemite Valley, and that it was intended as his part of the indemnity for certain improvements he claimed to have on the premises held by Black. But the majority of your committee predicated their conclusion wholly upon the ground of the power conferred upon the Board of Examiners by Article XVIII., Chapter III., Title I. of Part III. of the Political Code. Under section six hundred and seventy-four, they believe that the Board of Examiners is intrusted with full power over all claims against the State, submitted to examination, until actual payment. It is true, that the Board of Examiners did not strictly pursue the course prescribed in that section, by notifying the Treasurer not to pay the warrant first drawn, but their neglect in this respect does not affect the question of their authority to countermand, or prohibit any warrant issued by the Controller. They consider, therefore, that the Board of Examiners is clothed with plenary power upon all claims presented to it, subject to the right of appeal to the Legislature, provided for in section six hundred and seventy-one—a right which the claimant failed to avail himself of. For these reasons, the majority of your committee were compelled to arrive at the conclusion that the claimant had no legal or moral claim against the State.

McCONNELL, Chairman.
ARCHER.
McKENNA.
CHAPMAN.

GENERAL FILE RESUMED.

Senate Bill No. 235—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four.

Read third time and passed.

Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to soldiers and sailors, their widows and orphans.

Indefinitely postponed.

Senate Bill No. 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Recommitted to the Judiciary Committee.

[Speaker in the chair.]

Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of lands for taxes.

Substitute adopted, the bill read third time, and passed.

Assembly Bill No. 132—An Act to authorize the payment of the claims of A. G. Black—was, on motion of Mr. McConnell, recommitted to the Judiciary Committee

Senate Bill No. 228—An Act to amend section two hundred and forty-nine of the Penal Code.

House refused to pass.

Substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy.

Made the special order for Wednesday, February sixteenth, at two o'clock P. M.

Senate Bill No. 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

Read third time and passed.

Assembly Bill No. 247—An Act to establish a State Book-bindery.

Passed on file.

Assembly Bill No. 326—An Act concerning the offices of Supervisors and District Attorney in the County of Calaveras.

Ordered engrossed.

MOTION.

Mr. Murphy of San Francisco moved that the resolution heretofore adopted by this House, providing that all traveling committees be allowed only their actual traveling expenses, instead of mileage, be rescinded.

Mr. Ostrom offered the following amendment: Add thereto the following: "and that they be allowed fifteen cents per mile for actual distance traveled."

Adopted.

Upon the adoption of the motion as amended, the ayes and noes were demanded by Messrs. Berry, Harding, and Bagge.

The roll was called, and the original motion as amended was adopted, by the following vote:

AYES—Messrs. Barber, Birney, Blackwell, Blue, Briceland, Broderick, Burbank, Carter, Chapman, Clark, Clarken, Coffey, Cornwell Covington, Clunie, Dixon, Garnetson, Giffen, Griswold,

Harris, Hayne, Jenkins, Jones, Lambourn, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of San Francisco, Noff, Osborn, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston Pullen, Quigley, Rankin, Raisch, Reddick Rice, Roberts, Ruggles, Samuels, Scrivner, Suverkrup Wood, and Young—49.

Noes—Messrs Archer, Barge, Berry, Bradley Crutcher, Hart, Harding, Hinshaw, Jamison, Kennedy, Koutz, Patterson of Kern and Tulare, Sargent Sullivan, Swan, Watkins, and Mr. Speaker—17.

GENERAL FILE RESUMED.

Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure of California.

Ordered engrossed

Assembly Bill No. 319—An Act to reenact section nine hundred and forty-six of the Civil Code, relating to personal property.

Ordered engrossed.

Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes.

Ordered engrossed

Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

Ordered engrossed.

Assembly Bill No. 273—An Act to protect the public roads in Santa Clara County.

Ordered engrossed.

Assembly Bill No. 249 was passed on file.

Assembly Bill No 220—An Act concerning certain reclamation districts in San Joaquin County.

Ordered engrossed.

ADJOURNMENT.

Mr. Birney, at four o'clock and ten minutes P. M., moved to adjourn until ten o'clock A M to-morrow.

Lost.

At four o'clock and twelve minutes P. M., on motion of Mr. Clunie, the House adjourned

---

## IN ASSEMBLY.

House of Assembly,
Friday, February 11th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain

Journal of yesterday read and approved.

REPORTS.

By Mr. Hinshaw.

Mr. Speaker The Joint Committee on Public Expenditures and Accounts and Mileage have considered the resolution allowing D. McSweegan fifty dollars for mileage and expenses,

and beg to report a substitute, the passage of which they recommend. The committee beg leave to recommend the passage of the accompanying resolution

HINSHAW, for Joint Committee.

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant on the State Treasurer in favor of D. McSweegan, as clerk of the Committee on Commerce and Navigation, for the sum of fifty dollars, and the State Treasurer is authorized to pay the same from the Contingent Fund of the Assembly.

Adopted.

By Mr. Swan:

Mr SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 18—Relative to making national currency receivable at par for all Custom-house dues—have had the same under consideration, and beg leave to report it back. A majority of the committee—Archer, Hayne, Jenkins, Crutcher, McKenna, and Swan—recommend that it do not pass. A minority, Mr McConnell, is in favor of its passage

Also, Senate Concurrent Resolution No. 17—Relative to the Presidio Reservation—report it back, and recommend its passage.

Also, Assembly Concurrent Resolution No 28—Relating to the establishment of a tri-weekly mail service from the Town of Linkville, State of Oregon, to the City of Yreka, State of California—report it back, and recommend its passage.

Also, Assembly Concurrent Resolution No 31—Relative to the establishment of a tri-weekly mail from Mendocino City, in Mendocino County, to the City of Eureka, in Humboldt County—report the same back, and recommend its passage.

SWAN, Chairman.

By Mr. Covington:

Mr. SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 342—An Act to regulate the compensation of certain attachés of the Assembly and to abolish certain offices therein named, and to provide for the performance of the duties of offices so abolished

Also, Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Also, Assembly Bill No 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure.

Also, Assembly Bill No 381—An Act in relation to the office of Coroner of the County of Santa Cruz

Also, Assembly Bill No. 323—An Act to fix the compensation of the County Clerk of Humboldt County.

Also, Assembly Bill No. 373—An Act to provide for the payment of claims against the City of Santa Cruz

COVINGTON, for Committee.

By Mr Covington—A report of the number of folios engrossed in the Engrossing Clerk's office, from February third to February ninth, eighteen hundred and seventy-six.

Referred to the Special Committee on Contingent Expenses.

By Mr. Blackwell:

Mr SPEAKER Your Committee on Public Lands, to whom was referred Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands—have had the same under consideration, and recommend that it do not pass. They have also had under consideration a substitute, which is herewith transmitted, and recommend the adoption of the substitute.

BLACKWELL, for Committee.

On motion of Mr. Blackwell, the substitute above reported was ordered printed.

By Mr Jamison:

Mr. SPEAKER The Santa Clara delegation, to whom was referred Assembly Bill No 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four—have had the same under their consideration, and report it back with a substitute, and recommend the passage of the substitute

JAMISON, for Delegation.

Assembly Bill No. 194, above reported, taken up, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

By Mr. Rice:

Mr. Speaker: The Santa Cruz delegation, to whom was referred Assembly Bill No 394—An Act to provide for building a school-house in Pajaro School District, Santa Cruz County—have considered the same, and recommend that it do pass.

RICE, for Delegation.

By Mr. Ruggles:

Mr. Speaker: The Butte delegation, to whom was referred Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four—have considered the same, and report it back, and recommend its passage.

RUGGLES, for Delegation.

Assembly Bill No. 278, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

GOVERNOR'S MESSAGE.

State of California, Executive Department,
Sacramento, February 10th, 1876

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 11—An Act to protect lumber manufacturers

Also, Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties, approved March thirtieth, eighteen hundred and seventy-four

Also, Assembly Bill No. 94—An Act concerning the office of the County Surveyor of the County of Santa Cruz

Also, Assembly Bill No. 114—An Act fixing the salary of the District Attorney of Humboldt County.

Also, Assembly Bill No. 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 214—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

WILLIAM IRWIN, Governor.

House took up for consideration the resolution offered yesterday by Mr. Murphy of Del Norte, relative to abolishing subdivision fourteen of Assembly Rule Number Two.

Resolution adopted.

House took up resolution of Mr. Young, relative to the discharge of Assistant Copying Clerks

Mr. Murphy of Del Norte moved to lay the resolution on the table until after the final disposition of Assembly Bill No. 342.

Upon which the ayes and noes were demanded by Messrs. Berry, Harris, and Collins.

The roll was called, and the House refused to lay the resolution on the table, by the following vote:

Ayes—Messrs. Barber, Blackwell, Broderick, Carter, Carson, Clarken, Coffey, Ferral, Giffen, Griswold, Harding, Hayne, Lambourn, McConnell, McInerny, McMann, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Quigley, Sargent, Samuels, Suverkrup, Swan, Wetherill, Wilcox, and Wood—29.

Noes—Messrs. Abbott, Archer, Bagge, Berry, Biggs Birney, Blue, Bradley, Burbank, Clark, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Garretson, Gelwicks, Hart, Harris, Hinshaw, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lammers, McCarthy, McKenna, Nott, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Rankin, Raisch, Rice, Roberts, Ruggles, Scrivner, Sullivan, Watkins, Young, and Mr. Speaker—45.

The previous question was moved by Mr. Collins, and so ordered by the House.

Upon the adoption of the original resolution the ayes and noes were demanded by Messrs. Harris, Preston, and Berry.

The roll was called, and the resolution adopted, by the following vote.

AYES—Messrs Abbott, Archer, Bagge, Berry, Biggs, Birney, Blue, Bradley, Burbank, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Hart, Harris, Hinshaw, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lammers, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Watkins Young, and Mr Speaker—42

NOES—Messrs Barber, Blackwell, Broderick, Carter, Carson, Clark, Clarken, Coffey, Ferral, Garretson, Giffen, Griswold, Harding, Hayne Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Quigley, Sargent, Suverkrup, Swan, Wetherill Wilcox, and Wood—34.

RESOLUTIONS.

By Mr. Murphy of Del Norte:

*Resolved*, That the office of Chaplain of the Assembly be and it is hereby abolished, and this resolution shall take effect immediately.

Upon the adoption of the above resolution the ayes and noes were demanded by Messrs Wood, Carson, and Lambourn.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Bagge, Barber, Biggs, Birney, Blue, Bradley, Burbank, Clarken, Cornwell, Covington, Clunie, Crutcher, Dixon, Ferral, Garretson, Hart, Harris, Hinshaw, Jenkins Jourden, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, Murphy of Del Norte and Klamath, Murphy of San Francisco, Patterson of Kern and Tulare, Preston Pullen, Roberts, Samuels, Sullivan, Suverkrup, Watkins, Wilcox, and Young—39.

NOES—Messrs Abbott, Archer, Berry, Blackwell, Carter, Carson, Clark Coffey, Collins, Dunlap, Gelwicks, Giffen, Griswold, Harding, Hayne, Jamison, Jones, McMann, McCarthy, McKenna, Nott, O'Connell, Ostrom, Patterson of San Joaquin, Pierce, Quigley, Rankin, Raisch, Rice, Ruggles, Sargent, Scrivner, Swan, Wetherill, Wood, and Mr. Speaker—36.

By Mr. Harris:

*Resolved*, That the Speaker be requested to invite the ministers of all denominations to open the daily sessions of this body with prayer, without any compensation, and that the Speaker be authorized to arrange the time that each may so officiate.

Laid on the table.

By Mr. Murphy of San Francisco:

*Resolved*, That all of the committee clerks, with the exception of the Judiciary Committee, be and the same are hereby discharged.

Laid on the table.

By Mr. Bradley:

*Resolved*, That when it can be ascertained by the Committee on Mileage that any member or attaché of this House, while traveling on committee duty or other service required of him by this Assembly, uses what is known as a "free pass," such member or attaché shall not be reported by said committee as entitled to any mileage for such service.

Referred to the Committee on Mileage.

By Mr. Blue:

*Resolved*, That no member shall speak upon any subject under consideration before this House for a longer time than twenty minutes.

Mr. McKenna moved to amend by striking out "twenty" and inserting "five."

Mr. Koutz raised the point of order, that the resolution would effect a change in the rules of the House, and therefore must lay over one day.

The Speaker held the point of order well taken, and the resolution was accordingly laid over one day.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 10th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this tenth day of February, adopted the following resolution

*Resolved*, That the Assembly be requested to return to the Senate, Senate Joint Resolution No. 24—Relative to the adjournment of the Legislature *sine die*—the same having been transmitted to the Assembly by mistake, out of order.

CRAWFORD, Assistant Secretary.

RESOLUTION.

By Mr. Koutz:

*Resolved*, That the joint resolution passed by the Senate yesterday, in regard to the adjournment *sine die* of the Legislature, be returned to the Senate in accordance with its request

Adopted.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

FURTHER REPORTS.

By Mr. Archer:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Senate Joint Resolution No. 20—Relative to obtaining cheaper telegraphic facilities for the State of California—have had the same under consideration, and herewith report the resolution back, and recommend its adoption.

Also, Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Concurrent Resolution No. 29—Relative to the change of route of the Southern Pacific Railroad—report the same back, and a majority of said committee, to wit: Patterson of San Joaquin, Patterson of Sacramento, Abbott, and Wilcox, recommend that it be not adopted; and a minority of said committee, Swan and Archer, recommend its adoption

ARCHER, Chairman.

Mr. Preston, from the joint committee of Assembly and Senate on translation of laws into Spanish, presented a minority report. [See Appendix.]

Mr. Preston moved that the report be adopted, and a copy of the same be transmitted to the Senate.

Upon motion of Mr. Harding, action on the matter was postponed until Monday next.

Upon motion of Mr. Ferral, Assembly Bill No. 16—An Act to relieve owners of incumbered real estate from double taxation—was made the special order for Thursday, February seventeenth, at two o'clock P. M.

INTRODUCTION OF BILLS.

By Mr. Lambourn—An Act for the better protection of the county treasury of Los Angeles County.

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

By Mr. McConnell—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for payment of the cost of the same.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Wilcox—An Act concerning goats in the County of Mariposa.

Read first and second times and referred to the Mariposa delegation.

By Mr. Berry—An Act to amend section four thousand and eighty of the Political Code. relative to cultivating shade and ornamental trees along the highways and public grounds.

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

By Mr Collins—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the delegations from Fresno and Sutter.

SPECIAL ORDER.

The Speaker announced the special order, Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State

Amended

House resolved itself into Committee of the Whole, for the consideration of Assembly Bill No. 236, with the Speaker in the chair.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The Committee of the Whole reported progress on Assembly Bill No. 236, and asked to sit again, which was granted.

Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure—on motion of Mr. Harding, was made the special order for to-morrow at one o'clock and thirty minutes P. M.

REPORT.

By Mr. Harris.

MR. SPEAKER: Your special committee, to whom was referred the report of the Engrossing Clerk on the number of folios copied at fifteen cents per folio, report the same back as correct, and recommend that the Controller be instructed to draw his warrant in favor of the Engrossing Clerk for the sum of fifty-five dollars and ninety-five cents.

HARRIS, for Committee.

The Speaker announced the special order, being Assembly Bill No. 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers

Amended and recommitted to the Judiciary Committee.

GENERAL FILE.

Assembly Bill No 234—An Act appointing and empowering Charles F. Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

RESOLUTION.

By Mr. Harris:

*Resolved* That the Controller is hereby directed to draw a warrant in favor of Charles Gildea for the sum of fifty-five dollars and ninety-five cents, for engrossing done for the Assembly.

Referred to the Committee on Ways and Means.

REPORT.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Education would respectfully report that Buceland, Reddick, Maguire, Wood, Collins, and Covington each traveled three hundred and seven miles in visiting the State University, the Deaf and Dumb Asylum, and the State Normal School.

All of which is respectfully submitted.

COVINGTON, Chairman pro tem.

Referred to the Committee on Mileage.

FURTHER INTRODUCTION OF BILLS.

By Mr Bagge—An Act to amend section five hundred and sixty-two of the Penal Code.

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

By Mr. Harris—An Act to regulate the introduction of bills into the Senate and Assembly, making an appropriation of State moneys

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

By Mr. Berry—An Act to appropriate moneys for the purpose of insuring the State Printing Office.

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

By Mr. Hart—An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.

Read first and second times and referred to the Colusa delegation.

GENERAL FILE RESUMED.

Senate Bill No. 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum.

Considered in Committee of the Whole, Speaker pro tem. in the chair

On motion of Mr. Gelwicks, the committee arose and reported the bill back, and recommended its passage

IN ASSEMBLY.

Senate Bill No 38, above reported, read a third time and passed

Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Recommitted to the Committee on Mileage, with special instructions to amend

Senate Bill No. 229, and Assembly Bills Nos. 247 and 249 passed on file.

ADJOURNMENT.

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

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 12th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Mr. Sargent.

MOTION.

On motion of Mr Broderick, Senate Bill No. 177—An Act to regulate Sheriffs' fees in certain counties in this State—and which was the special order for this hour, was made the special order for Tuesday, February fifteenth, at twelve o'clock M.

PETITION.

By Mr. Coffey—A remonstrance from citizens of San Francisco, to granting a franchise for a street railroad to the San Francisco and Point Lobos Company.

Referred to the San Francisco delegation.

REPORTS.

By Mr. Preston:

MR SPEAKER Your Committee on Mileage, to whom was referred the report of the Chairman of the Committee on Education, as to the number of miles travelled by said committee, beg leave to report the same back, and recommend its adoption, and that the members therein named be allowed compensation in accordance with that report, as per resolution herewith submitted.

PRESTON, for Committee.

*Resolved*, That the Controller of State be and he is hereby authorized to draw warrants, payable out of the Contingent Fund of this House, in favor of the following-named members of the

Committee on Education, for their mileage while on committee duty: Hons. Breeland, Reddick, Magune, Wood, Collins, and Covington, for forty-six dollars and seven cents each; and the State Treasurer is hereby authorized to pay the said warrants.

## Adopted.
## By Mr. Hinshaw.

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill No. 360—An Act to authorize and direct the Secretary of State to purchase for and provide the office of the Attorney-General at San Francisco with a set of Supreme Court Reports, Statutes, Codes, etc.—have examined the same, report it back, and recommend that its author be allowed to withdraw it.

HINSHAW, Chairman.

## Assembly Bill No. 360, above reported, withdrawn by author.
## Also:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill No. 259—An Act to fix the number of permanent employés of the State Capitol and Capitol grounds, their duties and compensation—report it back with a substitute, and recommend the passage of the substitute.

HINSHAW, Chairman.

## By Mr. McConnell:

Mr. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Bill No. 205—An Act to amend section fifty of the Code of Civil Procedure—and report that, on a motion to recommend that said bill do not pass, the vote in your committee stood four for and four against said recommendation.

McCONNELL, Chairman.

## By Mr. Clarken:

Mr. SPEAKER: A majority of the Committee on Claims, to whom was referred Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff, and ex officio Tax Collector of Trinity County—have had the same under consideration for some time, and after a thorough inquiry into its merits, ask leave to report the same back to the House, and recommend its passage.

In so doing, we have been careful and exact in our efforts to arrive at all the circumstances surrounding the causes that actuate the suitor in making his demand on the State for the amount claimed, and are constrained to believe that, while there may be no particular law that would hold the State responsible for it, yet there is that equity and justice in the demand that prompt us to its favorable recommendation. We find that in the fall of eighteen hundred and sixty-nine, John Jackson was elected Sheriff and ex officio Tax Collector of Trinity County, and qualified, with good and sufficient sureties, for that office, the duties of which he assumed the following March, eighteen hundred and seventy. There was then upon the statute book of the State a law known as the "foreign miner's license law," applicable and operating in the mining counties, and which made it incumbent on the Tax Collectors to collect a monthly license of four dollars per capita from the Chinese population. This duty, as others pertaining to his office, was strictly carried out by Jackson, as had been the custom by his predecessors, and as was the case with other Sheriffs in surrounding counties.

We further find that on May fifth eighteen hundred and seventy, two months after Jackson took the position of Sheriff of Trinity County, Congress passed an Act to enforce the elective rights, and for other purposes. Among the provisions of that Act was one that reads as follows:

"No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any foreign country, and any law of any State, in conflict with this provision, is hereby declared null and void."

The Chinese companies of the State, being made aware of the passage of that Act by Congress, combined for the purpose of testing the matter in the Courts, as their countrymen were most affected by the operations of the State law. It is said that they raised fifty thousand dollars for the purpose of prosecuting such cases as might be brought into the United States Courts for the violation by Sheriffs of the Act of Congress mentioned. That summer John Jackson was arrested by a United States Marshal and taken to San Francisco for trial. He was indicted and held for trial. On the presentation of the cause in the United States District Court the indictment was demurred to and the demurrer sustained. On his release from custody, Jackson consulted with the Attorney-General of the State as to what he should do in the matter of collecting foreign miners license, and that high State official, the law adviser of the Commonwealth, counseled him to continue his work under the State law, and demand the license as if no arrest had ever been made under the national law. The Sheriff was also similarly in-

structed by the District Attorney of Trinity County, who assured the Tax Collector that if he did not he would become responsible in his bondsmen. Jackson did renew the collection, but was again arrested by a United States Marshal, and taken to San Francisco, and there reindicted. This time the Court refused to sustain a demurrer interposed to the finding of the Grand Jury, and the Tax Collector was tried and found guilty as charged. The Court, it is true, imposed but a nominal fine—twenty dollars—but assured the defendant if he was again brought before that tribunal he would inflict the full penalty—a fine of two thousand dollars and a year's imprisonment. Here, then, is the case. Jackson was operating as a State officer, under a law long in force in California, and to the enforcement of which he was imperatively obliged, without recourse. He was, further, so instructed, after his first arrest, by both the State's Attorney and the Attorney of his own county, in which the alleged offense took place.

Jackson, at the time of his arrest, was well off, or, at least, owned a great many cattle and sheep, most of which he was compelled to sacrifice to the immediate demands of his creditors, who came upon him for a settlement. In a word, before the final adjudication of his case, he was made a bankrupt. It is alleged by those who profess to know, that he must have lost, during the pendency of his trials, from eighteen to twenty thousand dollars.

In consideration of the foregoing and other facts, the majority of the Committee on Claims think his demand but just, and therefore favor its payment.

R. M. CLARKEN,
THOS. C. BIRNEY,
W. A. HAYNE,
S. CHAPMAN,
WM. McMANN,
Majority of Committee on Claims.

By Mr. Briceland:

Mr. Speaker: Your Committee on State Hospitals have the honor to report that, in accordance with the duties imposed upon them, they have visited and inspected the Insane Asylum located near Napa City.

The management of this institution is able and efficient, and the general appearance and conduct of the wards at present in occupation are to be commended. Besides an inspection of the building as an hospital committee, the duty devolved upon us, during our visit to Napa City, to investigate certain charges of cruel treatment of patients, which had been preferred by one Godard, a night watchman of the asylum, against the Medical Superintendent. We submit herewith the testimony in the case, and would state in addition, that, in our opinion, this testimony proves that Dr. Bentley should be fully exonerated from either criminal action or intent.

In connection with the Senate Hospital Committee, your committee have also visited and examined the Insane Asylum located at Stockton. At this place the female hospital, a comparatively new building, is complete in all its appointments, and bears claim to be taken as a model, both in appearance and management, for institutions of a similar character. We find, however, that the crowded state of the male hospital, to which the attention of the Assembly has already been directed, still continues, and to an increasing extent. This fact shows the necessity for additional asylums. Whilst it is the opinion of your committee that appropriations should be made for this purpose, we must nevertheless record our positive and unqualified disapproval of the further erection of buildings of similar architectural finish to the Napa Asylum. The neat, unpretending structure at Stockton, now accommodating thirteen hundred patients, forms a striking contrast to the unfinished and costly magnificence of the building at Napa.

Your committee, in connection with the Senate Hospital Committee, and whilst at Stockton, investigated certain charges involving moral incompetency, which have been preferred against the Medical Superintendent of the Stockton Asylum, and our examination discovered no evidence whatever to sustain the alleged irregularities of conduct. Regarding these charges, the Senate committee will report in detail, and in their opinion we concur.

BRICELAND, Chairman.

By Mr. Briceland—A report by the Committee on State Hospitals of the distance traveled in the discharge of their duties.

Referred to the Committee on Mileage.

By Mr. Preston:

Mr. Speaker: Your Committee on Mileage, to whom was referred the resolution relating to mileage of members or attachés of this House who use what is known as a "free pass," beg leave to report the same back without recommendation. Our reasons in so reporting are that, first, it is hardly possible to ascertain whether members or attachés do use free passes in traveling on committee duty; again, a resolution adopted by this House on January tenth, eighteen hundred and seventy-six, gives the members of committees mileage according to the distance traveled, without restrictions; and again, this resolution, if adopted, would be in effect a repeal of Standing Rule Seventeen, which rule gives the Sergeant-at-Arms a fixed compensation without restriction.

PRESTON, for Committee.

Resolution above reported adopted.

By Mr. Covington

Mr SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 302—An Act to ratify and confirm Ordinance Number Forty-seven, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city on the twentieth day of January, eighteen hundred and seventy-six: and Ordinance Number Forty-eight, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city on the twenty-seventh day of January, eighteen hundred and seventy-six

Also, Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

Also, Assembly Bill No. 326—An Act concerning the offices of Supervisor and District Attorney in the County of Calaveras.

Also, Assembly Bill No. 319—An Act to reenact section nine hundred and forty-six of the Civil Code, relating to personal property.

Also, Assembly Bill No. 220—An Act concerning certain reclamation districts in San Joaquin County.

Also, Assembly Bill No. 273—An Act to protect public roads in Santa Clara County.

Also, Assembly Bill No 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes.

Also, Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure of the State of California.

COVINGTON, for Committee.

By Mr. Maguire:

Mr. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 320—An Act to provide for the distribution of school money in the Counties of Fresno and Lassen—beg leave to report the same back, and recommend its passage.

We have also considered Senate Bill No. 223—An Act to provide for the refunding of the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four, and beg leave to report it back without recommendation.

MAGUIRE, for Committee.

By Mr. Swan:

Mr. SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No 33—Relative to the construction of a breakwater and light-house at the Port of Mendocino—have considered the same, report it back, and recommend its passage.

SWAN, Chairman.

PETITION.

By Mr. Berry—From citizens of Sutter County, remonstrating against the extension of the Trespass Act to Sutter County.

Referred to the Committee on Agriculture.

FURTHER REPORTS.

By Mr. Giffen—Report from the Committee on State Prison, relative to the number of miles traveled by each member and the clerk of said committee

Referred to the Committee on Mileage.

By Mr. Cornwell—A statement of the number of miles traveled by the Committee on Public Buildings and Grounds.

Referred to the Committee on Mileage.

By Mr. Broderick—A report of the amount due to the several members of the committee appointed on the Golden Gate Park Commission, as mileage.

Referred to the Committee on Mileage.

By Mr. Hart:

Mr SPEAKER The delegation of Colusa and Tehama, to whom was referred Assembly Bill No. 404—Amending an Act to provide for establishing, maintaining, and protecting public roads in the County of Colusa—hereby return the same back, and recommend its passage.

HART, for Delegation.

## By Mr. Collins:

Mr. SPEAKER: The Fresno and Sutter delegations, to whom was referred Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

COLLINS, for Delegations.

## By Mr. Hinshaw:

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts beg leave to report that they have examined the following bills, and recommend that they be paid, as follows: John J. Cass, seventy-five dollars; Wells, Fargo & Co., three dollars and thirty cents; and for that purpose submit the following:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrants in favor of John J. Cass for seventy-five dollars, and Wells, Fargo & Co. for three dollars and thirty cents, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

## Adopted.

## By Mr. Coffey:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two—have had the same under consideration, and report the same back, with recommendation that it pass.

Also, Assembly Bill No. 23—An Act to authorize the Judges of the several Courts of record in and for the City and County of San Francisco to nominate and secure the appointment of the Bailiffs of their respective Courts—report the same back, with recommendation that it do not pass.

Also, Assembly Bill No. 66—An Act to regulate fares and sale of tickets on street railroads in the City and County of San Francisco—report the same back, with recommendation that it do pass.

The delegation asks for further time to report upon the following bills:

Assembly Bills Nos. 3, 37, 61, 66, 125, 127, 130, 161, 41, 258, 292, 371, 376, 380, 385, and 379; and Senate Bills Nos. 31, 115, 146, 56, 213, 15 and 169.

Also, a resolution to appoint a committee of three to examine the books and papers of certain railroad corporations in San Francisco.

COFFEY, Chairman.

## Fifteen days' further time was granted to the San Francisco delegation to report on all the above bills, except Senate Bill No. 15.

### RESOLUTION.

## By Mr. Murphy of San Francisco:

*Resolved*, That the San Francisco delegation be directed to report Senate Bill No. 15 back to this House immediately.

## Adopted.

### REPORTS.

## By Mr. Coffey:

Mr. SPEAKER: The San Francisco delegation, in accordance with the instructions of this House, herewith report back, without recommendation, Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto.

COFFEY, for Delegation.

## By Mr. McConnell.

Mr. SPEAKER: As one of the Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 18—Relative to making federal currency receivable at par for all custom dues—the undersigned begs leave to present this minority report, dissenting from the conclusions of the majority of such committee.

The undersigned believes that the chief cause of the depreciation of what are called "legal tenders," during the time which has elapsed since their first issuance, has been the discredit fastened upon them by the Government, which, while compelling the citizen to take them in

payment of all debts due him, refused to receive them in satisfaction of debts owing to itself. He believes that the restoration of a safe and sound metallic currency can be more easily attained by enhancing the value of the paper currency of the country than by any other means. He deems it self-evident that the measure proposed by the resolution referred to will have a great effect in increasing the value of such paper currency, and by such means hasten the day for the resumption of specie payments. He is unable to perceive the evils anticipated by some persons from the adoption of the measure thus recommended. The Government can as easily procure the gold coin necessary for its wants as individuals can, and justice requires that it should occupy no higher or better position in reference to its own paper than the people do.

For these reasons the undersigned begs leave to dissent, in this form, from the opinions of the majority of the committee upon the resolution in question.

McCONNELL, of Committee.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

FURTHER REPORTS.

By Mr. Wood:

Mr. SPEAKER: The Contra Costa delegation, to whom was referred Senate Bill No. 81—An Act to regulate salaries, and to fix the compensation of certain officers in the County of Contra Costa; and Senate Bill No. 100—An Act to regulate fees of office, and to fix the compensation of certain officers in the County of Contra Costa—beg leave to report the same back, and recommend their passage, with amendments, as annexed thereto.

WOOD, for Delegation.

By Mr. Crutcher:

Mr. SPEAKER: Your Committee on Claims, to which was referred so much of Assembly Bill No. 75 as refers to the claim of E. O. F. Hastings, have considered the same, and have prepared a bill to pay said claim, and beg leave herewith to present the same for the consideration of the House, and a majority of one recommend the passage of the same.

CRUTCHER, for Committee.

The bill above introduced—An Act to pay the claim of E. O. F. Hastings—was read first and second times and ordered on file.

Mr. Bradley moved that the Chairman of the Committee on Ways and Means be instructed to return to the Clerk's desk Senate Concurrent Resolution No. 24—Relative to the adjournment of the Legislature *sine die*.

Upon the adoption of which, the ayes and noes were demanded by Messrs. Berry, Biggs, and Rice.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Baggs, Barber, Birney, Blackwell, Bradley, Briceland, Broderick, Burbank, Carter, Carson, Clark, Clarken, Cornwell, Covington, Dixon, Dunlap, Ferral, Gelwicks, Griswold, Hayne, Jones, Jourden, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Pullen, Quigley, Rankin, Reddick, Rice, Roberts, Ruggles, Samuels, Scrivner, Suverkrup, Swan, Watkins, Wetherill, Wood, Young, and Mr. Speaker—57.

NOES—Messrs. Berry, Biggs, Coffey, Collins, Clune, Crutcher, Giffen, Harris, Hinshaw, Jamison, Kennedy, Ostrom, Raisch, and Sullivan—14.

On motion of Mr. McConnell, Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution

of this State—was made the special order for Thursday, February seventeenth, at one o'clock and thirty minutes P. M., and ordered to be continued as a special order at the same hour each day thereafter until disposed of.

Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto—was, on motion of Mr. Murphy of San Francisco, ordered at the head of the file for Monday, February fourteenth.

SPECIAL ORDER.

Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure—and all other bills relating to the same subject, were made the special order for Wednesday, February sixteenth, at eleven o'clock and thirty minutes A. M.

REPORT.

By Mr. Wilcox:

Mr SPEAKER The Mariposa delegation, to whom was referred Assembly Bill No 399—An Act concerning goats in the County of Mariposa—have considered the same, report it back, and recommend its passage.

WILCOX, for Delegation.

SPECIAL ORDER.

The Speaker announced the time for consideration of the special order, Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children

Ordered on file for Tuesday, February fifteenth.

ADJOURNMENT.

At three o'clock and forty minutes P. M. Mr. Ferral moved to adjourn to Monday, February fourteenth, at one o'clock and thirty minutes P. M.

Mr. Patterson of Kern and Tulare moved to amend, to adjourn until Monday, at eleven A. M.

The amendment prevailed, and the House adjourned accordingly.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 14th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of Saturday read and approved.

LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Harris, and one day's leave of absence to all other absentees.

## By Mr. McConnell:

Mr. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 168—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to Notaries—report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 76—An Act relative to apprentices and masters—report the same back, and recommend its passage.

McCONNELL, Chairman.

## By Mr. Gelwicks:

Mr. SPEAKER: The Committee on Public Printing, to whom was referred Assembly Concurrent Resolution No. 30—Relative to examining claims now on file in the Controller's office for State printing, and ascertain if the allowances are made according to law—respectfully report that they have examined the accounts and vouchers, and that every account has been experted by the State Expert, and allowed by the Board of Examiners. Every bill was examined, and to every one was attached the signature of the Expert. From our examination we were forced to the conclusion that the accounts were allowed in accordance with the law. We found no bill that, in our opinion, has been allowed for a larger sum than contemplated by law that the State Printer should receive for the work done. We believe the State Expert did his work faithfully. He reduced a large number of the bills presented to him by the State Printer, and in no instance did he increase the charges made by the State Printer.

We also compared some of the allowances made the State Printer with those of his predecessors for the same class of work, and under the same law, and in several instances found the State Printer had been allowed less than his predecessors—the principal difference arising in the allowances for paper, binding, ruling, etc. The law regulates the price of composition, and the charges were made in accordance with it, so far as your committee could ascertain. A majority of your committee being practical printers, and having investigated the bills, believe there is no necessity of employing an expert to examine them again, and would therefore recommend that the resolution submitted to them be indefinitely postponed.

D. W. GELWICKS,
M. McCARTHY,
J. McKENNA,
J. V. COFFEY,
R. M. PRESTON,
WALTER FERRAL.

Assembly Concurrent Resolution No. 30, above reported, was indefinitely postponed.

## By Mr. Clunie:

Mr. SPEAKER: The undersigned members of the Committee on Claims beg leave to submit, for the consideration of the Assembly, a minority report on Senate Bill No. 219—An Act for the relief of John Jackson.

The claimant asks for six thousand five hundred dollars from the State of California. The basis of his claim is, that in eighteen hundred and sixty-nine he was elected Sheriff of the County of Trinity; that under a statute of this State Trinity County was permitted, through her Sheriff, to collect and receive what was known as a foreign miner's license, that of the money collected for said license, twenty per cent. was paid to the Sheriff, and the balance went to said county; that not one dollar of the money collected by said claimant, John Jackson, went to the State, and the State, as such, had no pecuniary interest in the collection of said license; that in May, eighteen hundred and seventy, the United States passed a law, the sixteenth section of which reads as follows:

"No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country which is not equally imposed and enforced upon every other person immigrating to such State from any other foreign country, and any law of any State, in conflict with these provisions, is hereby declared null and void."

Under this law he was arrested in December, eighteen hundred and seventy, and in April, eighteen hundred and seventy-one, he was convicted of being technically guilty of a violation of the United States law, and fined twenty dollars. Although the law was passed in May, eighteen hundred and seventy, he continued to collect the license up to April, eighteen hundred and seventy-one, collecting, as he says, from one thousand five hundred dollars to two thousand dollars per month, twenty per cent. of which went to Jackson, and the balance to Trinity County, placing in the coffers of said county and the private pocket of Jackson several thousands of dollars that were illegally collected. We also find, from evidence taken in relation to his claim, that he received from two Sheriffs two hundred and seventy-five dollars, to assist in defraying the expenses of the suit. The collection of the licenses from May, eighteen hundred and seventy, to April, eighteen hundred and seventy-one, was illegal. The claimant, Jackson, and Trinity County got the benefit of several thousands of dollars by his disobedience of the law, and the United States Court fined him twenty dollars—the least it could have done under the circumstances. The following is from the Governor's veto, who heretofore considered a bill

by Jackson, claiming five thousand dollars, and found on page nine hundred and twelve of the Journal of the Assembly, the nineteenth session

"If the State had any interest in maintaining the supremacy of her own statutes over the laws of the United States, or in the settlement of the question of a conflict of laws, she had a law officer in the person of her own Attorney-General, commissioned, sworn, and paid for that purpose."

We submit that in this case she had no interest, and therefore this bill should not pass.

Respectfully submitted,

CLUNIE, Chairman.
CRUTCHER,
SARGENT,
ABBOTT.

By Mr. McConnell:

Mr. SPEAKER: Your Committee on Education, to which were referred Assembly Bills Nos. 77 and 196—An Act to amend subdivision four of section eighteen hundred and fifty-eight of the Political Code, and an Act to provide for the payment of certain school orders in the County of Mendocino—beg leave to report them both back without recommendation.

We have also considered Assembly Bill No. 359—An Act in regard to graduates in regular colleges in the State of California—and recommend that it do not pass.

Also, Senate Bill No 250—An Act to provide for the construction of an academy in the County of Tehama—the passage of which we recommend, with amendments

McCONNELL, Chairman.

Assembly Bill No 77, above reported, withdrawn by the author.

Senate Bill No. 250, above reported, ordered to head of file for tomorrow.

By Mr. Ferral:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 234—An Act appointing and empowering Charles F Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom.

Also, Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four.

FERRAL, for Committee.

By Mr Lambourn:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No 368—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine—have had the same under consideration, and report it back, with the recommendation that it pass.

LAMBOURN, Chairman.

Assembly Bill No. 368, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Lambourn, the House took up for consideration Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of Los Angeles County.

Amended, rules suspended, considered engrossed, read third time, and passed.

House took up Assembly Bill No 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.

REPORTS.

By Mr. Preston:

Mr Speaker Your Committee on Mileage, to whom was recommitted, with instructions, *Assembly Bill No 294—An Act to amend an Act to establish a Political Code approved March twelfth, eighteen hundred and seventy-two*—beg leave to report the same back, and recommend its passage as amended

PRESTON, for Committee.

Mr. Speaker Your Committee on Mileage, to whom have been referred the reports of various traveling committees of this House, beg leave to submit the following report and resolution:

The members of the Committee on Commerce and Navigation, who went to San Francisco in relation to the investigation of unseaworthy vessels, are entitled to twenty-five dollars and twenty cents each, and are as follows Barber, Bagge, Biggs, Ostrom, Roberts, Rice, Pullen, and Murphy.

The following members of the Hospital Committee, Messrs. Gelwicks, Jenkins, Clark, Griswold, and Briceland, are entitled to seventy-four dollars and ten cents each for their mileage while on committee duty.

The following members of the Committee on Public Buildings and Grounds, Messrs. Cornwell, Broderick, Clunie, Bagge, Blackwell, Jones, and Lambourn, are entitled to ninety-nine dollars and thirty cents each, and S E. Allen, clerk of said committee, is entitled to forty dollars and eighty cents in the same connection. There is due and payable to the following-named witnesses, who came before this committee, the amounts set opposite their names, in compensation for mileage and attendance F. W Goddard, nineteen dollars and twenty-five cents, H. E. Livermore, twenty-five dollars; Wm. Johnson, forty-three dollars; R. C. Ball, twenty-seven dollars, George Wright, four dollars, C. C. Terrill, twenty-five dollars

The report of the Golden Gate Park Investigation Committee is not in accordance with the resolution previously adopted by this House, nor does it state the names of the members entitled to mileage, the names of reporters entitled to compensation for reporting, etc, or the names of persons entitled to compensation for serving subpœnas. We therefore recommend the report be returned to the committee for correction.

In relation to the report of the State Prison Committee, we beg leave to recommend that the report be returned to the Chairman of the said committee as it is not made in accordance with the resolution above cited, and as there is a question involved in the compensation to the members of that committee upon which your committee prefer that the House as a body should pass.

PRESTON, for Committee.

The report of the State Prison Committee, above reported, referred back to the Chairman of the State Prison Committee.

The report of the Golden Gate Park Committee, above reported, referred back to the committee.

By Mr. Preston:

*Resolved*, That the Controller be and he is hereby authorized to draw warrants on the Contingent Fund of this House in favor of the persons named below, in the amounts set opposite their respective names, and the State Treasurer is authorized to pay the said warrants C. C Terrill, twenty-five dollars; George Wright, four dollars, R. C. Ball, twenty-seven dollars; Wm. Johnson, forty-three dollars, H. E. Livermore, twenty-five dollars, F. W. Goddard, nineteen dollars and twenty-five cents, S. E Allen, forty dollars and eighty cents, Messrs. Cornwell, Broderick, Clunie, Bagge, Blackwell, Jones, and Lambourn, each ninety-nine dollars and thirty cents, Messrs Gelwicks, Jenkins, Clark, Griswold, and Briceland, each seventy-four dollars and ten cents; and Messrs. Barber, Bagge, Biggs, Ostrom, Roberts, Rice, Pullen, and Murphy, each twenty-five dollars and twenty cents

The foregoing resolution was adopted.

Assembly Bill No. 194 ordered returned to the Engrossing Clerk to correct an error.

By Mr. Covington:

Mr. Speaker: The delegation to whom was referred Senate Bill No. 196—An Act to provide for the payment of outstanding claims for the support of public schools of Mendocino County—report the same back with amendments, and recommend its passage as amended.

COVINGTON, for Delegation.

Senate Bill No. 196, above reported, taken up, amended, read third time, and passed

## GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 11th, 1876.

*To the Assembly of the State of California.*

I have to inform your honorable body that I have approved Assembly Bill No. 27—An Act to grant to C. F. Leavenworth and his assigns the right to supply the inhabitants of the Town of Modesto with fresh water.

Also, Assembly Bill No 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

Also, Assembly Bill No. 70—An Act making an appropriation for translating into Spanish the laws of the twentieth session of the Legislature

Also, Assembly Bill No. 261—An Act to authorize E. Baily to remove certain remains of deceased persons.

Also, Assembly Bill No. 274—An Act to repeal an Act entitled an Act to incorporate the Town of Sutter Creek, in Amador County, approved March thirtieth, eighteen hundred and seventy-four.

WILLIAM IRWIN, Governor.

## RESOLUTIONS.

By Mr. Gelwicks:

*Resolved*, That this House rescind the resolution adopted on the eleventh instant, abolishing the office of Chaplain of the Assembly, and that the Chaplain discharged by said resolution be restored to his office.

Laid on the table for one day.

By Mr. Coffey:

*Resolved*, That Joseph Neumann, of San Francisco, be allowed the use of the Assembly Chamber, on the evening of Wednesday next, February sixteenth, for the purpose of delivering a free lecture on the culture and manufacture of silk.

Lost.

By Mr. Birney:

*Resolved*, That all bills asking appropriations from the State for private individuals, before they shall be acted upon by the Assembly, shall be referred to the Committee on Claims for their consideration.

Laid on the table for one day, under the rules.

By Mr. Ferral:

*Resolved*, That hereafter this House take up no bill for consideration, until business on the general file is reached.

Laid on the table for one day, under the rules.

## SENATE MESSAGE.

SENATE CHAMBER
SACRAMENTO, February 12th, 1876.

MR SPEAKER. I am directed to inform your honorable body that the Senate on the eleventh day of February, eighteen hundred and seventy-six, amended and passed Assembly Bill No. 291—An Act amendatory of an Act entitled an Act to incorporate the Town of Cloverdale, County of Sonoma, approved February twenty-eighth, eighteen hundred and seventy-two.

And indefinitely postponed Assembly Bill No 244—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in said city.

CRAWFORD, Assistant Secretary.

Assembly Bill No. 291, above reported, Senate amendments concurred in.

## INTRODUCTION OF BILLS.

By Mr. Dixon—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Patterson of Kern and Tulare—An Act for the protection of drovers and persons driving stock upon the public highways.

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

By Mr. Samuels—An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

Read first and second times and referred to the Sonoma delegation.

By Mr. Nott—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to Carson Creek School District, in the County of El Dorado.

Read first and second times and referred to Committee on Education.

By Mr. Young—An Act proposing an amendment to the Constitution of the State of California, preventing the teaching of sectional or partisan subjects, or religion, in the common schools of this State.

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

By Mr. Clark—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

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

By Mr. Clunie—An Act to amend section ninety-two of the Civil Code.

Also, an Act for the relief of purchasers at probate sales.

Each read first and second times and referred to the Judiciary Committee.

At twelve o'clock and thirty minutes P. M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

[Speaker pro tem. in the chair.]

FURTHER INTRODUCTION OF BILLS.

By Mr. Carpenter—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Read first and second times and referred to the El Dorado delegation.

By Mr. Wilcox—An Act in relation to the collection of licenses in Mariposa County.

Read first and second times and referred to the Mariposa delegation.

GENERAL FILE.

Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add certain sections thereto.

Made the special order for to-morrow, at eleven o'clock and thirty minutes A. M.

Assembly Bill No. 342 passed on file.

Assembly Bill No. 323—An Act to fix the compensation of the County Clerk of Humboldt County.

Read third time and passed.

Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 326—An Act concerning the offices of Supervisors and District Attorney in the County of Calaveras.

Read third time and passed.

Assembly Bill No. 319—An Act to reënact section nine hundred and forty-six of the Civil Code, relating to personal property.

Read third time and passed.

Assembly Bill No. 220—An Act concerning certain reclamation districts in San Joaquin County.

Read third time and passed.

Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes.

Read third time and passed.

Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure of California.

Read third time and passed.

Assembly Bill No. 273—An Act to protect the public roads in Santa Clara County.

Read third time and passed.

Senate Concurrent Resolution No. 17—In relation to the Presidio Reservation.

Read third time and passed.

Senate Joint Resolution No. 20—Relative to obtaining cheaper telegraph facilities for the State of California.

Read third time and passed.

Senate Joint Resolution No. 2.—Asking for an appropriation to improve the Feather, Sacramento, San Joaquin, and Mokelumne Rivers, and Petaluma and Sonoma Creeks.

Read third time and passed.

Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation.

Read third time and passed.

REPORT.

By Mr. Roberts:

Mr. SPEAKER: The San Benito delegation, to whom was referred Assembly Bill No. 284—An Act to establish the fees of Justices of the Peace in and for the County of San Benito—have had the same under consideration, and report it back, recommending its passage.

ROBERTS, for Delegation.

GENERAL FILE RESUMED.

Senate Bill No 223—An Act to provide for the refunding of the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four.

Read third time and passed.

Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

Amended, read third time, and passed.

Senate Bill No. 100—An Act to regulate fees of office and to fix the compensation of certain officers in the County of Contra Costa.

Amended, read third time, and passed.

Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Considered in Committee of the Whole, with the Speaker pro tem. in the chair.

The committee arose, and reported the bill back, with a recommendation that it pass.

IN ASSEMBLY.

[Speaker in the chair.]

Upon the question of concurring in the report of the Committee of the Whole, the ayes and noes were demanded by Messrs. McKenna, Sargent, and Clunie.

The roll was called and the report was concurred in, by the following vote.

AYES—Messrs Biggs, Birney, Blackwell, Briceland, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Cornwell, Covington, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Hayne, Jourden, Kennedy, Maguire, McConnell, McMann, Murphy of Del Norte and Klamath, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Suverkrup, Watkins, Wetherill, Wilcox, Young, and Mr Speaker—44.

NOES—Messrs. Abbott, Archer, Barber, Burbank, Clunie, Crutcher, Garretson, Harding, Hinshaw, Jamison, Jones, Koutz, Lammers, McCarthy, McKenna, Ostrom, Patterson of San Joaquin, Reddick, Sargent, Sullivan, Swan, and Wood—22.

The bill was read a third time.

Upon its passage the ayes and noes were demanded by Messrs. McKenna, Sargent, and Crutcher.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Biggs, Birney, Blackwell, Briceland, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Cornwell, Covington, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Hayne, Jourden, Kennedy, Maguire, McConnell, McMann, Murphy of Del Norte and Klamath, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Suverkrup, Watkins, Wetherill, Wilcox, Young, and Speaker—44.

NOES—Messrs. Abbott, Archer, Barber, Burbank, Clunie, Crutcher, Garretson, Harding, Hinshaw, Jamison, Jones, Koutz, Lammers, McCarthy, McKenna, Ostrom, Patterson of San Joaquin, Reddick, Sargent, Sullivan, Swan, and Wood—22.

REPORT.

By Mr. Quigley:

SACRAMENTO, February 14th, 1876

MR. SPEAKER The Committee on Enrollment have examined Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

Also, Assembly Bill No. 68—An Act to create the Twenty-first Judicial District

Also, Assembly Bill No. 304—An Act to provide for the funding of the levee indebtedness of the City of Marysville.

And report the same correctly enrolled and that at three o'clock P. M. the same were presented to the Governor for his approval.

QUIGLEY, for Committee.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. Birney, the House adjourned

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 15th, 1876

House met pursuant to adjournment
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Griswold and Blue.

## PETITIONS.

By Mr. Murphy of San Francisco—From wholesale liquor dealers in the City of San Francisco, remonstrating against the enactment of the law creating a State Gauger of Wines and Liquors.

Referred to the Committee on Public Morals.

By Mr. Berry—From citizens and tax-payers of the Upper Sacramento Valley, having reference to hydraulic mining.

Referred to the Committee on Agriculture and Mining.

## REPORTS.

By Mr. Samuels:

MR. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 408—An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg—have examined the same, report it back, and recommend its passage.

SAMUELS, for Delegation.

Assembly Bill No. 408, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Coffey:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco—report the same back with a substitute, the passage of which is recommended.

COFFEY, Chairman.

By Mr. Wilcox:

MR. SPEAKER: The Mariposa delegation, to whom was referred Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa County—have had the same under consideration, and report it back, with the recommendation that it pass.

WILCOX, for Delegation.

The House took up for consideration the resolution offered yesterday by Mr. Gelwicks, relative to rescinding the resolution abolishing the office of Chaplain of the Assembly.

Mr. Young offered the following amendment: Amend by inserting "and that the resolution adopted on the eleventh instant, discharging the four Assistant Copying Clerks, be rescinded, and that said four clerks be and they are hereby reappointed."

The whole subject-matter was laid on the table.

By Mr. Covington:

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of Los Angeles County.

Also, Assembly Bill No. 368—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine.

Also, Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

COVINGTON, for Committee.

By Mr. Sargent:

MR. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 388—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County—report the same back, and recommend its passage.

SARGENT, for Delegation.

RESOLUTIONS.

By Mr. O'Connell:

*Resolved*, That the State Controller be and he is hereby instructed to report, as speedily as possible, on the resolution offered a few days ago, directing him to report on expenses of book-binding

Adopted.

By Mr. Chapman—Concurrent resolution relative to mountain passes between the Pacific Ocean and the Mississippi Valley.

Read first and second times and referred to the Committee on Federal Relations, and five hundred copies ordered printed.

By Mr. Koutz:

*Resolved*, That when a bill is on engrossment, and has been read by sections for amendment, it shall be in order to recur back and amend any section, or any portion of the bill.

Adopted.

INTRODUCTION OF BILLS

By Mr. Murphy of Del Norte—An Act to provide for an examination into the sale and disposal of State lands.

Read first and second times and referred to the Committee on Land Monopoly.

By Mr. McConnell—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Berry—An Act fixing the time for the election of School Trustees in the County of Sutter.

Read first and second times and referred to the Sutter delegation.

By Mr. Bradley—An Act to amend section four thousand three hundred and seventy-three of the Political Code, concerning vacancies in city offices.

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

By Mr McInerny—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities.

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

By Mr. Cornwell—An Act for the relief of Elijah True.

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

By Mr. Harris—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make his settlement.

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

RESOLUTION.

By Mr. Briceland:

*Resolved*, That the Principal of the Institution for the Deaf and Dumb and the Blind be requested to give an exhibition of his pupils before this Legislature, illustrating the methods pursued and the results obtained in that institution, and the use of this Assembly Chamber be tendered for such exhibition

Adopted.

SPECIAL ORDER.

The Speaker announced the time for the consideration of the special order, being Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add certain new sections thereto.

The House resolved itself into Committee of the Whole for the consideration of the bill, with the Speaker in the chair. The hour for recess having arrived, on motion, the committee arose and asked leave to sit again after recess.

IN ASSEMBLY.

The Committee of the Whole was granted leave to sit again, and the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

SPECIAL ORDERS.

Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State; and Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State—were made the special order for Wednesday, February sixteenth, at one o'clock and thirty minutes P. M.

Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State—was made the special order for Friday, February eighteenth, at two o'clock P. M.

Substitute for Assembly Bill No. 165—An Act to reduce the number of the Board of Supervisors of Yuba County—ordered to head of file for to-morrow.

Senate Bill No. 177—An Act to regulate Sheriffs' fees in certain counties in this State—was made the special order for Friday, February eighteenth, at twelve o'clock M.

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, February 15th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of February eighteen hundred and seventy-six, passed Senate Concurrent Resolution No. 26—To correct error in Senate Bill No. 108.

And refused to pass Assembly Bill No. 298—An Act to authorize the Board of Trustees of the Town of Colusa to construct a branch railroad and to issue bonds therefor.

And, on February ninth, passed Senate Bill No. 266—An Act to provide for the improvement of the streets in the City of Sacramento.

Also, on February tenth, passed Senate Bill No. 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys.

And on this day adopted Senate Concurrent Resolution No. 27—Concerning the death of Dr. T. M. Logan.

Also, concurred in Assembly amendments to Senate Bills Nos. 108, 196, 100, and 81.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 15th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fifteenth day of February, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly immediately, Senate Concurrent Resolution No. 28.

CLARK, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 266 and 235, above reported, each read first and second times and referred to the Sacramento delegation.

Senate Concurrent Resolution No. 27, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Concurrent Resolution No. 28, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Concurrent Resolution No. 26, above reported, read first and second times, rules suspended, read third time, and passed.

## RESOLUTION.

By Mr. Nott:

*Resolved*, That all Committee Clerks of this House, except that of the San Francisco delegation and the Judiciary Committee, are hereby discharged.

Laid over one day.

The House resumed consideration of Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add certain new sections thereto.

Mr. Carson offered the following amendment to section one: After the word "Commissioners," in line ———, insert "at least two of whom shall be qualified electors and residents of the City and County of San Francisco."

Mr. Harris moved, as an amendment, to add as follows: "And the other shall be from the County of Modoc."

The amendment of Mr. Harris was lost.

Upon the adoption of the amendment offered by Mr. Carson, the ayes and noes were demanded by Messrs. Carson, Gelwicks, and Bagge.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Barber, Broderick, Burbank, Carson, Coffey, Clunie, Harding, Jounden, Kennedy, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, O'Connell, Pierce, Rankin, Rausch, Sargent, Sullivan, Suverkrup, Watkins, and Young—25.

NOES—Messrs Abbott, Archer, Bagge, Berry, Biggs, Birney, Blackwell, Bradley, Carter, Chapman, Clark, Clarken, Collins, Cornwell, Covington, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Hart, Harris, Hinshaw, Jamison, Jones, Koutz, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Pullen, Quigley, Rice, Roberts, Ruggles, Samuels, Scrivner, Swan, Wetherill, Wilcox, and Mr. Speaker—48.

[Mr. Maguire in the chair.]

The bill was amended, read a third time, and upon its passage the ayes and noes were demanded by Messrs. Coffey, Barber, and Rankin.

The roll was called, and so ordered, by the following vote:

AYES—Messrs Abbott, Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Brecland, Burbank, Carter, Chapman, Clark, Coffey, Collins, Cornwell, Crutcher, Dixon, Ferral, Gelwicks, Giffen, Hart, Harding, Hinshaw, Jenkins, Jones, Jourden, Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Quigley, Rankin, Raisch, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—59.

NOES—Messrs. Carson, Nott, Rice, and Sargent—4.

ADJOURNMENT.

At five o'clock and forty-eight minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 16th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted, as follows: To Messrs. Hayne, Broderick, and Patterson of San Joaquin, each one day; and to Mr. Jamison an indefinite leave of absence.

PETITIONS

By Mr. Lammers—From citizens of Alameda County, asking for the passage of the West Side Irrigation Bill.

Referred to the Irrigation Committee.

By Mr Berry—From residents of Sutter County, praying for the application of the no-fence law to said county.

Referred to the Committee on Agriculture.

REPORT.

By Mr. McConnell:

Mr. SPEAKER The Judiciary Committee, to whom was referred Assembly Bill No. 70—An Act to prevent persons passing through inclosures leaving them open, by tearing down fences or otherwise, in the County of Sonoma, and to prevent hunting upon inclosed lands thereon—report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 383—An Act concerning evidence of title to State lands—report the same back, and recommend its passage.

Also, Assembly Bill No. 384—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles—report the same back, and recommend its passage.

McCONNELL, Chairman.

Assembly Bill No. 79 and substitute, above reported, was taken up, and referred to the Committee on Agriculture.

RESOLUTIONS.

By Mr. Carson:

*Resolved*, That two hundred and forty copies of Senate Bill No 15, with the amendments made thereto on yesterday by the Assembly, be and the same are hereby ordered printed, and that the bill be withheld from the Senate for ten days.

Pending which, Mr. Coffey moved that Senate Bill No. 15 be transmitted immediately to the Senate, and the House so ordered

By Mr. Clarken:

WHEREAS, The Lieutenant-Governor of our neighbor State, Nevada, the Hon. Jewett W. Adams, is at present in Sacramento on a temporary visit, therefore, be it

*Resolved*, That the said Lieutenant-Governor, during his visit, be entitled to all the privileges and courtesies in the gift of this Assembly.

Adopted.

By Mr. McConnell:

WHEREAS, Don Andreas Pico, a native of California, one of her most esteemed and honored citizens, has recently died, and, whereas, this Assembly is desirous of manifesting that respect for the memory of deceased to which his manifold virtues entitled him while living, therefore, be it

*Resolved*, That when this House adjourns to-day it will do so as a token of respect to the memory of Andreas Pico, deceased.

Adopted.

REPORT.

By Mr. Quigley:

SACRAMENTO, February 15th, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 291—An Act amendatory of an Act to incorporate the Town of Cloverdale, County of Sonoma, approved February twenty-eighth, eighteen hundred and seventy-two—and report the same correctly enrolled, and that at ten o'clock and fifty minutes A. M. the same was presented to the Governor for his approval.

QUIGLEY, for Committee.

RESOLUTIONS.

By Mr. Harris.

*Resolved*, That the Paper-folder of the Assembly be required to act as Messenger of the Assembly, without additional compensation.

Adopted.

By Mr. Wilcox:

*Resolved*, That the Speaker appoint a committee consisting of five members, to be known as the Yosemite Committee, and to whom shall be referred all bills relating to the Yosemite Valley.

Lost.

REPORT.

By Mr. McInerny:

Mr. SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 408—An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

McINERNY, for Committee.

The Speaker appointed Messrs. Clarken, McConnell, and Harding as a committee to wait upon Lieutenant-Governor J. W. Adams, of the State of Nevada.

RECESS.

At twelve o'clock and thirty minutes P. M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M
Speaker in the chair.
Roll called, and a quorum present.

REPORTS.

By Mr Scrivner:

Mr. SPEAKER Your Committee on Irrigation, to whom was referred Assembly Bill No. 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in Santa Clara County—beg leave to report the same back, and recommend its passage as amended by the committee.

SCRIVNER, Chairman.

By Mr. Berry:

Mr SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six—have considered and amended the same, and recommend its passage as amended.

We have also considered Assembly Bill No. 392—An Act to amend an Act entitled an Act to provide for building a Court-house and jail in Tulare County, approved February seventh, eighteen hundred and seventy-six—and recommend its passage.

We have also considered a resolution referred to us, authorizing the Controller to draw a warrant in favor of Charles Gildea for the sum of fifty-five dollars and ninety-five cents, and recommend that it do not pass, as there was a prior resolution under which the object sought by this has been attained.

BERRY, Chairman.

The resolution above reported was indefinitely postponed.
By Mr. Ferral:

Mr. SPEAKER The Sonoma delegation, to whom was referred Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa—have had the same under consideration, and report it back, and recommend its passage.

FERRAL, for Delegation.

Assembly Bill No. 178, above reported, taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.
By Mr. Covington:

Mr SPEAKER Your committee, to whom was referred Senate Bill No. 121—An Act to incorporate the Town of Ukiah City, in the County of Mendocino—having duly considered the same, report it back, and recommend passage.

COVINGTON, for Committee.

Senate Bill No. 121, above reported, was taken up, read third time, and passed.

RESOLUTIONS.

By Mr. McConnell:

*Resolved*, That the sum of sixty-six dollars be and the same is hereby appropriated from the Contingent Fund of this House, to be paid to P. K. Stockton as compensation for services as short-hand reporter, in taking down and transcribing evidence before the Committee on Education, as per accompanying account.

Adopted.

By Mr. McConnell:

*Resolved*, That the sum of twenty dollars and eighty cents be and the same is hereby appropriated from the Contingent Fund of this House, to be paid to T. H. Hyatt, Jr., as compensation for services as a short-hand reporter, in taking down and transcribing evidence before the Judiciary Committee, as per account herewith presented.

Adopted.

INTRODUCTION OF BILLS.

By Mr. Chapman—An Act concerning public roads in Lassen County.

Read first and second times, ordered printed, and referred to the Committee on Roads and Highways.

By Mr. Bagge—An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth Street and East Ninth Street.

Read first and second times and referred to the Alameda delegation.

By Mr. Rankin—An Act to amend an Act entitled an Act to organize and regulate the Justices' Court of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

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

By Mr. Scrivner—An Act to authorize the Board of Supervisors and County Treasurer of the County of Stanislaus to transfer certain funds.

Read first and second times and referred to the Stanislaus delegation.

By Mr. Samuels—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, Sonoma County.

Read first and second times and referred to the Sonoma delegation.

By Mr. Wood—An Act concerning roads and highways in Contra Costa County.

Read first and second times and referred to the Contra Costa and Solano delegations.

By Mr. Patterson of Kern and Tulare—An Act to repeal an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

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

SPECIAL ORDER.

The Speaker announced as the special order, the consideration of Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State; and Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State.

Assembly Bills Nos. 182 and 354 were made the special order for Friday, February twenty-fifth, at one o'clock and thirty minutes P. M.

RESOLUTION.

By Mr. Koutz:

*Resolved*, That the various bills relating to railroad fares and freights be made the special order for Friday, February twenty-fifth, at one o'clock and thirty minutes P. M., and that thereafter evening sessions be held for discussion of the bills until all who desire to discuss them have spoken.

Adopted.

Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure—and all other bills relating to the same object, made the special order for Saturday, February nineteenth, at eleven o'clock and thirty minutes A. M.

House took up the resolution offered yesterday by Mr. Nott, relative to the discharge of Committee Clerks.

Amended, and laid on the table.

FURTHER INTRODUCTION OF BILLS.

By Mr. Nott—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets.

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

By Mr Koutz—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine.

Read first and second times and referred to the Judiciary Committee

Substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy.

Made the special order for Friday, February eighteenth, at one o'clock and thirty minutes P. M.

GENERAL FILE.

Assembly Bill No. 394—An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 196—An Act to provide for the payment of certain school orders in the County of Mendocino.

Withdrawn by author

[Speaker pro tem. in the chair.]

Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Rules suspended, considered engrossed, read third time, and passed.

REPORT.

By Mr. Berry:

Mr. SPEAKER The Sutter delegation, to whom was referred Assembly Bill No. 424—An Act to fix the time for electing School Trustees in the County of Sutter—have considered the same, and recommend its passage.

BERRY, for Delegation.

Assembly Bill No. 424, above reported, rules suspended, considered engrossed, read third time, and passed.

Mr. McConnell tendered his resignation as member of the Special Committee on Medicine, which was accepted, and, upon motion, Mr. Clark was appointed to fill the vacancy.

GENERAL FILE RESUMED.

Substitute for Assembly Bill No. 165—An Act to reduce the number of the Board of Supervisors of Yuba County.

Rules suspended, considered engrossed, read third time, and passed.

Substitute for Assembly Bill No. 75—An Act for the payment of the claim of A. L. Bancroft & Co.

Considered in Committee of the Whole, with the Speaker pro tem. in the chair.

The committee arose and reported the bill back, recommending its passage.

IN ASSEMBLY.

Substitute for Assembly Bill No. 75, above reported, rules suspended, considered engrossed, read third time, and passed.

[Mr. Carson in the chair.]

Senate Bill No. 250—An Act to provide for the construction of an academy in the County of Tehama.

Amended.

Mr. Wilcox moved the previous question, and it was so ordered by the House.

The bill was read a third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Berry, Hart, and Hinshaw.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Bagge, Bradley, Briceland, Carter, Carson, Chapman, Clark, Clarken, Collins, Cornwell, Covington, Dixon, Ferral, Garrelson, Gelwicks, Giffen, Hart, Jenkins, Lammers, Maguire, McConnell, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Kern and Tulare, Pullen, Quigley, Roberts, Ruggles, Samuels, Suverkrup, Swan, Wetherill, Wilcox, and Young—38.

NOES—Messrs. Abbott, Archer, Barber, Berry, Binney, Burbank, Coffey, Crutcher, Dunlap, Harris, Hinshaw, Kennedy, Koutz, Lambourn, Nott, Preston, Rice, Sargent, Watkins, and Wood—20

ADJOURNMENT.

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

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 17th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs Hayne and Broderick.

REPORTS.

By Mr. McConnell:

Mr. SPEAKER Your Committee on Education to which was referred Assembly Bill No. 382—An Act to prescribe the manner of furnishing text-books for the public schools of this State—beg leave to report that it has duly considered the same, and now recommend that it do not pass

Also, Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District, in the County of El Dorado—which it now reports back, with the recommendation that it do pass

McCONNELL, Chairman.

By Mr. Nott.

SACRAMENTO, February 17th, 1876.

Mr. SPEAKER. Your Committee on Enrollment have examined Assembly Bill No. 53—An Act regulating certain township officers in the County of Calaveras

Also, Assembly Bill No 133—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County

Also, Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside under certain circumstances

Also, Assembly Bill No 175—An Act to authorize the corporation the Mayor and Common Council of the City of Los Angeles, to issue bonds, and to provide means for the improvement of irrigation in said city

And report the same correctly enrolled, and that at eleven o'clock the same was presented to the Governor for his approval.

NOTT for Committee

By Mr. Chapman.

Mr SPEAKER Your Committee on Swamp and Overflowed Lands, to which was referred Assembly Bill No 344—An Act relative to the assessments in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County—have fully considered the same, and beg leave to report the bill back, with the recommendation that it be passed.

CHAPMAN, for Committee

By Mr. Lambourn:

Mr SPEAKER. Your Committee on Agriculture, to whom was referred substitute for Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open by tearing down fences or otherwise, in the County of Sonoma, and to prevent hunting upon inclosed lands therein—have had the same under consideration, and, in accordance with instructions have so amended it as to make its provisions general and applicable to the whole State

Also, have had under consideration Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County—and after a thorough investigation and careful examination of the necessity for such a law, a majority of your committee have concluded to report the bill back, with amendments and recommend its passage as amended.

LAMBOURN Chairman

By Mr. Samuels.

Mr SPEAKER The Sonoma delegation, to whom was referred Assembly Bill No 429—An Act to authorize the payment of a debt on Washington School District, in Sonoma County—have examined the same, and report it back, and recommend its passage.

SAMUELS, for Delegation

Assembly Bill No 429, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Coffey:

Mr. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No 213—An Act supplemental to 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 author-

ize certain appropriations of money by said Board, approved March twenty-seventh, eighteen hundred and seventy-four—report the same back, with unanimous recommendation that it pass.

Also, Senate Bill No. 33—An Act concerning the office of the County Clerk of the City and County of San Francisco—report the same back with amendments, and the majority recommend its passage as amended.

Also, Senate Bill No. 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads—report the same back and recommend its passage.

Also, resolution to appoint committee of three to examine the books and papers of certain railroad corporations in San Francisco—report the same back, and recommend that the author be permitted to withdraw it.

COFFEY, Chairman.

The resolution above reported was withdrawn by its author.

Senate Bill No. 213, above reported, taken up, read third time, and passed.

By Mr. Scrivner.

Mr. Speaker: The Stanislaus delegation, to whom was referred Assembly Bill No. 428—An Act to authorize the Board of Supervisors and County Treasurer of Stanislaus County to transfer certain funds—have had the same under consideration, and hereby report the same back, with a recommendation that it pass.

SCRIVNER, for Delegation.

Assembly Bill No. 428, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Biggs:

Mr. Speaker: The Sacramento delegation, to whom was referred Senate Bill No. 254—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher—having had the same under consideration, the majority of the delegation report the same back, and recommend its passage.

BIGGS.
PATTERSON.

Senate Bill No. 254, above reported, taken up, read third time, and passed.

By Mr. Bagge.

Mr. Speaker: The Alameda delegation, to whom was referred Assembly Bill No. 426—Relative to authorizing the City of Oakland to construct a bridge across the estuary of San Antonio Creek—have had the same under consideration, report it back, and recommend its passage.

BAGGE, for Delegation.

Assembly Bill No. 426, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means have considered Assembly Bill No. 405—An Act to appropriate money for the insurance of the State Printing Office—have considered the same, and recommend its passage.

BERRY, Chairman.

By Mr. Harding.

Mr. Speaker: A majority of the Joint Committee on the Translation of the Laws into the Spanish language report that on Monday, February seventh, eighteen hundred and seventy-six, they met at the office of Secretary of State when all proposals for translating the laws of the present session of the Legislature, received by and filed with the Secretary of State, pursuant to section four hundred and fifteen of the Political Code, were opened in their presence, and on the ninth day of February, eighteen hundred and seventy-six, the joint committee awarded the contract for the translation of the laws of the twenty-first session of the Legislature into the Spanish language, the preparing the index, and correcting the proof-sheets for the printer, to José F. Godoy, Esq., of San Francisco, at the rate of sixteen cents per folio of one hundred words.

W. J. GRAVES,
FRANK McCOPPIN,
HENRY EDGERTON,
On part of Senate.
J. W. HARDING,
On part of Assembly.

## GOVERNOR'S MESSAGE

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 16th, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 90—An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay a certain indebtedness created by the former Board of Water Commissioners of said city.

Also, Assembly Bill No. 141—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt

Also, Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the Town of Fresno.

Also, Assembly Bill No. 68—An Act to create the Twenty-first Judicial District

WILLIAM IRWIN, Governor

## RESOLUTION.

By Mr. Preston:

*Resolved*, That this House adopt the report of the minority of the Committee on Translation of the Laws into Spanish, and that a copy of said report as adopted, be transmitted to the Senate

*Resolved*, That two hundred and forty copies of said report be ordered printed.

Adopted.

[Mr. Clarken in the chair.]

## MESSAGES FROM THE SENATE.

SENATE CHAMBER,
SACRAMENTO, February 15th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of February eighteen hundred and seventy-six passed Senate Bill No 335—An Act for the relief of the widow and family of the late Controller of the State of California.

And on this passed Assembly Bill No 53—An Act regulating certain township officers in the County of Calaveras.

Also, Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside, under certain circumstances.

Also, Assembly Bill No. 133—*An Act to amend an Act entitled an Act concerning lawful and* partition fences in Modoc County.

Also, Assembly Bill No. 175—An Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds, and to provide means for the improvement of irrigation in said city

CRAWFORD, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, February 17th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of February, eighteen hundred and seventy-six, passed Senate Bill No. 212—An Act to regulate fees in the County of Alameda

And on the sixteenth, amended and passed Assembly Bill No 323—An Act to fix the compensation of the County Clerk of Humboldt County.

And on this day concurred in Assembly amendments to Senate Bills Nos 250 and 15

Also return herewith Assembly Bill No 178—An Act to amend an Act entitled an Act to remeorporate the Town of Santa Rosa, approved March twenty-eighth eighteen hundred and seventy-two, and amendments thereto, and to incorporate the Town of Santa Rosa—with the request that the same be engrossed.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 212, above reported, read first and second times and referred to the Alameda delegation

Assembly Bill No. 323, above reported, Senate amendments concurred in.

Assembly Bill No. 178, above reported, was ordered to be engrossed, in accordance with the request of the Senate.

Senate Bill No 335, above reported, read first and second times, rules suspended, and taken up for consideration.

Upon motion, the House went into Committee of the Whole, with Mr. Clarken in the chair, for consideration of the bill.

Upon motion, the committee arose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

The committee were granted leave to sit again for further consideration of Senate Bill No. 335

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour

RE-ASSEMBLED.

House re-assembled at one o clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Senate Bill No 335, which, on motion, was placed at the head of the file for to-morrow.

SPECIAL ORDER.

The Speaker announced the special order being substitute for Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

Mr Ferral offered the following amendment to the bill "No Chinese labor shall be employed in the construction of any canal or ditch provided for in this Act."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Ferral, and O'Connell

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Birney, Blackwell Blue, Bradley Broderick, Burbank, Chapman, Clark, Clarken, Coffey, Collins, Cornwell, Covington, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Harris Harding, Hinshaw, Jones, Jourden, Kennedy, Lamboum, Lammers, Maguire, McConnell, McMann, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Young, and Mr. Speaker—60.

NOES—Messrs Carter, Jenkins, Koutz, Sargent, and Wood—5

The bill was further amended, rules suspended, considered engrossed, read third time, and passed.

INTRODUCTION OF BILLS.

By Mr Wilcox—An Act to authorize the Board of Supervisors of the County of Mariposa to pay a certain claim.

Read first and second times and referred to the delegation.

By Mr. Preston—An Act to add a new section to the Political Code, to be known as section one thousand six hundred and twenty-five.

Also, an Act to amend an Act entitled an Act to amend the provisions of the Political Code, relative to public schools, approved March twenty-eighth, eighteen hundred and seventy-four

Each read first and second times and referred to the Committee on Education.

By Mr Hart—An Act for the relief of Addington & Green, publishers of the *Colusa Sun*

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

By Mr Murphy of Del Norte (by request)—An Act to provide for the payment of certain outstanding bonds of the State of California.

Read first and second times and referred to the Judiciary Committee

By Mr Clark—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six

Read first and second times and referred to the Judiciary Committee

SPECIAL ORDERS

Assembly Bill No 16—An Act to relieve owners of incumbered real estate from double taxation.

Withdrawn by the author

Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State

[Mr Berry in the chair]

The bill was made the special order for Thursday, February twenty-fourth, at one o'clock and thirty minutes P. M

ADJOURNMENT.

At four o'clock and forty minutes P M, on motion of Mr Lambourn, the House adjourned.

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Friday, February 18th, 1876.

House met pursuant to adjournment

Speaker in the chair.

Roll called, and a quorum present

Journal of yesterday read and approved

LEAVE OF ABSENCE

One day's leave of absence was granted to Mr. Hayne, and an indefinite leave to Messrs Archer and Clark

REPORTS

By Mr. Young

MR. SPEAKER—Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare—having considered the same report it back, and recommend passage

Also, Assembly Bill No. 417—An Act to amend the Political Code, in reference to the boundaries of Alameda County—report it back, and recommend passage.

YOUNG, Chairman.

## By Mr. Carter:

Mr. Speaker: Your Committee on Public Morals, to whom was referred Assembly Bill No. 316—An Act entitled an Act to prohibit the sale of intoxicating liquors to the students of the University of California, within four miles of the University grounds; and to repeal an Act to prohibit the sale of intoxicating liquors within two miles of the University of California, approved December twenty-third, eighteen hundred and seventy-three—having had the same under consideration, respectfully report the same back, and recommend its passage. Covington, Raisch, and Clark, concurring. Collins, dissenting.

CARTER, Chairman.

## By Mr. Scrivner:

Mr. Speaker: Your Committee on Irrigation, to which was referred Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same—beg to report the same back with amendments, and recommend its passage.

Also, Assembly Bill No. 242—An Act to protect irrigation, and to make water rights responsible for expenses incurred on irrigation ditches, in San Bernardino County—which they report back without amendment, and recommend its passage.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to convey water in pipes to supply the inhabitants of Red Bluff, approved February twenty-first, eighteen hundred and sixty—and report the same back without amendment, and recommend its passage.

SCRIVNER, Chairman.

Mr. Speaker: We, the committee appointed by the Assembly of the State of California to investigate the management of Levee District Number Five, of Sutter County, met at the Court-house in Yuba City, February fourteenth, eighteen hundred and seventy-six. Present—J. J. Scrivner, Chairman, J. D. Collins, T. J. Jenkins, J. C. Bradley, and G. F. Harris.

Your committee, by virtue of the resolutions heretofore adopted by this House, beg leave to report the following facts:

*First*—Your committee find, upon an examination of the minutes of the Board of Supervisors of Sutter County, that Levee District Number Five was formed March eleventh, eighteen hundred and seventy-one, in pursuance of an Act of the Legislature of the State of California, entitled "An Act for the protection of certain lands in the County of Sutter from overflow," approved March twenty-fifth, eighteen hundred and sixty-eight, which said Levee District Number Five contains, in the aggregate, about ninety-eight thousand acres of land.

*Second*—The plans and specifications were filed and adopted April fifth eighteen hundred and seventy-one, as required under said Act.

*Third*—The Board advertised for sealed proposals May twenty-ninth, eighteen hundred and seventy-one.

*Fourth*—June twentieth, eighteen hundred and seventy-one, bids received and contracts awarded.

*Fifth*—June twenty-seventh, eighteen hundred and seventy-one, bonds of contractors approved and placed on file.

*Sixth*—The Board advertised for bids to repair levee in Levee District Number Five, June seventh, eighteen hundred and seventy-four.

*Seventh*—July twenty-third, eighteen hundred and seventy-four, bids received and contracts awarded, pursuant to Act of eighteen hundred and sixty-eight, above referred to.

*Eighth*—Under and by virtue of the several contracts referred to above, and other incidental expenses connected therewith, an indebtedness against said Levee District Number Five, amounting in the aggregate to six hundred and forty-nine thousand three hundred and ninety-nine dollars and fifty-one cents, exclusive of interest, was incurred.

*Ninth*—That in accordance with the provisions of the Act of eighteen hundred and sixty-eight, the Board levied an assessment of two per cent against the property of said Levee District Number Five, and that before the collection of the tax thus levied the assessment list was destroyed by fire (at the burning of the Court-house, December twentieth, eighteen hundred and seventy-one). No other assessment was ever made under said Act.

*Tenth*—On March thirtieth, eighteen hundred and seventy-two, the Legislature passed an Act entitled "An Act to provide for the funding of the indebtedness of Levee and Reclamation Districts of this State."

*Eleventh*—June third eighteen hundred and seventy-two the land owners of Levee District Number Five elected to fund the indebtedness of said levee district, pursuant to the provisions of said Act of March thirtieth, eighteen hundred and seventy-two.

*Twelfth*—That bonds were issued, amounting to five hundred and sixteen thousand dollars, by the State Board of Swamp Land Commissioners, of which amount forty-six thousand two hundred and ninety-seven dollars and eighteen cents was accumulated interest on warrants, prior to funding. Adding the interest funded to the amount of warrants issued, to wit: six hundred and forty-nine thousand three hundred and ninety-nine dollars and fifty-one cents, shows

a total indebtedness of six hundred and ninety-five thousand six hundred and ninety-six dollars and sixty-nine cents. Deduct from this the amount of bonds issued, to wit five hundred and sixteen thousand dollars, leaves a floating indebtedness of one hundred and seventy-nine thousand six hundred and ninety-six dollars and sixty-nine cents.

*Thirteenth*—March tenth, eighteen hundred and seventy-three, the State Board of Reclamation Funding Commissioners levied an assessment of one and three-quarters per cent on the estimated valuation of benefits, as provided for in the Act of eighteen hundred and seventy-two aforesaid. And on the fifteenth day of April, eighteen hundred and seventy-four, the Board of Supervisors of Sutter County, acting as a Board of Reclamation Funding Commissioners, levied an assessment of one and one-half per cent. upon the said estimated valuation of the benefits, which said assessments were deemed sufficient to pay the interest accruing for the said two years, which assessments were duly collected and applied as the law provides, excepting the sum of about four thousand dollars, which was delinquent for the fiscal year eighteen hundred and seventy-four-five. This delinquency is one reason why all the interest has not been paid for the year eighteen hundred and seventy-four. Land assessed was duly advertised and offered for sale, but no bids were received for the same.

*Fourteenth*—On the first day of March, eighteen hundred and seventy-five a third assessment on the said estimated valuation of benefits, of two and one-half per cent., was made, and the assessment list duly made out and certified to by the County Auditor, on the sixth day of July, eighteen hundred and seventy-five. The County Auditor omitted to transfer to the County Treasurer (who is ex officio Tax Collector) within the time allowed by law for such transfer, resulting in the non-collection of the taxes. C. E. Wilcoxon, County Auditor, was examined, under oath, in regard to this omission, and your committee are of the opinion that the omission was with no fraudulent or wrongful intent. This is another reason that the interest on the bonds for the year eighteen hundred and seventy-five has not been paid. We find no evidence to justify the allegations of fraud, or improper conduct of any kind by any of the parties concerned. Neither does it appear that a greater amount of bonds were issued than were authorized by law.

SCRIVNER, Chairman.

## MOTIONS AND RESOLUTIONS.

By Mr. O'Connell.

*Resolved*, That the Chief Clerk of this House be instructed to transmit a copy of the resolution offered requesting the State Controller to lay before this House the expenses of book-binding for all State officers and State Library.

Adopted.

By Mr. Bagge:

*Resolved*, That no member shall be allowed to speak on any bill or resolution more than ten minutes at any one time, except the author of a bill, and upon important questions.

Laid over for one day.

By Mr. Scrivner:

*Resolved*, That the Controller be instructed to draw his warrant on the Contingent Fund of the Assembly, in favor of J. J. Scrivner, J. D. Collins, T. J. Jenkins, J. C. Bradley, and G. F. Harris, committeemen on special committee to investigate the affairs of Levee District Number Five, for the sum of fifteen and sixty one-hundredths dollars each, as mileage to the Town of Marysville, and the Treasurer of the State be instructed to pay the same.

Referred to the Committee on Mileage.

By Mr. Lambourn:

*Resolved*, That the Controller of the State be directed to draw his warrant, payable out of the Contingent Fund of the Assembly, in favor of Mr. Coleman Younger for thirty-six dollars, being the amount of mileage and witness fees due him as a witness before the Committee on Agriculture of this House.

Adopted.

By Mr. Hart—Assembly concurrent resolution relative to the speedy resumption of specie payments.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Preston—Assembly concurrent resolution relative to the

payment of Fabian Kunhardt as compensation for the translation of the inaugural address of Governor Irwin.

Laid over for one day.

By Mr Coffey:

*Resolved*, That Joseph Neumann, of San Francisco, be allowed to use the Assembly Chamber on the evening of Thursday, February twenty-fourth, for the purpose of delivering a free lecture on the culture and manufacture of silk in California

Adopted.

By Mr. Sargent

WHEREAS, The Legislature of the State of California will not be in session on the twenty-second day of February eighteen hundred and seventy-six and, whereas, we have been invited by the managers of the great four-mile race to attend the same on said day, therefore, be it

*Resolved*, That we accept with pleasure said invitation

Laid over for one day.

FURTHER REPORTS

By Mr. Wood:

MR SPEAKER The Contra Costa delegation, to whom was referred Assembly Bill No 431—An Act concerning roads in Contra Costa County and Solano County—beg leave to report the same back, and recommend its passage as amended

WOOD, for Delegation.

By Mr. Gelwicks

MR. SPEAKER The Alameda delegation to whom was referred Senate Bill No. 75—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda passed March thirtieth, eighteen hundred and seventy-four—have had the same under consideration, report it back with a substitute, and respectfully recommend the adoption of the substitute

GELWICKS, for Delegation

Senate Bill No. 75, above reported, substitute adopted, read third time, and passed

By Mr. Wilcox

MR SPEAKER The Mariposa delegation to whom was referred Assembly Bill No 434—An Act to authorize the Board of Supervisors of Mariposa County to pay a certain claim—have considered the same report it back and recommend that it pass

WILCOX for Delegation

Assembly Bill No. 434, above reported, rules suspended, considered engrossed, read third time, and passed.

INTRODUCTION OF BILLS.

By Mr Biggs (by request)—An Act to pay the bill of P. Conlan for the board and lodging furnished to two companies of the National Guard.

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

Mr. Clunie asked to be relieved from further duty on the Committee on Claims

Mr. Young moved that Mr Clunie's request to be relieved from further duty on the Committee on Claims be not allowed

The motion prevailed.

Mr. Clunie, at his own request, was relieved from further serving on the Committee on Fish Culture, and the Speaker appointed Mr.

Preston on said committee, to fill the vacancy caused by the resignation of Mr. Clunie.

GENERAL FILE.

Senate Bill No 335—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.

The House went into Committee of the Whole for the consideration of the bill, with the Speaker in the chair

The committee arose and reported the bill back to the House, recommending its passage.

IN ASSEMBLY

Senate Bill No. 335, above reported, read third time.

Mr. Murphy of Del Norte moved the previous question.

Mr Young moved a call of the House, which motion prevailed.

The Clerk called the roll, when, upon motion of Mr. Murphy of Del Norte, further proceedings under the call of the House were dispensed with.

The question being then upon the motion of Mr. Murphy, for the previous question, it was so ordered by the House

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Murphy of San Francisco, Berry, and Hart

The roll was called, and the bill passed, by the following vote

AYES—Messrs Burney Blackwell, Bradley Briceland Brodderick, Carter, Clarken, Collins, Cornwell, Covington Crutcher, Dixon, Dunlap, Ferral Gelwicks Gillen, Griswold, Harding, Jenkins Jourden, Lambourn Magune, McConnell McInerny, McCarthy Murphy of Del Norte and Klamath, Murphy of San Francisco O'Connell, Patterson of Sacramento Pullen, Reddick, Ruggles Scrivner Suverkrup Swan, Wetherill, Wilcox, and Young—38.

NOES—Messrs Abbott Baggo, Barber, Berry, Biggs, Blue, Burbank, Carson Chapman, Coffey, Clunie, Garrotson, Hart Harris Hinshaw, Jones Kennedy, Koutz, Lammers, McKenna, Nott, Ostrom Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Rankin, Rasch, Rice, Roberts Sargent, Sullivan Watkins Wood, and Mr Speaker—35

ADJOURNMENT

At twelve o'clock and thirty minutes P. M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M

Speaker in the chair.

Roll called, and a quorum present

RESOLUTION

By Mr Murphy of Del Norte.

*Resolved*, That when this House adjourns to-morrow it adjourns until Wednesday, February twenty-third, at one o'clock and thirty minutes P. M., in honor of the anniversary of the birthday of Washington.

Upon the adoption of which the ayes and noes were demanded by Messrs. Gelwicks, Collins, and Crutcher

The roll was called, and the resolution was adopted, by the following vote

AYES—Messrs. Abbott, Bagge, Barber, Biggs, Briceland, Broderick, Carson, Clarken, Clunie, Ferral, Giffen, Griswold, Harding, Jenkins, Jones, Jouden Kennedy, Lambourn, Lammers, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Rankin, Raisch, Reddick, Rice, Ruggles, Samuels Scrivner Sullivan Suverkrup, Watkins, and Wood—42.

NOES—Messrs Berry, Birney, Blackwell, Blue, Bradley Burbank, Carter, Chapman, Coffey, Collins, Cornwell, Crutcher, Dixon, Dunlap, Gelwicks, Hart, Harris Hinshaw, Koutz, Noff, Ostrom, Patterson of Kern and Tulare, Preston, Roberts, Swan, Wetherill, Wilcox, Young, and Mr Speaker—30

REPORTS.

By Mr. Archer

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No 332—An Act to authorize the City Council of the City of Oakland, Alameda County to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company—have had the same under consideration, herewith report the bill back with an amendment and recommend its passage as amended.

ARCHER, Chairman.

By Mr. Wilcox

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 187—An Act relating to the office of Bank Commissioner and to prescribe his duties and powers—report the same back with amendments, respectfully recommend the adoption of the amendments, and a majority of the committee recommend the passage of the bill as amended.

WILCOX, for Majority of Committee

Assembly Bill No. 187, above reported, was ordered at head of file for Wednesday, February twenty-third.

By Mr. Gelwicks:

MR. SPEAKER The Alameda delegation, to whom was referred Assembly Bill No 362—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four—have had the same under consideration report it back with amendments, and respectfully recommend its passage as amended

GELWICKS for Delegation.

Assembly Bill No. 365—An Act to provide for funding the floating debt of the Town of San Luis Obispo.

Withdrawn by author

Assembly Bill No. 23—An Act to authorize the Judges of the several Courts of record in and for the City and County of San Francisco to nominate and secure the appointment of the Bailiffs of their respective Courts.

Withdrawn by author

Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Referred to the Judiciary Committee

FURTHER INTRODUCTION OF BILLS.

By Mr. Bagge—An Act to limit the powers of the Board of Supervisors of Alameda County with reference to contracting debts and levying taxes for county purposes.

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

Also, an Act to amend section three hundred and ninety seven of the Penal Code.

Read first and second times and referred to Committee on Public Morals.

By Mr. Berry—An Act to legalize the assessment on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Read first and second times and referred to the Sutter delegation

By Mr Nott—An Act to fix the penal sum of the official bond of the County Treasurer of the County of Alpine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

[Mr Harding in the chair.]

Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two—was, upon motion, taken from the file for consideration, the rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER.

The Speaker announced the special order, being Senate Bill No. 177—An Act to regulate Sheriffs' fees in certain counties in this State.

Passed on file.

Substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy.

Made the special order for Saturday, February twenty-sixth, at one o'clock and thirty minutes P. M.

RESOLUTION.

By Mr. Samuels—Assembly concurrent resolution requesting the Governor to return Assembly Bill No. 291 for correction.

Laid over for one day.

GENERAL FILE.

Assembly Bill No. 342—An Act to regulate the compensation of certain attachés of the Assembly, and to abolish certain offices therein named, and to provide for the performance of the duties of offices so abolished.

Read a third time, when Mr. Young offered a substitute for the bill, and moved that the bill and substitute be referred to the Judiciary Committee, with instructions to report a substitute

On motion of Mr Berry, the rules were suspended, for the purpose of considering the substitute

Mr. Clarken offered an amendment, to make the Act take effect on the tenth day of March, eighteen hundred and seventy-six.

The previous question was ordered by the House, and, on the adoption of the amendment, the ayes and noes were demanded by Messrs. Berry, Collins, and Patterson of San Joaquin

The roll was called, and the amendment was lost, for want of a majority, by the following vote:

AYES—Messrs Biggs, Burney, Blackwell, Broderick, Carter, Carson, Clarken, Ferral, Garretson, Gelwicks, Giffen Griswold, Hart, Harding, Lamboum, Magune, McConnell McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath Murphy of San Francisco, O'Connell, Ostrom, Patterson of San Joaquin, Pierce, Pullen, Rankin, Reddick, Sargent, Samuels, Suverkrup, Swan, Wetherill and Wilcox—35.

NOES—Messrs Abbott, Bagge, Barber, Berry, Blue, Bradley, Burbank, Chapman, Coffey, Collins Covington Clune, Crutcher, Dixon, Dunlap, Harris Hinshaw, Jenkins, Jones, Jourden, Kennedy, Koutz, McKenna, Nott, Patterson of Kern and Tulare, Preston, Rice, Roberts, Ruggles, Scrivner, Sullivan, Watkins, Wood, Young and Mr Speaker—35

The question recurring on the adoption of the substitute, the ayes and noes were demanded by Messrs. McKenna, Maguire, and Hart.

The roll was called, and the House refused, by the following vote.

AYES—Messrs. Abbott, Bagge, Berry, Blue, Bradley, Burbank, Chapman, Coffey, Collins, Cornwell, Clunie, Crutcher, Dixon, Dunlap, Harris, Hinshaw, Jenkins, Kennedy, Koutz, Nott, Patterson of Kern and Tulare, Preston, Rankin, Raisch, Roberts, Ruggles, Scrivner, Sullivan, Watkins, Young, and Mr. Speaker—31.

NOES—Messrs. Barber, Biggs, Burney, Blackwell, Broderick, Carter, Carson, Clarken, Ferral, Garrelson, Gelwicks, Giffen, Griswold, Hart, Harding, Jones, Jourden, Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Reddick, Rice, Sargent, Samuels, Suverkrup, Swan, Wetherill, Wilcox, and Wood—41.

The question recurring upon the passage of the bill, the ayes and noes were demanded by Messrs. Murphy of San Francisco, Hart, and Berry.

The roll was called, and the bill was passed, by the following vote.

AYES—Messrs. Abbott, Bagge, Barber, Berry, Burney, Bradley, Carson, Chapman, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garrelson, Gelwicks, Hart, Harris, Harding, Hinshaw, Jourden, Kennedy, Koutz, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Kern and Tulare, Preston, Raisch, Reddick, Rice, Samuels, Scrivner, Sullivan, Watkins, Wilcox, Wood, and Mr. Speaker—42.

NOES—Messrs. Biggs, Blackwell, Blue, Broderick, Burbank, Carter, Clarken, Giffen, Griswold, Jenkins, Jones, Lambourn, Maguire, McConnell, McInerny, McMann, McCarthy, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Rankin, Roberts, Ruggles, Sargent, Suverkrup, Swan, Wetherill, and Young—20.

Assembly Bill No. 342 was ordered to be transmitted to the Senate.

RESOLUTION.

By Mr. Young.

*Resolved*, That the Copying Clerks of the Assembly discharged on the eleventh instant are hereby reappointed; and that the resolution adopted on the eleventh, discharging said clerks, is hereby rescinded.

Laid over one day, under the rules.

GENERAL FILE RESUMED.

Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children.

Read third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. McKenna, Biggs, and Patterson of San Joaquin.

The roll was called, and the bill passed, by the following vote.

AYES—Messrs. Bagge, Barber, Berry, Biggs, Briceland, Carter, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Dixon, Dunlap, Gelwicks, Giffen, Griswold, Harris, Harding, Jenkins, Kennedy, Lambourn, Maguire, McConnell, McInerny, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Rankin, Rice, Roberts, Ruggles, Scrivner, Swan, Watkins, Wetherill, Young, and Mr. Speaker—43.

NOES—Messrs. Abbott, Burney, Blackwell, Blue, Bradley, Broderick, Burbank, Carson, Crutcher, Garrelson, Hinshaw, Jones, Jourden, Koutz, Lammers, McKenna, Murphy of Del Norte and Klamath, Nott, Patterson of San Joaquin, Pierce, Reddick, Sargent, Samuels, Suverkrup, Wilcox, and Wood—26.

REPORT.

By Mr. Nott:

SACRAMENTO, February 18th, 1876.

MR SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 523—An Act to fix the compensation of the County Clerk of Humboldt County—and report the same correctly enrolled; and that at two o'clock the same was presented to the Governor for his approval.

NOTT, for Committee.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, February 18th, 1876.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth day of February, eighteen hundred and seventy-six, passed, under suspension of rules, and ordered transmitted to the Assembly without engrossment, Senate Concurrent Resolution No. 25—Concerning the Oakland Harbor.

Also, Senate Concurrent Resolution No. 22—Asking an appropriation to erect a light-house and fog-bell on the Straits of Carquinez.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 18th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fifteenth day of February, eighteen hundred and seventy-six, passed Senate Bill No. 352—An Act to incorporate the Town of Hayward.

Also, Senate Bill No. 186—An Act in relation to sales and conveyances of "The Mutual Real Estate Company."

Also, Senate Bill No. 197—An Act to amend an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 331—An Act to grant further powers to the Trustees of the City of Benicia.

And passed, on February eighteenth, eighteen hundred and seventy-six, Assembly Concurrent Resolution No. 9—Relative to tax on native grape brandy.

Also, Assembly Concurrent Resolution No. 26—Relative to the establishment of a mail route from the Town of Susanville, by the way of Horse Lake Valley, and the south fork of Pit River, and Dorris Bridge, and Davis Creek, to Willow Ranch, in the State of California.

Also, Assembly Concurrent Resolution No. 27—Relative to the establishment of a mail route, and ordering service thereon, from Winnemucca, in the State of Nevada, by way of Varyville, to Lake City, California.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 18th, 1876.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth day of February, eighteen hundred and seventy-six, passed, under suspension of the rules, Senate Bill No. 288—An Act entitled an Act to district the City of Oakland into wards.

CLARK, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolutions Nos. 22 and 25, above reported, each read first and second times and referred to the Committee on Federal Relations.

Senate Bills Nos. 288 and 352, above reported, each read first and second times and referred to the Alameda delegation.

Senate Bill No. 186, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 197, above reported, read first and second times and referred to the delegation.

Senate Bill No. 331, above reported, read first and second times and referred to the Solano delegation.

ADJOURNMENT.

At five o'clock and seventeen minutes P. M., on motion of Mr. Clunie, the House adjourned, to meet to-morrow, at ten o'clock A. M.

# IN ASSEMBLY

HOUSE OF ASSEMBLY,
Saturday, February 19th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present
Journal of yesterday read and approved

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Berry and Patterson of Kern and Tulare, and indefinite leave to Mr. Preston.

REPORTS.

By Mr. Covington:

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 429—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in the County of Sonoma.

Also, Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Also, Assembly Bill No. 424—An Act fixing the time of electing School Trustees in the County of Sutter.

Also, Assembly Bill No. 75—An Act for the payment of the claim of A. L. Bancroft & Co.

Also, Assembly Bill No. 165—An Act to reduce the number of members of the Board of Supervisors of Yuba County.

COVINGTON, for Committee.

By Mr. Clunie:

MR. SPEAKER: Your committee, to whom was referred Assembly Bill No. 336—An Act for the relief of Michael Essinger—having duly considered the same, beg leave to report back the bill with the recommendation that it do pass.

Also, Assembly Bill No. 421—An Act for the relief of Elijah True—report back the same with an amendment, striking out the words "five hundred and four dollars," and substituting in lieu thereof the words "two hundred and eighty dollars," and recommend its passage as amended.

CLUNIE, Chairman.

By Mr. Carter:

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 350—An Act to authorize the Governor of the State of California to appoint a gauger and weigher of wines and liquors—have had the same under consideration, and report the same back, and recommend that it do not pass.

CARTER, Chairman.

By Mr. Maguire:

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 352—An Act to amend sections one thousand six hundred and ninety-seven and one thousand eight hundred and fifty-eight of the Political Code—report the same back, and recommend that the author be allowed to withdraw it.

MAGUIRE, for Committee.

Assembly Bill No. 352, above reported, the author had leave to withdraw.

By Mr. Gelwicks:

MR. SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 288—An Act entitled an Act to district the City of Oakland into wards—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation.

Senate Bill No. 288, above reported, was taken up, read third time, and passed.

By Mr. Hinshaw:

MR. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 149—An Act amendatory of an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two—ask leave to report it back, and recommend its passage.

HINSHAW, for Delegation.

Senate Bill No. 149, above reported, was taken up, read third time, and passed.

By Mr. Coffey.

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 169—An Act to establish water rates in the City and County of San Francisco—have had the same under consideration, and report it back with an amendment, and recommend that it pass as amended, and that the rules of the House be suspended for that purpose.

Also, Assembly Bill No. 379—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California—report the same back, with a recommendation that it pass.

Also, Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco—report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 56—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 a certain appropriation of money by said Board—report the same back with an amendment, and recommend its passage as amended.

COFFEY, Chairman.

Senate Bill No. 169, above reported, was taken up, read third time, and passed.

Senate Bill No. 56, above reported, was taken up, amended, read third time, and passed.

Assembly Bill No. 379, above reported, was referred to the Judiciary Committee.

MOTIONS AND RESOLUTIONS.

By Mr. Koutz.

*Resolved*, That the resolution of this House, passed yesterday, relative to adjourning over to-day until Wednesday next, be and is hereby rescinded.

Laid on the table.

House took up Assembly Concurrent Resolution No. 38—Relative to requesting the Governor to return Assembly Bill No. 291 for correction.

Read third time and passed.

By Mr. Chapman.

*Resolved by the Assembly, the Senate concurring*, That when the two Houses adjourn to-day, they adjourn till Wednesday next, at two o'clock P. M.

Adopted.

House took up the resolution offered yesterday by Mr. Bagge, relative to limiting the time for members in speaking.

Amended and laid on the table.

By Mr. Clunie:

*Resolved*, That the Mail Carrier of the Assembly be allowed four dollars per day for his services as such, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Attachés.

NOTICE.

Mr. Coffey gave notice of the introduction of a bill for an Act to

confer further powers upon the Justices of the Peace of the City and County of San Francisco

PETITION.

By Mr. Covington—A remonstrance against the passage of a relief bill for William Ford, ex-Treasurer of Mendocino County.

Referred to the Committee on Claims.

REPORT.

By Mr McConnell

Mr. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No 15—An Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow—report the same back with the substitute and recommend that they do not pass.

Also Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento—report the same back, a minority recommending its passage, and a majority recommending that it do not pass.

Also, Assembly Bill No 386—An Act to amend section three thousand eight hundred and twenty of the Political Code, relating to collection of taxes by the Assessor—report the same back, and recommend its passage.

Also, Senate Bill No. 337—An Act for the relief of W S. Siffond—report the same back, and a majority recommend its passage

Also, Assembly Bill No 398—An Act to amend section four thousand and eighty of the Political Code, relative to cultivating shade and ornamental trees along highways and public grounds—report the same back, and recommend that it do not pass

Also, Assembly Bill No 406—An Act to amend section five hundred and sixty-two of the Penal Code—report the same back and recommend that it do not pass

Also, Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County—report the same back, and recommend its passage

Also Assembly Bill No. 132—An Act to authorize the payment of the claim of A. G Black—report the same back, and recommend that it do not pass

Also, Senate Bill No 372—An Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—report the same back, and recommend its passage.

Also Assembly Bill No 370—An Act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurances companies not organized under the laws of the State of California, but doing business therein—report the same back, and recommend that it do not pass

Also, Senate Bill No 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure—report the same back, and recommend that it do not pass

Also, Senate Bill No 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third eighteen hundred and seventy-two—report the same back, and recommend its passage.

Also, Assembly Bill No 360—An Act fixing the number of Supervisors in Humboldt County—report the same back and recommend its passage.

Also, Senate Bill No 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 357—An Act to amend section seventy-two of the Civil Code, in reference to marriages—report the same back with amendments, and recommend its passage as amended.

McCONNELL, Chairman.

Senate Bill No. 337, above reported, referred to the Committee on Claims.

PETITION.

By Mr. Pullen—From property owners of South San Francisco, remonstrating against the passage of a bill in reference to the streets of San Francisco.

Referred to the San Francisco delegation.

INTRODUCTION OF BILLS.

By Mr. Hart—An Act to encourage the invention of a machine as a substitute for horse power.

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

By Mr. Dixon—An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Alameda, and Acts amendatory of said Act, approved March seventh, eighteen hundred and seventy-two, approved March, eighteen hundred and seventy-four.

Read first and second times and referred to the Alameda delegation.

By Mr. Briceland—An Act to repeal all special laws in relation to roads and highways in the County of Shasta.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. McInerny—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco.

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

Mr. Broderick tendered his resignation as member of the Golden Gate Park Investigating Committee, and the House refused to accept his resignation.

FURTHER REPORTS.

By Mr. McKenna:

Mr. Speaker: The Solano delegation, to which was referred Senate Bill No. 331—An Act to further define the powers of the Trustees of the City of Benicia—has considered the same, and report it back, and recommend its passage.

McKENNA, for Delegation.

Senate Bill No. 331, above reported, read third time and passed.

By Mr. Briceland:

Mr. Speaker: The Shasta and Trinity delegations, to whom was referred Senate Bill No. 271—An Act to amend an Act entitled an Act concerning the employment of teachers in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four—have considered the same, and recommend its passage.

BRICELAND, for Delegation.

Senate Bill No. 271, above reported, read third time and passed.

GENERAL FILE.

Assembly Bill No. 384—An Act to cure certain defects in applications for the purchase of land, and to confirm land titles.

Referred to the Committee on Public Lands.

Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Considered in Committee of the Whole, with the Speaker in the chair.

The committee arose and reported progress, and asked leave to sit again.

IN ASSEMBLY.

Leave to sit again was granted, and the bill made the special order for Thursday, February twenty-fourth, at twelve o'clock M.

Assembly Bill No. 344—An Act relative to the assessments in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 320—An Act to provide for the distribution of school money in the Counties of Fresno and Lassen.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read third time and passed.

Senate Bill No. 31—An Act concerning the office of County Clerk of the City and County of San Francisco.

Indefinitely postponed.

SPECIAL ORDERS.

Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure; and Assembly Bill No. 265—An Act to amend section fifty of the Code of Civil Procedure—were made the special order for Thursday, February twenty-fourth, at two o'clock and thirty minutes P. M.

Mr. Young gave notice of a motion to reconsider the vote by which the Assembly, on this day, indefinitely postponed Senate Bill No. 31.

On motion of Mr. Blackwell, the resolution adopted yesterday, to adjourn until Wednesday, in honor of the anniversary of the birthday of Washington, was rescinded.

ADJOURNMENT.

At eleven o'clock and forty minutes A. M. Mr. Nott moved to adjourn until eleven o'clock A. M. on Monday.

Mr. Blue moved to amend, to adjourn until ten o'clock A. M. on Monday.

Mr. Murphy of Del Norte moved, as a further amendment, to adjourn until eight o'clock A. M. on Monday next.

The amendment of Mr. Murphy prevailed, and the House adjourned accordingly, to meet on Monday, February twenty-first, at eight o'clock A. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 21st, 1876.

House met pursuant to adjournment, at eight o'clock A. M.

Speaker in the chair.

Roll called.

No quorum being present, Mr. Bradley moved a call of the House.

Several members appearing at the bar of the House, further proceedings under the call was dispensed with.

The roll was again called, and a quorum present.

Reading of the journal of Saturday was dispensed with, and ordered approved.

LEAVE OF ABSENCE.

One week's leave of absence was granted to Mr. Samuels, and one day to all absentees.

ADJOURNMENT.

At nine o'clock and five minutes A. M., on motion of Mr. Wilcox, the House adjourned to meet on Wednesday, February twenty-third, at two o'clock P. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 23d, 1876.

House met pursuant to adjournment, at two o'clock P. M.
Speaker in the chair.
Roll called, and a quorum present.
Journal of Monday read and approved.

LEAVE OF ABSENCE.

Two days' leave of absence was granted to Mr. McConnell, and an indefinite leave to Mr. Griswold; all other absentees were granted each one day's leave of absence.

PETITIONS.

By Mr. Collins (by request)—From citizens of Tulare County, with reference to a bill passed by the Legislature, authorizing the building of a Court-house in Tulare County. Also, a remonstrance from citizens of the same county, having reference to the same matter.

The petition and remonstrance were referred to the Committee on Ways and Means.

By Mr. Clark—From the bar of Humboldt County, having reference to the employment of an official reporter.

Referred to the Judiciary Committee.

By Mr. Berry—From citizens of Sutter County, in reference to the no-fence law.

Referred to the Committee on Agriculture.

By Mr. Clark—From citizens of Humboldt County, in reference to the construction of a road in said county.

Referred to the Committee on Roads and Highways.

By Mr. Hayne—From Trustees of Lompoc School District, in Santa Barbara County, to construct necessary school-houses in said district, and to issue bonds therefor.

Referred to the Santa Barbara delegation.

By Mr. Briceland—From citizens of Shasta County, in reference to the School Census Marshals of said county.

Referred to the Committee on Education.

REPORTS.

By Mr. Collins:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 428—An Act to authorize the Board of Supervisors and County Treasurer of the County of Stanislaus to transfer certain funds.

Also, Assembly Bill No. 344—An Act relative to the assessments in Swamp Land Reclamation District No. 118, in Contra Costa County.

Also, Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 434—An Act to authorize the Board of Supervisors of Mariposa County to pay a certain claim.

Also, Assembly Bill No. 320—An Act to provide for the distribution of school money in certain counties.

Also, Assembly Bill No. 426—An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth and East Ninth Streets.

Also, Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and amendments thereto, and to incorporate the Town of Santa Rosa.

COLLINS, for Committee.

By Mr. Hinshaw:

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature—have amended the same, report it back, and recommend that it pass as amended.

Also, Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code of the State of California, concerning the compensation of employes—ask leave to report it back with a substitute, and recommend the passage of the substitute.

HINSHAW, Chairman.

By Mr. Nott.

SACRAMENTO, February 23d, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Concurrent Resolution No. 9—Relative to tax on native brandy.

Also, Assembly Concurrent Resolution No. 27—Relative to the establishment of a mail route, and ordering service thereon, from Winnemucca, in the State of Nevada, by way of Varyville, to Lake City, California.

Also, Assembly Concurrent Resolution No. 26—Relative to the establishment of a mail route from the Town of Susanville, by the way of Horse Lake Valley, and the South Fork of Pit River and Dorris Bridge, and Davis Creek, to Willow Ranch in the State of California.

And report the same correctly enrolled; and that at two o'clock the same was presented to the Governor for his approval.

NOTT, for Committee.

By Mr. Berry:

Mr. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 444—An Act to legalize the assessment on lands in Levee District Number Five, in Sutter County, for the year eighteen hundred and seventy-five—have considered the same, and recommend that it do pass.

BERRY, for Delegation.

Assembly Bill No. 444, above reported, ordered to head of file for to-morrow.

MOTIONS AND RESOLUTIONS.

By Mr. Nott:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to appoint a Porter for this House, to fill the vacancy caused by the death of Mr. Whitaker. Said appointment to date from February twentieth.

Adopted.

On motion, the House took up Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same.

Amended, rules suspended, considered engrossed, read third time, and passed.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Abbott—Of an Act to authorize the Board of Supervisors of Monterey County to issue the bonds of said county for the purpose of raising money to build a bridge across the Salinas River.

By Mr. Hayne—Of an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Also, of an Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.

Also, of an Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, and to change the name of Cañada Street, in said town, to that of Ventura Avenue

By Mr. Clunie—Of an Act to revise the charter of the City of Sacramento.

INTRODUCTION OF BILLS.

By Mr. Clark—An Act to provide for the payment of official reporters in certain cases, in the County of Humboldt.

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

Also, an Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr Hart—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, by adding an additional subdivision thereto, in relation to judgments

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

By Mr. Birney—An Act to repeal an Act entitled an Act to amend an Act entitled 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 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, approved March thirtieth, eighteen hundred and sixty-eight, approved January twenty-sixth, eighteen hundred and seventy-four.

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

By Mr. Biggs—An Act to restrict sheep from being herded or running at large in Sacramento County.

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

By Mr. Clark—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Humboldt delegation.

By Mr. Pierce—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Diego.

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

Also, an Act to provide for the government of the County of San Diego.

Read first and second times and referred to the San Diego delegation.

By Mr. Roberts—An Act to fix the terms of the County Court of San Benito County.

Read first and second times and referred to the San Benito delegation.

By Mr. Suverkrup—An Act to fix the compensation of the Supervisors of San Bernardino County.

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

By Mr. Cornwell—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four.

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

Also, an Act to legalize certain notarial acknowledgments in Napa County.

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

By Mr. Burbank—An Act to provide for the distribution of school moneys in the County of Marin.

Read first and second times and referred to Committee on Education.

By Mr. Dunlap—An Act to fix the rate of compensation of officers of the County of Amador.

Read first and second times and referred to the Amador delegation.

By Mr. Clarken—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco.

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

By Mr. Collins—An Act concerning water ditches and water privileges for irrigating, mining, and manufacturing purposes in the Counties of Fresno, Tulare, and Kern.

Read first and second times and referred to the Committee on Irrigation.

GENERAL FILE.

Senate Bill No. 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.

Read third time and passed.

Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

Read third time and passed.

Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Passed on file.

Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Made the special order for Tuesday, February twenty-ninth, at one o'clock and thirty minutes P. M.

Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure.

Passed on file.

Senate Bill No. 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Passed on file

Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Amended, read third time, and passed.

[Mr. Clarken in the chair.]

Assembly Bill No. 247 passed on file.

Assembly Bill No. 249 passed on file.

Assembly Bill No. 340—An Act to provide a new Great Register for Solano County, and to re-register the voters thereof.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 134 passed on file.

Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices.

Upon the engrossment of the bill the ayes and noes were demanded by Messrs. Birney, Berry, and Harding.

The roll was called, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Berry, Biggs, Birney, Blackwell, Briceland, Carter, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Dixon, Dunlap, Giffen, Hart, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Lamboum, Patterson of Sacramento, Patterson of Kern and Tulare, Pullen, Roberts, Ruggles, Scrivner, Sullivan, Watkins, and Mr. Speaker—31.

NOES—Messrs. Abbott, Archer, Barber, Bradley, Broderick, Burbank, Carson, Clark, Clunie, Harding, Jones, Koutz, Lammers, Maguire, Murphy of San Francisco, Nott, Ostrom, Patterson of San Joaquin, Pierce, Quigley, Sargent, Suverkrup, Swan, and Wetherill—24.

Assembly Bill No. 181—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved May fourteenth, eighteen hundred and sixty-two.

Indefinitely postponed.

Assembly Bill No. 349 passed on file.

Assembly Bill No. 347 passed on file.

At three o'clock and thirty-five minutes P. M. Mr. Murphy of San Francisco moved to adjourn.

Lost.

Assembly Bill No. 355—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 276 passed on file.

Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 269—An Act amending sections three hundred and three, three hundred and six, and three hundred and seven of the Penal Code.

Withdrawn by author.

Assembly Bill No. 366 passed on file.

Assembly Concurrent Resolution No. 18 passed on file.

Assembly Concurrent Resolution No. 28—Relative to the establishment of a tri-weekly mail service from the Town of Linkville, State of Oregon, to the City of Yreka, State of California.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 31—Relative to the establishment of a tri-weekly mail from Mendocino County to the City of Eureka, in Humboldt County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 341—An Act to grant land for right of way to the Arcata Transportation Company.

Passed on file.

Assembly Concurrent Resolution No. 29—Relative to change of route of the Southern Pacific Railroad.

Passed on file.

Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District, in the County of El Dorado

Rules suspended, considered engrossed, read third time, and passed.

ADJOURNMENT.

At four o'clock and five minutes P. M. Mr. Sargent moved to adjourn, to meet at ten o'clock A. M. to-morrow.

Lost.

At four o'clock and seven minutes P. M., on motion of Mr. Nott, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 24th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

One day's leave of absence was granted to Messrs. Gelwicks, Garretson, and Blue.

PETITIONS.

By Mr. Clark—From the State Prison Commission, asking for an appropriation.

Referred to the Committee on Ways and Means.

By Mr. Patterson of Kern and Tulare—From citizens of Tulare County, in reference to a bill that passed the Legislature, authorizing the building of a Court-house for Tulare County, and asking that no further legislation be had upon the subject.

Referred to the Committee on Ways and Means.

REPORTS.

By Mr. Hinshaw:

Mr. Speaker: The Committee on Public Expenditures and Accounts have duly considered the various accounts presented for newspapers and periodicals furnished members of the Assembly during the session, as per resolution of the House passed in January.

After a thorough investigation and a fair comparison of the rates charged, we feel compelled to reduce many of the demands as being exorbitant, although not unusual during legislative sessions. We are at a loss to know why members should be called upon to pay unusual prices for newspapers, simply because they are legislators, unless it be the plea usually urged by many who serve the State, viz: "that the money comes out of the State treasury;" a bad plea to allow to prevail any longer than it can be prevented. Again, if we honestly think we are justified in reducing those demands, we feel assured that the papers will take pleasure in commending the economy we here exhibit, and which they continually proclaim as the demand of the State.

We herewith return the original bills, and also the amounts suggested by the committee as being about correct, and ask the House to allow the same. It will be observed that in no instance have we reduced the accounts below the advertised rates.

*List of newspapers furnished members of the Assembly for the twenty-first session, eighteen hundred and seventy-five-six.*

| To whom due. | Demanded. | Allowed. |
|---|---|---|
| Record-Union, daily and weekly | $610 25 | $422 00 |
| Chronicle, daily and weekly | 192 13 | 146 78 |
| German Democrat | 21 25 | 14 30 |
| Bulletin, daily and weekly | 313 00 | 204 50 |
| Call, daily and weekly | 125 40 | 102 00 |
| Alta, daily and weekly | 125 40 | 92 80 |
| Examiner, daily and weekly | 245 50 | 245 50 |
| Bee (Sacramento) | 77 00 | 59 40 |
| Post (San Francisco) | 30 00 | 27 90 |
| Mountain Messenger | 9 00 | 7 50 |
| Colusa Independent | 2 00 | 2 50 |
| Santa Rosa Times | 1 00 | 2 50 |
| Dutch Flat Forum | 1 50 | 2 50 |
| Alameda Encinal | 6 00 | 5 00 |
| Monitor (San Francisco) | 36 00 | 45 00 |
| Rural and Scientific Press | 60 00 | 60 00 |
| Weekly Standard | 5 00 | 5 00 |
| San Rafael Herald | 2 50 | 2 50 |
| Stock Report | 6 40 | 6 40 |
| San Mateo Times | 32 00 | 20 00 |
| Mountain Democrat | 45 00 | 37 50 |
| La Cronica | 2 50 | 2 50 |
| Jolly Giant | 4 20 | 2 50 |
| Vallejo Chronicle | 2 00 | 2 50 |
| Oakland Tribune | 12 00 | 7 50 |
| Lake Democrat | 2 00 | 2 50 |
| Golden Era | 4 00 | 5 00 |
| Alameda Democrat | 1 50 | 2 50 |
| San Jose Mercury | 15 00 | 18 00 |
| Union Democrat | 24 00 | 20 00 |
| Amador Dispatch | 14 00 | 17 50 |
| Totals | $2,027 53 | $1,592 08 |

The committee offer the accompanying resolution, and ask its adoption

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of each of the above-named papers, for the amounts allowed and set opposite their names, and the State Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, for Committee.

The resolution above reported was adopted.

By Mr. Clark:

Mr. SPEAKER The Humboldt delegation to whom was referred Assembly Bill No. 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four—respectfully do report the same back, and recommend its passage.

CLARK, for Delegation.

By Mr. Collins:

Mr SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

COLLINS, for Committee.

By Mr. Harding:

Mr. SPEAKER Your Committee on Centennial Affairs, to whom was referred Assembly Bill No. 363—An Act to provide for the representation of the mountain scenery and mineral productions of the State of California at the Centennial Exhibition, to be held at Philadelphia in the year eighteen hundred and seventy-six—have had the same under consideration, and now report it back to this House without recommendation.

HARDING, Chairman.

MOTIONS AND RESOLUTIONS.

By Mr. Preston—Assembly concurrent resolution relative to establishing a mail route between the Counties of San Luis Obispo and Kern.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Berry:

*Resolved*, That the Assembly shall meet each day of sitting at ten o'clock A. M., unless the House shall adjourn to some other hour.

Laid over for one day, under the rules.

On motion of Mr. Murphy of Del Norte, Assembly Bill No. 419 was ordered printed.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 24th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth day of February, eighteen hundred and seventy-six, passed Senate Bill No. 185—An Act to amend the Civil Code.

Also, Assembly Bill No 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure.

Also, Assembly Bill No. 162—An Act to add another section to the Penal Code (Chapter II., Title IX, Part I.).

Also, on February nineteenth, amended and passed Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District No. 2 of Sutter County

Also, amended and passed Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District No. 2 of Sutter County

Also, passed Assembly Bill No. 285—An Act to fix the compensation of the Assessor of Inyo County.

Also, amended and passed Assembly Bill No. 64—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 417—An Act to amend section fifty-nine of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District.

Also, passed Senate Bill No 249—An Act concerning St. Luke's Hospital Association.

Also, adopted Assembly Concurrent Resolution No. 38—Relative to requesting the Governor to return to the Assembly, Assembly Bill No 291 for correction.

Also, indefinitely postponed Assembly Bill No. 120—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, indefinitely postponed Assembly Bill No. 186—An Act to amend section three hundred and ninety-eight of the Penal Code, relative selling fire-arms to Indians.

Also on February twenty-third, amended and passed Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma.

Also, passed and ordered transmitted at once to the Assembly, Senate Concurrent Resolution No. 32—Authorizing the Enrolling Clerk of the Senate to make certain amendments to Senate Bill No. 100.

And, on February seventeenth, passed Senate Joint Resolution No. 13—Relating to the Atlantic and Pacific Railroad.

And, on February eighteenth, passed Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of this State, approved March tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and other purposes

Also, Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereof.

And, on February twenty-third, passed Assembly Bill No. 408—An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 219—An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District, and to provide for additional school facilities therein

And indefinitely postponed Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and duties of Boards of Supervisors.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 185, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 314, 315, and 64, above reported, Senate amendments concurred in.

Senate Bill No. 417, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 249, above reported, read first and second times and referred to the Committee on Hospitals.

Assembly Bill No. 268, above reported, ordered returned to the Senate for authentication.

Senate Concurrent Resolution No. 32, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Joint Resolution No. 13, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 135, above reported, read first and second times and referred to the Committee on Agriculture

Senate Bill No. 379, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 316, above reported, read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 219, above reported, Senate amendments concurred in.

NOTICES OF THE INTRODUCTION OF BILLS.

By Mr. Jamison—Of an Act authorizing the Trustees of the Town of Santa Clara to sell a public square.

By Mr. Harris—Of an Act to provide the children attending the public schools of this State with text-books free of cost.

By Mr. Hart—Of an Act making it a misdemeanor for any railroad company or corporation doing business in this State to require passengers to obtain tickets before starting upon their journey; also, to make it a misdemeanor to discriminate upon fares of passengers who do not obtain their tickets immediately upon starting for any particular place.

INTRODUCTION OF BILLS.

By Mr. Hayne—An Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.

Also, an Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Each read first and second times and referred to the Santa Barbara delegation.

Also, an Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Cañada Street, in said town, to that of Ventura Avenue.

Read first and second times and referred to the delegation.

By Mr. Murphy of Del Norte—An Act to continue the existence of the Crescent City Plank Road and Turnpike Company.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Patterson of Sacramento (by request)—An Act to provide compensation for the collection of poll-taxes in the several counties of the State.

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

By Mr. Wood—An Act supplementary to an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

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

By Mr. Carson—An Act relating to interments within the City and County of San Francisco.

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

By Mr. Hayne—An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County.

Read first and second times and referred to the Santa Barbara delegation.

By Mr. Burbank—An Act to provide for the collection of road poll-taxes in the County of Marin.

Read first and second times and referred to the Marin delegation.

By Mr. Raisch—An Act for the relief of Patrick Dowling

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

By Mr. Bagge—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to Senate without engrossment.

Assembly Bill No. 362—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.

Withdrawn by the author.

SPECIAL ORDER.

The Speaker announced as the special order Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

The House resolved itself into Committee of the Whole, with the Speaker pro tem. in the chair, for the consideration of the bill.

On motion, the committee arose and reported the bill to the House, recommending its passage.

IN ASSEMBLY.

Assembly Bill No. 317, above reported, rules suspended, considered engrossed, read third time, and passed.

GENERAL FILE.

Assembly Bill No. 444—An Act to legalize the assessment on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Pending consideration, the hour of recess arrived, and the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

House resumed consideration of Senate Bill No. 43, pending at time of recess.

On motion the bill was passed on file.

Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State.

Made the special order for Wednesday, March first, at one o'clock and thirty minutes P. M.

Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure.

Referred to the Judiciary Committee.

Senate Bill No. 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Indefinitely postponed.

Assembly Bill No 247 passed on file.

Assembly Bill No. 249 passed on file.

Assembly Bill No. 134—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Substitute adopted and ordered engrossed.

Assembly Bill No. 349—An Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure, relative to the estates of deceased persons.

Ordered engrossed.

Assembly Bill No. 347—An Act to amend sections eight hundred and nineteen and eight hundred and sixty-nine of the Penal Code.

Refused engrossment.

Assembly Bill No. 276—An Act to provide for the claim of John Breuner.

Considered in Committee of the Whole, with Mr. Archer in the chair.

Upon motion of Mr. Murphy of Del Norte, the committee arose and reported the bill back with amendments, and recommended its passage as amended.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Assembly Bill No. 276, above reported, amended, rules suspended, considered engrossed, read third time, and passed.

Mr. Clunie gave notice of a motion to reconsider the vote by which the House on this day refused to engross Assembly Bill No. 347.

Assembly Bill No. 366—An Act to amend section fifty-eight of the Code of Civil Procedure

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Concurrent Resolution No. 18 passed on file.

Assembly Bill No. 341—An Act to grant land for right of way to the Arcata Transportation Company.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 29 passed on file.

Assembly Bill No. 259 passed on file.

Assembly Bill No. 404—An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 66—An Act to regulate the fares and sale of tickets on street railroads in the City and County of San Francisco.

Amended and ordered engrossed.

Assembly Concurrent Resolution No. 33—Relative to the construction of a breakwater and light-house at the Port of Mendocino.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 399—An Act concerning goats in the County of Mariposa.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 407 passed on file.

Assembly Bill No. 168 passed on file.

Assembly Bill No. 76 passed on file.

Assembly Bill No. 359—An Act in regard to graduates in regular colleges in the State of California.

Withdrawn by author.

Assembly Bill No 284—An Act to establish the fees of Justices of the Peace in and for the County of San Benito.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco.

Amended and ordered engrossed.

SPECIAL ORDER.

Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure; and Assembly Bill No. 265—An Act to amend section fifty of the Code of Civil Procedure—were made the special order for Wednesday, March first, at eleven o'clock and thirty minutes A. M.

Assembly Bill No. 388—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 299—passed on file.

Assembly Bill No. 383—An Act concerning evidence of title to State lands.

Ordered engrossed.

Assembly Bill No. 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters.

Amended and ordered engrossed.

Assembly Bill No. 392—An Act to amend an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 382 passed on file.

Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open; also, to prevent hunting upon inclosed lands without permission of the owner or occupant, in the County of Sonoma.

Substitute adopted, amended, considered engrossed, read third time, and passed; title amended.

Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 405 passed on file.

Assembly Bill No. 221 ordered second on file for to-morrow.

Assembly Bill No. 417—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 316—An Act to prohibit the sale of intoxicating liquors to the students of the University of California, within four miles of the University grounds, and to repeal an Act entitled an Act to prohibit the sale of intoxicating liquors within two miles of the

University of California, approved December twenty-third, eighteen hundred and seventy-three.

Made the special order for Wednesday, March first, at two o'clock P. M.

[Mr. Young in the chair.]

ADJOURNMENT.

At four o'clock and sixteen minutes P. M., on motion of Mr. Carson, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 25th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted Mr. Blue.

REPORTS.

By Mr. Giffen—A statement of the number of miles traveled by the State Prison Committee and their clerk.

Referred to the Committee on Mileage.

By Mr. Preston:

MR. SPEAKER: Your Committee on Mileage, to whom was referred the resolution relative to mileage of the special committee to investigate the affairs of Levee District Number Five, have examined the same, and beg leave to report the same back and recommend its passage.

PRESTON, for Committee.

The following is the resolution accompanying the above report:

*Resolved*, That the Controller be instructed to draw his warrant on the Contingent Fund of the Assembly in favor of J. J. Scrivner, J. D. Collins, T. J. Jenkins, J. C. Bradley, and G. F. Harris, committee-men on special committee to investigate the affairs of Levee District Number Five, for the sum of fifteen dollars and sixty cents each, as mileage to the Town of Marysville, and the Treasurer of State be instructed to pay the same.

Adopted.

By Mr. Lambourn:

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County—have had the same under consideration, and a majority of your committee beg leave to report the same back with an amendment, and recommend the passage of the bill as amended.

LAMBOURN, Chairman.

Assembly Bill No. 453, above reported, taken up, amended, rules suspended, considered engrossed, read third time, and passed.

PETITION.

By Mr. Young—From Rev. Dr. Chauncey Barnes, asking the use of this chamber for the purpose of delivering a free lecture.
Referred to the Committee on Public Morals.

REPORTS.

By Mr. Roberts.

Mr SPEAKER The San Benito delegation, to whom was referred Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County—have had the same under consideration, and beg leave to report the same back and recommend its passage.

ROBERTS, for Delegation.

By Mr Archer:

Mr SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations—have had the same under consideration, and herewith report it back, and recommend its passage

Also, Assembly Bill No 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations—report the same back, and recommend its passage.

ARCHER, Chairman.

By Mr. Coffey.

Mr. SPEAKER The San Francisco delegation to whom was referred Assembly Bill No. 3—An Act for the relief of John Higgins—have had the same under consideration, and report it back with amendments and recommend its passage as amended.

Also, Assembly Bill No. 292—An Act to regulate the quality and price of gas in the City and County of San Francisco—report the same back, with amendments, and recommend its passage as amended, and further recommend that the rules be suspended, the bill be considered engrossed, read third time, and placed upon its passage

COFFEY, Chairman.

Assembly Bill No 292, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Rankin:

Mr. SPEAKER: The undersigned, a minority of the San Francisco delegation, beg leave to dissent from the report of the majority of said delegation, on Assembly Bill No. 3—An Act for the relief John Higgins.

RANKIN,
KENNEDY,
SULLIVAN,
BRODERICK,
CLARKEN,
McCARTHY.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 340—An Act to provide a new Great Register for Solano County, and to re-register the voters thereof.

Also, Assembly Concurrent Resolution No. 31—Relative to the establishment of a tri-weekly mail from Mendocino City, in Mendocino County, to the City of Eureka, in Humboldt County.

Also, Assembly Concurrent Resolution No 28—Relating to the establishment of a tri-weekly mail service from the Town of Linkville, State of Oregon, to the City of Yreka, State of California.

Also, Assembly Bill No 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and to provide for the future government of the same.

COVINGTON, for Committee.

Mr. Wilcox, from the special committee appointed to investigate the affairs of the Golden City Homestead Association, submitted a report, together with the testimony taken by said committee; also,

bills for expenses incurred by said committee. [For report, see Appendix.]

The accounts were referred to the Committee on Public Expenditures and Accounts.

By Mr. Gelwicks:

Mr. Speaker The Alameda delegation, to whom was referred Senate Bill No. 212—An Act to regulate fees in the County of Alameda—have had the same under consideration, report it back, with an amendment, and respectfully recommend its passage as amended

GELWICKS, for Delegation

By Mr. Collins:

Mr Speaker The Fresno and Tulare delegations, to whom was referred Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern—beg leave to report the same, with amendments, and recommend the passage of the bill as amended

COLLINS, for Delegations.

Senate Bill No. 140, above reported, taken up, amended, read third time, and passed.

By Mr. Hayne:

Mr. Speaker The special committee of the delegation from Santa Barbara and Ventura Counties to whom was referred Assembly Bill No. 465—An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County—report back the same and recommend its passage

Also, the same committee beg leave to report favorably and recommend the passage of the following bills, viz

Assembly Bill No 466—An Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.

Also, Assembly Bill No 467—An Act to create a special road district in the County of Santa Barbara, and to provide a road fund for said district

Also, Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, and also to change the name of Cañada Street, in said town, to that of Ventura Avenue.

HAYNE, for Delegation

[Mr. Clarken in the chair.]

By Mr. Berry:

Mr. Speaker *Your Committee on Ways and Means, to whom was referred Assembly Bill* No 430—An Act to repeal an Act entitled an Act to provide for building and furnishing a Court-house building, a jail, and improving Court-house grounds in the County of Tulare—have considered the same. A majority of the committee present report the bill back and recommend that it do not pass. A minority of the committee believe that the existing law should be so amended that the question of issuing bonds should be left to a vote of the citizens of the county at the next general election.

BERRY, Chairman

By Mr. Patterson of Kern and Tulare:

Mr Speaker Your committee to whom was referred Assembly Bill No 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four—report the same back and recommend its passage.

PATTERSON, for Delegation.

By Mr. Briceland:

Mr Speaker Your Committee on Hospitals to whom was referred Senate Bill No 249—An Act concerning St. Luke's Hospital Association—examined the same, and recommend that the bill do pass.

BRICELAND, Chairman

MOTIONS AND RESOLUTIONS.

By Mr. Sullivan:

*Resolved*, That the special committee appointed to investigate the affairs of the Golden Gate Park Commissioners be requested to hand in the testimony taken by said committee up to the present time, and that the usual number of copies of said testimony be printed, for the information of this body.

Laid on the table.

By Mr. Young:

*Resolved*, That the Enrolling Clerk be allowed one additional assistant, at the same per diem allowed the Enrolling Clerk, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Maguire:

*Resolved*, That Joseph Neumann be allowed the use of the Assembly Chamber on Wednesday evening next, for the purpose of delivering a free lecture on silk culture and manufacture.

Lost.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 25th, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-fourth day of February, eighteen hundred and seventy-six, amended and passed Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane.

Also, amended and passed Assembly Bill No. 295—An Act to reincorporate Salinas City.

Also, return properly authenticated, Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma.

Also, on February twenty-fifth, passed, under suspension of the rules, and ordered transmitted at once and without engrossment, to the Assembly, Senate Bill No. 436—An Act to fix the time for holding municipal elections in the City of Oakland.

CLARK, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No 25, above reported, Senate amendments concurred in.

Assembly Bill No. 268, above reported, the House concurred in certain Senate amendments, and refused to concur in certain other Senate amendments to the bill, and, upon motion, the bill was referred to the author.

Assembly Bill No. 25, above reported, Senate amendments concurred in.

Senate Bill No. 436, above reported, read first and second times, rules suspended, read third time, and passed.

INTRODUCTION OF BILLS.

By Mr. Murphy of Del Norte—An Act to make applicable to Del Norte County an Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, eighteen hundred and seventy-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Rice—An Act in relation to the county officers of Santa Cruz County, their fees and salaries.

Read first and second times and referred to the Santa Cruz delegation.

By Mr. Hayne—An Act to authorize the County of Santa Barbara to aid in the construction of a railroad within its limits.

Read first and second times and referred to the Special Committee on Railroads.

By Mr. Biggs—An Act to amend sections four thousand one hundred and sixty-five and four thousand two hundred and twenty-one of the Political Code.

Read first and second times and referred to the Sacramento delegation.

By Mr. Clark—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers of the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-six.

Also, an Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Each read first and second times and referred to the Judiciary Committee.

By Mr. Wood—An Act to amend section six hundred and thirty of the Penal Code

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

By Mr. Pierce—An Act to reincorporate the City of San Diego.

Read first and second times and referred to the San Diego delegation.

By Mr. Watkins—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Yolo delegation.

Also, an Act for the relief of William Saunders

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

By Mr Maguire—An Act for the relief of Joseph Neumann.

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

By Mr. Archer—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, an Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara.

Each read first and second times and referred to the Santa Clara delegation.

By Mr. Coffey—An Act to change and modify the grade, and to provide for the grading and regrading, of certain portions of Montgomery Avenue and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco.

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

By the San Francisco delegation—An Act to provide for a recount of votes at general elections.

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

Mr. Koutz moved to reconsider the vote by which the House on yesterday refused to engross Assembly Bill No. 347—An Act to amend sections eight hundred and nineteen and eight hundred and sixty-nine of the Penal Code.

Pending consideration of which, the hour having arrived for recess, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced the special order for this hour, being Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State; and Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State

Mr. Murphy of Del Norte moved that both the above bills be made the special order for Tuesday, February twenty-ninth, at one o'clock and thirty minutes P. M.

Upon which the ayes and noes were demanded by Messrs. Biggs, Birney, and Patterson of Kern and Tulare.

The roll was called, and the House refused, by the following vote

AYES—Messrs. Abbott, Bagge, Biggs, Birney, Burbank, Carter, Carson, Clarken, Covington, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hayne, Koutz, Lammers McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Quigley, Raisch, Reddick, Sargent Swan, Wetherill, Wilcox Wood, and Mr. Speaker—34.

NOES—Messrs Archer Barber Berry Blackwell Blue Bradley, Briceland Broderick, Clark Coffey, Collins, Cornwell, Clunie, Crutcher, Dixon, Harding, Hinshaw Jamison Jenkins, Jones, Jourden, Kennedy, Lambourn, Magune, McCarthy, Nott, O'Connell, Ostrom, Patterson of Kern and Tulare, Preston Rankin, Rice Roberts, Ruggles, Scrivner, Sullivan, Suverkrup, Watkins and Young—39.

House resumed consideration of the motion to reconsider the vote by which Assembly Bill No 347 was on yesterday refused engrossment, and which was pending at the time of recess.

Upon motion of Mr. Archer, the further consideration of the motion was postponed until eleven o'clock A. M. to-morrow.

Mr. Murphy of Del Norte moved to take up Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State.

Mr. Archer moved as an amendment, that the House take up substitute for Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State.

The amendment prevailed, and the House accordingly proceeded to the consideration of the substitute to Assembly Bill No. 182, as above.

Amended, and pending further consideration, on motion of Mr. Murphy of Del Norte, the House took up Assembly Bill No. 354.

Amended, and pending further consideration, on motion of Mr. Berry, the House took up substitute for Assembly Bill No. 182

The question being upon the engrossment of substitute for Assembly Bill No. 182, the ayes and noes were demanded by Messrs. Rankin, Clarken, and Berry.

The roll was called, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Archer Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Bradley, Briceland, Broderick, Burbank, Carter, Carson, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garretson Giffen Hart, Harris, Harding Hinshaw, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, Magune, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Quigley, Rankin, Raisch, Red-

dick, Rice, Roberts, Ruggles, Sargent, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wood, Young, and Mr Speaker—67.

NOES—Messrs. Chapman, Gelwicks, Griswold, Hayne, Patterson of Sacramento, Patterson of San Joaquin, Wetherill, and Wilcox—8.

Upon motion of Mr Murphy of Del Norte, the House resumed consideration of Assembly Bill No. 354. The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Ferral, and McCarthy.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Bagge, Biggs, Birney, Carter, Carson, Collins, Covington, Ferral, Garretson, Gelwicks, Giffen, Griswold Jenkins, Lambourn, Maguire, McInerny, McCarthy, McKenna, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Pullen, Quigley, Reddick, Scrivner, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, and Young—32

NOES—Messrs Archer, Barber, Berry, Blackwell Blue, Bradley, Briceland, Broderick, Burbank Chapman, Clarken, Colley, Cornwell, Clunie, Crutcher, Dixon, Dunlap, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jones Jourden, Kennedy, Koutz, Lammers, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare Pierce, Preston, Rankin, Raisch, Rice, Roberts, Ruggles, Sargent, Sullivan and Mr Speaker—42.

Mr. Murphy of Del Norte gave notice of a motion to reconsider the vote by which the House on this day refused to engross Assembly Bill No. 354.

Mr. Berry moved that the rules be suspended, and that the substitute for Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State—be made the special order for Tuesday, February twenty-ninth, at one o'clock and thirty minutes P M.

Upon which the ayes and noes were demanded by Messrs. Wilcox, Gelwicks, and Giffen.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Archer, Bagge, Barber, Berry, Birney, Blackwell, Blue, Bradley, Broderick, Burbank Clark, Clarken, Colley, Collins, Cornwell, Clunie, Crutcher, Dixon, Dunlap, Ferral, Hart, Harris, Hinshaw, Jamison, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, Maguire, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, O'Connell, Ostrom, Patterson of Kern and Tulare, Pierce, Preston Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Sargent Scrivner Sullivan, Suverkrup, Swan, Watkins, Wood, Young, and Mr. Speaker—56

NOES—Messrs. Biggs, Briceland, Carter, Carson Chapman, Covington, Garretson Gelwicks, Giffen, Griswold, Harding, Hayne, Jenkins, Murphy of San Francisco, Patterson of Sacramento, Reddick, Ruggles, Wetherill and Wilcox—19

## FURTHER INTRODUCTION OF BILLS.

By Mr. Wilcox—An Act to amend an Act entitled an Act to establish a State Printing Office, and to create the office of Superintendent of State Printing.

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

Also, an Act to provide for the maintenance and construction of roads and highways in the County of Mariposa.

Read first and second times and referred to the Mariposa delegation.

## RESOLUTION.

By Mr. Koutz:

*Resolved*, That the substitute for Assembly Bill No 182 be engrossed out of its order, and the Engrossing Committee are hereby instructed to report the same back to the House on or before Monday next.

Adopted.

[Mr. McKenna in the chair.]

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, February 25th, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate, on the eighteenth day of February, eighteen hundred and seventy-six passed Senate Bill No 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll-taxes approved March twenty-seventh, eighteen hundred and seventy four.

Also, Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure

And, on the nineteenth day of February, passed Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

Also, Senate Bill No. 206—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight, the Act hereby amended having been approved April fourth, eighteen hundred and seventy.

Also Senate Bill No 104—An Act to amend section fifty-nine of the Civil Code of the State of California.

Also, Senate Bill No 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold.

And, on the twenty-third day of February, passed Senate Bill No 44—An Act for the relief of J. J Conlin

And, on this day, concurred in Assembly amendments to Senate Bills Nos 56 and 169.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, February 25th, 1876

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34—Authorizing the Clerk of the Senate to correct a clerical error in Senate Bill No. 121.

Also, adopted Senate Concurrent Resolution No. 35—Relative to printing the laws of the session

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 35, above reported, read and adopted.

Senate Joint Resolution No. 33, above reported, read first and second times and referred to the Committee on Printing.

Senate Bills Nos. 245, 242, and 251, above reported, each read first and second times and referred to the Judiciary Committee.

Substitute for Senate Bill No. 206, above reported, read first and second times and referred to the Committee on Public Lands.

Substitute for Senate Bill No. 104, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 301, above reported, read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 44, above reported, read first and second times and referred to the San Francisco delegation.

## FURTHER INTRODUCTION OF BILLS.

By Mr Biggs (by request)—An Act making appropriations for certain deficiencies in the appropriations made for the twenty-sixth and twenty-seventh fiscal years.

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

Also (by request), an Act to provide for the ascertainment and settlement of the claim of Robert E. Beasley, if any he has, for services performed in the construction and the improvement of the levee to reclaim Swamp Land District Number Fifty-four, in Sacramento County.

Read first and second times and referred to the Sacramento delegation.

By Mr. Abbott—An Act to authorize the Board of Supervisors of Monterey County to locate and build a bridge across the Salinas River, and to issue bonds for the payment of the same.

Read first and second times and referred to the Monterey delegation.

By Mr. Clunie—An Act to amend the Penal Code.

Read first and second times and referred to the Judiciary Committee

By Mr. Preston—An Act to provide for the issuance of bonds of the Town of San Luis Obispo.

Read first and second times and referred to the San Luis Obispo delegation.

By Mr. Carson—An Act to amend section five hundred and thirty-two of the Penal Code.

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

REPORT.

By Mr. Patterson of Sacramento

MR. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento—have amended the same and recommend its passage as amended.

PATTERSON, for Delegation.

House took up for consideration Assembly Concurrent Resolution No. 37—Relative to the payment of Fabian Kunhardt, for the translation of the inaugural address of Governor Irwin.

Adopted.

RESOLUTION.

By Mr. Sargent:

*Resolved*, That five hundred copies of substitute for Assembly Bill No. 182 be printed.

Adopted.

Upon motion of Mr. Berry, the House took up the resolution offered by him on yesterday, relative to changing the hour of meeting from eleven o'clock A. M. to ten o'clock A. M.

Upon the adoption of which the ayes and noes were demanded by Messrs. Berry, Gelwicks, and Crutcher.

The roll was called, and the resolution declared lost, not having received a two-thirds majority, the vote being as follows:

AYES—Messrs. Abbott, Archer, Bagge, Berry, Biggs, Birney, Blue, Bradley, Burbank, Carter, Clarken, Coffey, Collins, Covington, Crutcher, Dixon, Dunlap, Garretson, Gelwicks, Giffen, Griswold, Hart, Hinshaw, Jamison, Jenkins, Jones, Kennedy, Lamboirn, Lammers, Maguire, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Rankin, Raisch, Rice, Ruggles, Scrivner, Sullivan, Suverkrup, and Swan—42

NOES—Messrs. Barber, Blackwell, Briceland, Broderick, Carson, Chapman, Clark, Cornwell, Clunie, Harris, Harding, Hayne, Jourden, Koutz, McInerny, McCarthy, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Roberts, Sargent, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—32.

Mr. Wilcox introduced a bill for an Act to appropriate money to assist in the prosecution of the State against the Golden City Homestead Association.

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

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Wetherill, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 26th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Mr. Quigley.

Upon motion of Mr. McCarthy, the House took up for consideration Assembly Bill No. 76—An Act relative to apprentices and masters.

Amended, rules suspended, considered engrossed, read third time, and passed.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 26th, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-fifth day of February, eighteen hundred and seventy-six, passed Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county

Also, amended and passed Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes.

Also, Assembly Bill No 24—An Act to abate the squirrel nuisance in Stanislaus County, State of California.

Also, Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda in allowing the claim of N. W Spaulding.

Also, Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days

Also, Assembly Bill No. 148—An Act concerning partition fences in Colusa County.

Also, adopted and passed substitute for Assembly Bill No. 177—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento.

Also amended and passed Assembly Bill No 507—An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor.

Also, Assembly Bill No 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

And indefinitely postponed Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

Also, Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bills Nos 1, 24, 230, 238, 148, 307, and 126, above reported, Senate amendments concurred in.

Assembly Bill No. 177, above reported, was referred to the Sacramento delegation.

PETITION.

By Mr. Abbott—From citizens and tax-payers of the City of Monterey, praying for the passage of a bill to reincorporate said city.

Referred to the Committee on Corporations.

REPORTS.

By Mr. Dixon:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta—have had the same under consideration, report it back, and recommend its passage.

DIXON, for Committee.

Mr. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No 425—An Act concerning public roads in Lassen County—have had the same under consideration, have amended the same, report it back, and recommend its passage as amended.

DIXON, for Committee.

By Mr. Carter:

Mr. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No 443—An Act to amend section three hundred and ninety-seven of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend its passage.

CARTER, Chairman.

By Mr. Lambourn:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 450—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Diego—have had the same under consideration, and beg leave to report it back, with recommendation that it pass.

LAMBOURN, Chairman.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 276—An Act to provide for the payment of the claim of John Brenner.

Also, Assembly Concurrent Resolution No 33—Relative to the construction of a breakwater and light-house at the Port of Mendocino.

Also, Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four.

Also Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, Assembly Bill No 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Also, Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices.

Also, Assembly Bill No 355—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

Also, Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District, in the County of El Dorado.

Also, Assembly Bill No 66—An Act to regulate fares and sale of tickets on street railroads in the City and County of San Francisco.

Also, Assembly Bill No. 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters.

Also, Assembly Bill No 79—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California.

COVINGTON, for Committee.

By Mr. Berry:

Mr. SPEAKER: The Committee on Ways and Means, to whom was referred Assembly Bill No. 228—An Act amending that portion of the Code relative to license taxes—have examined the same, and recommend that it be referred to the Judiciary Committee, as it conflicts with other parts of the Code not referred to in the bill.

We have also considered and amended the resolution relative to the per diem of the Mail Carrier of the Assembly, and recommend its passage as amended.

BERRY, Chairman.

Assembly Bill No. 228, above reported, was referred to the Judiciary Committee.

The resolution above reported was amended to read as follows:

*Resolved*, That the Mail Carrier of the Assembly be allowed three dollars per day for his services as such, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Gelwicks:

Mr. SPEAKER: The Committee on Printing, to whom was referred Senate Joint Resolution No. 33—Relative to printing the laws of this session—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Committee.

Senate Joint Resolution No. 33, above reported, read third time and adopted.

By Mr. Swan:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 25—Concerning Oakland Harbor—beg leave to report that they have had the same under consideration, report it back, and recommend its passage.

Also, Senate Concurrent Resolution No. 22—Asking an appropriation to erect a light-house and fog-bell on the Straits of Carquinez—report it back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 39—Relative to establishing a mail route between the Counties of San Luis Obispo and Kern—report it back, and recommend its passage.

SWAN, Chairman.

By Mr. Harris:

Mr. SPEAKER: The Siskiyou and Humboldt delegations, to whom was referred Assembly Bill No. 82, and the substitute therefor—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou—report the same back, and recommend the passage of the substitute as amended.

HARRIS, for Delegations.

By Mr. Rice.

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries—report the same back, and recommend its passage.

RICE, for Delegation.

By Mr. Wilcox.

Mr. SPEAKER: The Mariposa delegation, to whom was referred Assembly Bill No. 491—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa—have had the same under consideration, and report the same back, and recommend that it pass.

WILCOX, for Delegation.

Assembly Bill No. 491, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr. Ferral:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma—have had the same under consideration, as amended by the Senate, and report the same back to the House and recommend its passage.

FERRAL, for Delegation.

Assembly Bill No. 268, above reported, Senate amendments concurred in.

Mr. Murphy of Del Norte, in accordance with notice previously given, moved to reconsider the vote by which the House on yesterday refused to engross Assembly Bill No 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State.

The vote by which it was refused engrossment was reconsidered, and the bill made the special order for Friday, March third, at one o'clock and thirty minutes P. M.

INTRODUCTION OF BILLS

By Mr. Gelwicks—An Act to prevent the destruction of timber lands belonging to the State of California.

Read first and second times and referred to the Committee on Public Lands.

Also, an Act to grant the right of way to the Oakland, Berkeley, and Contra Costa Railroad Company.

Read first and second times and referred to the Alameda delegation.

Also, an Act to amend section one thousand nine hundred and seventeen of the Civil Code.

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

By Mr. Jamison—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Rice—An Act to establish and maintain public and private roads in the County of Santa Cruz.

Read first and second times and referred to the Santa Cruz delegation.

At twelve o'clock and thirty minutes P. M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present

MOTIONS AND RESOLUTIONS.

By Mr. Harris.

*Resolved*, That the special committee appointed to investigate the affairs of the Golden Gate Park Commission be instructed to proceed at once to San Francisco, to complete the taking of testimony upon said matters, and that they notify all parties interested of the time and place of meeting for such purpose and that said committee make their final report to this House within fifteen days from this date, further

*Resolved*, That said committee be instructed to deliver the testimony already taken to the printer, for printing.

Adopted.

By Mr. Nott:

*Resolved*, That the Controller of State is hereby authorized and directed to draw his warrants in favor of the various newspapers and periodicals (a list of whose names are hereby annexed),

furnished members of the Legislature during the present session, for the amounts allowed by the Committee on Public Expenditures and Accounts, in their report made to this House on the twenty-third instant, and the Treasurer of State is hereby authorized to pay said amounts *Sacramento Record-Union*—C. E. Spencer, agent. *Bulletin* and *Call*, San Francisco—George I. Lytle, agent, *Chronicle*, *Alta*, and *German Democrat*—W. A. Mott, agent. *Examiner* and *Monitor*—A. S. Hopkins, agent. *Sacramento Bee*—George H. Holton, agent; *San Francisco Post*—A. J. Rivett, agent.

The resolution, as above, was adopted.

By Mr. Koutz:

WHEREAS, The substitute for Assembly Bill No. 182 has been sent to the State Printing Office, under a motion made and adopted to print five hundred copies, and it will be too late for the Engrossing Clerk to engross said bill after it is returned from the printing office, so that it can be reported back to the House on Monday next, in accordance with the resolution of the House, adopted yesterday; therefore

*Resolved*, That the Engrossing Clerk is hereby instructed to make an engrossed copy from the copy in possession of Hon. Mr. Archer, and that the Engrossing Clerk be paid out of the Contingent Fund of the House for the extra time employed in engrossing said bill, in time to have it reported back to the House by Monday next.

Adopted.

By Mr. Wilcox:

*Resolved*, That the testimony taken in the matter of the Golden City Homestead Association be printed, and that the same be embraced in the appendix to the journals, and also the report made to this House.

Adopted.

Upon motion of Mr. Murphy of Del Norte, Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State—was ordered printed.

REPORT.

By Mr. Preston:

Mr. SPEAKER: The San Luis Obispo delegation, to whom was referred Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo—beg leave to report the same back and recommend its passage.

PRESTON, for Delegation.

Assembly Bill No. 496, above reported, rules suspended, considered engrossed, read third time, and passed.

Upon motion of Mr. O'Connell, Assembly Bill No. 247—An Act to establish a State Book-bindery—also, the report of the Controller on the costs of book-binding, were referred to the Committee on Ways and Means.

[Mr. Gelwicks in the chair.]

The House took up the motion of Mr. Koutz, made yesterday, to reconsider the vote by which the House refused to engross Assembly Bill No. 347.

The motion to reconsider was indefinitely postponed.

Upon motion of Mr. Biggs, Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento—was recommitted to the Sacramento delegation.

FURTHER INTRODUCTION OF BILLS.

By Mr. Giffen—An Act supplemental to and amendatory of an Act entitled an Act to provide for the building and furnishing a Court-house, offices, and jail in Tulare County, and for improving the

Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

Read first and second times and ordered to head of file for Tuesday, February twenty-ninth.

Assembly Bill No. 430, upon the same subject as the above bill, was also ordered to head of file for the same day

By Mr. Lambourn (by request)—An Act to create the County of Santa Ana, to establish the boundaries thereof, and to provide for its organization

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Birney (by request)—An Act to authorize appropriation of money for the purpose of erecting a monument to the memories of Royal T. Sprague, late Chief Justice of the Supreme Court; James W. Mandeville, late State Controller; Thomas Springer, late State Printer; W. H. Weeks, late Secretary of State, and Dr. Thomas M. Logan, late of the State Board of Health, and to create a Board of Trustees to carry out the object of the appropriation.

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

By Mr. Covington—An Act to amend section one thousand seven hundred and seventy-one of the Political Code.

Read first and second times and referred to the Committee on Education.

By Mr. Jourden—An Act concerning the office of City and County Surveyor in and for the City and County of San Francisco.

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

By Mr. Carson—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.

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

By Mr. Archer (by request)—An Act concerning corporations

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

By Mr. Garretson—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four.

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

Also, an Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands

GENERAL FILE.

Senate Bill No 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Substitute adopted, amended, read third time, and passed.

FURTHER INTRODUCTION OF BILLS.

By Mr. Nott—An Act to repeal section three thousand four hundred and eight of the Political Code.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Carson—An Act to amend sections two hundred and fifty-eight and two hundred and fifty-nine of the Code of Civil Procedure, concerning Court Commissioners.

Also, an Act to amend section nine hundred and eighty of the Code of Civil Procedure, concerning appeals to County Courts.

Each read first and second times and referred to the Judiciary Committee.

RESOLUTION.

By Mr. Clarken:

*Resolved*, That a sum of money is hereby appropriated, not to exceed two hundred and fifty dollars, out of the Contingent Fund of the Assembly, or such less sum as may be found to be justly due, for costs, witness fees, etc., necessarily incurred and expended by the parties in the late contested election case of *Hopper* v. *Biggs*.

Referred to the Committee on Elections.

REPORT.

By Mr. Covington—A statement of the number of folios engrossed in the Engrossing Clerk's office.

Referred to the Committee on Engrossment.

[Mr. Scrivner in the chair.]

GENERAL FILE RESUMED.

Senate Bill No. 212—An Act to regulate the fees in the County of Alameda.

Amended, read third time, and passed.

Upon motion of Mr. Sargent, the Engrossing Clerk was instructed to insert the enacting clause of Assembly Bill No. 388.

SPECIAL ORDER.

The Speaker announced the special order, being substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy.

On motion, the above bill was made the special order for Thursday, March second, at one o'clock and thirty minutes P. M.

GENERAL FILE RESUMED.

Senate Bill No. 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and to provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

Read third time and passed.

Senate Bill No. 249—An Act concerning St. Luke's Hospital Association.

Read third time and passed.

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Harris, the House adjourned, to meet on Monday, February twenty-eighth, at eleven o'clock A. M.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 28th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of Saturday read and approved.

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Bagge, Pullen, McInerny, Raisch, and Sullivan.

House took up for consideration Assembly Bill No. 431—An Act concerning roads and highways in Contra Costa County and Solano County.

Amended, rules suspended, considered engrossed, read third time, and passed.

## PETITIONS.

By Mr Jamison—A petition from citizens of the Town of Santa Clara, in reference to the sale of certain public squares in said town.

Also, a remonstrance from citizens of the same town, against the sale of any public squares in the Town of Santa Clara.

Both petition and remonstrance were referred to the Santa Clara delegation.

By Mr. Collins—From citizens of Fresno County, in relation to the passage of a bill creating a State police.

Laid on the table.

## INTRODUCTION OF BILLS.

By Committee on Ways and Means—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years.

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

## GENERAL FILE.

Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices.

Passed on file.

Assembly Bill No. 66—An Act to regulate the fares and sale of tickets on street railroads in the City and County of San Francisco.

Read third time and passed.

Assembly Bill No. 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters.

Read third time and passed.

Senate Concurrent Resolution No. 25—Concerning the Oakland Harbor.

Read third time and passed.

Senate Concurrent Resolution No. 22—Asking an appropriation to erect a light-house and fog-bell in the Straits of Carquinez.

Read third time and passed.

Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County.

Substitute adopted.

Amended, rules suspended, considered engrossed, read third time, and passed; title amended.

[Mr. Coffey in the chair.]

Assembly Concurrent Resolutions Nos. 18 and 29 passed on file.

Assembly Bill No. 259 passed on file.

Assembly Bill No. 407—An Act to pay the claim of E. O. F. Hastings.

Considered in Committee of the Whole, with Mr. Coffey in the chair.

Committee of the Whole arose and reported the bill back, with a recommendation that it pass.

IN ASSEMBLY

Assembly Bill No. 407, above reported. The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Ostrom, Crutcher, and Pierce.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Blackwell, Blue, Broderick, Burbank, Carter, Carson, Chapman, Clarken, Coffey, Cornwell, Covington, Ferral, Garretson, Gelwicks, Giffen, Griswold, Harris, Hayne, Jourden, Lambourn, Lammers, Magune, McCarthy, McKenna, Patterson of San Joaquin, Pierce, Preston, Quigley, Ruggles, Sargent, Scrivner, Suverkrup, Swan, and Young—37.

NOES—Messrs. Berry, Bradley, Clunie, Crutcher, Dixon, Dunlap, Hart, Hinshaw, Jamison, Kennedy, Koutz, Nott, Ostrom, Rankin, Reddick, Rice, Roberts, Watkins, Weitherill, and Mr. Speaker—20.

At twelve o'clock and thirty minutes P. M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

INTRODUCTION OF BILLS

By Mr. Harris—An Act for the relief of East Fork School District, in the County of Siskiyou.

Read first and second times and ordered on file.

By Mr. Crutcher—An Act concerning roads and highways in the County of Placer.

Read first and second times and referred to the Committee on Roads and Highways.

RESOLUTION.

By Mr. Coffey:

*Resolved*, That the Copying Clerks of the Assembly be and they are hereby required to act as Assistant Enrolling Clerks, subject to the orders of the Enrolling Clerk, without compensation other than that now allowed to them by law as Copying Clerks, and that the Enrolling Clerk be allowed one additional assistant, at the same per diem allowed to the Enrolling Clerk.

Adopted.

REPORTS.

By Mr. Covington

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 469—An Act to continue the existence of the Crescent City Plank Road and Turnpike Company.

Also, Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freight on the railroads in this State.

Also, Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County.

Also, Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa County.

Also, Assembly Bill No. 349—An Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure, relative to estates of deceased persons.

Also, Assembly Bill No. 383—An Act concerning evidence of title to State lands.

Also, Assembly Bill No. 444—An Act to legalize the assessments on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Also, Assembly Bill No. 392—An Act to amend an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six

Also, Assembly Bill No. 388—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County.

Also, Assembly Bill No. 134—An Act to amend section three thousand six hundred and forty-four of the Political Code.

COVINGTON, for Committee.

Also:

Mr. SPEAKER: Your committee, to whom was referred the report of the Engrossing Clerk having carefully examined it, would recommend its adoption.

COVINGTON, Chairman.

By Mr. Archer

Mr. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 403—An Act to regulate the introduction of bills into the Senate and Assembly, making an appropriation of State moneys—report the same back, and recommend that its author be permitted to withdraw it.

Also, Assembly Bill No. 110—An Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them—report the same back, with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 442—An Act to limit the powers of the Board of Supervisors of Alameda County, with reference to contracting debts and levying taxes for county purposes—report the same back without recommendation.

Also, Assembly Bill No. 356—An Act to amend section one thousand two hundred and sixty-one of the Civil Code—report the same back, and recommend that it do not pass.

ARCHER, Acting Chairman.

Assembly Bill No. 403, above reported, was withdrawn by the author.

By Mr. Archer:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 378—An Act to incorporate the City of Monterey—with petitions for and against, have had the same under consideration, and herewith report the said bill back, and recommend its passage.

ARCHER, Chairman.

Assembly Bill No 378, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr. Archer:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa

Clara, approved March eighteenth, eighteen hundred and seventy-four—having had said bill under consideration, report the same back, and recommend its passage.

Also, Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara—having been referred to said delegation, is reported back, with the recommendation that it pass.

ARCHER, for Delegation.

[Mr. Clarken in the chair.]

GENERAL FILE RESUMED.

Assembly Bill No. 168 amended and passed on file

Assembly Bills Nos. 299 and 382 were also passed on file.

Assembly Bill No. 405—An Act to appropriate moneys for the purpose of insuring the State Printing Office.

Considered in Committee of the Whole, with Mr. Clarken in the chair.

The Committee of the Whole arose and reported the bill back, with a recommendation that it be indefinitely postponed.

IN ASSEMBLY.

The report of the Committee of the Whole was concurred in, and the bill was indefinitely postponed.

Assembly Bill No. 242—An Act to protect irrigation, and to make water rights responsible for expenses incurred on irrigating ditches in San Bernardino County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bills Nos. 187 and 332 passed on file.

Assembly Bill No. 336—An Act to pay the claim of Michael Essinger; and Assembly Bill No. 421—An Act for the relief of Elijah True—were considered in Committee of the Whole, with Mr. Clarken in the chair.

The Committee of the Whole arose and reported back the bills, with a recommendation that Assembly Bill No. 336 pass, and also, the passage of Assembly Bill No. 421 as amended.

IN ASSEMBLY.

Assembly Bill No. 336, above reported, rules suspended, considered engrossed, read third time, and, upon its passage, the ayes and noes were demanded by Messrs. Birney, Berry, and Rice.

The roll was called, and the bill was passed, by the following vote:

AYES—Messrs. Abbott, Birney, Burbank, Carter, Carson, Clark Clarken, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garnetson, Giffen, Harris, Hayne, Hinshaw, Jenkins, Jourden, Lambourn, Lammers, Maguire, McCarthy, Murphy of Del Norte and Klamath, O'Connell, Patterson of Kern and Tulare, Pierce, Raisch, Sargent, Scrivner, Suverkrup, Swan, Wetherill, and Young—37.

NOES—Messrs. Archer, Barber Berry, Biggs, Blackwell, Blue, Broderick, Coffey, Hart, Harding, Jamison, Jones, Kennedy, Koutz, Ostrom, Patterson of San Joaquin, Preston, Quigley, Rankin, Reddick, Rice, Ruggles, Sullivan, Watkins, Wood, and Mr. Speaker—26.

Mr. Harris gave notice of a motion to reconsider the vote by which Assembly Bill No 336 was passed.

Assembly Bill No. 421, above reported, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 350—An Act to authorize the Governor of the

State of California to appoint a gauger and weigher of wines and liquors

Indefinitely postponed.

Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 357 passed on file.

Assembly Bill No. 369—An Act fixing the number of Supervisors of Humboldt County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 370—An Act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of California, but doing business therein.

Indefinitely postponed.

Assembly Bill No 372—An Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy

Withdrawn by author.

Assembly Bill No. 132 passed on file.

Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County

Amended and ordered engrossed.

Assembly Bill No. 406 passed on file

Assembly Bill No. 398—An Act to amend section four thousand and eighty of the Political Code, relating to cultivating shade and ornamental trees along highways and public grounds.

Withdrawn by author.

Assembly Bill No. 386—An Act to amend section three thousand eight hundred and twenty of the Political Code, relating to collection of taxes by the Assessors.

Ordered engrossed

REPORTS.

By Mr Nott

SACRAMENTO, February 28th, 1876.

Mr. SPEAKER The Committee on Enrollment have examined Assembly Concurrent Resolution No 38—Relative to requesting the Governor to return to the Assembly Assembly Bill No. 291 for correction

Also, Assembly Bill No 408—An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County

Also, Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District Number Two, of Sutter County.

Also, Assembly Bill No 285—An Act to fix the compensation of the Assessor of Inyo County.

Also, Assembly Bill No 219—An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District, and to provide for additional school facilities therein

Also, Assembly Bill No 162—An Act to add another section to the Penal Code, Chapter II., Title IX, Part I.

Also, Assembly Bill No. 64—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.

Also, Assembly Bill No. 22—An Act to repeal section eighteen hundred and eighty-two of the Code of Civil Procedure.

And report the same correctly enrolled: and that at three o'clock the same were presented to the Governor for his approval

NOTT, for Committee.

SACRAMENTO, February 28th, 1876

MR. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 1 (enrolled out of its order, as instructed by motion made and carried, February twenty-sixth)—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes—and report the same correctly enrolled, and that at three o'clock the same was presented to the Governor for his approval.

NOTT, for Committee.

GENERAL FILE RESUMED

Assembly Bill No. 15—An Act entitled an Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow.

Substitute adopted and amended; rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature.

Amended, rules suspended, considered engrossed, read third time, and passed.

[Speaker in the chair.]

Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code of the State of California, concerning the compensation of employés.

Substitute adopted and ordered engrossed.

Assembly Bill No. 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 363—An Act to provide for the representation of the mountain scenery and mineral productions of the State of California at the Centennial Exhibition, to be held at Philadelphia in the year eighteen hundred and seventy-six.

Recommitted to the Centennial Committee.

Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 3—An Act for the relief of John Higgins.

Amended, and upon the engrossment of the bill the ayes and noes were demanded by Messrs. Harding, O'Connell, and McCarthy.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Barber, Blackwell, Carson, Coffey, Collins, Dixon, Ferral, Jenkins, Jourden, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Kern and Tulare, Raisch, Ruggles, Watkins, and Young—17.

NOES—Messrs. Abbott, Archer, Berry, Biggs, Blue, Bradley, Brickland, Broderick, Burbank, Carter, Chapman, Clarken, Chune, Crutcher, Dunlap, Garretson, Gilten, Griswold, Harris, Harding, Hayne, Hinshaw, Jamison, Jones, Kennedy, Koutz, Lammers, Maguire, McCarthy, Nott, Ostrom, Patterson of San Joaquin, Pierce, Preston, Quigley, Rankin, Reddick, Rice, Roberts, Sargent, Scrivner, Sullivan, Suverkrup, Swan, Wood, and Mr. Speaker—46.

REPORT

By Mr. Maguire

MR. SPEAKER: Your Committee on Education, to which was referred Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California—having considered the same, beg leave to report it back, with amendments, and recommend its passage as amended.

MAGUIRE, for Committee.

ADJOURNMENT.

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

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 29th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

## PETITIONS

By Mr Lambourn—From citizens of the southeastern portion of Los Angeles County, asking for the passage of a bill to create the County of Santa Ana.

Also, a remonstrance from citizens of Los Angeles County, against the passage of a bill creating the new County of Santa Ana.

Petition and remonstrance referred to the Committee on Counties and County Boundaries.

By Mr. Clark—From citizens of Humboldt County, in favor of granting a franchise to G. S. Baker, to construct a boom across Mad River, in said county.

Also, a remonstrance from citizens of Humboldt County, against granting a franchise to construct a boom across Mad River, in said county.

Petition and remonstrance referred to the Committee on Corporations.

Mr. Clark had leave to introduce the following bill out of order: An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.

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

## REPORTS

By Mr. McConnell:

Mr. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 472—An Act to provide compensation for the collection of poll-tax in the several counties of this State—report the same back, and recommend its passage.

Also, Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases—report the same back, and recommend its passage

Also, Assembly Bill No 423—An Act to amend section four thousand three hundred and seventy-three of the Political Code, concerning vacancies in city offices—report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 410—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four—and report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 461—An Act to provide for the payment of official reporters in certain cases, in Humboldt County—report the same back, and recommend its passage.

Also, report back a petition accompanying said Assembly Bill No. 461.

Also, Assembly Bill No. 479—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers of the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-six—report the same back, and recommend its passage.

Also, Assembly Bill No. 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt—report the same back, and recommend its passage.

Also, Assembly Bill No. 438—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section twelve hundred and thirteen, relative to election tickets—report the same back, and recommend that it do not pass

Also, Assembly Bill No. 495—An Act to amend section five hundred and thirty-two of the Penal Code—report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 297—An Act to amend section nine hundred and eighty-seven of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto—and recommend its reference to the Committee on Rules and Employés.

Also, Assembly Bill No. 412—An Act to amend section ninety-two of the Civil Code—and recommend that it do not pass

Also, Assembly Bill No. 413—An Act for the protection of drovers and persons driving stock on the public highways—and recommend that it do not pass.

Also, Assembly Bill No. 427—An Act to amend an Act entitled an Act to organize and regulate the Justices' Court of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six—report the same back, and recommend its reference to the San Francisco delegation.

Also, Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make his settlement—report the same back, and recommend its passage.

Also, Assembly Bill No. 432—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine—report the same back, and recommend its passage.

Also, Assembly Bill No. 379—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California—report the same back, and recommend its reference to the San Francisco delegation, with instructions to substitute a bill applicable only to San Francisco, if they so desire.

Also, Assembly Bill No. 228—An Act amending that portion of the Political Code which relates to license taxes—report the same back, and recommend that it do not pass.

Also, Assembly Bill No 489—An Act to provide for a re-count of votes at general elections—report the same back, and a majority (six members) recommend that it do not pass, while a minority (two members) recommend its passage

Also, Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure—and recommend that it do not pass.

McCONNELL, Chairman.

Assembly Bill No. 393, above reported, referred to the Committee on Employés.

Assembly Bill No. 427, above reported, referred to the San Francisco delegation.

Assembly Bill No. 379, above reported, referred, with special instructions, to the San Francisco delegation.

By Mr. Archer:

Mr. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Assembly Bill No. 573—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four—and report the same back, and recommend its passage.

ARCHER, Chairman.

By Mr. Hinshaw:

Mr. SPEAKER *Your Committee on Public Expenditures and Accounts have examined and* considered the various bills and claims of witnesses subpœnaed and testifying before the Committees on Public Buildings and Grounds, the special committee appointed to examine into the affairs of the Golden City Homestead Association, the Judiciary Committee, the Committee on Elections, and other claims in the same connection, and beg leave to report as follows

In the matter of the Sergeant-at-Arms, for official service of subpœnas during the investigation of the Golden City Homestead Association, after an examination of the bill, we have recommended the allowance of a total of two hundred and eighty-one dollars and fifty cents.

The claims of witnesses for fees in attending that special committee's sessions are herewith returned, and the total amount recommended is three hundred and eighty-nine dollars.

We recommend further, the allowance of three hundred and fifty-one dollars and fifty cents to the Sergeant-at-Arms for services in summoning witnesses in cases before the Committee on Public Buildings, and other committees.

The itemized account of the same is herewith presented

*Following are the names of the witnesses subpœnaed before the special committee on the investigation of the affairs of the Golden City Homestead Association, and the amounts allowed:*

| | |
|---|---|
| E. Wilson, two miles, two days' service | $4 50 |
| S. J. Sweezy, one hundred and eighty miles, one day's service | 47 00 |
| John Martin, one hundred and eighty miles, one day's service | 47 00 |
| John Bensley, one hundred and eighty miles, three days' service | 51 00 |
| H. F. Williams, two miles, one day's service | 2 50 |
| E. Boyle, one hundred and eighty miles, two days' service | 49 00 |
| C. B. Porter, one hundred and eighty miles, one day's service | 47 00 |
| B. B. Redding, one hundred and eighty miles, one day's service | 47 00 |
| John Bensley, one hundred and eighty miles, one day's service | 47 00 |
| Thomas Rogers, one hundred and eighty miles, one day's service | 47 00 |
| Total | $389 00 |

The committee beg leave to offer the following resolution, and ask its adoption:

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrants in favor of each of the foregoing parties named in this report, for the amounts recommended by this committee, and the Treasurer of State is hereby instructed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

The resolution above reported was adopted.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means have considered Assembly Bill No. 459—An Act to fix the compensation of the Supervisors of San Bernardino County—and recommend its passage.

Also, Assembly Bill No. 492—An Act making appropriations for the twenty-sixth and twenty-seventh fiscal years—and recommend that it pass.

Also, Assembly Bill No. 497—An Act to appropriate money to assist in the prosecution by the State of the Golden City Homestead Association—and recommend that it pass.

BERRY, Chairman.

By Mr. Carter:

Mr. Speaker: Your Committee on Public Morals, to whom was referred Assembly Bill No. 420—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities—have had the same under consideration, and report it back, recommending its passage.

CARTER, Chairman.

By Mr. Covington:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 76—An Act relative to apprentices and masters.

Also, Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco.

Also, Assembly Bill No. 499—An Act to fix the penal sum of the official bond of the County Treasurer of the County of Alpine.

Also, Assembly Bill No. 417—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

Also, Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco.

Also, Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds of the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company.

Also, Assembly Bill No. 399—An Act concerning goats in the County of Mariposa.

Also, Assembly Bill No. 475—An Act to make applicable to Del Norte County an Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, eighteen hundred and seventy-two.

Also, Assembly Bill No. 404—An Act to amend an Act to provide for establishing, maintaining, and providing public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 284—An Act to establish the fees of Justices of the Peace in and for the County of San Benito.

Also, Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County.

Also, Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare.

COVINGTON, for Committee.

By Mr. Dixon

Mr. Speaker: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 518—An Act concerning roads and highways in the County of Placer—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County—have had the same under consideration, report it back, and recommend its passage.

DIXON, for Committee.

By Mr. Quigley.

Sacramento, February 29th, 1876.

Mr. Speaker: The Committee on Enrollment have examined Assembly Bill No. 24—An Act to abate the squirrel nuisance in Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern Counties, State of California—enrolled out of its order, in compliance with order, and report the same correctly enrolled, and that at eleven o'clock A. M. the same was presented to the Governor for his approval.

QUIGLEY, for Committee.

By Mr. Hayne.

Mr. Speaker: The special committee appointed to consider the application by citizens of Santa Barbara County for the construction of a railroad in said county, having had the same under consideration, respectfully report as follows:

Since the appointment of said committee, the citizens and tax-payers of Santa Barbara County having reconsidered their previous action, in submitting the first bill referred to your committee, and having since submitted a new bill, viz: Assembly Bill No. 477, as a substitute therefor, your committee have carefully considered the said substitute, a majority (Mr. McKenna dissenting) respectfully report back the said substitute, and recommend its passage; and that the usual number of copies be printed.

HAYNE, for Committee.

Assembly Bill No. 477, above reported, was ordered printed.

By Mr. Pierce.

Mr. Speaker: The San Diego delegation, to whom was referred Assembly Bill No. 449—An Act to provide for the government of the County of San Diego—has had the same under consideration and beg leave to report it back with amendments, and recommend its passage as amended.

PIERCE, for Delegation.

Assembly Bill No. 449, above reported, was referred to the Judiciary Committee.

By Mr. Burbank:

Mr. Speaker: The Marin delegation, to whom was referred Assembly Bill No. 471—An Act to provide for the collection of road poll-taxes in the County of Marin—have considered the same, report it back, and recommend its passage.

BURBANK, for Delegation.

Assembly Bill No. 471, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr. Dunlap:

Mr. Speaker: The Amador delegation, to whom was referred Assembly Bill No. 455—An Act to fix the rate and compensation of officers of the County of Amador—beg leave to report the same back with amendments, and recommend its passage as amended.

CARTER and DUNLAP, for Delegation.

Assembly Bill No. 455, above reported, was taken up, rules suspended, amended, considered engrossed, read third time, and passed.

By Mr. Clunie.

Mr. Speaker: Your committee, having duly considered several bills referred to it, herewith report back Assembly Bill No. 337—An Act for the relief of W. S. Safford—with the recommendation that it do not pass.

Also, Assembly Bill No. 240—An Act for the relief of John A. Sutter—with the recommendation that it do not pass.

Also, Assembly Bill No. 328—An Act for the relief of J. W. Marshall—with the recommendation that it do not pass.

Also, Assembly Bill No 485—An Act for the relief of Joseph Neumann—with the recommendation that it do not pass

CLUNIE, for Committee.

RESOLUTIONS.

By Mr. Nott.

WHEREAS, The Copying Clerks of this House refused to comply with the terms of the resolution adopted February twenty-eighth, eighteen hundred and seventy-six, instructing them to act as Assistant Enrolling Clerks, without additional compensation, and, whereas, said Copying Clerks have no other duty to perform, and are now drawing salaries without rendering service therefor: therefore,

*Resolved*, That said Copying Clerks are hereby removed from office, and the positions of Copying Clerks of the Assembly are hereby declared vacant.

*Resolved further*, That a copy of these resolutions be transmitted to the Controller of State, and he be requested to refuse to issue any warrant for the payment of the salaries of said Copying Clerks on any claim for services presented subsequent to this date.

Mr. Maguire offered the following as a substitute.

*Resolved*, That the resolution passed by the House February eleventh, eighteen hundred and seventy-six, transmitting all bills, without being copied, to the State Printer, be and the same is hereby rescinded, and that from the present time until the close of the session the Chief Clerk shall deliver all bills ordered printed to the elected Copying Clerks of this House, to be by them copied.

The resolution offered by Mr. Nott, and the substitute, were laid upon the table temporarily

INTRODUCTION OF BILLS.

By Mr. Griswold—An Act to authorize the Board of Supervisors of the County of Inyo to sell several county bridges across Owen's River, and to authorize said bridges to be established as toll bridges.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Jamison—An Act to establish the county line between the Counties of Santa Clara and Santa Cruz.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Scrivner—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Stanislaus and Fresno.

Read first and second times and referred to the Stanislaus and Fresno delegations.

Mr. Harris, in accordance with notice given yesterday, moved to reconsider the vote by which the House on yesterday passed Assembly Bill No. 336—An Act to pay the claim of Michael Essinger.

The motion prevailed, and the bill was recommitted to the Committee on Claims.

FURTHER INTRODUCTION OF BILLS.

By Mr. Pierce—An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego.

Also, an Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego to Richard C. McCormick.

Each read first and second times and referred to the Committee on Ways and Means.

RESOLUTION.

By Mr. Coffey:

*Resolved*, That two hundred and forty copies be printed of Assembly Bill No. 488—An Act to change and modify the grade and to provide for the grading and regrading of certain portions of Montgomery Avenue, and of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco; also, two hundred and forty copies of Assembly Bill No. 512—An Act concerning the office of City and County Surveyor in and for the City and County of San Francisco.

Adopted.

MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 28th, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No 304—An Act to provide for the funding of the levee indebtedness of the City of Marysville.

Also, Assembly Bill No 133—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County, approved March thirteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside under certain circumstances.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 29th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure.

Also, Assembly Bill No. 53—An Act regulating certain township officers in the County of Calaveras.

Also, Assembly Bill No. 175—An Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds and to provide means for the improvement of irrigation in said city.

Also, Assembly Bill No. 285—An Act to fix the compensation of the Assessor of Inyo County.

Also, Assembly Bill No 323—An Act to fix the compensation of the County Clerk of Humboldt.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 29th, 1876.

*To the Assembly of the State of California:*

I have the honor to transmit to your honorable body Assembly Bill No. 291—An Act to amend an Act entitled an Act incorporating the Town of Cloverdale, in the County of Sonoma and State of California, approved February twenty-eighth, eighteen hundred and seventy-two—in accordance with the request embodied in Assembly Concurrent Resolution No. 38, received by me on February twenty-eighth, eighteen hundred and seventy-six.

WILLIAM IRWIN, Governor.

RESOLUTION.

By Mr. Bagge:

*Resolved*, That the honorable the Senate of California be and they are hereby invited to attend the exhibition by the pupils of the Deaf, Dumb, and Blind Asylum, to be given in the Assembly Chamber this evening, and that a copy of this resolution be immediately transmitted to the Senate.

Adopted.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, February 29th, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate, on the nineteenth day of February, eighteen hundred and seventy-six, passed Senate Bill No. 248—An Act to provide for keeping the Capitol and Capitol grounds.

And, on the twenty-third of February, eighteen hundred and seventy-six, passed Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries of school districts.

Also, Senate Bill No 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

Also, Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Also, Senate Bill No 429—An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

Also, Senate Bill No 252—An Act to amend section one thousand and fifty-five of the Political Code.

And, on the twenty-fifth instant, passed Senate Bill No 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California approved March twelfth eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State

And, on the twenty-eighth instant, passed Assembly Bill No 424—An Act fixing the time of electing School Trustees in the County of Sutter

Also, Assembly Bill No. 326—An Act concerning the offices of Supervisors and District Attorney in the County of Calaveras.

Also, Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of the County of Los Angeles.

Also, adopted and passed a substitute for Assembly Bill No. 375—An Act to amend section sixty-eight of the Code of Civil Procedure.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 376—An Act requiring the County Treasurer of Sacramento County to make certain entries in writing, in the Treasurer's register of claims or warrants against the county

Also Senate Bill No. 446—An Act to fix the salary of the Assessor of the City of Oakland.

Also, Senate Bill No 447—An Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city.

And, on February twenty-ninth, passed Assembly Bill No. 344—An Act relative to the assessments in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County.

Also, substitute for Assembly Bill No 464—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code—and ordered it transmitted at once to the Assembly

CLARK, Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 248, above reported, read first and second times and referred to the Committee on Retrenchment and Reform.

Senate Bill No. 240, above reported, read first and second times and referred to the Tehama delegation

Senate Bill No. 304, above reported, read first and second times and referred to the Committee on Education

Senate Bill No. 244, above reported, read first and second times and referred to the San Joaquin delegation.

Senate Bill No. 216, above reported, read first and second times and referred to the Nevada delegation.

Senate Bill No. 429, above reported, read first and second times and referred to the Judiciary Committee

Substitute for Senate Bill No 252, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 315, above reported, read first and second times and referred to the Committee on Retrenchment and Reform.

Senate Bill No. 376, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bills Nos. 446 and 447, above reported, each read first and second times and referred to the Alameda delegation.

Senate substitute for Assembly Bill No. 375, above reported, was concurred in.

Senate substitute for Assembly Bill No. 464, above reported, was referred to the Alameda delegation

Assembly Bill No. 195, above reported, Senate amendments were concurred in

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M. the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M

Speaker in the chair.

Roll called, and a quorum present.

SPECIAL ORDER

The Speaker announced as the special order for this hour Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State.

Upon motion of Mr. Sargent the previous question was ordered by the House.

The bill was read a third time, and the question being upon the passage of the bill the ayes and noes were demanded by Messrs. Rice, Collins, and Clarken

The roll was called, and the bill passed, by the following vote

AYES—Messrs. Archer, Bagge, Barber, Berry, Birney, Blackwell, Blue, Bradley, Brickland, Broderick, Burbank, Carson, Chapman, Clark, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garretson, Hart, Harris, Harding, Hinshaw, Jamison, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, Magune, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, O'Connell, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Quigley, Rankin, Raisch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wilcox, Wood, Young, and Mr. Speaker—66.

NOES—Messrs. Biggs, Carter, Gelwicks, Griswold, Hayne, McConnell, Murphy of San Francisco, and Witherill—8.

Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Made the special order for to-morrow at two o'clock P. M.

At three o'clock and fifty-five minutes Mr. Collins moved to adjourn. Lost.

FURTHER INTRODUCTION OF BILLS.

By Mr. Murphy of San Francisco—An Act for the better protection of stockholders in corporations, and to prevent the loaning of stocks deposited as collateral security.

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

By Mr. Harris—An Act to provide text-books free of cost for the children attending the public schools of this State.

Read first and second times and referred to the Committee on Education.

By Mr. Cornwell—An Act to incorporate the Town of St. Helena.

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

By Mr. Blue—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and sixty-two, and to repeal section three thousand seven hundred and seventy of the Political Code.

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

By Mr. Covington—An Act to encourage the destruction of certain wild animals in the County of Mendocino, and provide for bounty for the same.

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

Also, an Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads, in the County of Mendocino, California.

Read first and second times and referred to the Mendocino delegation.

By Mr. Bagge—An Act to provide for the safe-keeping of public funds in the City of Oakland.

Read first and second times and referred to the Alameda delegation.

By Mr. Barber—An Act for the incorporation of societies for the prevention of cruelty to children.

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

By Mr. Chapman—An Act to amend section three thousand four hundred and fifty-nine of the Political Code.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Berry—An Act for the relief of Rodolph Ressmeyer.

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

By Mr. McKenna—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure.

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

By Mr. Garretson—An Act to amend section three hundred and seventy of the Penal Code.

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

Also, an Act to amend section six hundred and sixty-nine of, and to add a section to, the Penal Code.

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

By Mr. Reddick—An Act to fix the terms of the County and Probate Courts in the County of Calaveras.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Carson—An Act to amend an Act entitled an Act to regulate fees in office, approved April tenth, eighteen hundred and fifty-five, approved March thirtieth, eighteen hundred and seventy-two, and to repeal section four of an Act in relation to the office of Sheriff in the City and County of San Francisco, approved March twenty-ninth, eighteen hundred and sixty-eight.

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

RESOLUTION.

By Mr. Carson:

*Resolved*, That the usual number of copies of Assembly Bill No 374, as amended by the Committee on Education, be and the same is hereby ordered printed, and that the usual number of copies of Senate Bill No. 115 be and the same is hereby ordered printed.

Adopted.

ADJOURNMENT.

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

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 1st, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Giffen, Preston, and Patterson of Sacramento.

RESOLUTION.

By Mr. Birney:

WHEREAS, Information has been received of the death, on this morning, at Napa, of Hon. W. W. Pendegast, and, whereas, during his residence in this State he has filled many high and honorable positions, and has at all times maintained an honorable and upright character in every relation of life, therefore, be it

*Resolved*, That when this House adjourns to-day it adjourn out of respect to his memory.

Adopted.

PETITION.

By Mr. Griswold—A remonstrance from citizens of Mono County, against the passage of a bill to annex a portion of said county to Inyo County.

Referred to the Inyo delegation.

Assembly Bill No. 291, returned on yesterday by the Governor in compliance with a resolution heretofore adopted, was referred to the Sonoma delegation.

REPORT.

By Mr. McConnell:

Mr. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code—begs leave to report that they have had the same under consideration, and now return the same to this House, with the recommendation that it do pass.

McCONNELL, Chairman.

Assembly Bill No. 504, above reported, amended, rules suspended, considered engrossed, read third time, and passed. The Engrossing Clerk was instructed to insert the enacting clause.

SPECIAL ORDER

The Speaker announced as the special order Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure; and Assembly Bill No. 265—An Act to amend section fifty of the Code of Civil Procedure

Both of the above bills were made the special order for Wednesday, March eighth, at eleven o'clock and thirty minutes A. M.

FURTHER REPORTS

By Mr. Gelwicks:

Mr. SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 446—An Act to fix the salary of the Assessor of the City of Oakland—have had the same under consideration, report it back, and recommend its passage.

Also, Senate Bill No. 447—An Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city—have had it under consideration, report it back, and recommend its passage.

Also, Assembly Bill No. 539—An Act to provide for the safe keeping of public funds in the City of Oakland—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation.

Senate Bill No. 447, above reported, rules suspended, read third time, and passed.

Assembly Bill No. 539, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 446, above reported, rules suspended, read third time, and passed.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature.

Also, Assembly Bill No. 523—An Act to fix the terms of the County and Probate Courts in the County of Calaveras.

Also, Assembly Bill No. 496—An Act to provide for the issuance of bonds for the Town of San Luis Obispo.

Also, Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County.

Assembly Bill No. 491—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa.

Also, Assembly Bill No. 378—An Act to incorporate the City of Monterey.

COVINGTON, for Committee.

By Mr. Clunie:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 266—An Act to provide for the improvement of the streets of the City of Sacramento—report the same back, with amendments, and recommend its passage.

CLUNIE, for Delegation.

Senate Bill No. 266, above reported, rules suspended, amended, read third time, and passed.

By Mr. McConnell:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 283—An Act to incorporate the Town of Anaheim—having considered the same, beg leave to report it back, with a substitute, the passage of which they recommend.

McCONNELL,
LAMBOURN

By Mr. Scrivner:

Mr. SPEAKER: The Stanislaus and Fresno delegations, to whom were referred Assembly Bill No. 525—An Act to prevent the trespassing of animals in said county—have amended the same by inserting Sutter County, and recommend its passage as thus amended.

SCRIVNER, for Delegations.

Assembly Bill No. 525, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Blackwell:

Mr. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley—have considered the same, and herewith report it back and recommend its passage.

BLACKWELL, for Delegation.

By Mr. Pierce:

Mr. SPEAKER: The San Diego delegation, to whom was referred Assembly Bill No. 482—An Act to reincorporate the City of San Diego—respectfully report it back with amendments, and recommend its passage as amended.

PIERCE, for Delegation.

Assembly Bill No. 482, as reported, was referred to the Committee on Corporations.

By Mr. Dixon:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 440—An Act supplemental to and amendatory of an Act to incorporate the Town of Alameda—have had the same under consideration, report it back with amendments, and recommend its passage as amended.

DIXON, for Committee.

Assembly Bill No. 440, above reported, taken up, rules suspended, amended, considered engrossed, read third time, and passed.

By Mr. Watkins.

Mr. SPEAKER: The Yolo delegation, to whom was referred Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof—beg leave to report the same back with an amendment, and recommend the passage of the bill as amended.

WATKINS, for Delegation.

Assembly Bill No. 483, above reported, taken up, amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Covington:

Mr. SPEAKER: Your committee to whom was referred Assembly Bill No. 535—An Act to provide for the purchase and erection of certain bridges, and for the building and repairing of certain roads in the County of Mendocino—having considered the same, report it back and recommend that it pass.

COVINGTON, for Committee.

Assembly Bill No. 535, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Jamison:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 501—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square—have had the same under consideration, report the same back, and recommend its passage.

JAMISON, for Delegation.

By Mr. Gelwicks.

Mr. SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 352—An Act to incorporate the Town of Haywards—have had the same under consideration, report it back, and recommend its passage.

GELWICKS.
DIXON

By Mr. Swan:

Mr. SPEAKER: The Solano delegation to whom was referred Assembly Bill No 396, in relation to regulating highways in the County of Solano—have duly considered the same, made amendments thereto, report it back, and recommend its passage as amended.

SWAN, for Delegation

Assembly Bill No. 396, above reported, taken up, amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hart:

Mr. SPEAKER: The delegation of Colusa and Tehama Counties, to whom was referred Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth eighteen hundred and seventy-four—have had the same under consideration, and report it back, recommending its passage.

HART, for Delegation.

RESOLUTION.

By Mr. Nott:

*Resolved*, That the Enrolling Clerk is hereby granted the use of Room Number Seventy-three, formerly occupied by the Copying Clerks of this House.

Adopted

RESIGNATION OF COPYING CLERKS.

Mr. Nott presented the following communication:

*To the Honorable the Speaker and Members of the Assembly*

GENTLEMEN: We hereby tender you our resignation as Copying Clerks of this House

Yours, respectfully,

MORRIS,
RODGERS.

The resignation of the Copying Clerks was accepted.

By Mr. Samuels:

*Resolved*, That the Enrolling Clerk of the House be authorized to reenroll Assembly Bill No. 291—An Act to amend an Act entitled an Act incorporating the Town of Cloverdale, in the County of Sonoma—and to correct the same, by striking out the last part of section one, after the word "election," on the second line from the bottom of the enrolled bill, and inserting the following: "And no debt or debts contracted in pursuance of such consent shall, singly or in the aggregate, exceed in amount one per cent. of the assessed valuation in the previous year of the property within the corporate limits of the town."

Adopted.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of February, eighteen hundred and seventy-six, passed Senate Bill No. 99—An Act granting relief to delinquent tax-payers whose lands have been sold for taxes.

Also, Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Also, Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code.

Also, Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure

Also, Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

Also, Senate Bill No 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento

Also, Senate Bill No. 435—An Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, eighteen hundred and seventy.

And, on the twenty-ninth instant, passed Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Also, passed Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Also, Assembly Bill No. 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

Also, Assembly Bill No. 201—An Act in relation to boundary fences and the trespass of animals in the County of San Mateo.

Also, Assembly Bill No 146—An Act for the relief of James H. Clark.

Also, Assembly Bill No. 38—An Act to authorize the appointment of an additional interpreter for the Criminal Court of the City and County of San Francisco

Also, Assembly Bill No. 394—An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz

Also, Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code

Also, Assembly Bill No. 4—An Act to amend section one thousand one hundred and sixty of the Political Code.

Also, amended and passed Assembly Bill No. 227—An Act to amend an Act entitled an Act supplementary to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No 212—An Act to reincorporate the City of Santa Cruz.

Also, Assembly Bill No. 262—An Act to fix the bonds of the County Treasurers of Lassen and Modoc Counties.

Also, Assembly Bill No. 312—An Act to reincorporate the City of Marysville

Also, Assembly Bill No 273—An Act to protect public roads in Santa Clara County.

Also, Assembly Bill No. 154—An Act to provide for the construction of division fences

Also, Assembly Bill No 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

And indefinitely postponed Assembly Bill No 118—An Act to add a section to the Political Code, in regard to the contesting elections for members of the Legislature.

Also, Assembly Bill No 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure.

Also, Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company

Also, Assembly Bill No. 57—An Act to add two new sections to the Political Code, relative to canvassing election returns.

Also, Assembly Bill No. 192—An Act in reference to deeds and powers of attorney heretofore executed by married women.

Also, passed Assembly Bill No. 392—An Act to amend an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six

Also, concurred in Assembly amendments to Senate Bills Nos. 166 and 212.

Also, that the Senate refused to concur in the following amendment to Senate Bill No. 215 Strike out the words "Of the report of the State Board of Equalization, two thousand copies"

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE

Senate Bills Nos. 99, 302, 310, 329, and 275, above reported, each read first and second times and referred to the Judiciary Committee.

Senate Bill No. 324, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 435, above reported, read first and second times and referred to the Tuolumne delegation.

Senate Bill No. 54, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 227, 212, 262, 312, and 273, above reported, Senate amendments concurred in.

RECESS.

Pending further consideration of the above message, the hour of twelve o'clock and thirty minutes having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present
House resumed consideration of Senate message.
Assembly Bill No. 154, above reported, Senate amendments concurred in.
[Speaker pro tem. in the chair.]
Assembly Bill No. 40, above reported, Senate amendments concurred in.
Senate Bill No. 215, above reported, the House receded from its amendment to section two of the bill.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr Watkins, Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four—was ordered transmitted to the Senate without engrossment.
Upon motion of Mr. Hart, the Engrossing Clerk was instructed to insert the enacting clause in Assembly Bill No. 275.
By Mr. Collins:

*Resolved*, That Messrs Morris and Rodgers, the late Copying Clerks of this House, be appointed Assistant Enrolling Clerks at a per diem of eight dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

SPECIAL ORDERS.

The Speaker announced as special order Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State.
Amended.
Upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Harding, Carson, and Berry.
The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Barber, Biggs, Briceland, Broderick, Carter, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Ferral, Griswold, Hayne, Hinshaw, Jenkins, Kennedy, Magune, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Ostrom Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Quigley, Roberts, Ruggles, Sargent, Samuels, Scrivner, Swan, Wetherill, Wilcox, Wood, and Young—42.

NOES—Messrs Archer Bagge, Berry, Birney, Blackwell, Bradley, Burbank, Carson, Clark, Dixon, Dunlap, Garretson, Gelwicks Hart, Harris, Harding, Jamison, Jones, Lambourn, Lammers, McMann, McCarthy, Nott, Rankin Raisch, Reddick, Rice, Sullivan, Suverkrup, Watkins, and Mr. Speaker—31.

Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento—was made the special order for Tuesday, March seventh, at two o'clock P. M., and ordered printed.

REPORTS.

Mr. Gelwicks had leave to make the following report.

Mr SPEAKER The Alameda delegation, to whom was referred substitute for Assembly Bill No. 464—An Act to amend an Act entitled an Act to fix the salaries of certain officers in the County of Alameda, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four—have had the same under consideration, report it back, and recommend the passage of the Senate substitute.

GELWICKS, for Delegation

Assembly Bill No. 464, above reported, Senate substitute concurred in.

By Mr. Quigley:

SACRAMENTO, March 1st, 1876

Mr. SPEAKER The Committee on Enrollment have examined Assembly Bill No 295—An Act to reincorporate Salinas City

Also, Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane

Also, an Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor

*And report the same correctly enrolled and that at two o'clock P. M. the same were presented* to the Governor for his approval

QUIGLEY, for Committee

INTRODUCTION OF BILLS

By Mr. McConnell—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum by taxation to furnish the necessary additional school facilities for said district.

Read first and second times and referred to the Los Angeles delegation.

SPECIAL ORDER.

The Speaker announced as the special order Assembly Bill No. 316—An Act to prohibit the sale of intoxicating liquors to the students of the University of California, within four miles of the University grounds, and to repeal an Act entitled an Act to prohibit the sale of intoxicating liquors within two miles of the University of California, approved December twenty-third, eighteen hundred and seventy-three.

[Mr. Harding in the chair.]

Mr. Carson offered an amendment, to strike out all of the bill except the repealing clause.

Upon the adoption of which the ayes and noes were demanded by Messrs. Collins, Hart, and Murphy of Del Norte.

The roll was called, and the House refused, by the following vote

AYES—Messrs Carson, Coffey Collins, Cornwell Clunie, Griswold, Hart, Lambourn, Lammers McMann, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Pullen, Watkins, Wetherill Wilcox, and Young—18.

NOES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Blackwell, Bradley, Briceland, Brodrick, Burbank Carter, Chapman, Clarken, Covington, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Harris, Harding, Hayne, Hinshaw, Jamison, Jones, Kennedy Maguire, McInerny McCarthy, McKenna, Nott, Osborn, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Rankin, Raisch, Reddick Rice, Roberts, Ruggles, Sargent, Samuels, Sullivan, Suverkrup, Swan, Wood, and Mr Speaker—49

Mr. Clarken moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Gelwicks, Collins, and Murphy of Del Norte.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Berry, Birney, Blackwell, Bradley, Briceland, Broderick, Burbank, Clarken, Collins, Crutcher, Ferral, Garretson, Hart, Harding, Hayne, Hinshaw, Jamison, Jones, Kennedy, Lambourn, Lammers, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Rankin, Reddick, Rice, Sargent, Samuels, Sullivan, Suverkrup, Swan, Wood, Young, and Mr. Speaker—43.

NOES—Messrs. Bagge, Biggs, Carter, Carson, Chapman, Coffey, Cornwell, Covington, Clunie, Dixon, Dunlap, Gelwicks, Griswold, Harris, Maguire, McInerny, McMann, Murphy of San Francisco, O'Connell, Pullen, Rasch, Roberts, Ruggles, Watkins, Wetherill, and Wilcox—26.

[Speaker in the chair.]

RESOLUTIONS.

By Mr. Wilcox:

*Resolved*, That a committee of five members of this House be appointed by the Speaker, to attend the funeral of the late Hon. William Wirt Pendegast, as a mark of respect to the memory of the deceased by the Legislature of California.

Adopted.

By Mr. Berry:

*Resolved*, That the Engrossing Clerk be authorized to engross substitute for Assembly Bill No. 15, in accordance with the intention of the amendment adopted by this House, by leaving out all of said bill with and after the word "provided," as named in the amendment.

Adopted.

REPORT

By Mr. Clunie

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 376—An Act requiring the County Treasurer of Sacramento County to make certain entries, in writing, in the Treasurer's register of claims or warrants against the county—report the same back, and recommend its passage.

CLUNIE, for Delegation.

Senate Bill No. 376, above reported, read third time and passed

RESOLUTION

By Mr Nott:

*Resolved*, That the clerks of the Committees on Claims, Corporations, and State Prison are hereby discharged

Laid over for one day.

FURTHER INTRODUCTION OF BILLS.

By Mr. Reddick—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

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

Also, an Act regulating the issuance and transfer of shares of stock, or certificates thereof, in incorporated companies, in the State of California

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

By Mr. Coffey—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

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

By Mr. Rice—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Santa Cruz delegation.

By Mr. Murphy of Del Norte—An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be numbered two hundred and thirty-three, and to follow section two hundred and thirty-two of said Code, relative to juries.

Read first and second times and referred to the Judiciary Committee

By Mr. Archer—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Also, an Act to amend section one hundred and seventeen of the Code of Civil Procedure, concerning jurisdiction of Justices of the Peace.

Each read first and second times and referred to the Judiciary Committee.

By Mr. Burbank—An Act for the relief of the persons in possession of certain lands belonging to the State of California.

Read first and second times and referred to the Committee on Public Lands

NOTICE.

Mr. McCarthy gave notice that at an early day he would introduce an Act to authorize the City and County of San Francisco to provide and maintain public water-works for said City and County of San Francisco, and to appropriate and purchase private property for that purpose.

The Speaker announced the names of the following gentlemen as the committee to attend the funeral of the late Hon. W. W. Pendegast, in accordance with the resolution this day adopted, to wit: Messrs Wilcox, Ferral, Cornwell, Clunie, and Carson.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Murphy of Del Norte, the House adjourned until ten o'clock A. M. to-morrow.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 2d, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.
[Mr. Roberts in the chair.]

### LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Blue.

Upon motion of Mr. Kennedy, the rules were suspended for the purpose of taking up the general file out of its order:

Assembly Bill No. 430—An Act to repeal an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

Indefinitely postponed.

Assembly Bill No. 515—An Act supplemental to and amendatory of an Act entitled an Act to provide for the building and furnishing a Court-house, offices, and jail, in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six

Pending consideration, the House took up Senate message

SENATE CHAMBER,
SACRAMENTO, March 2d, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No 37—Relative to correcting error in Senate Bill No 231.

Also, passed Assembly Bill No 499—An Act to fix the penal sum of the official bond of the County Treasurer of Alpine County

CRAWFORD Assistant Secretary

### CONSIDERATION OF SENATE MESSAGE

Senate Concurrent Resolution No. 37, above reported, was adopted

House resumed consideration of Assembly Bill No. 515

The bill was indefinitely postponed

Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Carson, Young, and Harris.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Bagge, Barber, Berry, Biggs, Birney, Blackwell Briceland, Carter Clarken, Coffey, Collins, Cornwell, Covington Crutcher, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Griswold, Hart, Harris Hayne, Hinshaw, Jamison, Jenkins, Jourden Kennedy, Lambourn, Magune, McCarthy, O'Connell, Ostrom, Preston, Rankin, Raisch Roberts, Ruggles, Scrivner, Sullivan, Suverkrup, Watkins, Wetherill, and Mr. Speaker—45.

NOES—Messrs Abbott, Archer, Bradley, Burbank, Carson, Chapman, Garretson, Jones Koutz, Lammers, McConnell, McInerny, McMann McKenna, Nott, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Rice, Sargent, Samuels, Swan, Wood, and Young—24

Mr. Maguire gave notice of a motion to reconsider the vote by which the House on this day passed Assembly Bill No. 224.

RESOLUTION.

Mr. Collins had leave to offer the following resolution.

WHEREAS, On the twenty-sixth day of January, eighteen hundred and seventy-six, by resolution of this Assembly, the Enrolling Clerk was allowed one assistant at a per diem of six dollars, contrary to a standing rule of this House, therefore, be it

*Resolved*, That said assistant be allowed the same per diem as the Enrolling Clerk, to date from the time of his appointment, and that the Controller be and he is hereby directed to draw his warrant in favor of L. H. Sharp, said assistant, for the balance due him under the provisions of this resolution.

Referred to the Committee on Enrollment.

GENERAL FILE RESUMED.

Assembly Bill No. 383—An Act concerning evidence of title to State lands.

Made the special order for Monday, March sixth, at two o'clock P. M.

Assembly Bill No. 349—An Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure, relative to the estates of deceased persons.

Read third time and passed.

Assembly Bill No. 134—An Act to repeal section three thousand six hundred and forty-four of the Political Code, and to amend section three thousand six hundred and forty-six of the Political Code.

Read third time and passed.

Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco.

Read third time and passed.

Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure

Indefinitely postponed.

Senate Bill No. 337—An Act for the relief of W. S. Safford.

Considered in Committee of the Whole, with Mr. Roberts in the chair. The committee arose, reported progress, and asked leave to sit again

IN ASSEMBLY.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

The House resolved itself into a Committee of the Whole for the further consideration of Senate Bill No. 337, with the Speaker in the chair

The committee arose and reported the bill back to the House, with a recommendation to indefinitely postpone.

IN ASSEMBLY.

The question being upon the indefinite postponement of Senate Bill No. 337, above reported, the ayes and noes were demanded by Messrs. McKenna, Wood, and Berry.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Birney, Bradley, Briceland, Broderick, Carter, Clark, Clarken, Coffey, Collins, Covington, Clunie, Crutcher, Dixon, Dunlap, Garretson, Gelwicks, Giffen, Hart, Harris, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Koutz, Lambourn, Lammers, McInerny, McMann, McCarthy, Nott, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Rankin, Raisch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Watkins, Wetherill, Wilcox, and Mr Speaker—58

NOES—Messrs. Burbank, Chapman, Maguire, McConnell McKenna, Pullen, Swan, and Wood—8

SPECIAL ORDER.

The Speaker announced as the special order substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy.

Referred to the Committee on Retrenchment and Reform, and ordered printed.

GENERAL FILE RESUMED.

Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Read third time and passed.

[Mr. Clarken in the chair.]

Senate Bill No. 352—An Act to incorporate the Town of Haywards

Read third time and passed.

Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

Read third time and passed.

Assembly Concurrent Resolution No 18—Relative to making national currency receivable at par for all custom dues.

Engrossment refused

Assembly Concurrent Resolution No 29—Relative to change of route of Southern Pacific Railroad.

Withdrawn by the author.

Assembly Bill No. 259—An Act to fix the number of permanent employés of the State Capitol and Capitol grounds, their duties and compensation.

Passed on file.

Assembly Bill No. 168—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to notaries.

Substitute adopted, amended, and ordered engrossed.

Assembly Bill No. 299—An Act to regulate the practice of law in the various Courts of this State, in reference to champerty and maintenance.

Indefinitely postponed.

Assembly Bill No. 382—An Act to prescribe the manner of furnishing text-books for the public schools of this State.

Indefinitely postponed.

Assembly Bill No. 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers.

Amended.

On motion of Mr. Carpenter, Assembly Bill No. 374 was made the special order for Monday, March sixth, at one o'clock and thirty minutes P. M.

REPORTS.

By Mr. McConnell:

Mr. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 498—An Act to amend the Penal Code—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Bill No. 503—An Act concerning corporations—report the same back, and recommend its passage

Also, Senate Bill No. 429—An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California—report the same back, and recommend its passage

Also, Assembly Bill No. 5—An Act to provide for the audit and payment of the balance remaining due of the Indian war indebtedness of the State of California—have given the same long and careful consideration, and report a substitute, an Act authorizing the adjudication of certain claims against the State, and recommend the passage of substitute. Your committee also report herewith a report and statement, submitted by the Committee on Claims of both Houses of the nineteenth session of the Legislature of this State, dated February twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 448—An Act to repeal an Act entitled 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 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, approved March thirtieth, eighteen hundred and sixty-eight, approved January twenty-sixth, eighteen hundred and seventy-four—and recommend that it do not pass.

Also, Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County—and recommend its passage.

Also, Senate Bill No 185—An Act to amend the Civil Code—and recommend its passage.

Also, Senate Joint Resolution No. 13—Relating to the Atlantic and Pacific Railroad reserve—and recommend its passage.

Also, Senate Bill No. 417—An Act to amend section fifty-nine of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District—and recommend its passage.

Also, substitute for Senate Bill No. 104—An Act to amend section fifty-nine of the Civil Code—report the same back, and recommend its passage.

Also, Senate Bill No 206—An Act to amend the Political Code, concerning the sale of University lands—report it back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure—and recommend its passage

Also, Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Sonoma, and Siskiyou Counties from the payment of poll-tax, approved March twenty-seventh, eighteen hundred and seventy-four—and a majority recommend its passage

Also, Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure—and recommend its passage

McCONNELL, Chairman.

The Judiciary Committee presented the following, being supplemental to the report, dated March second, eighteen hundred and seventy-six:

Mr. SPEAKER The following members of said committee were present, and concurred in a favorable report on substitute for Assembly Bill No. 15

McCONNELL,
ARCHER,
CARSON,
CARTER,
McKENNA,
SWAN,
CHAPMAN.

By Mr. Clunie.

Mr. Speaker The Sacramento delegation, to whom was referred Senate Bill No. 24—An Act in relation to the public highways in the County of Sacramento—have amended the same, and, with amendments, recommend its passage

BIGGS,
PATTERSON,
CLUNIE

House resumed consideration of Assembly Bill No. 187.

Mr. Bagge moved to indefinitely postpone the bill.

Upon motion of Mr. Murphy of Del Norte, the previous question was ordered.

Upon the question to indefinitely postpone the bill, the ayes and noes were demanded by Messrs Wilcox, Murphy of Del Norte, and McCarthy

The roll was called, and the House refused, by the following vote.

Ayes—Messrs Archer, Bagge, Barber, Blackwell, Bradley, Broderick, Burbank, Clarken, Coffey, Collins, Clunie, Crutcher, Dixon, Dunlap, Harris, Hayne, Hinshaw, Jamison, Jones, Kennedy, Koutz, Lammers, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Rankin, Raisch, Rice, Roberts, Sargent, and Watkins—33.

Noes—Messrs. Abbott, Biggs, Birney, Carter, Carson, Chapman, Covington, Ferral, Gelwicks, Giffen, Hart, Jenkins, Jourden, Lambourn, Maguire McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento Patterson of San Joaquin, Pullen, Quigley, Reddick, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Wetherill Wilcox, Wood, Young, and Mr. Speaker—38

At five o'clock P. M Mr Rankin moved to adjourn.

Mr. Young raised the point of order that the House was working under the previous question, and that a motion to adjourn was not in order.

The Chair decided the point not well taken

Mr. Young appealed from the decision of the Chair.

The appeal being put to the House, the decision of the Chair was sustained.

The question then being upon adjournment, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Young, and Harris.

The roll was called, and the House refused, by the following vote.

Ayes—Messrs. Archer, Bagge, Barber, Berry, Blackwell, Bradley, Broderick, Burbank, Carter, Clarken, Coffey, Collins, Dixon, Dunlap, Harris, Hayne, Jamison, Jones, Kennedy, Koutz, Lambourn, McConnell, Nott, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Rankin Rice, Roberts, Scrivner, Sullivan, Suverkrup, Watkins, and Mr Speaker—36.

Noes—Messrs. Abbott, Biggs, Birney, Briceland, Carson, Chapman, Covington, Clunie, Crutcher, Ferral, Garretson, Gelwicks, Giffen, Hart, Hinshaw, Jenkins, Jourden, Lammers, Maguire, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, O'Connell, Pullen, Quigley, Raisch, Reddick, Ruggles, Sargent Samuels, Swan, Wetherill, Wilcox, Wood, and Young—37.

The question then being upon the engrossment of Assembly Bill No. 187, the ayes and noes were demanded by Messrs. Wilcox, Berry, and Quigley.

The roll was called, and the House refused, by the following vote

Ayes—Messrs Abbott, Biggs, Birney, Broderick, Carter, Carson, Chapman, Covington, Ferral, Garretson, Gelwicks, Giffen, Hart, Jourden, Lambourn, Maguire McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pullen, Quigley, Reddick, Swan, Wetherill, and Wood—30.

Noes—Messrs Archer, Bagge, Barber, Berry Blackwell, Bradley, Briceland, Burbank, Clarken, Coffey, Collins, Clunie, Crutcher, Dixon, Dunlap, Harris, Hayne, Hinshaw, Jamison, Jenkins, Jones, Kennedy, Koutz, Lammers, McConnell, Nott Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Rankin, Raisch, Rice, Roberts, Ruggles, Sargent Samuels, Scrivner, Sullivan, Suverkrup, Watkins, Wilcox, Young, and Mr. Speaker—44.

Mr. Young gave notice of a motion to reconsider the vote by which the House refused to engross Assembly Bill No. 187.

Upon motion of Mr. Archer, Assembly Bill No. 546, which was yesterday referred to the Judiciary Committee, was ordered referred to the Committee on Ways and Means.

At five o'clock and fifteen minutes P. M. Mr. Koutz moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Harris, Maguire, and Kennedy.

The roll was called, and the House adjourned, by the following vote:

AYES—Messrs. Archer, Bagge, Barber, Berry, Blue, Bradley, Briceland, Carson, Clarken, Coffey, Collins, Dixon, Garretson, Hart, Hayne, Hinshaw, Jenkins, Koutz, Lambourn, McConnell, Murphy of Del Norte, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Rankin, Raisch, Roberts, Ruggles, Sargent, Samuels, Suverkrup, Swan, Watkins, Young, and Mr. Speaker—37

NOES—Messrs. Abbott, Biggs, Blackwell, Broderick, Chapman, Covington, Clunie, Dunlap, Gelwicks, Giffen, Harris, Jones, Jourden, Kennedy, Lammers, Maguire, McInerny, Pierce, Preston, Pullen, Rice, Sullivan, and Wood—23.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 3d, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Upon motion of Mr. Abbott, Assembly Bill No. 207 was ordered enrolled out of its order.

[Mr. Scrivner in the chair.]

### PETITIONS.

By Mr. Garretson—A petition from certain members of the State Board of Health, praying the passage of a bill to amend section three hundred and seventy-four of the Penal Code.

Referred to the Committee on Public Morals.

By Mr. Carpenter—A petition from the Trustees of the Boys' and Girls' Aid Society of San Francisco.

Referred to the San Francisco delegation.

Mr. Patterson of Sacramento had leave to introduce the following bill: An Act to provide for determining whether or not the estate of E. L. Brown has a valid claim against this State, and if it be adjudged valid, then for paying the same.

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

Also, a petition from W. W. Brown in reference to a claim against the State by the estate of E. L. Brown.

Referred to the Committee on Claims.

The Committee on State Prison were allowed ten days' additional time to report upon Assembly Bill No. 358.

REPORTS.

## By Mr. Blackwell:

Mr. SPEAKER. Your Committee on Public Lands, to whom was referred Assembly Bill No. 510—An Act to prevent the destruction of timber on lands belonging to the State of California—have had the same under consideration, and report it back, recommending its passage

Your committee has also had under consideration Assembly Bill No 506—An Act to repeal section three thousand four hundred and eight of the Political Code—report the same back, and recommend its passage

BLACKWELL, for Committee.

## By Mr. Briceland

Mr. SPEAKER Your special committee on the various bills introduced for the purpose of regulating the practice of medicine in this State beg leave to report that they have had under consideration all of the bills submitted to them, including Assembly Bills Nos. 387, 204, 389, 14, and 72, and now return the same to this House The majority of said committee having adopted Assembly Bill No. 387 as a substitute for all the others, they therefore recommend that Assembly Bills Nos. 204, 14, 389, and 72, do not pass, and that Assembly Bill No 387—An Act to regulate the practice of medicine in this State—do pass

BRICELAND, Chairman

## By Mr. Jenkins.

Mr. SPEAKER A minority of your special committee, to whom was referred Assembly Bill No. 387—An Act to regulate the practice of medicine—have had the same under consideration, and report the same back without recommendation.

All of which is respectfully submitted.

H. RICE.
J. J. JENKINS.

## By Mr. Archer·

Mr. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 397—An Act concerning corporations—have had the same under consideration, and herewith report the bill back, and recommend that it do not pass.

Also, Assembly Bill No. 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County—with petitions for and against, report the same back, and recommend passage of the bill.

ARCHER, Chairman

## By Mr. Coffey:

SACRAMENTO, March 3d, 1876.

Mr. SPEAKER· The Committee on Enrollment have examined, by Messrs. McKenna and Quigley, Assembly Bill No. 148—An Act concerning partition fences in Colusa County.

Also, Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda, in allowing the claims of N. W Spaulding.

Also, Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days

Also, Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma.

Also, Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county

Also, Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

Also, Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Also, Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of Los Angeles County.

Also, Assembly Bill No. 424—An Act fixing the time of electing School Trustees in the County of Sutter.

Also, Assembly Bill No. 326—An Act concerning the offices of Supervisor and District Attorney in the County of Calaveras.

Also, Assembly Bill No 344—An Act relative to the assessment in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County.

And report the same correctly enrolled: and that at eleven o'clock A. M. the same were presented to the Governor for his approval.

COFFEY, Chairman.

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 380—An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco—report the same back with a substitute, the passage of which is recommended.

Also, Assembly Bill No. 258—An Act to grant H. S. Gates the right to construct and operate a railroad in the City and County of San Francisco—report the same back with amendments, a majority of the members present recommending its passage as amended, and that the usual number of copies be ordered printed.

Also, Assembly Bill No. 379—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California—report the same back, respectfully suggesting their inability to comply with the instructions of the House "to report a substitute applicable to San Francisco," since a compliance with such instructions would, in the judgment of the delegation, nullify the purpose of the bill. The delegation, therefore, respectfully recommend the passage of the bill originally reported.

COFFEY, Chairman.

## By Mr. Berry:

Mr. SPEAKER: Your committee, to whom was referred Assembly Bill No. 516—An Act to appropriate money for the purpose of erecting a monument to the memory of deceased State officers—have considered the same, and a majority recommend that it do not pass.

Also, Assembly Bill No. 536—An Act to legalize and confirm the levy of taxes in the City of San Diego—have amended the same, and recommend that it do pass as amended.

Also, Assembly Bill No. 537—An Act to ratify a certain conveyance made by the Board of Trustees of the City of San Diego—have amended the same, and recommend that it do pass as amended.

BERRY, Chairman.

## By Mr. Covington.

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 431—An Act concerning roads and highways in Contra Costa County and Solano County.

Also, Assembly Bill No. 386—An Act to amend section three thousand eight hundred and twenty of the Political Code, relating to collection of taxes by the Assessor.

Also, Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County.

Also, Assembly Bill No. 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 242—An Act to protect irrigation and to make water rights responsible for expenses incurred on irrigating ditches in San Bernardino County.

Also, Assembly Bill No. 421—An Act for the relief of Elijah True.

Also, Assembly Bill No. 15—An Act entitled an Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow.

Also, Assembly Bill No. 369—An Act fixing the number of Supervisors of Humboldt County.

Also, Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County.

Also, Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code of the State of California, concerning the compensation of employés.

Also, Assembly Bill No. 407—An Act to pay the claim of E. O. F. Hastings.

Also, Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

COVINGTON, for Committee.

## Also:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State.

Also, Assembly Bill No. 471—An Act to provide for the collection of road poll-taxes in the County of Marin.

Also, Assembly Bill No. 539—An Act to provide for the safe-keeping of public funds in the City of Oakland.

Also, Assembly Bill No. 440—An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Alameda, and an Act amendatory of said Act, approved March seventh, eighteen hundred and seventy-two, approved March, eighteen hundred and seventy-four.

Also, Assembly Bill No. 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code.

Also, Assembly Bill No. 455—An Act to fix the rate of compensation of officers of the County of Amador.

COVINGTON, for Committee.

By Mr. Hinshaw:

Mr. SPEAKER Your Committee on Public Expenditures and Accounts beg leave to report as follows:

The bill of W. H. Cook for fifty dollars, in making diagrams and descriptions of property for use before the special committee on the Golden City Homestead affairs, has been examined, and we find the same correct.

The bill of the County Recorder of the City and County of San Francisco, amounting to thirty-five dollars, for a certified copy of the mortgage of John Bensley to the Nevada Bank, is found correct.

We have also examined and found correct, the bill of T. H. Hyatt, Jr., for one hundred and forty-eight dollars, for taking down testimony in short-hand before the special committee on the Golden City Homestead Association affairs, and for transcribing said testimony.

Your committee therefore recommend the allowance of the above amounts, and the adoption of the following resolution.

*Resolved,* That the Controller of State be and he is hereby authorized and instructed to draw his warrants in favor of the following-named parties, for the amounts set opposite their names, and the Treasurer of State is hereby authorized to pay the same out of the Contingent Fund of the Assembly

| | |
|---|---|
| W. H. Cook | $50 00 |
| Recorder of City and County of San Francisco | 35 00 |
| T. H Hyatt, Jr. | 148 00 |
| Total | $233 00 |

HINSHAW, Chairman.

The resolution above reported was adopted.

By Mr. Hinshaw:

Mr. SPEAKER Your committee further report that they have examined the account of James Sommerville for services as clerk of the Committee on the Golden City Homestead Association affairs, the same amounting to one hundred and sixty dollars, and we ask to have the same referred to the Committee on Additional Employes.

HINSHAW, Chairman

The matter above reported was referred to the Committee on Employés, as recommended.

By Mr. Lambourn:

Mr. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 413—An Act for the protection of drovers and persons driving stock on the public highways—have had the same under consideration, and beg leave to report it back, with the recommendation that it do not pass.

LAMBOURN, Chairman.

By Mr. Preston:

Mr. SPEAKER Your Committee on Mileage beg leave to report that Messrs. Giffen, Patterson, and Preston are entitled to twenty-eight dollars and eighty cents each, as mileage for traveling on extra duty as members of the Committee on State Prison.

PRESTON, for Committee.

Mr. Preston offered the following

*Resolved,* That the Controller be and he is hereby authorized to draw warrants on the Contingent Fund of this House, to the amount of twenty-eight dollars and eighty cents, in favor of each of the following-named members of the State Prison Committee Messrs Giffen, Patterson, and Preston, and the State Treasurer is hereby authorized to pay said warrants.

Adopted.

By Mr. Preston:

Mr. SPEAKER Your Committee on Mileage have examined the report of the Chairman of the State Prison Committee, and find the calculations and amounts as therein stated to be correct. In relation to the payment of the amount of six dollars and sixty cents, therein named, as compensation for traveling the distance of forty-four miles, as stated in the said report, your committee beg leave to make no recommendation, believing that matter to be justly a question for the House to decide upon.

PRESTON, Chairman

Mr. Preston offered the following.

*Resolved*, That the Controller be and he is hereby authorized to draw warrants upon the Contingent Fund of this House in favor of the several members of the Committee on State Prison, and in favor of —— Underwood, the clerk of said committee, in the sum of thirty dollars and sixty cents each, in full payment of mileage while traveling on committee duty, and the State Treasurer is hereby authorized to pay the warrants drawn in accordance with this resolution

Adopted.

PETITION

By Mr Coffey—A petition from Trustees of Howard Street Presbyterian Church, of San Francisco, relative to a bill pending in reference to legalizing and validating the acts of Trustees of religious bodies.

The petition and Assembly Bill No. 503 were ordered referred to the Judiciary Committee.

REPORTS

By Mr. Chapman

Mr. SPEAKER Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No 514—An Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county—have considered the same, and report it back with an amendment and recommend its passage as amended

CHAPMAN Chairman

Assembly Bill No 514, above reported, amended, rules suspended, considered engrossed, read third time, and passed

On motion of Mr. Rice, Assembly Bill No. 381 was ordered enrolled out of its order.

By Mr. Preston

Mr SPEAKER Your Committee on Fish beg leave to submit the following report We have considered Assembly Bill No 288—An Act to authorize J C. Fraser and his associates to stock the Truckee River, between Lake Bigler and Camp Eighteen, in Nevada County, with three millions young trout, and to pay for the same—and recommend that it do not pass.

Also, Assembly Bill No 286—An Act to protect salmon trout and brook trout in the streams of Sonoma County—and recommend its passage as amended

PRESTON, for Committee.

Assembly Bill No 288, above reported, was withdrawn by the author

SENATE MESSAGES.

SENATE CHAMBER
SACRAMENTO, March 1st, 1876

Mr SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 234—An Act appointing and empowering Charles F. Irwin to execute certain trusts directing the manner of executing the same and the use of the funds arising therefrom

Also Assembly Bill No. 340—An Act to provide a new Great Register for Solano County and to re-register the voters thereof

Also, Assembly Concurrent Resolution No. 28—Relating to the establishment of a tri-weekly mail service from the Town of Linkville, State of Oregon, to the City of Yreka, California.

Also, Assembly Bill No 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County.

Also, Assembly Bill No 282—An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern

Also, concurred in Assembly amendments to Senate Bills Nos. 140, 90, and 266

Also, passed Senate Bill No. 109—An Act to authorize the widening of Dupont Street, in the City and County of San Francisco

And, on the twenty-fifth of February, passed Senate Bill No 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco

Also, Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

And, on the twenty-ninth of February, passed Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code of the State of California.

And, on this day, passed Assembly Bill No. 523—An Act to fix the terms of the County and Probate Courts of the County of Calaveras.

Also passed and ordered transmitted without engrossment, Senate Bill No. 450—An Act relative to the publication of the amendments to the Codes.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 2d, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of February, eighteen hundred and seventy-six, passed Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner.

Also, Senate Bill No. 317—An Act authorizing Isaac E. Davis et als. to construct and maintain a wharf at Santa Cruz.

Also, Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers.

Also, Senate Bill No. 225—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.

Also, Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

Also, Senate Joint Resolution No. 29—Asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County.

Also, Senate Bill No. 387—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 seventy-six, and to provide for the payment of the same.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 2d, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the second day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 381—An Act in relation to the office of Coroner of the County of Santa Cruz.

Also, Assembly Bill No. 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 2d, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 178—An Act to amend an Act entitled an Act to incorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and the amendments thereto, and to incorporate the Town of Santa Rosa.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 3d, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of February, eighteen hundred and seventy-six, passed Senate Bill No. 195—An Act to amend section eighty-eight of the Code of Civil Procedure, relating to the terms of the County Court in the County of Merced.

Also, Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 343—An Act to amend an Act, approved February seventh, eighteen hundred and seventy-four, entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

Also, Senate Bill No. 398—An Act to extend the franchise granted to David Gurkey and others, to build a wharf at Santa Cruz.

Also, Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo.

Also, Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

And, on March second, passed Assembly Concurrent Resolution No. 31—Relating to the establishment of a tri-weekly mail from Mendocino City, in Mendocino County, to the City of Eureka, in Humboldt County.

Also, Assembly Concurrent Resolution No. 22—Relative to cheap postage

Also, Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure

Also, Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure.

Also, Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes

Also, Assembly Bill No. 319—An Act to reenact section nine hundred and forty-six of the Civil Code, relating to personal property.

Also, Assembly Bill No. 324—An Act to legalize the assessment equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein

Also, Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure

Also, Assembly Bill No. 343—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County.

Also, Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc

Also, amended and passed Assembly Bill No. 215—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in Mariposa Township, Yuba County

Also, Assembly Bill No. 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure

And indefinitely postponed Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight and one thousand three hundred and twenty-three of the Penal Code

Also, Assembly Bill No. 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations

Also, Assembly Bill No. 104—An Act to amend section one hundred and thirty-seven of the Civil Code

And, on this day amended and passed Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four

CRAWFORD Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES

Substitute for Senate Bill No. 195, above reported, read first and second times and referred to the Merced delegation.

Senate Bill No. 326, above reported, read first and second times and referred to the Committee on Corporations

Senate Bill No. 343, above reported, read a third time and passed

Senate Bill No. 398, above reported, read first and second times and referred to the Santa Cruz delegation.

Senate Bill No. 396, above reported, read first and second times and referred to the San Luis Obispo delegation.

Senate Bill No. 277, above reported, read first and second times and referred to the Judiciary Committee

Senate Bill No. 109, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 450, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bills Nos. 286 and 300, above reported, each read first and second times and referred to the San Francisco delegation.

Senate Bill No. 339, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 369, above reported, read first and second times and referred to the Santa Barbara delegation.

Senate Bill No. 317, above reported, read first and second times and referred to the Santa Cruz delegation.

Senate Bill No. 82, above reported, read first and second times and referred to the Committee on Claims.

Senate Bill No. 425, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 57, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 387, above reported, read first and second times and referred to the San Joaquin delegation

Senate Bill No. 225, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No 344, above reported, read first and second times and referred to the Alameda delegation.

Senate Concurrent Resolution No 29, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 215, above reported, referred to the Yuba delegation.

Assembly Bill No. 303, above reported, Senate amendments concurred in

Assembly Bill No. 178, above reported, referred to the Sonoma delegation.

FURTHER REPORTS.

By Mr Lambourn.

Mr SPEAKER The Los Angeles delegation, to whom was referred Assembly Bill No 418—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment—have had the same under consideration, amended it, and beg leave to report it back, with the recommendation that it pass as amended.

Also, Assembly Bill No 541—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum by taxation to furnish the necessary additional school facilities for said district—have considered the same, and beg leave to report it back, with the recommendation that it pass

LAMBOURN,
McCONNELL.

By Mr Lammers.

Mr SPEAKER The San Joaquin delegation, to whom was referred Senate Bill No 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County additional powers—has had the same under consideration, and report the same back, and recommend its passage as amended.

LAMMERS, for Delegation

Senate Bill No 244, above reported, was referred to the Committee on Swamp and Overflowed Lands.

By Mr. Biggs:

Mr. SPEAKER The Sacramento delegation to whom was referred Assembly Bill No. 478—An Act to amend sections four thousand one hundred and sixty-five and four thousand two hundred and twenty-one of the Political Code—report the same back and recommend its passage

BIGGS, for Delegation

By Mr. Patterson of Sacramento

Mr. SPEAKER The Sacramento delegation, to whom was referred Senate Bill No 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys—report the same back without prejudice

PATTERSON, for Delegation.

Senate Bill No. 325, above reported, was referred to the Committee on Claims.

By Mr Abbott

Mr Speaker. The Monterey delegation, to whom was referred Assembly Bill No. 493, have fully considered the same, and beg leave to report back the bill, with amendments, and recommend the reference of the bill to the Committee on Roads and Highways

ABBOTT, for Delegation

Assembly Bill No. 493, above reported, was referred to the Committee on Roads and Highways

By Mr Nott

Mr. Speaker Your Committee on Retrenchment and Reform, to whom was referred Senate Bill No. 248—An Act to provide for the keeping of the Capitol and Capitol grounds—have had the same under consideration and beg leave to report the same back, and recommend its passage

NOTT, Chairman

Mr Young, in accordance with previous notice, moved to reconsider the vote by which the House, on yesterday, refused to engross Assembly Bill No 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers

Upon which motion the ayes and noes were demanded by Messrs Wilcox, McCarthy, and Gelwicks.

The roll was called, and the motion prevailed, by the following vote

Ayes—Messrs Abbott Biggs Birney Blackwell, Carson, Chapman, Covington Ferral, Garretson, Gelwicks Giffen Griswold, Hart, Harding, Hayne, Jourden, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny McMann McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pullen, Quigley Reddick Sargent Scrivner Suverkrup Swan Watkins, Wetherill, Wilcox, Wood and Young—41

Noes—Messrs Archer, Baggs Barber, Berry, Bradley, Brickland, Burbank, Clark, Clarken, Coffey, Collins, Crutcher, Dunlap, Harris Hinshaw Jamison, Jenkins, Jones, Kennedy, Nott, Ostrom, Patterson of Kern and Tulare Pierce Preston Rankin Raisch, Rice Roberts, Ruggles, and Sullivan—30

On motion Assembly Bill No 187 was ordered printed as amended, and the bill to take its place on the file.

At twelve o'clock and thirty minutes P M the House took a recess for one hour

RE-ASSEMBLED

House re-assembled at one o'clock and thirty minutes P M
Speaker in the chair
Roll called, and a quorum present

FURTHER REPORTS

By Mr Ferral

Mr. Speaker The Sonoma delegation, to whom was referred Assembly Bill No 178—An Act to reincorporate the Town of Santa Rosa Sonoma County—have had the same under consideration, as amended in the Senate and now report the same back concurring in the Senate amendments

FERRAL, for Delegation

Assembly Bill No 178, above reported, Senate amendments concurred in.

INTRODUCTION OF BILLS

By Mr. Gelwicks—An Act to authorize the City of Oakland to condemn certain lands for wharf and other purposes.

Read first and second times and referred to the Alameda delegation

By Mr. Pierce—An Act to regulate fees of office and salaries of officers in San Diego County

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

By Mr. McCarthy—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said City and County of San Francisco, and to appropriate and purchase private property for that purpose

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

By Mr. Jenkins—An Act to provide for the payment of the debt due upon the Road Fund of Butte County.

Also, an Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March, eighteen hundred and seventy-four.

Also, an Act in relation to roads and highways in the County of Butte.

Each read first and second times and referred to the Committee on Roads and Highways.

By Mr. Hart—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, California.

Read first and second times and referred to the Colusa delegation.

By Mr. Carson—An Act to provide for a Probate Court Commissioner in the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee

By Mr. McConnell—An Act to amend the Code of Civil Procedure by adding a new section thereto.

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

By Mr Raisch—An Act for the relief of Wm. F. Brown.

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

By Mr. Watkins—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure

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

By Mr. Preston—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Read first and second times and ordered on file.

By Mr. Hinshaw—An Act to regulate fees of office of certain officers in the County of Sonoma, and to repeal certain other Acts in relation thereto

Read first and second times and referred to the Sonoma delegation.

REPORT

By Mr. Patterson of Sacramento

Mr. SPEAKER The Sacramento delegation, to whom was referred Senate Bill No. 24—An Act concerning roads and highways in the County of Sacramento, approved April second, eighteen hundred and seventy—beg leave to report back a substitute therefor, and recommend the passage of the substitute.

PATTERSON, Chairman

The substitute above reported was referred to the Sacramento delegation

SPECIAL ORDER.

The Speaker announced as the special order for this hour Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State.

Made the special order for Wednesday, March eighth, at one o'clock and thirty minutes P. M.

RESOLUTIONS.

By Mr Bradley

*Resolved by the Assembly, the Senate concurring*, That the Enrolling Clerk of the Assembly be and he is hereby authorized and directed to insert in section two of Assembly Bill No 312—An Act to reincorporate the City of Marysville—the words "thence up the center of Feather River," after the words "Feather River," in the sixth line of said section, said words having been left out of the engrossed copy by mistake

Adopted.

By Mr. McKenna

*Resolved*, That when this House adjourns to-day, it adjourn until Monday, at half-past one o'clock P. M., in order to allow the Legislature to attend, in a body, the funeral of the late Hon. W W. Pendegast, which takes place at Woodland to-morrow

Adopted.

Mr. Maguire, in accordance with previous notice, moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices

At four o'clock and twenty minutes P. M Mr. Berry moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Clunie, Bradley, and Covington.

The roll was called, and the House refused, by the following vote.

AYES—Messrs Berry, Biggs Burney, Carson, Clark, Clarken, Collins, Crutcher, Dixon, Griswold, Hart, Harris, Hayne, Hinshaw, Jamison, Jenkins, Jounden, McConnell, McCarthy, Patterson of Sacramento Quigley, Raisch, Reddick, Roberts Ruggles, Scrivner, Suverkrup, Wetherill, and Young—29.

NOES—Messrs. Abbott, Bagge, Barber, Blackwell Bradley Briceland Broderick, Burbank Carter Chapman Coffey Covington, Clunie, Ferral, Garretson, Gelwicks, Giffen, Harding, Kennedy, Koutz, Lammers, Maguire, McInerny, McMann McKenna, Nott, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Rankin, Rice, Sargent, Samuels, Swan, Watkins, Wilcox, Wood, and Mr. Speaker—39

Mr Berry moved to indefinitely postpone the motion to reconsider the passage of Assembly Bill No 224

At four o'clock and thirty-five minutes P. M. Mr Young moved to adjourn

Upon which the ayes and noes were demanded by Messrs Sargent, Pierce, and Wood.

The roll was called, and the House refused, by the following vote

AYES—Messrs. Berry, Biggs, Burney, Clarken, Collins, Crutcher, Dixon, Dunlap, Griswold, Harris Hayne, Jamison, Jenkins, Lambourn, McCarthy, Patterson of Sacramento Patterson of Kern and Tulare, Quigley, Reddick, Roberts, Ruggles, Scrivner, Suverkrup, and Mr. Speaker—24

NOES—Messrs Abbott, Archer, Barber, Blackwell, Bradley, Briceland, Broderick, Burbank, Carter Carson Chapman, Coffey, Covington, Clunie, Ferral, Garretson Gelwicks, Giffen Hart Harding, Hinshaw, Jounden, Kennedy Koutz, Lammers, Maguire, McInerny, McMann, McKenna, Nott, Patterson of San Joaquin, Pierce, Preston Raisch, Rice, Sargent, Samuels, Sullivan, Swan, Watkins Wilcox, and Wood—42

On motion of Mr Harding, the previous question was ordered.

Upon the question to indefinitely postpone the motion to reconsider the passage of Assembly Bill No 224, the ayes and noes were demanded by Messrs. Koutz, Carson, and Berry.

The roll was called, and the House refused, by the following vote

AYES—Messrs. Bagge, Barber, Berry, Biggs, Birney, Clarken, Coffey, Collins, Crutcher, Dixon, Gelwicks, Griswold, Hart, Harris, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lambourn, McCarthy, Patterson of Sacramento, Quigley, Raisch, Reddick, Roberts, Ruggles, Scrivner, Sullivan, Suverkrup, Watkins and Mr. Speaker—32

NOES—Messrs. Abbott, Archer, Blackwell, Bradley, Buceland Broderick Burbank, Carter Carson, Chapman, Covington, Clunie Ferral Garretson, Giffen, Harding, Koutz, Lammers, Maguire, McConnell, McInerny, McMann McKenna Nott, Patterson of Kern and Tulare, Patterson of San Joaquin Pierce Preston Rankin Rice Sargent, Samuels, Swan, Wilcox, Wood, and Young—37

At four o'clock and forty-five minutes P M Mr Gelwicks moved to adjourn.

Lost

The question recurring upon the consideration of the vote by which the House passed Assembly Bill No. 224, the ayes and noes were demanded by Messrs Carson, Pierce, and Patterson of San Joaquin

The roll was called, and the House refused, by the following vote

AYES—Messrs Abbott Archer, Blackwell, Bradley, Buceland, Broderick, Burbank, Carter Carson, Chapman, Covington, Clunie, Ferral Garretson, Giffen, Harding, Koutz, Lammers, Maguire, McConnell McInerny, McMann, McKenna, Nott, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Rice, Sargent, Samuels, Swan, Wilcox, Wood, and Young—34.

NOES—Messrs Bagge, Barber, Berry, Biggs, Birney, Clarken, Coffey Collins, Crutcher, Dixon, Dunlap, Gelwicks Griswold Hart Harris Hayne, Hinshaw Jamison Jenkins, Jourden Kennedy, Lambourn, McCarthy, Patterson of Sacramento, Preston, Quigley, Rankin Raisch, Roberts, Ruggles, Scrivner Sullivan Suverkrup Watkins, and Mr Speaker—35

RESOLUTION

By Mr. Broderick

*Resolved*, That the committee appointed to investigate the affairs of the Golden Gate Park are hereby authorized to employ such clerk as they may deem necessary to assist them in taking testimony, to be paid out of the Contingent Fund of the Assembly, and that the committee be empowered to send for persons and papers necessary to the investigation they have been instructed to make

Adopted

By Mr. Ferral—A report of the number of folios engrossed by the following persons, and amounts due them therefor, to wit:

| | |
|---|---|
| D. P Fenton | $31 80 |
| A. G. Shirley | 7 50 |
| N Moritz | 10 50 |
| D Corcoran | 13 05 |
| R Anderson | 6 15 |

Also, submitting the following resolution.

*Resolved*, That the Controller of State be authorized to draw his warrants for the above amounts, and that the Treasurer of State be authorized to pay the same

Adopted

By Mr. Nott

SACRAMENTO, March 3d, 1876

Mr SPEAKER The Committee on Enrollment have examined Assembly Bill No 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes.

Also, Assembly Bill No. 381—An Act in relation to the office of Coroner of the County of Santa Cruz [Both of said bills having been enrolled out of order, pursuant to resolution of the Assembly ]

And report the same correctly enrolled and that at three o'clock the same were presented to the Governor for his approval.

NOTT for Committee.

By Mr. Giffen

Mr SPEAKER The State Prison Committee beg to report that they have agreed with the State Prison Committee of the Senate to make a joint report to the Legislature the same having this day been introduced into the Senate and ordered printed

GIFFEN, Chairman

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr Birney, the House adjourned until Monday, March sixth, at one o'clock and thirty minutes P M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 6th, 1876.

House met pursuant to adjournment
Speaker in the chair.
Roll called, and a quorum present
Journal of Friday, March third, read and approved

LEAVE OF ABSENCE.

Two days' leave of absence was granted to Messrs. Gelwicks, Abbott, Jamison, and Biggs, and an indefinite leave to the members of the Park Investigating Committee. One day's leave was granted to all other absentees

[Mr. Harris in the chair.]

On motion of Mr. Carpenter, the Enrolling Clerk of the Assembly was authorized to sectionize Assembly Bill No 274

SPECIAL ORDER.

The Speaker announced as the special order for this hour, Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California.

Amended, ordered engrossed out of its order, ordered printed, and made a special order for Wednesday, the eighth instant, at seven o'clock P. M

REPORTS

By Mr. Covington

Mr SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 537—An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads in the County of Mendocino, California.

Also, Assembly Bill No. 525—An Act to prevent the trespassing of animals upon private property, in the Counties of Stanislaus, Fresno, and Sutter

Also, Assembly Bill No 514—An Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county

Also, Assembly Bill No. 168—An Act to amend section seven hundred and ninety-one of the Political Code in relation to notaries

Also Assembly Bill No 396—An Act in relation to highways in the County of Solano

COVINGTON, for Committee

By Mr. Wilcox

Mr Speaker The delegation from Merced, to whom was referred Senate Bill No. 195—An Act to fix the time of holding the County and Probate Courts of the County of Merced—have considered the same, and report the bill back to the House and recommend that it pass.

WILCOX, for Delegation

Senate Bill No. 195, above reported, read third time and passed.

SPECIAL ORDER.

The Speaker announced the special order for this hour, Assembly Bill No. 383—An Act concerning evidence of title to State lands

Referred to the Committee on Public Lands.

INTRODUCTION OF BILLS

Bills were introduced, by leave, as follows

By Mr. Coffey—An Act amendatory of and supplementary to 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.

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

By Mr. Clarken—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction.

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

REPORTS

By Mr. Rice.

Mr Speaker The Santa Cruz delegation, to whom was referred Senate Bill No. 398—An Act to extend the franchise granted to David Gilkey and others, to build a wharf at Santa Cruz—beg leave to report the same back, and recommend its passage.

RICE, for Delegation.

Also.

Mr Speaker The Santa Cruz delegation, to whom was referred Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirteenth, eighteen hundred and sixty-eight—report the same back, and recommend its passage

RICE, for Delegation

Assembly Bill No 544, above reported, rules suspended, considered engrossed, read third time, and passed

INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows

By Mr. McKenna—An Act to fix the terms of the County and Probate Courts in and for the County of Solano.

Read first and second times, rules suspended, considered engrossed, read third time, and passed

By Mr. Preston—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Read first and second times and ordered on file.

Also, an Act fixing the salaries and compensation of certain officers of San Luis Obispo County.

Read first and second times and ordered on file.

[Speaker in the chair.]

By Mr. Harding—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure.

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

By Mr. Roberts—An Act to legalize and make valid the transcribing of records of San Benito County.

Read first and second times and referred to the San Benito delegation.

By Mr. Archer—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Covington—An Act to provide for the purchase of a certain toll road in Mendocino County.

Read first and second times and referred to the Committee on Claims, with the petitions accompanying the bill.

REPORTS.

By Mr. Hart

Mr SPEAKER The delegation of the Counties of Colusa and Tehama, to whom was referred Assembly Bill No. 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa—have had the same under consideration, report it back, and recommend its passage.

HART, for Delegations

Mr Wilcox, by leave, withdrew Assembly Bill No. 132—An Act to authorize the payment of the claim of A. G. Black

By Mr. Biggs:

Mr. SPEAKER The Sacramento delegation, to whom was referred Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two—have considered the same, and beg leave to report the same back, and recommend its passage.

BIGGS, for Delegation.

By Mr. Berry:

Mr SPEAKER. Your committee, to whom was referred Assembly Bill No. 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold—report the same back, and recommend its passage

Also, Assembly Bill No 393, and have amended the same, and recommend its passage as amended

BERRY, Chairman

RESOLUTION.

By Mr. Berry.

*Resolved*, That the Sergeant-at-Arms is hereby instructed to have the globes to the chandaliers and side lights of this chamber cleaned and put in order

Adopted

GENERAL FILE

Assembly Bill No. 386—An Act to amend section three thousand eight hundred and twenty of the Political Code, relating to collection of taxes by the Assessors.

Read third time and passed.

On motion of Mr Bagge, the House took up Assembly Bill No. 332—An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company

Rules suspended, considered engrossed, read third time, and passed

On motion of Mr Nott, the House took up the resolution offered by him on Friday, relative to the discharge of committee clerks

Mr. Ferral offered the following amendment. Amend by striking out the words "Clerks of Committees on Corporations, Claims, and State Prison," and insert in lieu thereof the words "Clerks of all committees."

Mr. Sargent offered the following amendment to the amendment "Except Mr Clark, Clerk of the Committees on Claims and Swamp Lands"

ADJOURNMENT

Pending the consideration of the above amendment, at four o'clock and fifty minutes P. M. Mr. Hart moved to adjourn

On which the ayes and noes were demanded by Messrs. Preston, Nott, and Berry, and the motion prevailed by a vote as follows

AYES—Messrs Biggs, Blackwell, Blue, Briceland, Carter, Chapman, Covington, Dixon, Ferral, Giffen, Griswold, Hart, Harding, Hayne, Maguire, McConnell McCarthy, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare Roberts Sargent Samuels, Scrivner, Suverkrup, Swan, and Young—27.

NOES—Messrs Bagg, Berry, Biggs Birney, Bradley, Burbank Clark Clarken Coffey, Collins Cornwell, Crutcher Dunlap, Garretson, Harris, Hinshaw, Koutz, Lambourn, Lammers, McKenna, Nott, Pierce, Preston, Rice, Ruggles, Watkins, and Mr Speaker—26

Accordingly the House adjourned at four o'clock and fifty-three minutes P. M.

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Tuesday, March 7th, 1876.

House met pursuant to adjournment
Speaker in the chair
Roll called, and a quorum present
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Bagge, Jones, Abbott, and Rankin

REPORTS

By Mr. Carter

MR SPEAKER Your Committee on Public Morals to whom was referred Assembly Bill No 531—An Act to amend section three hundred and seventy-four of the Penal Code—have had the same under consideration report it back, and recommend its passage.

CARTER Chairman

By Mr. Nott

SACRAMENTO, March 6th, 1876

MR. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 375—An Act to amend section sixty-eight of the Code of Civil Procedure.

Also, Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz.

Also, Assembly Bill No. 273—An Act to protect the public roads in Santa Clara County.

Also, Assembly Bill No. 262—An Act to fix the bond of County Treasurer of Lassen and Modoc Counties.

Also, Assembly Bill No. 227—An Act to amend an Act entitled an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 312—An Act to reincorporate the City of Marysville.

Also, Assembly Bill No. 4—An Act to amend section eleven hundred and sixty of the Political Code.

Also, Assembly Bill No. 38—An Act to authorize the appointment of an additional interpreter for the criminal Courts of the City and County of San Francisco.

Also, Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Also, Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Also, Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

Also, Assembly Bill No. 146—An Act for the relief of James H. Clarke.

Also, Assembly Bill No. 154—An Act to provide for the construction of division fences.

Also, Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

Also, Assembly Bill No. 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 201—An Act in relation to boundary fences and the trespass of animals in the County of San Mateo.

Also, Assembly Bill No. 392—An Act to amend an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

Also, Assembly Bill No. 394—An Act to provide for the building of a school-house in the Pajaro School District, in the County of Santa Cruz.

Also, Assembly Bill No. 464—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.

Also, Assembly Concurrent Resolution No. 28—Relative to the establishment of tri-weekly mail service from the Town of Linkville, State of Oregon, to the City of Yreka, State of California.

And report the same correctly enrolled, and that at five o'clock the same were presented to the Governor for his approval.

NOTT, for Committee.

By Mr. Wetherill:

MR. SPEAKER: The Committee on Elections, to which was referred Assembly Bill No. 345—An Act to amend section one thousand one hundred and twenty-nine of the Political Code—report the same back and recommend that it do not pass.

Your committee has also considered the resolution concerning the appropriation of money to pay the costs in the case of *Hopper* v. *Biggs*, and report as follows:

| | |
|---|---|
| Costs incurred by contestant | $73 80 |
| Costs incurred by respondent | 148 25 |
| Total | $222 05 |

Your committee therefore recommend the passage of the following resolution, as a substitute for the original:

*Resolved*, That the sum of two hundred and twenty-two dollars and five cents is hereby appropriated out of the Contingent Fund of the Assembly, to pay the costs incurred in the case of *Hopper* v. *Biggs*, as follows: To P. J. Hopper, seventy-three dollars and eighty cents; to M. Biggs, Jr., one hundred and forty-eight dollars and twenty-five cents.

WETHERILL, Chairman.

Mr. Archer offered the following amendment to the above resolution: Amend by striking out that portion which refers to Mr. Hopper.

On motion of Mr. Crutcher, the whole subject-matter was referred to the Committee on Retrenchment and Reform.

## SENATE MESSAGES

SENATE CHAMBER,
SACRAMENTO, March 3d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the first day of March, eighteen hundred and seventy-six, passed Senate Bill No. 472—An Act to appropriate money for the purpose of insuring the State Printing Office.

Also, Senate Bill No. 457—An Act to authorize the County Treasurer of El Dorado County to transfer certain funds.

Also, Senate Bill No. 292—An Act to add two more sections to the Civil Code, and numbered sections five hundred and fifty-two and five hundred and fifty-three.

Also, Senate Bill No. 378—An Act to call in and pay the registered warrants of Butte County.

Also, Senate Bill No. 377—An Act authorizing the Treasurer of Butte County to transfer certain funds.

Also, Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County.

Also, Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

Also, Senate Bill No. 461—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.

Also, Senate Bill No. 448—An Act to authorize the Board of Supervisors of San Bernardino County to levy a tax to pay for the building of a Court-house.

Also, Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Penal Code.

And, on the second day of March, passed Senate Bill No. 443—An Act to provide for the government of the County of San Diego.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 3d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the third day of March, eighteen hundred and seventy-six, passed Senate Bill No. 144—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles—and, under the suspension of the rules, ordered the same transmitted immediately, and without engrossment, to the Assembly.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 3d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the third day of March, eighteen hundred and seventy-six, passed, under the suspension of the rules, and ordered transmitted immediately to the Assembly, Senate Concurrent Resolution No. 36.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 3d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the third day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 75—An Act for the payment of the claim of A. L. Bancroft & Co.—and ordered the same transmitted at once to the Assembly.

CLARK, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Joint Resolution No. 36, above reported, read first and second times and referred to the Committee on Federal Relations.

Senate Bill No. 472, above reported, read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 457, above reported, read first and second times and referred to the El Dorado delegation.

Senate Bill No. 292, above reported, read first and second times and referred to the Committee on Irrigation.

Senate Bills Nos. 378 and 377, above reported, each read first and second times and referred to the Butte delegation.

Senate Bill No. 360, above reported, read first and second times and referred to the San Bernardino delegation.

Senate Bill No 333, above reported, read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 461, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 448, above reported, read first and second times and referred to the San Bernardino delegation.

Senate Bill No. 37, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 144, above reported, read first and second times and referred to the Committee on Public Lands

Senate Bill No. 443, above reported, read first and second times and referred to the San Diego delegation

REPORTS.

By Mr Preston.

Mr Speaker Your Committee on Fish to whom was referred Assembly Bill No 93—An Act to prevent the destruction of fish in the waters of this State—after having considered the same, beg leave to report it back, with the recommendation that it do not pass.

Also, Assembly Bill No 157—An Act to amend section six hundred and thirty-five of the Penal Code of the State of California

Also Assembly Bill No. 158—An Act to amend section one thousand five hundred and seventy of the Penal Code of the State of California—and report the said bills Nos 157 and 158 back, with a substitute therefor, and recommend the passage of the substitute

Also, Senate Bill No 256—An Act to protect sea-gulls in the neighborhood of Santa Monica—and recommend its passage

Also, Assembly Bill No. 137—An Act to protect fish in the County of Del Norte—and recommend its passage

Also, the petition from citizens of Calaveras County—Asking for an appropriation of five thousand dollars as a reward fund, to prevent the destruction of mountain trout—and recommend that no action be taken on the said petition

PRESTON for Committee

By Mr. Scrivner

Mr. Speaker Your Committee on Irrigation, to whom was referred Assembly Bill No 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes in the Counties of Fresno, Tulare, and Kern—have had the same under consideration, and recommend its passage

SCRIVNER, Chairman

By Mr Dixon.

Mr Speaker The Committee on Roads and Highways, to whom was referred Assembly Bill No. 527—An Act to authorize the Board of Supervisors of the County of Inyo to sell the several county bridges across Owen's River, and to authorize said bridges to be established as toll bridges—have had the same under consideration, report it back with amendments, and recommend its passage as amended

DIXON, for Committee.

Also

Mr Speaker The Committee on Roads and Highways, to whom was referred Assembly Bill No. 554—An Act in relation to roads and highways in the County of Butte—have had the same under consideration, report it back and recommend its passage

DIXON, for Committee.

Also.

Mr Speaker The Committee on Roads and Highways, to whom was referred Assembly Bill No 553—An Act to provide for the payment of the debt due upon the Road Fund of Butte County—have had the same under consideration, report it back and recommend its passage.

DIXON for Committee

Also

Mr. Speaker The Committee on Roads and Highways, to whom was referred Assembly Bill No. 552—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four—have had the same under consideration, report it back, and recommend its passage.

DIXON, for Committee.

Assembly Bills Nos. 554, 553, and 552, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

[Mr. Harding in the chair.]

By Mr. Roberts:

Mr. Speaker: The San Benito delegation, to whom was referred Assembly Bill No. 570—An Act to legalize and make valid the transcribed records of San Benito County—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

ROBERTS, for Delegation.

By Mr. Sargent.

Mr. Speaker: The San Joaquin delegation, to whom was referred Senate Bill No. 387—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 seventy-six, and to provide for the payment of the same—beg leave to report the same back, and recommend its passage.

SARGENT, for Delegation.

Senate Bill No. 387, above reported, rules suspended, read third time, and passed.

Mr. McMann offered his resignation as a member of the Golden Gate Park Investigation Committee, as follows:

Mr. Speaker: I desire to tender my resignation as a member of the Committee on Golden Gate Park investigation; said resignation to date from Friday, the third instant.

McMANN.

Accepted.

On motion of Mr. Pierce, the House took up for consideration Assembly Bill No. 536—An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego.

Rules suspended, considered engrossed, read third time, and passed.

REPORTS CONTINUED.

By Mr. McConnell.

Mr. Speaker: Your Judiciary Committee (present—McConnell, Archer, Chapman, Harris, Swan, Carson, McKenna, and Scrivner), to whom was referred Assembly Bill No. 439—An Act to provide for the payment of certain outstanding bonds of the State of California—report the same back, and recommend its reference to the Committee on Claims.

Also, Assembly Bill No. 507—An Act to amend sections two hundred and fifty-eight and two hundred and fifty-nine of the Code of Civil Procedure, concerning Court Commissioners—report the same back with an amendment, and recommend its passage as amended.

Also (present—McConnell, Archer, Chapman, Swan, Hart, McKenna, and Carson), Assembly Bill No. 449—An Act to provide for the government of the County of San Diego—report the same back, and recommend its passage.

Also, Assembly Bill No. 128—An Act to regulate appeals from the Justices' Courts in and for the City and County of San Francisco—report the same back and recommend return to its author.

Also, Assembly Bill No. 50—An Act to amend section nine hundred and eighty of the Code of Civil Procedure, concerning appeals to County Courts—report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 361—An Act to amend the Political Code and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code—and for reasons which will be submitted in a special report, recommend that it do not pass.

Also, Assembly Bill No. 473—An Act supplementary to an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 411—An Act for the relief of purchasers at probate sales—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 508—An Act to amend section one thousand nine hundred and seventeen of the Civil Code—and recommend that it do not pass.

Also, Assembly Bill No. 164—An Act to amend section five hundred and seventy-one of the Civil Code, concerning savings and loan corporations—and recommend its reference to the Committee on Corporations Messrs Swan and Archer dissenting.

Also, Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code—and recommend its passage.

Also, Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs—and recommend its passage.

Also, Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code—and recommend its passage. Messrs Hart and Carson dissenting.

Also, Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code—and recommend its passage

Also, Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure—and recommend its passage

McCONNELL, Chairman

Assembly Bill No. 439, above reported, referred to the Committee on Claims

Assembly Bill No. 182, above reported, the author had leave to withdraw the bill

Assembly Bill No. 164, above reported, ordered on file.

By Mr. Nott

Mr. Speaker The Committee on Enrollment, to which was referred the accompanying resolution, recommend its adoption

NOTT, Chairman

The resolution above reported is as follows

Whereas, On the twenty-sixth day of January, eighteen hundred and seventy-six, by resolution of this Assembly, the Enrolling Clerk was allowed one assistant at a per diem of six dollars, contrary to a standing rule of this House; therefore be it

*Resolved*, That the said assistant be allowed the same per diem as the Enrolling Clerk, to date from the time of his appointment, and that the Controller be and he is hereby directed to draw his warrant in favor of D H. Sharp, said assistant, for the balance due him under the provisions of this resolution

Adopted.

By Mr. Nott

Mr. Speaker Your committee to whom was referred Assembly Bill No. 390—An Act to amend the Political Code, and to reduce the expenses of the National Guard—have had the same under consideration, report the same back, with a substitute, and recommend that the substitute be referred to the Committee on Military Affairs.

NOTT, for Committee.

Substitute and bill above reported referred to the Committee on Military Affairs

By Mr. Berry

Mr. Speaker Your Committee on Ways and Means to whom was referred Assembly Bill No 549—An Act relative to the deficiency for the military of this State—report the same back and recommend that the same be referred to the Committee on Military Affairs.

BERRY, Chairman

Assembly Bill No. 549, above reported, referred to Committee on Military Affairs.

By Mr Patterson.

Mr. Speaker The Sacramento delegation, to whom was referred Assembly Bill No 494—An Act to provide for ascertainment and settlement of the claim of Robert E Beasley (if any he may have) for services performed in the construction and improvement of the levee to reclaim Swamp Land District Number Fifty-four, in Sacramento County—beg leave to report the same back and recommend its passage.

PATTERSON, for Delegation

## By Mr. Preston

Mr. Speaker The San Luis Obispo delegation, to whom was referred Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo—have considered the same, and beg leave to report the same back, and recommend its passage.

Also, Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four—and recommend its passage.

PRESTON, for Delegation

## By Mr. Carpenter.

Mr. Speaker The El Dorado delegation, to whom was referred Assembly Bill No. 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County—report the same back with a substitute, and recommend the passage of the substitute

CARPENTER,
NOTT

## By Mr. Samuels

Mr Speaker The Sonoma delegation, to whom was referred Senate Bill No 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma—have examined the same, and report it back, with the recommendation that it pass

SAMUELS, for Delegation

## Senate Bill No. 316, above reported, rules suspended, read third time, and passed.

## By Mr. Archer

Mr. Speaker The Santa Clara delegation, to whom was referred Assembly Bill No 571—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two—having considered said bill, report it back, and recommend its passage

ARCHER, for Delegation.

## Assembly Bill No. 571 above reported, rules suspended, considered engrossed, read third time, and passed.

### GOVERNOR'S MESSAGES

State of California, Executive Department,
Sacramento, March 3d, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 295—An Act to incorporate Salinas City.

Also, Assembly Bill No. 64—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.

Also, Assembly Bill No. 408—An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four

WILLIAM IRWIN, Governor.

State of California, Executive Department,
Sacramento, March 6th, 1876

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and for other purposes.

Also, Assembly Bill No. 381—An Act in relation to the office of Coroner and Public Administrator of the County of Santa Cruz

Also, Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes

Also, Assembly Bill No 162—An Act to add another section to the Penal Code—Chapter II., Title IX., Part I.

Also, Assembly Bill No 219—An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District and to provide for additional school purposes and facilities therein.

Also, Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane.

Also, Assembly Bill No 225—An Act to regulate the fees of the Sheriff of Los Angeles County

Also, Assembly Bill No. 307—An Act concerning the construction and repairs of levees in the City of Marysville, and the mode of raising revenue therefor.

WILLIAM IRWIN, Governor

PETITION.

By Mr. Pierce—From citizens of the City and County of San Diego, protesting against the passage of any irrigation bill for said county.

Referred to the Committee on Ways and Means

RESOLUTION

By Mr. Crutcher

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby allowed the sum of two dollars per diem, to date from the commencement of the session until its close, payable out of the appropriation for the contingent expenses of the Assembly

Referred to the Committee on Retrenchment and Reform

SENATE MESSAGE

SENATE CHAMBER,
SACRAMENTO March 7th 1876

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the third day of March, eighteen hundred and seventy-six passed Assembly Bill No 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four

Also, Assembly Bill No. 388—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County

Also, Assembly Bill No. 302—An Act to legalize and confirm ordinance Number Forty-seven, entitled "In relation to City Blocks Numbers Eighty-eight and Eighty-nine, and the Plaza Alameda, in the City of Santa Barbara," passed and approved by the Mayor and Common Council of said city, on the twentieth of January, eighteen hundred and seventy-six.

And, on yesterday, amended and passed Assembly Bill No 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county, to pay a judgment rendered against said county in the Sixth Judicial District Court, in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Also, adopted Assembly Concurrent Resolution No 40—Relative to authorizing the Enrolling Clerk of the Assembly to insert certain words in Assembly Bill No 112

CRAWFORD Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No 250, above reported, Senate amendments concurred in.

INTRODUCTION OF BILLS

By Mr. Harris—An Act to change the name of a town in Modoc County.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate immediately, without engrossment.

By Mr. McConnell—An Act to prevent confusion and uncertainty in land titles, and to prevent frauds and oppression

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

By Mr. Chapman—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and seventy-four.

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

By Mr. Berry—An Act to legalize the tax in Winship School District, Sutter County.

Read first and second times and referred to the Sutter delegation.

On motion of Mr. Clunie, Senate Bill No. 101, the special order for two o'clock P. M. to-day, was made the special order for to-morrow at the same hour

By Mr. Koutz—An Act to amend section two thousand six hundred and fifty of the Political Code

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Quigley—An Act to authorize the Board of Supervisors of Lake County to levy a special tax.

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

RESOLUTION

Mr Clarken, by leave, introduced the following resolution.

*Resolved*, That the clerks of the State Prison Committee, the Committee on Claims, and the Committee on Corporations be and they are hereby discharged

Adopted.

FURTHER INTRODUCTION OF BILLS.

By Mr. Biggs—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento, approved March sixth, eighteen hundred and seventy-two

Also, an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Also, an Act to require the City Assessor and City Tax Collector of the City of Sacramento to perform certain duties in collecting the revenue of said city.

Also, an Act to repeal an Act entitled an Act supplementary to the Act of April twenty-fifth, eighteen hundred and seventy-three, entitled an Act to incorporate the City of Sacramento, approved March thirtieth, eighteen hundred and seventy-two

Also, an Act to repeal an Act entitled an Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, an Act to repeal part of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March eighteenth, eighteen hundred and seventy.

Also, an Act to repeal an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March fourth, eighteen hundred and seventy

Each read first and second times and referred to the delegation named in the bills.

By Mr. Harris—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Read first and second times and ordered on file.

By Mr. Coffey—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco.

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

By Mr. Patterson—An Act to amend 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. Carpenter—An Act to amend sections one hundred and thirty-four, and eight hundred and thirty-nine of the Code of Civil Procedure.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Gelwicks—An Act for the relief of John Johnson, for services as watchman at the State Capitol.

Read first and second times and referred to the Committee on Claims, together with the petition accompanying same.

RECESS

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED

Speaker in the chair

Roll called, and a quorum present

REPORT

By Mr. Berry.

Mr. SPEAKER: Your committee, to whom was referred a resolution allowing James Sommerville one hundred and sixty dollars for services as Clerk of the Golden City Homestead Association Investigation Committee, report the same back, and ask its reference to the Committee on Retrenchment and Reform.

BERRY, Chairman.

The resolution above reported was recommitted to the Committee on Attachés, with special instructions.

Mr. Dunlap had leave to introduce the following bill: An Act to prevent hogs and goats running at large in the Town of Sutter Creek, Amador County.

Read first and second times and ordered on file.

GENERAL FILE.

Assembly Bill No. 465—An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 466—An Act to authorize the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 286—An Act to protect salmon trout and brook trout in the streams of Sonoma County.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 472—An Act to provide compensation for the collection of poll-tax in the several counties of this State.

Referred to the Sacramento delegation.

Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County.

Read third time and passed.

Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code of the State of California, concerning the compensation of employés

Read third time and passed.

Assembly Bill No. 407—An Act to pay the claim of E O. F. Hastings

Read third time and passed.

[Speaker pro tem. in the chair.]

Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State.

Read third time and passed.

Mr. Koutz gave notice of a motion to reconsider the vote by which Assembly Bill No. 236 passed the House on this day.

Assembly Bill No. 168—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to notaries.

Read third time and passed.

Assembly Bill No. 259—An Act to fix the number of permanent employés of the State Capitol and Capitol grounds, their duties and compensation.

Ordered to head of file for to-morrow

Senate Bill No 248—An Act to provide for the keeping of the Capitol and Capitol grounds

Read third time and passed.

Assembly Bill No. 357—An Act to amend section seventy-two of the Civil Code, in reference to marriages.

Amended, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No 380—An Act for the appointment of an Inspector of Stationary Steam-boilers and Steam-tanks, for the better security of life and property, in the City and County of San Francisco.

Substitute adopted and ordered engrossed

Assembly Bill No. 425—An Act concerning public roads in Lassen County

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 518—An Act concerning roads and highways in the County of Placer

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries.

Rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in Colusa County

Rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 406 passed on file.

Assembly Bill No. 333 passed on file

Assembly Bill No 334 passed on file

Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Amended, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No 110—An Act to require the ex-Tax Collector of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by him.

Substitute adopted, rules suspended. considered engrossed, read third time, and passed

Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura; also, to change the name of Cañada Street, in said town, to that of Ventura Avenue.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 39—Relative to establishing a mail route between the Counties of San Luis Obispo and Kern.

Rules suspended, considered engrossed, read third time, and passed

Substitute for Assembly Bill No 82—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.

Substitute adopted, amended, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 443 passed on file.

Assembly Bill No. 442 passed on file.

Assembly Bill No 450—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of San Diego.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the City of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 356—An Act to amend section one thousand two hundred and sixty-one of the Civil Code.

Referred to the Judiciary Committee.

Assembly Bill No 519—An Act for the relief of East Fork School District, in the County of Siskiyou

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No 502 passed on file

Assembly Bill No 423—An Act to amend section four thousand

three hundred and seventy-three of the Political Code, concerning vacancies in city offices

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 410—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Amended, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 461—An Act to provide for the payment of official reporters in certain cases in Humboldt County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 479—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers in the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 438—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets.

Referred to Committee on Education

Assembly Bill No 495 passed on file

Assembly Bill No. 497—An Act to appropriate money to assist in the prosecution of the State against the Golden City Homestead Association.

Considered in Committee of the Whole, the Speaker in the chair The committee arose and reported the bill back, recommending its passage

IN ASSEMBLY.

Report of the Committee of the Whole concurred in Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 492—An Act making appropriations for certain deficiencies in the appropriation for the twenty-sixth and twenty-seventh fiscal years.

Considered in Committee of the Whole, with the Speaker in the chair.

Committee of the Whole arose and reported the bill back, recommending passage.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the Committee of the Whole was received, and, pending action, Mr. Harding offered the following amendment: Amend section one by inserting after the word "dollars," in the tenth line,

the following "for the salary of the late ex officio members of said Board, seventeen hundred dollars."

Upon the question of the House resolving itself into Committee of the Whole for the consideration of the amendment offered by Mr. Harding, the ayes and noes were demanded by Messrs. Berry, Biggs, and Roberts.

The roll was called, and the House refused, by the following vote

AYES—Messrs Abbott Archer, Blackwell, Bradley, Burbank, Carter, Chapman, Clark, Coffey, Covington, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McKenna Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pullen, Reddick, Sargent Swan, Wilcox, and Wood—33

NOES—Messrs Berry, Biggs, Blue, Briceland, Clarken, Collins, Crutcher, Dixon, Dunlap, Hart, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McCarthy, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare Pierce, Preston, Quigley, Rankin, Rice, Roberts, Ruggles, Samuels Scrivner, Suverkrup, Watkins, and Mr. Speaker—33

The previous question was moved by Mr Scrivner, and the House so ordered

The question being upon the adoption of the amendment offered by Mr. Harding to Assembly Bill No. 492, the ayes and noes were demanded by Messrs. Berry, Maguire, and Harris.

The roll was called and the House refused, by the following vote:

AYES—Messrs. Abbott, Blackwell, Bradley, Burbank, Carter, Chapman, Coffey, Covington, Ferral, Garretson, Giffen Griswold, Harding, Hayne, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pullen, Reddick, Sargent, Swan, Wilcox and Wood—31.

NOES—Messrs. Archer, Berry, Biggs Birney, Blue, Briceland, Clark, Clarken, Collins, Crutcher, Dixon, Dunlap, Hart, Harris, Hinshaw, Jamison, Jenkins Kennedy, Lambourn, McCarthy Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Preston, Quigley, Rankin Rice Roberts, Ruggles, Samuels, Scrivner Suverkrup Watkins, Young, and Mr Speaker—37

The question recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Ferral, and Covington

The roll was called, and the bill ordered engrossed, by the following vote

AYES—Messrs Abbott, Archer, Berry, Biggs, Birney, Blue, Bradley, Briceland, Burbank, Carter, Chapman Clark, Clarken, Cornwell, Covington, Crutcher, Dixon, Dunlap, Garretson, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley Reddick, Rice, Ruggles, Samuels, Scrivner, Suverkrup, Swan, Wilcox, Wood, and Mr Speaker—58

NOES—Messrs Coffey, Ferral, Murphy of Del Norte and Klamath, Murphy of San Francisco, Rankin, Roberts Sargent, Watkins, and Young—9

REPORT

By Mr. Quigley

SACRAMENTO, March 7th, 1876.

Mr SPEAKER The Committee on Enrollment have examined Assembly Bill No. 234—An Act appointing and empowering Charles F. Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom

Also, Assembly Bill No 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County

Also, Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern

Also, Assembly Bill No. 340—An Act to provide a Great Register for Solano County, and to re-register the voters thereof

Also, Assembly Bill No. 525—An Act to fix the terms of the County and Probate Courts in the County of Calaveras.

Also, Assembly Bill No. 499—An Act to fix the penal sum of the official bond of the Treasurer of the County of Alpine.

And report the same correctly enrolled, and that at two o'clock and thirty minutes P. M. the same were presented to the Governor for his approval.

QUIGLEY, for Committee.

PETITION.

By Mr. Covington—From citizens of Mendocino County, having reference to the destruction of squirrels in said county.

Referred to the Committee on Agriculture.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. McMann, the House adjourned.

---

## IN ASSEMBLY

HOUSE OF ASSEMBLY,
Wednesday, March 8th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

[Mr. Scrivner in the chair.]

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Jones, and also to Willie Beverage, Page of the Assembly.

Mr. Reddick had leave to withdraw Assembly Bill No. 353.

PETITION.

By Mr. Coffey—From the Society of California Pioneers, asking for the renewal of the annuity heretofore granted to John A. Sutter.

Referred to the Committee on Retrenchment and Reform.

REPORTS.

By Mr. McConnell:

MR. SPEAKER: Your Judiciary Committee (present—McConnell, Chapman, Swan, McKenna and Archer), have had under consideration Assembly Bill No. 521—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, and three thousand seven hundred and sixty-two, and to repeal section three thousand seven hundred and seventy of the Political Code—report the same back, and recommend it do not pass.

Also, Assembly Bill No. 532—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Senate Bill No. 450—An Act relative to the publication of amendments to the Codes—and recommend its passage.

Also, Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two—and recommend its passage.

Also, Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds, or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Assembly Bill No. 545—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered two hundred and thirty-three, and to follow section two hundred and thirty-two of said Code, relating to juries—report the same back, and recommend its passage.

Also, Assembly Bill No. 391—An Act to amend section one thousand two hundred and ten of the Code of Civil Procedure—report the same back, and recommend its passage.

McCONNELL, Chairman

## By Mr. Cornwell:

Mr. Speaker: Your Committee on Public Buildings and Grounds, having, in the discharge of their duty, visited the Stockton Insane Asylum, beg leave to submit the following as their report:

In company with Dr. Shurtleff, your committee carefully examined all of the buildings of the institution, including the new building—an extremely well-ordered and economical structure, capable of accommodating one hundred and thirty patients, with the usual number of attendants, and erected at a cost of seventy-nine thousand two hundred and seventy-one dollars and fifty cents, being at the rate of six hundred and nine dollars and eighty cents for each patient—and have to express themselves well satisfied with the order, neatness, and economy which prevails in every department. As to the management of the institution, your committee wish to here mention one fact: that thirteen thousand five hundred and thirteen dollars and seventy-five cents was returned to the State treasury, as an unexpended balance of the building fund, a proceeding hitherto almost unparalleled in the management of State institutions of this description.

The only appropriation asked for is one of seven thousand dollars, to be used in repairing and improving the roads and walks around the asylum, which are now in so bad a condition as to render the former almost impassable for teams. As Dr. Shurtleff informs us that the amount asked for will be sufficient, an assurance upon which we can depend, from his well-known prudence in the expenditure of public money, your committee does not hesitate to recommend the appropriation of seven thousand dollars for the purpose specified.

Your committee begs further to report, that they have visited the State Normal School, at San José, and carefully examined the building in all its details. The building presents a creditable appearance, both externally and internally, but some portions of the interior are in an unfinished condition, owing to the exhaustion of the building fund. As the number of pupils is rapidly increasing, it now becomes necessary to complete and furnish the structure. From careful estimates which have been made, your committee is satisfied that eight thousand dollars will be sufficient for the purposes named, and therefore recommends and appropriation for that amount.

CORNWELL, Chairman

## By Mr. Lambourn:

Mr. Speaker: Your Committee on Agriculture, to whom was referred Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State, approved March tenth, eighteen hundred and seventy-four—have had the same under consideration, and beg leave to report the same back, with an amendment, and recommend its passage as amended.

Also, have had under consideration Assembly Bill No. 481—An Act to amend section six hundred and thirty of the Penal Code—and beg leave to report the same back, and recommend its passage.

LAMBOURN, Chairman

Mr. Lambourn presented a report of the investigation into the affairs of the State Agricultural Society by the Assembly Committee on Agriculture.

Read and five hundred copies ordered printed. [See Appendix.]

## By Mr. Hinshaw:

Mr. Speaker: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill No. 208—An Act to abolish the State Board of Health, by repealing certain sections of the Political Code—ask leave to report the same back, and recommend that it do pass.

Also, Assembly Bill No. 267—An Act to confer certain powers on the State Board of Health, and to repeal section three thousand and eighty, Chapter III., Title VII., of the Political Code, relating to registry of births, marriages, and deaths—have examined it carefully, report it back, and *recommend that it do not pass.*

Also, the committee have, after several visits of inspection to the offices of Controller of State and Secretary of State, been enabled to obtain a comparative statement of the contingent expenses of the Assembly for the month of February, for the nineteenth, twentieth, and twenty-first sessions.

## CONTINGENT EXPENSES OF THE ASSEMBLY FOR FEBRUARY—NINETEENTH SESSION

| | |
|---|---|
| Clerk Sergeant-at-Arms | $224 00 |
| Clerk at the desk | 448 00 |
| Clerk Committee on Corporations | 140 00 |
| Clerk Committee on Public Buildings and Lands | 140 00 |
| Clerk San Francisco delegation | 140 00 |
| Clerk Committee on Ways and Means | 140 00 |
| Clerk Joint Committee on Political Code | 60 00 |
| Clerk Committee on State Hospitals | 60 00 |
| Minute Clerk | 224 00 |
| Engrossing Clerk | 968 00 |
| Copying Clerk | 2,168 00 |
| Journal Clerk | 224 00 |
| Enrolling Clerk | 504 00 |
| Clerk Judiciary Committee | 140 00 |
| Chaplain | 140 00 |
| Rear Porter | 112 00 |
| Porter | 264 00 |
| Door-keeper | 336 00 |
| Watchman | 112 00 |
| Postmaster | 84 00 |
| Pages | 252 00 |
| Stamps and envelopes | 15 00 |
| Carrying mail | 75 00 |
| Newspapers | 1,039 99 |
| Inaugural (carriages, etc.) | 177 50 |
| Telegrams | 8 75 |
| Merchandise | 103 25 |
| Porter Joint Committee Political Code | 74 00 |
| Sundries | 83 96 |
| Mileage | 40 10 |
| Japanese banquet | 1 000 00 |
| Stationery | 142 50 |
| Room rent | 64 50 |
| Repairs on clock | 108 00 |
| Total | $9,812 55 |

## CONTINGENT EXPENSES OF THE ASSEMBLY FOR FEBRUARY—TWENTIETH SESSION

| | |
|---|---|
| Clerk Judiciary Committee | 208 00 |
| Clerk Sergeant-at-Arms | 224 00 |
| Clerk Committee on Corporations | 175 00 |
| Clerk Committee on Ways and Means | 140 00 |
| Clerk Committee on Claims | 105 00 |
| Clerk Committee on Elections | 584 00 |
| County Clerk San Francisco—Committee on Elections | 122 50 |
| Engrossing Clerk | 896 00 |
| Journal Clerk | 224 00 |
| Copying Clerk | 448 00 |
| Enrolling Clerk | 448 00 |
| Minute Clerk | 216 00 |
| Day Watchman | 112 00 |
| Night Watchman | 140 00 |
| Chaplain | 84 00 |
| Mail Carrier | 75 00 |
| Phonographic reporter | 319 65 |
| Sergeant-at-Arms, extra pay | 180 00 |
| Assistant Sergeant-at-Arms | 30 00 |
| Sergeant-at-Arms, serving subpoenas | 628 00 |
| Expert | 40 00 |
| Mileage | 783 00 |
| Witness fees and mileage | 567 50 |
| Newspapers | 825 20 |
| Ruling tally-lists | 27 00 |
| Postage and box rent | 60 50 |
| Dictionary | 15 00 |
| Magnifying glasses | 10 00 |
| Total | $7,687 35 |

CONTINGENT EXPENSES OF THE ASSEMBLY FOR FEBRUARY—TWENTY-FIRST SESSION.

| | |
|---|---|
| Clerk Judiciary Committee | 224 00 |
| Clerk Sergeant-at-Arms | 224 00 |
| Clerk San Francisco delegation | 140 00 |
| Clerk Committee Public Buildings and Lands | 224 00 |
| Clerk at the desk | 224 00 |
| Clerk Committee on Corporations | 140 00 |
| Clerk State Prison Committee | 140 00 |
| Clerk Committee on Navigation | 65 00 |
| Clerk Committee on Claims | 140 00 |
| Clerk Committee on Agriculture | 140 00 |
| Assistant Minute Clerk | 224 00 |
| Assistant Copying Clerks | 416 00 |
| Assistant Engrossing Clerks | 507 40 |
| Assistant Enrolling Clerks | 168 00 |
| Assistant Journal Clerks | 224 00 |
| Witness fees and mileage | 618 25 |
| Sundries | 12 25 |
| Day Watchman | 112 00 |
| Night Watchman | 140 00 |
| Chaplain | 65 00 |
| Mileage | 1,662 42 |
| Newspapers | 1,592 08 |
| Sergeant-at-Arms, serving subpœnas | 63 00 |
| Repairing locks | 75 00 |
| Freight | 3 30 |
| Phonographic reporter | 86 80 |
| Total | $8,200 50 |

---

Herewith is also reported the contingent expenses for the nineteenth, twentieth, and twenty-first sessions, for the months of December, January, and February

NINETEENTH SESSION

| | |
|---|---|
| December | $3,382 00 |
| January | 8,597 90 |
| February | 9,812 49 |
| Total | $21,792 39 |

TWENTIETH SESSION.

| | |
|---|---|
| December | $2,148 00 |
| January | 5,426 52 |
| February | 7,687 35 |
| Total | $15,261 87 |

TWENTY-FIRST SESSION

| | |
|---|---|
| December | $886 00 |
| January | 5,996 69 |
| February | 8,200 50 |
| Total | $15,083 19 |

By a comparison, it is shown that the contingent expenses of the House for this session are one hundred and seventy-eight dollars and sixty-eight cents less than those of the last session for the same period of three months, and six thousand seven hundred and nine dollars and twenty cents less than the nineteenth session, for the same time.

Herewith is presented a statement, taken from the books of the Secretary of State, concerning the matter of stationery, etc., charged to the members of the House for the three sessions.

A communication from the Secretary of State to the committee is also presented. It shows a laudable and economical administration of affairs in that department of State.

HINSHAW, Chairman

SESSION OF 1871-2

*Statement of the amount of stationery, etc., furnished the members of the nineteenth session of the Legislature of the State of California, Sergeants-at-Arms, Secretaries, Clerks, committees, etc., from the commencement of the session to the first day of March, eighteen hundred and seventy-two*

| | |
|---|---|
| To the Senate and attachés | $5,384 06 |
| To the Assembly and attachés | 6,162 11 |
| Grand total | $11,546 17 |

The accounts of this session were not kept separate

SESSION OF 1873-4

*Statement of the amount of stationery, etc., furnished the members of the twentieth session of the Legislature of the State of California, Sergeants-at-Arms, Secretaries, Clerks, committees, etc., from the commencement of the session up to the first day of March, eighteen hundred and seventy-four*

| | | |
|---|---|---|
| To the Senate | $1,341 22 | |
| To the attachés | 1,967 69 | |
| | | $3,308 91 |
| To the Assembly | $2,034 31 | |
| To the attachés | 2,247 44 | |
| | | 4,281 75 |
| Total | | $7,590 66 |
| To the reporters, both Houses | | 487 79 |
| Grand total | | $8,078 45 |

SESSION OF 1875-6

*Statement of the amount of stationery, etc., furnished the members of the twenty-first session of the Legislature of the State of California, Sergeants-at-Arms, Secretaries, Clerks, committees, etc., from the commencement of the session up to the first day of March, eighteen hundred and seventy-six.*

| | | |
|---|---|---|
| To the Senate | $774 52 | |
| To the attachés | 1,431 46 | |
| | | $2,205 98 |
| To the Assembly | $1,311 55 | |
| To the attachés | 1,299 49 | |
| | | 2,611 04 |
| Total | | $4,817 02 |
| To the reporters, both Houses | | 81 39 |
| Grand total | | $4,898 41 |

RECAPITULATION.

| | |
|---|---|
| Session of 1871-2 | $11,546 17 |
| Session of 1873-4 | 8,078 45 |
| Session of 1875-6 | 4,898 41 |

## Communication from the Secretary of State to the Committee on Public Expenditures and Accounts.

STATE OF CALIFORNIA, OFFICE OF SECRETARY OF STATE,
SACRAMENTO, March 1st, 1876.

In connection with the accompanying report on stationery, etc., the undersigned would respectfully call the attention of your honorable committee to the following statement of facts, as an evidence of the fair and economical manner in which he is endeavoring to administer the affairs of the office of Secretary of State

The bills for gas, wood, and coal, for the three months commencing on the sixth day of December, eighteen hundred and seventy-five (the time the undersigned went into office), and ending March first, eighteen hundred and seventy-six, for the Capitol building, were as follows Gas, two thousand six hundred and one dollars, wood, one thousand four hundred and seventeen dollars and coal, seven hundred and eighty-eight dollars and ninety-one cents. During the same months of the session of eighteen hundred and seventy-three and eighteen hundred

and seventy-four the gas bills were three thousand four hundred and seventy-one dollars and forty-four cents; wood, one thousand five hundred and twenty-nine dollars and fifty cents, and for coal, one thousand and fifty-six dollars. And during the same months of the session of eighteen hundred and seventy-one and eighteen hundred and seventy-two the gas cost three thousand and sixty-eight dollars; and the wood, one thousand nine hundred and twelve dollars and fifty cents, which, in the matter of gas alone, makes a saving during my term of eight hundred and seventy dollars and forty-four cents over that of eighteen hundred and seventy-three and eighteen hundred and seventy-four, and of four hundred and sixty-seven dollars over that of eighteen hundred and seventy-one and eighteen hundred and seventy-two, and when you take into consideration the fact that the price of gas during the present term is five dollars per thousand feet, while during the previous sessions referred to it was only four dollars per thousand feet, shows a still further reduction in my favor of five hundred and twenty dollars and twenty cents; and adding to this the reduction in the wood and coal bills for the same time, would give a total of about one thousand seven hundred and seventy dollars saving, in favor of the present term, over that of the session of eighteen hundred and seventy-three and eighteen hundred and seventy-four, in these three items alone.

During the session of eighteen hundred and seventy-three and eighteen hundred and seventy-four the Legislature employed three men to attend to the gas meters, and do such plumbing, repairing, etc., about the building as might be necessary. Under my direction these matters are now attended to in my office, and by the Janitor and assistant, at no expense whatever to the State, making another saving in favor of my term of over one thousand dollars.

During the first month of the present session of the Legislature the Sergeant-at-Arms attended to the repairing of furniture, desks, drawers, etc. in the Senate and Assembly chambers and committee rooms. This cost the State over three hundred dollars. These matters being now attended to under my direction, this item of expense is also saved to the State, there being no charge except for the actual cost of the materials used.

These changes made in favor of the State were made by the undersigned as soon as they were discovered, and not under any instructions of the honorable Legislature or suggestion of any one else. All of the foregoing facts can be shown by reference to the books in my office.

Respectfully,

THOMAS BECK, Secretary of State.

By Mr. Berry:

Mr. Speaker: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State—have considered the same, and report it back, with amendments, and recommend its passage as amended.

BERRY, Chairman.

Mr. Birney presented a report from the Committee on Mines and Mining Interests, together with a substitute for Assembly Concurrent Resolution No. 17 and Assembly Bill No. 300.

Five hundred copies of each were ordered printed.

Mr. Lambourn presented a report from the Committee on Agriculture, together with a substitute for Assembly Concurrent Resolution No. 17.

Five hundred copies of the report and substitute were ordered printed.

The substitutes and reports offered by the above committees for Assembly Concurrent Resolution No. 17 and Assembly Bill No. 300 were made the special order for Wednesday, the fifteenth instant, at seven o'clock P. M.

By Mr. Carter:

Mr. Speaker: Your Committee on Public Morals, to whom was referred Assembly Bill No. 533—An Act for the incorporation of a society for the prevention of cruelty to children—have had the same under consideration, and respectfully report the same back, and recommend its passage.

CARTER, for Committee.

By Mr. Collins:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 474—An Act to reorganize and simplify the school system and public education of the State of California.

Also, Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 568—An Act to fix the terms of the County and Probate Courts in and for the County of Solano

Also, Assembly Bill No. 332—An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.

COLLINS, for Committee

By Mr. Maguire.

Mr. Speaker—Your Committee on Education, to which was referred Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools—report the same back, and a majority of the committee recommend its passage

MAGUIRE, for Committee

By Mr Berry

Mr. Speaker—The Sutter delegation, to whom was referred Assembly Bill No 578—An Act to legalize the taxes in Winship School District, Sutter County—have considered the same, and recommend that it do pass

BERRY, for Delegation

Assembly Bill No. 578, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Ostrom

Mr. Speaker—The Yuba delegation, to whom was referred Assembly Bill No. 215, having had the same under consideration, with Senate amendments, beg leave to report the same back, and recommend its passage as amended

OSTROM, for Delegation.

Assembly Bill No 215, above reported, was taken up, and Senate amendments thereto concurred in

By Mr. Quigley

Mr Speaker—The Lake delegation, to whom was referred Assembly Bill No. 577—An Act to authorize the Supervisors of Lake County to levy a special tax—beg leave to report the same back, and recommend its passage

QUIGLEY, for Delegation

Also

Sacramento, March 8th, 1876

Mr. Speaker—Your Committee on Enrollment have examined Assembly Bill No 291—An Act to amend an Act entitled an Act incorporating the Town of Cloverdale, in the County of Sonoma, and State of California, approved February twenty-eighth, eighteen hundred and seventy-two, ordered reenrolled and amended by resolution passed March first, eighteen hundred and seventy-six.

Also, Assembly Concurrent Resolution No 22—Relative to cheap postage.

Also, Assembly Concurrent Resolution No. 31—Relative to the establishment of a tri-weekly mail from Mendocino City, in Mendocino County, to the City of Eureka, in Humboldt County.

Also, Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.

Also, Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure of California

Also, Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes

Also, Assembly Bill No 319—An Act to reenact section nine hundred and forty-six of the Civil Code, relating to personal property

Also, Assembly Bill No 324—An Act to legalize the assessment equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Also, Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc

Also, Assembly Bill No 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

Also, Assembly Bill No. 343—An Act to provide for the transfer of certain Court papers from Santa Barbara County to Ventura County.

Also, Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 75—An Act for the payment of the claim of A. L. Bancroft & Co.

And report the same correctly enrolled, and that at ten o'clock and forty-five minutes A. M. the same were presented to the Governor for his approval

QUIGLEY, for Committee

By Mr. Patterson:

Mr. SPEAKER The Sacramento delegation report back Assembly Bill No. 575—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four—and recommend its passage, Mr. Clunie dissenting

PATTERSON, for Delegation.

Assembly Bill No. 575, above reported, considered engrossed, read third time, and passed.

By Mr. Suverkrup:

Mr. SPEAKER The San Bernardino delegation, to whom was referred Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County—have had the same under consideration, and recommend its reference to the Committee on Ways and Means.

Also, Senate Bill No 448—An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house—have considered the same, and recommend that it be referred to the Committee on Ways and Means.

SUVERKRUP, for Delegation.

Senate Bills Nos. 360 and 448, above reported, referred to the Committee on Claims.

By Mr. Jenkins:

Mr. SPEAKER The Butte delegation, to whom was referred Senate Bills Nos. 377 and 378, have had the same under consideration, report the same back, and recommend their passage.

JENKINS, for Delegation.

By Mr. Pierce:

Mr. SPEAKER The San Diego delegation, to whom was referred Senate Bill No. 443—An Act to provide for the government of the County of San Diego—respectfully report the same back, and recommend that it do not pass.

PIERCE, for Delegation.

Senate Bill No. 443, above reported, referred to the Committee on Ways and Means.

By Mr. Berry:

Mr. SPEAKER The Committee on Additional Employés, to whom was referred the account of James Sommerville, against the special committee of investigation into the affairs of Golden City Homestead Association, would report that we have given the matter such investigation as the time at our disposal would permit, and find that on the twentieth of January last, there was a resolution introduced into and adopted by this House, authorizing said committee to employ a clerk for three days' time, at five dollars per diem. We see from the account that the Chairman has certified that the said Sommerville did serve said investigation committee for the period of thirty-two days, instead of three days, as was authorized by the resolution above referred to. We would further represent that as this seems to be a claim against the committee, or against the Contingent Fund of the Assembly, that its proper reference is to the Committee on Retrenchment and Reform, especially in view of the fact that there seems to be some question as to whether it is a proper charge against the funds of the Assembly. The function of the Committee on Retrenchment and Reform is to see that no unnecessary charges are allowed against the Contingent Fund of the Assembly, therefore, your committee recommend that the account be referred to the Committee on Retrenchment and Reform, with instructions to report the same back to this House on to-morrow. We make this recommendation because the gentleman who has made this claim is and has been waiting for some days, to ascertain what action the House will take upon his claim.

BERRY, Chairman.

The resolution above reported was referred to the Committee on Retrenchment and Reform.

By Mr. Carpenter:

Mr. SPEAKER The El Dorado delegation, to whom was referred Senate Bill No. 457—An Act to authorize the County Treasurer of El Dorado County to transfer certain funds—having duly considered the same, report it back and recommend its passage.

CARPENTER,
NOTT.

RESOLUTION.

By Mr. Clunie:

*Resolved*, That the Clerk of the Committee on Claims be reinstated

Referred to the Committee on Employés.

The Speaker announced the special order for this hour (eleven o'clock and thirty minutes A. M.) being Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure; and Assembly Bill No. 265—An Act to amend section fifty of the Code of Civil Procedure.

On motion, made the special order for to-morrow at the same hour.

Upon motion, the following bills were taken from the general file and acted on.

Senate Bill No. 429—An Act to amend and renumber section fifteen hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

Read third time and passed.

Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

Read third time and passed.

INTRODUCTION OF BILLS.

By Mr. McKenna—An Act to amend section six hundred and twenty-six of the Penal Code.

Read first and second times and referred to the Judiciary Committee

By Mr. McConnell—An Act to authorize and empower the Directors of the Brooklyn Land and Building Company to subscribe to stock in other corporations.

Also, an Act to authorize the Mayor and Common Council of the City of Anaheim to issue bonds for the purpose of providing funds for the erection of a public school-house.

Each read first and second times and referred to the Los Angeles delegation.

By Mr. Abbott—An Act entitled an Act for the settlement of the claim of George K. Parker against the State of California, arising out of State Prison matters.

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

By Mr Quigley—An Act to amend section sixty-four of the Code of Civil Procedure.

Read first and second times and referred to the Lake delegation.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

[Mr. Harris in the chair.]

On motion of Mr. Carpenter, Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California—which was the special order for this evening, at seven o'clock P. M., was made the special order for to-morrow at one o'clock and thirty minutes P. M.

Mr. Archer had leave to make the following report, out of order:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 520—An Act to incorporate the Town of St. Helena—having considered the same, with petitions for and remonstrance against, report said bill back with an amendment to section twelve, and recommend its passage as amended.

ARCHER, Chairman.

Assembly Bill No. 520, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

Mr. Murphy of Del Norte, had leave to introduce the following bill out of order: An Act to repeal all special road laws now in force, and relating to the County of Del Norte.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

[Mr. Coffey in the chair.]

SPECIAL ORDER.

The Speaker announced the special order for this hour, being Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State.

During the discussion of the bill the Speaker resumed the chair.

On motion of Mr. Murphy of Del Norte, the bill was made the special order for Wednesday, March tenth, at one o'clock and thirty minutes P. M.

Mr. Koutz, in accordance with notice previously given, moved the reconsideration of the vote by which Assembly Bill No. 236 passed this House on yesterday.

Mr. Scrivner moved that the motion to reconsider be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Carson, Lambourn, and Berry.

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs. Abbott, Barber, Biggs, Blue, Brickland, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Crutcher, Ferral, Griswold, Hayne, Maguire, McConnell, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pullen, Quigley, Sargent, Samuels, Scrivner, Swan, Watkins, Wetherill, Wilcox, and Young—38.

NOES—Messrs. Archer, Bagge, Berry, Birney, Blackwell, Bradley, Burbank, Clark, Dixon, Dunlap, Garretson, Gelwicks, Giffen, Hart, Harris, Harding, Hinshaw, Jamison, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, McMann, McCarthy, Nott, Preston, Rankin, Raisch, Rice, Ruggles, Sullivan, Suverkrup, Wood, and Mr. Speaker—36.

On motion of Mr. Nott, the substitute for Senate Bill No. 206 was referred to the Committee on Public Lands.

FURTHER INTRODUCTION OF BILLS.

By Mr. Carson—An Act to add another section to the Penal Code, to be known as section three hundred and eighteen.

Also, an Act to add another section to the Penal Code, to be known as section four hundred and two.

Each read first and second times and referred to the Committee on Public Morals.

By Mr. Scrivner—An Act to repeal an Act entitled an Act regulating the fees of witnesses in criminal cases in the Counties of Stanislaus and Merced, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Sullivan—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Read first and second times and, with the petition accompanying the bill, referred to the San Francisco delegation.

MOTIONS.

Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento—was, upon motion of Mr. McKenna, made the special order for to-morrow, at eleven o'clock and thirty minutes A. M.

Assembly Bill No. 5—An Act to provide for the auditing and payment of the balance remaining due of the Indian war indebtedness of the State of California—was, upon motion of Mr. Harris, made the special order for Tuesday, March fourteenth, at two o'clock P. M.

GENERAL FILE.

Assembly Bill No. 498—An Act to amend the Penal Code.

Indefinitely postponed.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Griswold, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 9th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

[Mr. Berry in the chair.]

SPECIAL ORDER.

The Speaker announced as the special order for this hour Assembly Bill No. 32—An Act to amend section fifty of the Code of Civil Procedure; and Assembly Bill No. 265—An Act to amend section fifty of the Code of Civil Procedure.

Mr. McConnell moved to indefinitely postpone Assembly Bill No. 32.

The previous question was moved by Messrs. Bagge, Quigley, and Murphy of Del Norte, and the House so ordered.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Hart, Clunie, and Rankin.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Abbott, Archer, Bagge, Barber, Birney, Broderick, Burbank, Carson, Clark, Clarken, Coffey, Dixon, Ferral, Garretson, Gelwicks, Griswold, Harding, Hinshaw, Jamison, Jones, Jourden, Kennedy, Maguire, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Preston, Pullen, Rankin, Raisch, Rice, Roberts, Sullivan, Wetherill, Young, and Mr. Speaker—40

NOES—Messrs. Berry, Biggs, Blackwell, Blue, Bradley, Carter, Chapman, Collins, Cornwell, Covington, Clunie, Crutcher, Dunlap, Giffen, Hart, Hayne, Jenkins, Koutz, Lambourn, McConnell, McKenna, Nott, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Quigley, Reddick, Ruggles, Sargent, Scrivner, Suverkrup, Swan, Watkins, and Wood—34.

Mr. Clunie moved to indefinitely postpone Assembly Bill No. 265.

Upon which the ayes and noes were demanded by Messrs. Harding, Biggs, and Carson.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Archer, Bagge, Berry, Biggs, Birney, Blackwell, Blue, Bradley, Burbank, Carter, Collins, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Giffen, Griswold, Hinshaw, Jamison, Jenkins, Jones, Koutz, Lambourn, Lammers, McConnell, McKenna, Nott, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Preston, Quigley, Reddick, Ruggles, Sargent, Suverkrup, Swan, Wood, and Mr Speaker—40.

NOES—Messrs. Abbott, Barber, Briceland, Broderick, Carson, Chapman, Clark, Clarken, Coffey, Cornwell, Covington, Ferral, Garretson, Hart, Harding, Hayne, Jourden, Kennedy, Maguire, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Pullen, Rankin, Raisch, Rice, Roberts, Scrivner, Sullivan, Watkins, Wetherill, and Young—36.

The Speaker announced the special order, being Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Upon motion of Mr. Clunie, it was made the special order for one o'clock and thirty minutes P. M., this day.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

PETITIONS.

By Mr. Scrivner—From citizens of Monterey County, protesting against the passage of any bill for the construction of a bridge across the Salinas River.

Referred to the Committee on Roads and Highways.

By Mr. Cornwell—From citizens of Napa County, against the passage of what is known as the Carpenter educational bill.

Laid on the table.

REPORTS.

By Mr. Covington:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara.

Also, Assembly Bill No. 518—An Act concerning roads and highways, in the County of Placer.

Also, Assembly Bill No. 410—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 110—An Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them.

Also, Assembly Bill No. 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa.

Also, Assembly Bill No. 492—An Act making appropriations for certain deficiencies in the appropriations for the twenty-sixth and twenty-seventh fiscal years.

Also, Assembly Bill No. 380—An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property, in the City and County of San Francisco.

Also, Assembly Concurrent Resolution No. 39—Relative to establishing a mail route between the Counties of San Luis Obispo and Kern.

Also, Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries.

COVINGTON, for Committee.

By Mr. Lambourn:

Mr. Speaker: Your Committee on Agriculture, to whom was referred Assembly Bill No. 530—An Act to encourage the destruction of certain wild animals—have had the same under consideration, and respectfully beg leave to report it back, with a substitute, and recommend the passage of the substitute.

LAMBOURN, Chairman.

By Mr. Cornwell—A report of the Assembly Committee on Public Buildings and Grounds, on the Branch State Prison at Folsom.

Reading of the report dispensed with, and ordered printed. [See Appendix.]

LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Harris.

INTRODUCTION OF BILLS.

By Mr. Abbott—An Act concerning the removal of remains of deceased persons from the State of California.

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

By Mr. Kennedy—An Act to amend sections two hundred and sixty-nine and two hundred and seventy-one of the Code of Civil Procedure.

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

By Mr. Berry—An Act requiring saloon keepers and retail liquor dealers to give bonds to preserve order at their places of business.

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

Also, an Act to provide for the building of a school-house in Meridian School District, in the County of Sutter, State of California.

Read first and second times and referred to the Sutter delegation.

By Mr. Hart—An Act for the protection from overflow of certain lands in Colusa County.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Jones—An Act providing for the issue of bonds, and for funding certain indebtedness of the County of Santa Clara.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Sullivan—An Act to modify the grades of certain streets in the City and County of San Francisco.

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

By Mr. McInerny—An Act to amend sections five hundred and sixty-six and five hundred and sixty-seven of the Political Code.

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

By Mr. Crutcher—An Act concerning certain taxes in Placer County

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

By Mr. Carson—An Act to amend section one thousand one hundred and thirteen of the Political Code.

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

By Mr. Cornwell (for the Committee on Public Buildings and Grounds)—An Act to provide for the completion of the Branch State Prison.

Read first and second times and referred to the State Prison Committee.

SPECIAL ORDERS.

The Speaker announced as the special order for this hour Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California.

[Mr. Biggs in the chair.]

Pending the discussion the Speaker pro tem. resumed the chair.

The previous question was moved by Messrs. Bagge, Bradley, and Quigley, and the House so ordered.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Ferral, Rice, and Reddick.

The roll was called, and the bill was passed, by the following vote:

AYES—Messrs. Abbott, Barber, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Clark, Clarken, Coffey, Collins, Cornwell, Covington, Crutcher, Dunlap, Ferral Garretson, Gifford, Hart, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Kontz, Lamboum, Lammers, Magune, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rankin, Raisch Rice, Ruggles, Samuels, Suverkrup, Swan, Watkins, Wetherill, Wilcox Wood, Young, and Mr Speaker—58.

NOES—Messrs. Archer, Bagge, Biggs, Bradley, Burbank, Clunie, Gelwicks, Griswold, Jourden, Kennedy, McKenna, Patterson of San Joaquin, Reddick, Sargent, and Sullivan—15.

On motion of Mr. Clunie, Senate Bill No. 101, the special order for to-day, at one o'clock and thirty minutes P. M., was made the special order for to-morrow at the same hour.

Bills were introduced, by leave, as follows:

By Mr. Wetherill—An Act entitled an Act to amend section three thousand three hundred and eighty of the Political Code of the State of California.

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

By Mr. Carson—An Act to authorize the appropriation of five thousand dollars from the General Fund of the City and County of San Francisco for the maintenance and support of the fire-alarm and police telegraph of said city and county.

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

Mr. Clunie had leave to make the following report:

Mr. Speaker: The Sacramento delegation, to whom was referred Assembly Bill No. 585—An Act to repeal an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March fourth, eighteen hundred and seventy—beg leave to report a substitute therefor, and recommend the passage of the substitute.

CLUNIE, for Delegation.

At five o'clock and fifty minutes P. M., on motion of Mr. Biggs, the House adjourned.

---

## IN ASSEMBLY.

House of Assembly,
Friday, March 10th, 1876.

House met pursuant to adjournment

Speaker in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

On motion of Mr. Berry, the House took up for consideration messages from the Governor.

State of California, Executive Department,
Sacramento, March 9th, 1876

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 4—An Act to amend section one thousand one hundred and sixty of the Political Code.

Also, Assembly Bill No. 38—An Act to authorize the appointment of an additional interpreter for the criminal Courts of the City and County of San Francisco.

Also, Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States

Also, Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Also, Assembly Bill No. 262—An Act to fix the amount of the bonds of the County Treasurer of Modoc and Lassen Counties.

Also, Assembly Bill No 314—An Act to provide for funding the indebtedness of Levee District Number Two, of Sutter County.

Also, Assembly Bill No. 344—An Act relative to the assessment in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County.

Also, Assembly Bill No. 499—An Act to fix the penal sum of the official bond of the Treasurer of the County of Alpine.

Also, Assembly Bill No. 312—An Act to reincorporate the City of Marysville.

Also, Assembly Bill No. 24—An Act to abate the squirrel nuisance in Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern Counties.

Also, Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county

Also, Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

Also, Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Also, Assembly Bill No 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days.

Also, Assembly Bill No. 326—An Act concerning the offices of Supervisor and District Attorney in the County of Calaveras.

Also, Assembly Bill No. 375—An Act to amend section sixty-eight of the Code of Civil Procedure.

Also, Assembly Bill No. 424—An Act fixing the time for the election of School Trustees in the County of Sutter.

Also, Assembly Bill No. 392—An Act to amend an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

Also, Assembly Bill No. 523—An Act to fix the terms of the County and Probate Courts in the County of Calaveras.

WILLIAM IRWIN, Governor

Also, the following veto message from the Governor:

EXECUTIVE DEPARTMENT,
SACRAMENTO, March 9th, 1876.

*To the Assembly of the State of California*

I respectfully herewith return to your honorable body Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District Number Two of Sutter County—without my approval.

The Act, in my judgment, is amenable to constitutional objections, in this. That it provides for the levy, assessment, and collection of a tax for a public use, but at the same time denies the right to vote for officers of the district—including the Assessor and Collector—to qualified electors of the district, who do not pay taxes therein, and permits electors of the State, not residents of the district, but who pay taxes therein, to vote for such officers.

This provision is, I think, in conflict, not merely with the clause of the Constitution which defines the qualifications of voters, but also with the clause which requires that "Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for State, county, or town purposes is situated." If I am correct in this opinion, it would be impossible to collect the taxes provided for in this bill, if any property-holder should contest the legality of the assessment.

Having presented this view to the author of the bill, he concurred in it, and agreed that it were better that the bill should be returned without approval.

WILLIAM IRWIN, Governor.

The Speaker announced the question, "Shall the bill pass, notwithstanding the veto of the Governor?"

The roll was called, and the House sustained the veto of the Governor, by the following unanimous vote:

AYES—None.

NOES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Biggs, Blackwell, Blue, Bradley, Briceland, Broderick, Burbank, Chapman, Clark, Clarken, Coffey, Cornwell, Covington, Clunie, Crutcher, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hayne, Jamison, Jenkins, Jones, Kennedy, Koutz, Lambourn, Lammers, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wood, Young, and Mr. Speaker—64.

On motion of Mr. Ferral, the House took up for consideration

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 7th, 1876.

Mr. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 431—An Act concerning roads and highways in Contra Costa County.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 7th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

Also, Assembly Bill No. 197—An Act concerning the office of County Clerk of Santa Barbara County.

Also, Assembly Bill No. 428—An Act to authorize the Board of Supervisors and the County Treasurer of the County of Stanislaus to transfer certain funds.

Amended and passed Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, and to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Also, Assembly Bill No. 373—An Act to provide for the payment of claims against the City of Santa Cruz.

And indefinitely postponed Assembly Bill No. 253—An Act to repeal section six hundred and eighty-four of the Political Code, relative to the State Board of Examiners.

Also, Assembly Bill No. 165—An Act to reduce the number of members of the Board of Supervisors of Yuba County.

Also, Assembly Bill No. 366—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, Assembly Bill No. 367—An Act to amend section two hundred and four of the Code of Civil Procedure.

Also, Assembly Bill No. 103—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

Also, Assembly Bill No. 342—An Act to regulate the compensation of certain attachés of the Assembly, and to abolish certain offices therein named, and to provide for the performance of the duties of the offices abolished.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 8th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the first day of March, 1876, passed Senate Bill No. 287—An Act relating to the funds of Swamp Land District Number Five.

And, on March second, passed Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Also, Senate Bill No. 353—An Act to amend 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, Senate Bill No. 371—An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to approve and ratify the acts and actions of the Board of Public Works of said city and county.

Also, Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five.

Also, Senate Bill No. 64—An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same.

And, on March third, passed Senate Bill No. 8—An Act to amend certain sections of the Political Code, and to repeal certain sections of said Code, all relating to insurance.

Also, Senate Bill No. 484—An Act to amend an Act entitled an Act to authorize the City Council of Oakland to improve the streets, lanes, alleys, courts, and places of said city, approved April fourth, eighteen hundred and sixty-four.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 9th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, and ordered transmitted without engrossment, Senate Bill No. 524—An Act to make, open, and establish a public street in the City of Oakland, to be called Fourteenth Avenue, to take private lands therefor, and to construct a main sewer therein.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 9th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 573—An Act to amend an Act entitled an Act in relation to the City of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 514—An Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county.

Also, Assembly Bill No. 471—An Act to provide for the collection of road poll-taxes in the County of Marin.

Also, Assembly Bill No. 355—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

Also, amended and passed Assembly Bill No. 400—An Act to apply to the Counties of Fresno

and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

And indefinitely postponed Assembly Bill No 284—An Act to establish the fees of Justices of the Peace in and for the County of San Benito.

Also, Assembly Bill No. 539—An Act to provide for the safe-keeping of public funds in the City of Oakland.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 10th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the ninth day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 535—An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads in the County of Mendocino, California.

Also, Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District, in the County of El Dorado

Also, Assembly Bill No. 220—An Act concerning a certain reclamation district in San Joaquin County.

And amended and passed Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 524 and 484, above reported, each read first and second times and referred to the Alameda delegation.

Senate Bill No. 8, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 64, above reported, read first and second times and referred to the San Luis Obispo delegation.

Senate Bill No. 145, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 371, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 353, above reported, read first and second times and referred to the Shasta and Trinity delegations.

Senate Bill No. 380, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 287, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 217, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bills Nos 400, 373, 287, and 453, above reported, Senate amendments concurred in.

Mr. Coffey had leave to make the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No 566—An Act amendatory of and supplementary to 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—report the same back, with amendments, and recommend its passage as amended, and ask that the rules be suspended, and that it be placed on final passage.

Also, Assembly Bill No. 376—An Act to repeal Article IV. 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, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV.—report the same back, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 615—An Act to authorize the appropriation of five thousand dollars from the General Fund of the City and County of San Francisco for the maintenance and support of the fire-alarm and police telegraph of said city and county—report the same back, and recommend its passage, and that the rules be suspended for that purpose.

COFFEY, Chairman.

Assembly Bill No. 566, above reported, was taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate immediately without engrossment.

Assembly Bill No. 615, above reported, was taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.

SPECIAL ORDER.

The Speaker announced as the special order for this hour Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Pending the debate, the hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M Speaker in the chair.

Roll called and a quorum present.

[Mr. Nott in the chair.]

House resumed consideration of Senate Bill No. 101, pending at time of recess.

Mr. Clunie offered the following amendment: Amend section two by inserting after the words "gold coin," "and ascertain whether said Sacramento City is legally liable for said damages, if any has accrued."

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Clunie, Biggs, and Murphy of Del Norte.

The roll was called, and the amendment was lost, by the following vote:

AYES—Messrs. Biggs, Chapman, Clunie, Hart, Jenkins, Kennedy, Koutz, Lammers, Maguire, McInerny, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rankin, Sargent, Sullivan, Suverkrup, Wilcox, Young, and Mr Speaker—23.

NOES—Messrs. Abbott, Archer, Bagge, Berry, Birney, Blackwell, Bradley, Broderick, Burbank, Carter, Clark, Clarken, Coffey, Cornwell, Crutcher, Ferral, Garretson, Gelwicks, Giffen, Harding, Hinshaw, Jamison, Jones, Jourden, Lambourn, McConnell, McMann, McCarthy, McKenna, O'Connell, Ostrom, Patterson of San Joaquin, Preston, Pullen, Raisch, Rice, Roberts, Ruggles, Samuels, Swan, Watkins, Wetherill, and Wood—43.

[Speaker in the chair.]

Mr. Clunie offered a further amendment to the end of section two, upon the adoption of which the ayes and noes were demanded by Messrs. Clunie, Sargent, and Biggs.

The roll was called, and the amendment was lost, by the following vote:

AYES—Messrs. Berry, Biggs, Blue, Chapman, Clunie, Hayne, Kennedy, Koutz, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Sargent, Sullivan, Wilcox, and Mr Speaker—19.

NOES—Messrs. Abbott, Archer, Bagge, Birney, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Clark, Cornwell, Covington, Crutcher, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Hart, Harding, Hinshaw, Jamison, Jenkins, Jones, Jourden, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Patterson of San Joaquin, Preston, Pullen, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Suverkrup, Swan, Watkins, Wetherill, Wood, and Young—49.

The previous question was moved by Messrs. Birney, Gelwicks, and Murphy of Del Norte, and the House so ordered.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Clunie, Nott, and Biggs.

The roll was called, and the bill was passed, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Berry, Birney, Blackwell, Bradley, Broderick, Burbank, Carter, Carson, Clark, Clarken, Coffey, Cornwell, Covington, Crutcher, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Harding, Hinshaw, Jamison, Jenkins, Jones, Jourden, Lambourn, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, O'Connell, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Pullen, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Swan, Watkins, Wetherill, Wood, Young, and Mr Speaker—55.

NOES—Messrs. Biggs, Blue, Chapman, Clunie, Hayne, Kennedy, Koutz, Lammers, McMann, Nott, Quigley, Sargent, Sullivan, and Suverkrup—14.

MOTIONS.

On motion of Mr. Clunie, the House took up Assembly Bill No. 585—An Act to repeal an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March fourth, eighteen hundred and seventy.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. McConnell, Assembly Bill No. 387—An Act to regulate the practice of medicine in the State of California—was made the special order for Thursday, March sixteenth, at one o'clock and thirty minutes P. M.

On motion of Mr. Ruggles, Assembly Bill No. 208—An Act to abolish the State Board of Health, by repealing certain sections of the Political Code—was made the special order for Friday, March seventeenth, at one o'clock and thirty minutes P. M.

On motion of Mr. Biggs, the House took up for consideration Assembly Bill No. 478—An Act to amend sections four thousand one hundred and sixty-five and four thousand two hundred and twenty-one of the Political Code.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

REPORTS.

By Mr. Archer:

MR SPEAKER. Your Committee on Corporations, to whom was referred Assembly Bill No. 482—An Act to reincorporate the City of San Diego—finding it impossible to adjust the local questions involved, report the same back, and recommend its reference to the San Diego delegation.

ARCHER, Chairman.

Assembly Bill No. 482, above reported, was referred to the San Diego delegation.

By Mr. Coffey:

SACRAMENTO, March 10th, 1876.

MR. SPEAKER. The Committee on Enrollment have examined Assembly Bill No. 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure.

Also, Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and amendments thereto, and to incorporate the Town of Santa Rosa.

Also, Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county, to pay a judgment recovered against said county in the Sixth Judicial District Court, in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Also, Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 302—An Act to ratify and confirm Ordinance Number Forty-seven, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of

said city, on the twentieth day of January, eighteen hundred and seventy-six, and Ordinance Number Forty-eight, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city, on the twenty-seventh day of January.

Also, Assembly Bill No. 388—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County.

Also, Assembly Concurrent Resolution No. 40—Relative to authorizing the Enrolling Clerk of the Assembly to insert certain words in Assembly Bill No. 112.

Also, Assembly Bill No 451—An Act concerning roads and highways in Contra Costa County.

Also, Assembly Bill No 197—An Act concerning the office of County Clerk of Santa Barbara County.

Also, Assembly Bill No. 428—An Act to authorize the Board of Supervisors and County Treasurer of the County of Stanislaus to transfer certain funds.

Also, Assembly Bill No 215—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in Marysville Township, Yuba County

Also, Assembly Bill No. 375—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

Also, Assembly Bill No. 471—An Act to provide for the collection of road poll-taxes in the County of Marin.

Also, Assembly Bill No. 514—An Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county.

Also Assembly Bill No 573—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.

And report the same correctly enrolled, and that at three o'clock and thirty minutes P. M the same were presented to the Governor for his approval.

COFFEY, Chairman.

## Also:

Mr. Speaker: The San Francisco delegation, to whom was referred Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and for other purposes—report the same back, and recommend its passage

COFFEY, Chairman.

## By Mr. Covington:

Mr. Speaker Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 425—An Act concerning public roads in Lassen County

Also, Assembly Bill No 450—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Diego.

Also, Assembly Bill No. 82—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta

Also, Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Also, Assembly Bill No. 286—An Act to protect salmon trout and brook trout in the streams of Sonoma County

Also, Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 423—An Act to amend section four thousand three hundred and seventy-three of the Political Code, concerning vacancies in city offices.

Also, Assembly Bill No. 479—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers of the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 536—An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego

Also, Assembly Bill No. 465—An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County

Also, Assembly Bill No. 466—An Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.

Also, Assembly Bill No. 461—An Act to provide for the payment of official reporter in certain cases, in Humboldt County

Also, Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, and, also, to change the name of Cañada Street, in said town, to that of Ventura Avenue.

Also, Assembly Bill No 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Also Assembly Bill No 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four.

COVINGTON, for Committee.

By Mr. Carter:

Mr. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 599—An Act to add another section to the Penal Code, to be known as section four hundred and sixty-two—respectfully report the same back, and recommend its passage.

CARTER, Chairman.

Also:

Mr. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 600—An Act to add another section to the Penal Code, to be known as section three hundred and eighteen—have had the same under consideration, and respectfully report the same back, and recommend its passage.

CARTER, Chairman.

Assembly Bill No. 599, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 600, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Berry:

Mr. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 472—An Act to appropriate moneys for insuring the State Printing Office—have had the same under consideration, and recommend its passage.

Also, Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code—and recommend its passage.

BERRY, Chairman.

By Mr. Swan:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 36—Relative to specie payment—have had the same under consideration, report it back, with a substitute, and recommend the passage of the substitute.

SWAN, Chairman.

By Mr. Murphy of San Francisco.

Mr. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code, relating to wharves—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

Also, Senate Concurrent Resolution No. 29—Asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County—report the same back, and recommend its passage.

MURPHY, Chairman.

By Mr. Gelwicks:

Mr. SPEAKER: The Committee on Printing, to whom was referred Assembly Bill No. 490—An Act to amend an Act entitled an Act to establish a State Printing Office, and to create the office of Superintendent of State Printing—have had the same under consideration, report it back, and recommend its indefinite postponement.

GELWICKS, for Committee.

By Mr. Nott:

Mr. SPEAKER: The Committee on Retrenchment and Reform, to whom was referred the claim of James Sommerville for one hundred and sixty dollars, for services as clerk to the special committee appointed to investigate the affairs of the Golden City Homestead Association, would respectfully report that they have had the same under consideration, and that from the evidence submitted to them the committee are satisfied that said James Sommerville should not be allowed for more than ten days' services, in addition to what he has already received. The committee would, therefore, recommend the adoption of the following resolution:

*Resolved*, That James Sommerville be and he is hereby allowed the sum of fifty dollars for ten days' service as clerk to the Committee on Golden City Homestead Association Affairs, and that the Controller of State be and he is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said James Sommerville for the sum of fifty dollars, payable out of the Contingent Fund of the Assembly.

NOTT, Chairman.

The resolution above reported was adopted.

Also:

Mr. SPEAKER: The Committee on Retrenchment and Reform has had under consideration substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and report the same back, and recommend its passage.

Also, the claim in the contested election case of *Hopper* v. *Biggs*, and report the same back, without recommendation.

Also, the petition of the Society of California Pioneers, in relation to the relief claim of John A. Sutter, and report the same back without recommendation.

NOTT, Chairman.

The resolution above reported, in reference to the case of *Hopper* v. *Biggs*, was adopted.

By Mr. Quigley:

Mr SPEAKER: The undersigned, a portion of the delegations to whom were referred Assembly Bill No. 222—An Act in relation to the Fourth and Seventh Judicial Districts, and fixing the terms of Courts therein; and Assembly Bill No. 330—An Act to create the Twenty-second Judicial District, and define the Sixth and Seventh Judicial Districts—submit the following report That the aforesaid bills were, by an order of this House, referred to the delegations representing the Counties of Sacramento, Marin, Mendocino, Napa, Lake, Sonoma, Solano, San Francisco, and Yolo, that no concert of action has been had by said delegations upon said bills: that no meeting of the said delegations has ever been had in regard to said bills; and the undersigned submit that it seems to them to be impossible to procure the attendance of a majority of the said delegations to consider the said bills, as contemplated by the order of this House. They, therefore, return the said bills to this House, and recommend that they be placed upon the general file, and that they be relieved from the further consideration of said bills.

QUIGLEY,
McKENNA,
COFFEY,
FERRAL,
SAMUELS,
CORNWELL,
WATKINS.

Assembly Bills Nos. 330 and 222, above reported, were ordered on file.

By Mr. Maguire:

Mr. SPEAKER Your Committee on Employés, to whom was referred a resolution reinstating the clerk of the Committee on Claims, beg leave to report the same back, without recommendation.

MAGUIRE, for Committee.

The resolution above reported was adopted.

By Mr. Biggs:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento—report the same back, and recommend its passage.

BIGGS, for Delegation.

By Mr. Patterson of Sacramento:

Mr. SPEAKER. The undersigned, of the Sacramento delegation, to whom was referred substitute for Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento—have had the same under consideration, and report in favor of the passage of the substitute.

PATTERSON, for Delegation.

By Mr. Rice:

Mr. SPEAKER. The Santa Cruz delegation, to whom was referred Assembly Bill No. 500—An Act to establish and maintain public and private roads in the County of Santa Cruz—report the same back, and recommend its passage.

RICE, for Delegation.

Assembly Bill No. 500, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

## GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 10th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 75—An Act for the payment of the claim of A. L. Bancroft & Co.

Also, Assembly Bill No. 154—An Act to provide for constructing division fences.

Also, Assembly Bill No. 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 201—An Act in relation to boundary fences, and the trespass of animals in the County of San Mateo.

Also, Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern.

Also, Assembly Bill No. 291—An Act to amend an Act entitled an Act incorporating the Town of Cloverdale, in the County of Sonoma, and State of California, approved February twenty-eighth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure of California.

Also, Assembly Bill No. 319—An Act to reenact section nine hundred and forty-six of the Civil Code, relating to personal property.

Also, Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Also, Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

Also, Assembly Bill No. 343—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County.

Also, Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

WILLIAM IRWIN, Governor.

## RESOLUTIONS

By Mr. Swan:

*Resolved*, That so much of a resolution, adopted by this House on the seventh instant, dismissing certain clerks of standing committees, as applies to the clerk of the Committee on Corporations, be and is hereby rescinded, and that the late clerk of said committee be and he is hereby reinstated.

Adopted.

By Mr. Kennedy:

*Resolved*, That the general file be made the special order for Monday, March thirteenth, at seven o'clock P. M.

Laid over for one day.

By Mr. Archer:

*Resolved*, That no bill be introduced into the Assembly after Monday, the twentieth day of March, unless by a vote of two-thirds of the Assembly

Laid over for one day.

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 10th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the days herein set forth, passed the following bills

On March third, passed Senate Bill No. 465—An Act concerning roads and highways in the County of San Joaquin.

Also, on March seventh, passed Senate Bill No. 370—An Act to amend section one thousand two hundred and forty-one of the Civil Code

Also, Senate Bill No. 502—An Act to regulate the laying of gas and water-pipes in the City of Oakland.

Also, on March third, passed Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras.

Also, Senate Bill No. 350—An Act to amend an Act entitled an Act relating to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 374—An Act to provide for the payment of certain outstanding road warrants in the County of Sacramento.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 10th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventh day of March, eighteen hundred and seventy-six, passed Senate Bill No. 405—An Act to add another section to the Civil Code.

And, on March eighth, passed Senate Bill No. 413—An Act granting the Omnibus Railroad Company certain rights therein named.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 10th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventh day of March, eighteen hundred and seventy-six, passed Senate Bill No. 125—An Act to add three sections to the Political Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 428—An Act to add another section to the Penal Code.

Also, Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Also, Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code.

Also, Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 10th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature.

Also, Assembly Concurrent Resolution No. 37—Relative to the payment of Fabian Kunhardt for the translation of the inaugural address of Governor Irwin.

Also, Assembly Bill No. 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 110—An Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county moneys retained by them.

Also, Assembly Bill No. 593—An Act to repeal the special road laws now in force and relating to the County of Del Norte.

Also, amended and passed Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County.

Also, Assembly Bill No. 396—An Act in relation to highways in the County of Solano.

Also, amended and passed Assembly Bill No. 455—An Act to fix the rate of compensation of officers in the County of Amador.

Also, Assembly Bill No. 276—An Act to provide for the payment of the claim of John Brenner.

And indefinitely postponed Assembly Bill No. 34—An Act for the relief of San Benito County.

Also, passed and ordered transmitted without engrossment Senate Bill No. 533—An Act conferring certain powers on the Board of Supervisors of Stanislaus County in employing special counsel in certain cases.

CRAWFORD, Assistant Secretary.

Messrs. Collins and Dixon were each granted an indefinite leave of absence.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 533, above reported, read first and second times and referred to the Stanislaus delegation.

Senate Bill No 413, above reported. read first and second times and referred to the San Francisco delegation.

Senate Bill No. 405, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bills Nos. 374 and 350, above reported, each read first and second times and referred to the Sacramento delegation.

Senate Bill No. 125, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 428, above reported, read first and second times and referred to the Judiciary Committee

Senate Bill No. 285, above reported, read first and second times and referred to the Committee on Corporations

Senate Bills Nos. 372 and 427, above reported, each read first and second times and referred to the Committee on Judiciary.

Senate Bill No. 465, above reported, read first and second times and referred to the San Joaquin delegation.

Assembly Bills Nos. 402, 396. 455, and 276, above reported, Senate amendments concurred in.

INTRODUCTION OF BILLS.

By Mr. Wetherill—An Act to provide for the payment of the members of the Board of Education of the City and County of San Francisco.

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

By Mr. Patterson of Sacramento—An Act to provide for the payment of certain outstanding bonds of the State of California.

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

By Mr. Birney—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oak Dale, in Stanislaus County.

Read first and second times and, with the accompanying petition, referred to the Committee on Corporations, and ordered printed.

By Mr. Carson—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto.

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

By Mr. Harding—An Act to amend section three hundred and sixty-nine of the Political Code.

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

Also, an Act concerning the Justices' Court of the City and County of San Francisco.

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

By Mr. McKenna—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure.

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

By Mr. Griswold—An Act to provide for the improvement of the public roads in Inyo County.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Carter—An Act to fix the terms of the County and Probate Courts in and for the County of Amador

Read first and second times and referred to the Amador delegation.

By Mr. Briceland—An Act to amend section three thousand seven hundred and ninety-seven of the Political Code.

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

Also, an Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times and referred to the Sonoma and Marin delegations.

By Mr. Maguire—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor.

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

By Mr. Wood—An Act to fix the compensation of Assessors for the collection of taxes on personal property in the County of Contra Costa

Read first and second times and referred to the Contra Costa delegation

By Mr. Abbott—An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same.

Read first and second times and referred to the Monterey delegation, with the petition accompanying the bill.

By Mr. McMann—An Act to amend an Act entitled an Act to provide for the support of the common schools of the City and County of San Francisco, and to define the powers and duties of the Board of Education thereof, approved April first, eighteen hundred and seventy-two.

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

By Mr. Quigley—An Act for the relief of Lake County.

Read first and second times and referred to the Committee on Ways and Means, with the petitions accompanying the same.

By Mr. Koutz—An Act relating to road districts and Road Overseers in the County of Sierra.

Read first and second times and referred to the Committee on Roads and Highways

ADJOURNMENT.

Mr. Young moved that when this House adjourns to-day it adjourn to ten o'clock A. M. to-morrow.

Adopted.

At five o'clock and seven minutes P. M., on motion of Mr. Pullen, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 11th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Two days' leave of absence was granted to Mr. Archer.

The House took up for consideration the following bills, reported in the Senate message of yesterday.

Senate Bill No. 502, reported in yesterday's message, read first and second times and referred to the Alameda delegation.

Senate Bill No. 370, also reported on yesterday, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 459, also reported on yesterday, read first and second times and referred to the Calaveras delegation.

## PETITIONS.

By Mr. Dunlap—From the citizens of the Town of Sutter Creek, Amador County, in reference to the passage of a local bill to prevent hogs from running at large in said town.

Referred to the Amador delegation.

## REPORTS.

By Mr. McConnell:

MR. SPEAKER: Your Judiciary Committee (present—McConnell, Swan, McKenna, Chapman, and Carson,) have had under consideration Assembly Bill No. 614—An Act to amend section three thousand three hundred and eighty of the Political Code—report the same back, and recommend its passage.

Also, Assembly Bill No. 608—An Act concerning certain taxes in Placer County—report the same back, and recommend its passage.

Also, Mr. Carson having withdrawn on account of indisposition, have considered Senate Bill No. 405—An Act to add another section to the Civil Code—report the same back, with an amendment and recommend its passage as amended.

Also, Assembly Bill No. 356—An Act to amend section one thousand two hundred and sixty-one of the Civil Code—report the same back, and recommend its passage.

Also, Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Penal Code—report the same back, without recommendation.

Also, Assembly Bill No. 597—An Act for the settlement of the claim of Geo. K. Porter against the State of California, arising out of State Prison matters—report the same back, and recommend that it do not pass.

McCONNELL, Chairman.

By Mr. Covington:

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 588—An Act to legalize the taxes in Winship School District, Sutter County.

Also, Assembly Bill No. 571—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two.

Also, Assembly Bill No. 357—An Act to amend section seventy-two of the Civil Code, in reference to marriages.

Also, Assembly Bill No. 577—An Act to amend section one hundred and thirty-four of the Code of Civil Procedure.

COVINGTON, for Committee.

By Mr. Blackwell:

Mr. Speaker—Your Committee on Public Lands, to whom was referred substitute for Senate Bill No. 206—An Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight—have had the same under consideration, and recommend its passage.

Also, Assembly Bill No. 548—An Act for the relief of the persons in possession of certain lands belonging to the State of California—have had the same under consideration, and recommend its passage.

Also, Assembly Bill No. 583—An Act concerning evidence of title to State lands—have had the same under consideration, and recommend that it do not pass.

Also, Assembly Bill No. 384—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles—have had the same under consideration, and recommend that it do not pass.

BLACKWELL, for Committee.

By Mr. Berry:

Mr. Speaker—Your Committee on Ways and Means, to whom was referred Assembly Bill No. 560, report the same back, and recommend that the author be allowed to withdraw the same, it being his desire to do so.

We have also considered Senate Bill No. 360, concerning the District Attorney of San Bernardino County, and recommend that it pass.

Also, Senate Bill No. 448—An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house—and recommend that it pass.

BERRY, Chairman.

Assembly Bill No. 560, above reported, the author had leave to withdraw.

By Mr. Swan:

Mr. Speaker—Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 32—Relative to instructing our Senators and Representatives to take measures to secure the release of one Edward O'Meagher Condon, an American citizen, from unjust imprisonment—have had the same under consideration, report it back, and recommend its passage.

SWAN, Chairman.

Assembly Concurrent Resolution No. 32, above reported, taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate immediately without engrossment.

By Mr. Coffey.

Mr. Speaker—The San Francisco delegation, to whom was referred Assembly Bill No. 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco—report the same back, with recommendation that it pass, also, that the rules be suspended, and that it be placed on its passage.

Also, Senate Bill No. 186—An Act in relation to sales and conveyances of The Mutual Real Estate Company—report the same back, and recommend its passage.

Also, Assembly Bill No. 609—An Act to modify the grades of certain streets in the City and County of San Francisco—report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad—report the same back, and recommend its passage.

Also, Assembly Bill No. 371—An Act for the relief of Michael Purcell—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 427—An Act to amend an Act entitled an Act to organize and regulate the Justices' Court of the City and County of San Francisco approved March twenty-sixth, eighteen hundred and sixty-six—report the same back with amendments, and recommend its passage as amended.

COFFEY, Chairman.

Assembly Bill No. 578, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 609, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

By Mr. Quigley:

Mr. SPEAKER The Lake delegation, to whom was referred Assembly Bill No 601—An Act to amend section sixty-four of the Code of Civil Procedure—beg leave to report the same back, and recommend its passage.

QUIGLEY, for Delegation.

By Mr. Carter:

Mr. SPEAKER The Amador delegation, to whom was referred Assembly Bill No. 627—An Act to fix the terms of the County and Probate Courts in and for the County of Amador—have had the same under consideration, respectfully report the same back, and recommend its passage.

DUNLAP AND CARTER, Delegation.

Assembly Bill No. 627, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr. Preston:

Mr SPEAKER The San Luis Obispo delegation, to whom was referred Senate Bill No. 64—An Act authorizing the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and to provide for the payment of the same—having had the same under consideration, beg leave to report the same back, and recommend its passage.

PRESTON, for Delegation.

By Mr. Wood:

Mr. SPEAKER: The Contra Costa delegation, to whom was referred Assembly Bill No. 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property in the County of Contra Costa—beg leave to report the same back, and recommend its passage.

WOOD, for Delegation.

By Mr. Gelwicks:

Mr SPEAKER The Alameda delegation, to whom was referred Assembly Bill No. 558—An Act to authorize the City of Oakland to condemn certain lands for wharf and other purposes—have had the same under consideration, report it back, and respectfully recommend its passage.

GELWICKS, for Delegation.

Assembly Bill No. 558, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr Briceland:

Mr. SPEAKER The Trinity and Shasta delegations, to whom was referred Senate Bill No. 353—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—report the same back, and recommend its passage.

BRICELAND, for Delegations.

Senate Bill No. 353, above reported, was taken up, rules suspended, read third time, and passed.

By Mr. Berry:

Mr SPEAKER The Sutter delegation, to whom was referred Assembly Bill No. 613—An Act to provide for building a school-house in Meridian School District—report the same back with a substitute, and recommend the passage of the substitute.

BERRY, for Delegation.

Assembly Bill No. 613, above reported, was taken up, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

By Mr Biggs:

Mr. SPEAKER The Sacramento delegation, to whom was referred Assembly Bill No. 583—An Act to repeal an Act entitled an Act concerning the salary of the Auditor and ex officio

Clerk of the Board of Trustees of the City of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four—report the same back and recommend its passage.

BIGGS, for Delegation.

Assembly Bill No. 583, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Briceland, Assembly Bill No. 600 was referred to the Judiciary Committee.

By Mr. Hart:

*Resolved*, That the Enrolling Clerk of the Assembly be instructed to correct a clerical error in Assembly Bill No. 148—Concerning partition fences in Colusa County—by striking out the word "one" before the words "or more" and inserting instead thereof the word "two."

Adopted.

By Mr. Murphy of Del Norte—Assembly concurrent resolution concerning the sale of timber lands on the Pacific Coast.

Read first and second times and referred to the Committee on Public Lands.

On motion of Mr. Jamison, the House took up for consideration the resolution offered on yesterday, relative to limiting the time for the introduction of bills into the Assembly to the twentieth instant.

Mr. Young offered the following amendment: Amend by inserting the "twenty-fifth" instead of the "twentieth."

On motion of Mr. Murphy of Del Norte, the whole subject-matter was laid on the table.

INTRODUCTION OF BILLS

By Mr. Scrivner—An Act to provide for the appointment of a Deputy County Recorder in and for the County of Stanislaus.

Read first and second times and referred to the delegation.

By Mr. Wetherill—An Act to provide for the furnishing of all books and stationery, of whatever description, free of charge, to the public school children of the City and County of San Francisco.

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

By Mr. Preston—An Act to provide funds for road purposes in the County of San Luis Obispo

Read first and second times and ordered on file.

By Mr. Young (by request)—An Act to provide for the Boys' and Girls' Aid Society of the City and County of San Francisco.

Read first and second times and referred, with a petition introduced heretofore, to the Committee on Ways and Means.

By Mr. Garretson—An Act to establish pounds in the County of San Mateo.

Read first and second times and referred to the San Mateo delegation.

By Mr. Patterson of San Joaquin—An Act exempting active firemen of the City of Stockton, County of San Joaquin, from the payment of poll-tax.

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

By Mr. Birney—An Act to exempt active members of unpaid fire departments of the State of California from the payment of poll-tax provided for in section three thousand eight hundred and thirty-nine of the Political Code.

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

By Mr. Berry—An Act to define the boundaries and provide for the government of Levee District Number Two, in Sutter County.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.

By Mr McConnell—An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General.

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

By Mr. Biggs—An Act to provide for the government of the public schools of the City of Sacramento.

Read first and second times and referred to the Sacramento delegation.

GENERAL FILE.

Assembly Bill No 492—An Act making appropriations for certain deficiencies in the appropriation for the twenty-sixth and twenty-seventh fiscal years.

Read third time and passed, and ordered transmitted immediately to the Senate.

Assembly Bill No. 380—An Act for the appointment of an Inspector of Stationary Steam-boilers and Steam-tanks, for the better security of life and property in the City and County of San Francisco.

Read third time and passed.

[Speaker pro tem. in the chair.]

Assembly Bill No. 229—An Act to fix the number of permanent employés of the State Capitol and Capitol grounds, their duties and compensation.

Substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No 406—An Act to amend section five hundred and sixty-two of the Penal Code.

Referred to the Committee on Corporations.

Assembly Bill No. 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations.

Referred to the San Francisco delegation

Assembly Bill No. 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations.

Referred to the San Francisco delegation.

Assembly Bill No. 443—An Act to amend section three hundred and ninety-seven of the Penal Code

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 442—An Act to limit the powers of the Board of Supervisors of Alameda County with reference to contracting debts and levying taxes for county purposes

Referred to the Alameda delegation.

Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 465—An Act to amend section five hundred and thirty-two of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 459—An Act to fix the compensation of the Supervisors of San Bernardino County

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 297—An Act to amend section nine hundred and eighty-seven of the Penal Code of the State of California.

Indefinitely postponed.

Assembly Bill No. 485—An Act for the relief of Joseph Neumann.

The author had leave to withdraw.

Assembly Bill No. 412—An Act to amend section ninety-two of the Civil Code.

Passed on file.

Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make his settlement.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 432 passed on file.

Assembly Bill No. 228—An Act amending that portion of the Political Code which relates to license tax.

Indefinitely postponed.

Assembly Bill No 420—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 240—An Act to appropriate money for the relief of General John A. Sutter, and Assembly Bill No. 328—An Act for the relief of James W. Marshall—considered in Committee of the Whole, Speaker pro tem. in the chair.

Committee arose and reported progress, and asked leave to sit again.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was received, and the request to sit again was granted.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.

The House resolved itself into Committee of the Whole, to further consider Assembly Bills Nos. 240 and 328.

On motion of Mr. Carpenter, the committee arose and reported back Assembly Bill No. 240, recommending its passage as amended, and also the passage of Assembly Bill No. 328.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The House concurred in the report of the committee.

Assembly Bill No. 328, above reported, rules suspended, considered engrossed, read third time, and, upon the passage of the bill, the ayes and noes were demanded by Messrs. Berry, Hart, and Ostrom.

The roll was called, and the bill was passed, by the following vote:

AYES—Messrs. Barber, Birney, Blackwell, Blue, Bradley, Briceland, Broderick, Carter, Carson, Clark, Coffey, Cornwell, Covington, Ferral, Garretson, Gelwicks, Giffen, Griswold, Harding, Jones, Jourden, Koutz, Lammers, Magune, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Reddick, Ruggles, Samuels, Suverkrup, Swan, Wetherill, Wilcox, Young, and Mr. Speaker—43.

NOES—Messrs. Abbott, Bagge, Berry, Burbank, Chapman, Clunie, Hart, Hayne, Hinshaw, Jamison, Kennedy, Lambourn, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Roberts, Sargent, Watkins, and Wood—23.

Assembly Bill No. 328, above reported by the Committee of the Whole, taken up.

The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Berry, Covington, and Hart.

The roll was called, and the bill ordered engrossed, by the following vote.

AYES—Messrs. Bagge, Birney, Blue, Bradley, Briceland, Broderick, Carter, Carson, Clark, Coffey, Ferral, Garretson, Gelwicks, Giffen, Griswold, Harding, Jones, Jourden, Koutz, Lammers, Magune, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, O'Connell, Pierce, Pullen, Suverkrup, Swan, Wetherill, Wilcox, Young, and Mr. Speaker—35.

NOES—Messrs. Abbott, Barber, Berry, Blackwell, Burbank, Chapman, Covington, Clunie, Hart, Hayne, Hinshaw, Jamison, Kennedy, Lambourn, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Quigley, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Watkins, and Wood—29.

REPORT.

By Mr. Ferral:

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 609—An Act to modify the grades of certain streets in the City and County of San Francisco.

FERRAL, for Committee.

INTRODUCTION OF BILLS.

By Mr. Jourden—An Act to provide for and regulate the election of Supervisors in the City and County of San Francisco.

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

By Mr. McMann—An Act to amend an Act supplemental to and amendatory of an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain offices therein mentioned, approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and seventy-two.

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

By Mr. Harding—An Act to authorize the Governor, Lieutenant-Governor, and Secretary of State to act as a special Board of Auditors, to audit certain claims, and for other purposes.

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

At two o'clock and forty-five minutes P. M. Mr. Sargent moved to adjourn to Monday, March thirteenth, at one o'clock P. M.

Lost.

GENERAL FILE RESUMED.

Assembly Bill No. 513—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 283—An Act to incorporate the Town of Anaheim

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 501—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 477—An Act to authorize the County of Santa Barbara to aid the construction of a railroad within its limits.

On motion of Mr Hayne, made the special order for Monday, March thirteenth, at two P. M.

Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

Amended, and, on motion of Mr. Nott, was ordered, with the substitute, to the head of file for Monday, March thirteenth.

Assembly Bill No. 448—An Act to repeal an Act entitled 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 in this State by the Act of Congress entitled an Act for the relief of the inhabitants of certain cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-six, approved January twenty-fifth, eighteen hundred and seventy-four.

Indefinitely postponed.

[Speaker in the chair]

Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 185—An Act to amend the Civil Code.

Read third time and passed.

Senate Concurrent Resolution No. 13—Relating to the Atlantic and Pacific Railroad reserve.

Read third time and passed.

Senate Bill No. 417—An Act to amend the twenty-ninth section of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District.

Read third time and passed.

Substitute for Senate Bill No. 104—An Act to amend section fifty-nine of the Civil Code of the State of California.

Substitute adopted, read third time, and passed.

Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll-taxes, approved March twenty-seventh, eighteen hundred and seventy-four.

Read third time and passed.

Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 510—An Act to prevent the destruction of timber on lands belonging to the State of California.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 506—An Act to repeal section three thousand four hundred and eight of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 397—An Act concerning corporations.

Passed on file.

[Mr. Clunie in the chair.]

Assembly Bill No. 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.

Rules suspended, considered engrossed, read third time, and passed.

At three o'clock and forty-five minutes P. M. Mr. O'Connell moved to adjourn.

Lost.

Assembly Bill No. 379—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California.

Passed on file.

Assembly Bill No. 516—An Act to authorize an appropriation of money for the purpose of erecting monuments to the memories of Royal T. Sprague, late Chief Justice of the Supreme Court; James W. Mandeville, late State Controller; Thos. Springer, late State Printer; W. H. Weeks, late Secretary of State; and Dr. Thomas M. Logan, late of the State Board of Health; and to create a Board of Trustees to carry out the object of the appropriation.

The author had leave to withdraw.

Assembly Bill No. 537—An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 93—An Act to prevent the destruction of fish in the waters of California.

Author had leave to withdraw.

Assembly Bill No 413—An Act for the protection of drovers and persons driving stock on the public highways.

Indefinitely postponed.

Assembly Bill No. 541—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum, by taxation, to furnish the necessary additional school facilities for said district.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 418—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment.

Amended, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 474—An Act appropriating money for the purpose of insuring the State Printing Office

Made the special order for Monday, March thirteenth, at one o'clock and thirty minutes P. M.

Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State of California, approved March tenth, eighteen hundred and seventy-four.

Amended, read third time, and passed.

Assembly Bill No 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 565—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 177—An Act to regulate Sheriffs' fees in certain counties in this State.

On motion of Mr. Harding, ordered on file.

REPORTS.

By Mr. Ferral (for Mr. Patterson of Sacramento):

Mr SPEAKER The Sacramento delegation, to whom was referred Senate Bill No 350—An Act to amend an Act entitled an Act relating to streets and roads in the City and County of Sacramento approved March twenty-seventh eighteen hundred and seventy-four—have had the same under consideration, and report it back to the House, with the recommendation that it pass.

PATTERSON, for Delegation

Senate Bill No. 350, above reported, read third time and passed

By Mr. Maguire:

Mr. SPEAKER Your Committee on Military Affairs, to which was referred Assembly Bill No 549—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years ending June thirtieth, eighteen hundred and seventy-six—report the same back, and recommend its passage.

Also, Assembly Bill No. 390—An Act to amend the Political Code, and to reduce the expense of the National Guard, with the substitute therefor, presented by the Committee on Retrenchment and Reform—report the same back, and recommend the passage of the substitute.

MAGUIRE, Chairman.

By Mr Koutz:

Mr SPEAKER Your Committee on Roads and Highways have considered Assembly Bill No. 591—An Act to amend section two thousand six hundred and fifty of the Political Code, and Assembly Bill No 623—An Act relating to road districts and Road Overseers in the County of Sierra—and report them back, and recommend their passage

KOUTZ for Committee.

Assembly Bill No. 623, above reported, taken up, rules suspended, considered engrossed, read third time, and passed.

Mr. Kennedy had leave to introduce the following bill out of order: An Act to further define the duties of the several elective officers of the City and County of San Francisco.

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

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Wilcox, the House adjourned, to meet on Monday, thirteenth instant, at eleven o'clock A. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 13th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present

LEAVE OF ABSENCE.

Mr. Giffen was granted two days' leave of absence, Mr. Wilcox was granted indefinite leave of absence, and, on motion of Mr. Berry, leave of absence was granted to all absentees for one day.

Journal of Saturday, March eleventh, eighteen hundred and seventy-six, read and approved.

REPORT.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco.

Also, Assembly Bill No. 520—An Act to incorporate the Town of St. Helena.

Also, Assembly Bill No. 478—An Act prescribing the manner of counting moneys in the hands of the County Treasurer of the County of Sacramento.

COVINGTON, Chairman.

PETITIONS.

By Mr. Lambourn—From citizens of Los Angeles, against division of counties.

Referred to the Committee on Counties and County Boundaries.

By Mr. Covington—From citizens of Mendocino County, against the passage of an Act for the relief of William Ford, ex-Treasurer of said county.

Referred to the Committee on Claims.

By Mr. Preston—From citizens of Santa Clara County, for an amendment to the homestead law

Referred to the Judiciary Committee.

REPORTS.

By Mr Nott:

Mr. SPEAKER: The Committee on Retrenchment and Reform, to whom was referred Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political

Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State—having had the same under consideration, would herewith report it back, with amendments, and recommend its passage as amended.

NOTT, for Committee.

Made the special order for Tuesday, March fourteenth, at one o'clock and thirty minutes P. M., and ordered printed.

By Mr. Garretson:

MR. SPEAKER. The San Mateo delegation, to whom was referred Assembly Bill No. 638—An Act to establish pounds in the County of San Mateo—report the same back, and recommend its passage.

GARRETSON, for Delegation.

Rules suspended, bill considered engrossed, read third time, passed, and ordered to be transmitted to the Senate without engrossment.

By Mr. Reddick:

MR SPEAKER: The Calaveras delegation, to whom was referred Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras—has had the same under consideration, and report it back, recommending passage

REDDICK, for Delegation.

Mr. Kennedy moved to take up for consideration the resolution providing for evening sessions.

On motion of Mr. Young, the resolution was laid on the table.

RESOLUTIONS.

By Mr. Kennedy:

*Resolved*, That all special committees appointed by this House be and are requested to make their reports, and the expense attending the same, before the twentieth day of March, instant.

Adopted.

By Mr. Dunlap—Concurrent resolution concerning mineral lands embraced within the limits of the sixteenth and thirty-sixth sections.

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

SENATE MESSAGE

SENATE CHAMBER,
SACRAMENTO, March 11th, 1876.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the eighth of March, eighteen hundred and seventy-six, passed Senate Bill No 334—An Act to repeal Chapter III., Title VII., of the Political Code, relating to births, marriages, and deaths

Also, Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco.

Also, Senate Bill No. 388—An Act to provide for the redemption of the outstanding railroad bonds of Butte County.

Also, Senate Bill No 289—An Act to create the Twenty-second Judicial District.

Also, Senate Bill No. 278—An Act to amend certain sections of the Political Code, concerning the salaries of judicial officers and of officers connected with the Supreme Court.

And, on this day, passed Senate Bill No. 12—An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, all relating to insurance.

Also, Senate Bill No. 151—An Act to amend the Code of Civil Procedure.

Also, Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

Also, Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County.

Also, Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County

Also, Assembly Concurrent Resolution No. 32—Relative to instructing our Senators and Representatives to take measures to secure the release of one E. O'M. Condon.

Also, amended and passed Assembly Bill No. 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four.

Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo.

Assembly Bill No. 231—An Act to protect agriculture and to prevent the trespassing of animals on private property in the County of San Bernardino and in the County of San Diego.

And indefinitely postponed Assembly Bill No. 2—An Act to authorize Abram S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County.

CRAWFORD, Assistant Clerk.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bills Nos. 334, 289, and 151, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 445, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 388, above reported, read first and second times and referred to the Butte delegation.

Senate Bill No. 278, above reported, read first and second times and referred to the Committee on Retrenchment.

Senate Bill No. 12, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 391, above reported, read first and second times and referred to the Committee on Ways and Means.

Assembly Bills Nos. 452, 278, 496, and 231, above reported, amendments reported by the Senate concurred in by the House.

## INTRODUCTION OF BILLS.

By Mr. Lambourn—An Act to fix the compensation of the Assessor of Los Angeles County for the collection of tax on personal property.

Read first and second times and referred to the Los Angeles delegation

By Mr. Hart—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County.

Read first and second times and referred to the Colusa delegation.

By Mr. Carson—An Act to add a new section to the Code of Civil Procedure, to be known as section eight hundred and eleven.

Also, an Act to authorize George K. Porter to sue the State of California.

Each read first and second times and referred to the Judiciary Committee.

By Mr. Birney—An Act to encourage the propagation of fish in Lake Elenor, Tuolumne County.

Read first and second times and referred to the Committee on the Culture of Fish.

By Mr. Broderick—An Act making appropriations for benevolent purposes.

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

By Mr. Watkins—An Act to prevent hogs and goats running at large in the Town of Washington, Yolo County.

Read first and second times and referred to the Yolo delegation.

GENERAL FILE.

Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

Referred, with the substitute, to the Committee on Roads and Highways.

Assembly Bill No. 412—An Act to amend section ninety-two of the Civil Code.

Passed on file.

Assembly Bill No. 432—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine.

Amendments adopted and bill ordered engrossed.

Assembly Bill No. 397—An Act concerning corporations.

Passed on file.

[Speaker pro tem in the chair.]

Assembly Bill No. 379—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California

Passed on file.

Senate Bill No. 398—An Act to extend the franchise granted to David Girkey and others to build a wharf at Santa Cruz.

Read third time and passed.

Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.

Amendments adopted and bill ordered engrossed.

Senate Bill No. 178—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Passed on file.

Senate Bill No. 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California, heretofore sold

House resolved itself into Committee of the Whole for the consideration of the bill, Mr. Maguire in the chair.

On motion of Mr. Murphy of Del Norte, the committee arose, reported the bill back, and recommended that the same be referred to the Committee on Claims.

IN ASSEMBLY.

[Speaker pro tem in the chair.]

Senate Bill No. 301, reported from the Committee of the Whole, was referred to the Committee on Claims

Assembly Bill No. 531—An Act to amend section three hundred and seventy-four of the Penal Code

Ordered engrossed

At twelve o'clock and thirty minutes P. M the House took a recess until one o'clock and thirty minutes P. M.

RE-ASSEMBLED

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair

Roll called, and a quorum present.

GENERAL FILE RESUMED.

Assembly Bill No. 345—An Act to amend section one thousand one hundred and twenty-nine of the Political Code.

Ordered at head of file for to-morrow.

REPORTS.

By Mr. Berry:

Mr. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—report the same back, with a substitute, and recommend the passage of the substitute.

BERRY, Chairman.

Substitute ordered printed, and ordered at head of file for Wednesday night.

By Mr. Chapman:

Mr. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 538—An Act to amend section three thousand four hundred and fifty-nine of the Political Code—have considered the same, and report it back, with amendments, and recommend its passage as amended.

CHAPMAN, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes, in the Counties of Fresno, Tulare, and Kern.

Passed on file.

SPECIAL ORDER.

Senate Bill No. 474—An Act to appropriate money for the purpose of insuring the State Printing Office.

Considered in Committee of the Whole, and passage recommended.

IN ASSEMBLY.

Senate Bill No. 474, reported from Committee of the Whole, read third time, and passed.

Assembly Bill No. 527—An Act to authorize the Board of Supervisors of the County of Inyo to sell the several county bridges across Owen's River, and to authorize said bridges to be established as toll bridges.

Amendments adopted and bill ordered engrossed.

Substitute for Assembly Bill No. 158—An Act to amend section one thousand five hundred and seventy of the Penal Code of the State of California.

Also, substitute for Assembly Bill No. 157—An Act to amend section six hundred and thirty-five of the Penal Code of the State of California.

Substitute for said bills adopted, and ordered engrossed.

Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica.

Read third time and passed.

Assembly Bill No. 137—An Act to protect fish in the County of Del Norte.

Ordered engrossed.

Assembly Bill No. 570—An Act to legalize and make valid the transcribed records of San Benito County.

Rules suspended, bill considered engrossed, read third time, and passed.

Assembly Bill No. 507—An Act to amend sections two hundred and fifty-eight and two hundred and fifty-nine of the Code of Civil Procedure, concerning Court Commissioners.

Amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

[Mr. Roberts in the chair.]

SPECIAL ORDER.

Assembly Bill No. 477—An Act to authorize the County of Santa Barbara to aid the construction of a railroad within its limits.

Upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Berry, Nott, and Rankin, and the House refused, by the following vote:

AYES—Messrs. Abbott, Birney, Carter, Carson, Clark, Dunlap, Gelwicks, Griswold, Hart, Hayne, Magune, McConnell, O'Connell, Patterson of Sacramento, Pullen, Raisch, Reddick, Roberts, Scrivner, Suverkrup, Wetherill, and Young—22.

NOES—Messrs. Archer, Barber, Berry, Blackwell, Blue, Bradley, Broderick, Burbank, Chapman, Coffey, Cornwell, Covington, Harding, Hinshaw, Jamison, Jones, Kennedy, Koutz, Lambourn, Lammers, McKenna, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Rankin, Rice, Ruggles, Samuels, Swan, Watkins, Wood, and Mr Speaker—35

REPORT.

By Mr. Nott:

SACRAMENTO, March 13th, 1876

Mr. SPEAKER: *The Committee on Enrollment have examined Assembly Bill No. 220*—An Act concerning certain reclamation districts in San Joaquin County.

Also, Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds of said county for construction thereof, and to provide for the payment of the same.

Also, Assembly Bill No 373—An Act to provide for the payment of claims against the City of Santa Cruz.

Also, Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District, in the County of El Dorado.

Also, Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County.

Also, Assembly Bill No. 535—An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads, in the County of Mendocino, California.

And report the same correctly enrolled, and that at twelve o'clock and thirty minutes the *same were presented to the Governor for his approval.*

NOTT, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 449—An Act to provide for the government of the County of San Diego.

Passed on file.

Assembly Bill No. 505—An Act to amend section nine hundred and eighty of the Code of Civil Procedure, concerning appeals to County Courts.

Passed on file.

Assembly Bill No. 361—An Act to amend the Political Code of the State of California, and to protect the health and regulate hours of

labor of the street-car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

Rules suspended, bill considered engrossed, read third time, and passed.

Assembly Bill No. 473—An Act supplementary to an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain offices, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Upon the engrossment of the bill the ayes and noes were demanded by Messrs Wood, Burbank, and Preston, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Blackwell, Briceland, Burbank, Covington, Dunlap, Garretson, Gelwicks, Griswold, Hart, Jamison, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, Maguire, Murphy of Del Norte and Klamath, Nott, O'Connell, Ostrom, Patterson of San Joaquin, Preston, Pullen, Raisch, Rice, Ruggles, Samuels, Wetherill, Wood, and Mr. Speaker—32

NOES—Messrs. Archer, Barber, Birney, Blue, Bradley, Broderick, Carter, Carson, Coffey, Cornwell, Harding, Hinshaw, McKenna, Patterson of Sacramento, Patterson of Kern and Tulare, Rankin, Roberts, Scrivner, Suverkrup, Swan, and Watkins—21.

Assembly Bill No. 411—An Act for the relief of purchasers at probate sales.

Passed on file.

Assembly Bill No. 508—An Act to amend section one thousand nine hundred and seventeen of the Civil Code.

Engrossment refused.

Assembly Bill No. 164—An Act to amend section five hundred and seventy-one of the Civil Code, concerning savings and loan corporations.

Referred to the Committee on Corporations.

Substitute for Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code.

Read third time and passed.

Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Read third time and passed.

Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

Amended, bill read third time, and passed.

Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code.

Read third time and passed.

Senate Bill No 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Substitute reported by the delegation amended, amendment adopted, and substitute as amended adopted, rules suspended, bill considered engrossed, read third time, and passed.

Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools.

Referred to the Committee on Education.

Mr. Maguire introduced the following bill: An Act to amend section one thousand seven hundred and twenty-nine of the Political Code, relating to public schools.

Read first and second times and referred to the Committee on Education.

GENERAL FILE RESUMED.

Assembly Bill No. 391—An Act to amend section one thousand two hundred and ten of the Code of Civil Procedure (Title V., Part III.). Passed on file.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Nott, the House adjourned until Tuesday, March fourteenth, at ten o'clock A. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 14th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved

LEAVE OF ABSENCE.

Messrs. Dixon, Crutcher, and Jenkins, were granted leave of absence for one day.

REPORTS.

By Mr. Birney:

Mr. SPEAKER. The Tuolumne delegation, to whom was referred Senate Bill No. 435—An Act to amend an Act entitled an Act to incorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, eighteen hundred and seventy—beg leave to report the same back, together with a substitute, and recommend the passage of the substitute.

BIRNEY, for Delegation.

On motion of Mr Birney, the rules were suspended, substitute for Senate Bill No. 435, above reported, was adopted, bill read third time, and passed.

By Mr. Abbott:

Mr. SPEAKER The Monterey delegation, to whom was referred Assembly Bill No. 621, have had the same under consideration, report the same back, and recommend passage.

ABBOTT, for Delegation.

On motion of Mr. Abbott, the rules were suspended, Assembly Bill No. 621, above reported, considered engrossed, read third time, and passed.

By Mr. Patterson of San Joaquin:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Senate Bill No. 465—An Act concerning roads and highways in the County of San Joaquin—have had the same under consideration, and herewith report the bill back, and recommend its passage.

PATTERSON, for Delegation.

On motion of Mr. Patterson, the rules were suspended, and Senate Bill No. 465, above reported, read third time, and passed.

By Mr. Swan:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 34—Relative to an amendment of the Constitution of the United States, prohibiting any State in the Union from appropriating any moneys raised by taxation for educational purposes to the support of sectarian schools—have had the same under consideration.

A majority of the committee, to wit McConnell, Hayne, Jenkins, Crutcher, Archer, and Swan, beg leave to report it back, and recommend that it do not pass

Whilst we are opposed to any State in the Union appropriating any moneys, raised by taxation or otherwise, for educational purposes, for the support of sectarian schools, we are also opposed to any amendment of the Constitution of the United States, prohibiting any State from using her own moneys raised by taxation for any purpose consistent with the provisions of her own Constitution.

SWAN, Chairman.

Mr. McKenna presented the following minority report on the above resolution:

Mr. SPEAKER I dissent from the report of the majority of your committee, and recommend the passage of the resolution set out in said report.

The appropriation of public moneys raised by taxation for educational purposes to the support of sectarian schools is repugnant to that which is conceded to be a proper national and State policy. No State, therefore, should be allowed the power of doing that which is opposed to the admitted interest of all.

McKENNA, of Committee.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 13th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 227—An Act to amend an Act entitled an Act supplementary to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 431—An Act concerning roads and highways in Contra Costa County.

Also, Assembly Bill No 471—An Act to provide for the collection of road poll-taxes in the County of Marin.

Also, Assembly Bill No. 388—An Act to prevent hogs and goats running at large in the Town of Woodbridge, San Joaquin County.

Also, Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.

Also, Assembly Bill No. 340—An Act to provide a new Great Register for the County of Solano, and re-register the voters thereof.

Also, Assembly Bill No. 394—An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz.

Also, Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz.

Also, Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

Also, Assembly Bill No 230—An Act requiring the Common Council of the City of Oakland and the Trustees of the Town of Alameda to pay the claim of N. W. Spaulding, for painting the Webster Street bridge, with interest thereon

Also, Assembly Bill No. 148—An Act concerning partition fences in the Counties of Colusa and Tehama.

Also, Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Also Assembly Bill No. 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure.

Also, Assembly Bill No. 215—An Act to protect agriculture and to prevent the trespassing of animals upon private property, in Marysville and Long Bar Townships, Yuba County

Also, Assembly Bill No. 197—An Act concerning the office of County Clerk of Santa Barbara County.

Also, Assembly Bill No. 514—An Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county.

WILLIAM IRWIN, Governor.

INTRODUCTION OF BILLS.

By Mr. Patterson of Tulare—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. McConnell—An Act to authorize the Mayor and Common Council of the City of Los Angeles to issue bonds for the purpose of providing funds for the erection of public school-houses.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Hart—An Act to incorporate the Town of Colusa.

Read first and second times and ordered on file.

GENERAL FILE.

Assembly Bill No 345—An Act to amend section one thousand one hundred and twenty-nine of the Political Code.

Indefinitely postponed.

Assembly Bill No. 412—An Act to amend section ninety-two of the Civil Code

Passed on file.

Assembly Bill No. 397—An Act concerning corporations.

Passed on file.

Assembly Bill No. 379—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California.

Engrossment refused

Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Passed on file

Assembly Bill No. 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes, in the Counties of Fresno, Tulare, and Kern.

Passed on file.

Assembly Bill No. 449—An Act to provide for the government of the County of San Diego.

Passed on file.

Assembly Bill No. 505—An Act to amend section nine hundred and eighty of the Code of Civil Procedure, concerning appeals to County Courts.

Amendment adopted and bill ordered engrossed.

Assembly Bill No. 411—An Act for the relief of purchasers at probate sales.

Passed on file.

Assembly Bill No. 494—An Act to provide for the ascertainment and settlement of the claim of Robert E. Beasley (if any he has), for services performed in the construction and the improvement of the levee to reclaim Swamp Land District Number Fifty-four, in Sacramento County.

Passed on file.

Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo.

Read third time and passed.

[Mr. Wood in the chair.]

Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Read third time and passed.

Assembly Bill No. 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Passed on file.

Assembly Bill No. 575—An Act to prevent hogs and goats running at large in the Town of Sutter Creek, Amador County.

Rules suspended, considered engrossed, read third time, passed, and ordered to be transmitted to the Senate without engrossment.

Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State

On motion of Mr Archer, the House went into Committee of the Whole for the consideration of the bill, the Speaker in the chair.

The bill was considered in Committee of the Whole.

On motion of Mr. Birney, the committee arose, reported the bill back, and recommended its passage as originally introduced.

IN ASSEMBLY.

Assembly Bill No. 546, above reported from the Committee of the Whole, was taken up.

Upon the adoption of the amendment to section one, as reported by the Committee on Ways and Means, the ayes and noes were demanded by Messrs. Birney, Berry, and Rankin, and the House refused, by the following vote:

AYES—Messrs. Abbott, Berry, Bradley, Brickland, Burbank, Hinshaw, Koutz, Nott, Ostrom, Preston, Quigley, Rice, Samuels, Watkins, and Wood—15.

NOES—Messrs. Archer, Bagge, Barber, Birney, Blackwell, Blue, Broderick, Carter, Clark, Clarken, Coffey, Cornwell, Covington, Dunlap, Ferral, Garnetson, Gelwicks, Griswold, Hart, Hayne, Jenkins, Jones, Jourden, Kennedy, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Rankin, Raisch, Reddick, Roberts, Ruggles, Sargent, Sullivan, Suverkrup, Swan, Wetherill, Young, and Mr. Speaker—48.

The House refused to adopt the amendment to section two, as reported by the Committee on Ways and Means.

On motion of Mr. Young, the rules were suspended, bill considered engrossed, read third time, and passed.

RECESS.

At twelve o'clock and thirty minutes P. M. the House took a recess until one o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. McConnell introduced the following bill: An Act to authorize Drury Melone to sue the State.

Read first and second times and made the special order for Wednesday, March fifteenth, at eleven o'clock and thirty minutes A. M.

PETITION

By Mr. Broderick—From the San Francisco Lying-in Hospital and Foundling Asylum.

Referred to the Committee on Ways and Means.

REPORTS.

By Mr. Archer:

Mr. Speaker Your Committee on Corporations, to whom was referred Assembly Bill No. 543—An Act regulating the issuance and transfer of shares of stock or certificates thereof in incorporated companies in the State of California—have had the same under consideration and herewith report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended

Also, Assembly Bill No. 496—An Act to amend section five hundred and sixty-two of the Penal Code—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations—report the same back, and recommend its passage.

Also, Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations—report the same back, and recommend its passage

Also, Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two—report the same back, and recommend its passage.

Also, Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two—report the same back, and recommend its passage.

Also, Assembly Bill No 522—An Act for the better protection of stockholders in corporations and to prevent the loaning of stocks deposited as collateral security—report the same back with a substitute, and recommend the adoption of the substitute, and the passage of the same.

ARCHER, Chairman.

By Mr. Blue:

Mr. Speaker Your committee, to whom was referred Assembly Bill No. 625—An Act to provide for the improvement of the public roads in Inyo County—respectfully report the same back, and recommend its passage as amended

BLUE, for Committee.

Rules suspended, amendment adopted, bill considered engrossed, read third time, and passed.

NOTICE.

Mr. Hart gave notice that he would introduce a bill authorizing the Board of Supervisors of Colusa County to appoint an expert to examine all the official books and records of Colusa County, extending back to eighteen hundred and seventy, and up to the present time.

SPECIAL ORDER.

The special order for this hour, Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State—was made the special order for Thursday next, at two o'clock P. M.

On motion of Mr. Berry, the general appropriation bill was made the special order for Thursday next, at two o'clock P. M.

REPORT.

By Mr. Biggs:

Mr. SPEAKER The Sacramento delegation, to whom was referred Assembly Bill No. 642—An Act to provide for the government of the public schools of the City of Sacramento—report the same back, and recommend its passage.

BIGGS.
PATTERSON.

On motion of Mr. Biggs, the rules were suspended and Assembly Bill No. 642, above reported, was read a third time and passed.

GENERAL FILE RESUMED.

Assembly Bill No. 521—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and sixty-two, and to repeal section three thousand seven hundred and seventy of the Political Code.

Indefinitely postponed.

Assembly Bill No 532—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 450—An Act relative to the publication of the amendments to the Codes.

Read third time and passed.

Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

Read third time and passed.

Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

Read third time and passed.

Mr. Sullivan gave notice that he would, on to-morrow, move to reconsider the vote by which the House refused to order engrossed Assembly Bill No. 379.

Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds, or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

Passed on file.

Assembly Bill No. 545—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered two hundred and thirty-three, and to follow section two hundred and thirty-two of said Code, relating to juries.

Ordered engrossed.

Assembly Bill No. 391—An Act to amend section one thousand two hundred and ten of the Code of Civil Procedure (Title V., Part III.).

Passed on file.

SPECIAL ORDER.

Assembly Bill No. 5—An Act to provide for the auditing and payment of the balance remaining due of the Indian war indebtedness of the State of California.

House went into Committee of the Whole for the consideration of the bill, the Speaker in the chair.

On motion of Mr. Scrivner, the committee arose, reported progress, and asked leave to sit again on to-morrow, at two o'clock P. M.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the Committee of the Whole was received, and the leave requested was granted.

REPORTS.

By Mr. Covington:

Mr. SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 500—An Act to establish and maintain public and private roads in the County of Santa Cruz.

Also, Assembly Bill No. 585—An Act to repeal an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 583—An Act to repeal an Act entitled an Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No 627—An Act to fix the terms of the County and Probate Courts in and for the County of Amador.

Also, Assembly Bill No. 443—An Act to amend section three hundred and ninety-seven of the Penal Code

Also, Assembly Bill No. 328—An Act for the relief of James W. Marshall.

Also, Assembly Bill No 613—An Act to provide for the building of a school-house in Meridian School District, in the County of Sutter, California

Also, Assembly Bill No. 240—An Act to appropriate money for the relief of General John A. Sutter.

Also, Assembly Bill No. 283—An Act to incorporate the City of Anaheim.

Also, Assembly Bill No. 541—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum by taxation to furnish the necessary additional school facilities for said district.

Also, Assembly Bill No 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County

Also, Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make his settlement

Also, Assembly Bill No. 457—An Act legalizing certain notarial acknowledgments in Napa County.

Also, Assembly Bill No. 513—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four

COVINGTON, Chairman.

By Mr. McConnell:

Mr. SPEAKER Your Committee on Education, to which was referred Assembly Bill No. 456—An Act to provide for the distribution of school moneys in the County of Marin—report the same back, and recommend its passage.

Also, Assembly Bill No 524—An Act to provide text-books for the children attending the public schools of this State—report the same back, and recommend that it do not pass

Also, Assembly Bill No 301—An Act to amend section one thousand seven hundred and fifty-one of the Political Code—report the same back with a substitute, and recommend the passage of the substitute

Also, Senate Bill No 90—An Act to repeal certain sections of the Political Code relating to public schools—report the same back, and recommend that it do not pass

Also, Senate Bill No. 93—An Act to repeal certain sections of the Political Code relating to public schools—report the same back with a substitute, and recommend the passage of the substitute

Also, Senate Bill No. 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries of school districts—report the same back, and recommend its passage.

Also, Assembly Bill No. 435—An Act to add a new section to the Political Code, to be known as section sixteen hundred and twenty-five—report the same back, and recommend that it do not pass

Also, Assembly Bill No. 436—An Act to amend an Act entitled an Act to amend the provisions of the Political Code relative to public schools, approved March twenty-eighth, eighteen hundred and seventy-four—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 654—An Act to amend section one thousand seven hundred and twenty-nine of the Political Code, relating to public schools—report the same back, and recommend its passage.

McCONNELL, Chairman.

INTRODUCTION OF BILLS.

By Mr. McCarthy—An Act to amend section three hundred and thirty of the Penal Code.

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

By Mr. Rice—An Act entitled an Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school-house, approved March twentieth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Bagge—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy.

Read first and second times and referred to the Alameda delegation

By Mr. Raisch—An Act to ratify certain street work in the City and County of San Francisco.

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

GENERAL FILE RESUMED.

[Mr. Harding in the chair.]

Assembly Bill No. 530—An Act to encourage the destruction of certain wild animals.

Substitute adopted, amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 449—An Act to provide for the government of the County of San Diego.

The author had leave to withdraw the bill.

Assembly Bill No. 376—An Act to repeal Article IV. 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, and supplementary thereto, and substituting this Act for said Article IV.

Amended and ordered engrossed.

Senate Bill No. 457—An Act to authorize the County Treasurer of El Dorado County to transfer certain funds.

Read third time and passed.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M. Mr. Koutz moved to adjourn.

Mr. Rankin moved to amend—to ten o'clock A. M. to-morrow.

The amendment prevailed, and the House accordingly adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 15th, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Jamison.

## REPORTS.

By Mr. Gelwicks:

MR. SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 484—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in said city—have had the same under consideration, report it back, and recommend its passage.

Also, Senate Bill No. 502—An Act to regulate the laying of gas and water-pipes in the City of Oakland—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation.

Senate Bill No. 484, above reported, taken up, read third time, and passed.

Senate Bill No. 502, above reported, taken up, read third time, and passed.

By Mr. McConnell:

MR. SPEAKER: Your Judiciary Committee—(present McConnell, Archer, Chapman, Swan, Harding, and McKenna)—have had under consideration Assembly Bill No. 84—An Act to amend section six hundred and fifty of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Assembly Bill No. 454—An Act to amend section five hundred and forty-two of the Code of Civil Procedure by adding an additional subdivision thereto—report the same back, with a substitute, and recommend the passage of the substitute, Messrs. Chapman and Swan dissenting.

Also, Assembly Bill No. 97—An Act to amend the Civil Code, in relation to forms of certificates of acknowledgment—report the same back, and recommend its passage.

Also, Assembly Bill No. 547—An Act to amend section one hundred and seventeen of the Code of Civil Procedure, concerning jurisdiction of Justices of the Peace—report the same back, and recommend that it do not pass, for the reason that a Senate bill embracing the same provisions has already passed both Houses.

Also, Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section (two thousand nine hundred and fifty-five) thereto—report the same back, and recommend its passage, Archer and Swan dissenting.

Also, Assembly Bill No. 503—An Act concerning corporations—report the same back, Messrs. Harding, McKenna, and Archer recommending its passage, Messrs. McConnell, Chapman, and Swan making a contrary recommendation.

Also, Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Assembly Bill No. 569—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Assembly Bill No. 602—An Act to amend section six hundred and twenty-six of the Penal Code—report the same back, and recommend its passage.

Also, Assembly Bill No. 605—An Act concerning the removal of the remains of deceased persons from the State of California—report the same back, and recommend its passage.

Your committee would also ask leave to make a correction in their report of March eighth, in reference to their action upon Assembly Bill No. 391. The minutes of the committee show that they recommended the author be allowed to withdraw said bill, which is the fact, whereas their

report of March eighth erroneously makes it appear that they recommended the passage of said bill.

McCONNELL, Chairman.

The author had leave to withdraw Assembly Bill No. 391, above reported.

By Mr. Coffey:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 109—An Act to authorize the widening of Dupont Street, in the City and County of San Francisco—report the same back, and the majority recommend its passage—fourteen in the affirmative and six in the negative.

Also, Assembly Bill No. 488—An Act to change and modify the grade, and to provide for the grading and re-grading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco—report the same back, and recommend its passage

Also, Senate Bill No 225—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—report the same back, and recommend its passage.

Also, Assembly Bill No. 489—An Act to provide for a re-count of votes at general elections—report the same back with amendments, in accordance with the instructions of the House, and recommend its passage as amended.

Also, Assembly Bill No. 463—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration—report the same back with an amendment, and the majority recommend its passage as amended.

COFFEY, Chairman.

By Mr. Wetherill:

Mr. SPEAKER: The Committee on Elections, to whom was referred Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets—has considered the same, and a majority of said committee recommend its passage as amended, and a minority that it do not pass.

WETHERILL, Chairman

By Mr Lambourn:

Mr. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four—have considered and amended the same, and beg leave to report it back, with the recommendation that it pass as amended.

Also, have had under consideration Assembly Bill No. 441—An Act to encourage the invention of a machine as a substitute for horse-power—and a majority report the same back without recommendation, and a minority being opposed to its passage.

LAMBOURN, Chairman.

By Mr. Berry:

Mr. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 391—An Act to repeal a certain Act relating to the revenue—having considered and amended the same, recommend its passage as amended.

We have also considered Assembly Bill No. 247—An Act to establish a State Book-bindery—and recommend that it do not pass.

BERRY, Chairman.

Senate Bill No. 391, above reported, was ordered at the head of the file for to-morrow.

On motion of Mr. Maguire, the House took up for consideration Assembly Bill No. 489—An Act to provide for a re-count of votes at general elections.

The rules were suspended and the bill considered engrossed.

Upon its passage the ayes and noes were demanded by Messrs. McKenna, Clarken, and Maguire.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Barber, Biggs, Birney, Broderick, Carter, Clark, Clarken, Coffey, Covington, Dixon, Feiral, Gelwicks, Giffen, Hart, Harding, Hayne, Jenkins, Kennedy, Maguire, McInerny, McMann, Murphy of San Francisco, Nott, Ostrom, Patterson of Sacramento, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Suverkrup, Wetherill, Young, and Mr. Speaker—37.

NOES—Messrs. Abbott, Archer, Bagge, Blackwell, Blue, Bradley, Briceland, Chapman, Crutcher, Garretson, Griswold, Hinshaw, Jones, Koutz, Lambourn, McConnell, McKenna, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Swan, and Wood—22.

On motion of Mr. Murphy of San Francisco, the House took up for consideration Senate Bill No. 225—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.

Read third time and passed.

The Speaker announced as the special order for this hour, Assembly Bill No. 658—An Act to authorize Drury Melone to sue the State.

Amended and referred to the Judiciary Committee, with special instructions.

Mr. Quigley had leave to introduce the following bill: An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment rendered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five, approved March fourteenth, eighteen hundred and seventy-six.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate immediately without engrossment.

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 14th, 1876

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 365—An Act to confer additional powers on the Board of Supervisors of the City and County of Sacramento.

Also, Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

And, on March ninth, passed Senate Bill No. 516—An Act to protect agriculture in the County of El Dorado.

Also, Senate Bill No. 489—An Act to amend an Act entitled an Act repealing Article IV 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, and all Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 517—An Act to prevent the catching of fish by seines, nets, or weirs in the San Antonio Creek, in the County of Alameda.

And, on March tenth, passed Senate Bill No. 506—An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relating to the Insane Asylum at Stockton.

Also, Senate Bill No. 390—An Act to repeal section four hundred and fifteen of the Political Code.

Also, Senate Bill No. 440—An Act to appropriate the sum of five thousand dollars for the improvement of roads and sidewalks around the Stockton Insane Asylum.

And, on March thirteenth, passed Senate Bill No. 244—An Act to add a section to the Political Code.

And, on March eleventh, amended and passed Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California.

And, on March thirteenth, amended and passed Assembly Bill No. 444—An Act to legalize

the assessment on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Also, amended and passed Assembly Bill No. 410—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 536—An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego.

And, on this day, passed and ordered transmitted without engrossment, Senate Bill No. 519—An Act to repeal an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in Tehama County

Also, that the Senate concurred in Assembly amendments to Senate Bills Nos. 135 and 181, and refused to concur in Assembly amendment to Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 14th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 14th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 462—An Act in regard to the payment of coupons on Sacramento City bonds, funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 14th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, and ordered transmitted without engrossment, Senate Bill No. 558—An Act to provide for the payment of certain coupons.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 15th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes.

Also, Assembly Bill No. 638—An Act to establish pounds in the County of San Mateo.

Also, Assembly Bill No. 369—An Act fixing the number of Supervisors of Humboldt County.

Also, Assembly Concurrent Resolution No. 33—Relative to the construction of a breakwater and light-house at the Port of Mendocino.

Also, amended and passed Assembly Bill No. 440—An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Alameda, and an Act amendatory of said Act, approved March seventh, eighteen hundred and seventy-two, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly No. 525—An Act to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter

Also, Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare.

Also, Assembly Bill No. 320—An Act to provide for the distribution of school money in certain counties.

And indefinitely postponed Assembly Bill No. 429—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in the County of Sonoma.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER
SACRAMENTO, March 15th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fifteenth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted immediately, and without engrossment, to the Assembly, Senate Bill No. 565—An Act to authorize the Board of Trustees of the City of Sacramento to levy taxes for city purposes.

CLARK, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 565 and 462, above reported, each read first and second times and referred to the Sacramento delegation.

Senate Bill No. 558, above reported, read first and second times and referred to the Committee on Claims.

Senate Bill No. 496, above reported, read first and second times and referred to the Committee on Public Buildings and Grounds.

Senate Bill No. 275, above reported. House refused to recede from its amendments, and the Speaker appointed as a Committee of Conference, on the part of the Assembly. Messrs. Carson, Archer, and Reddick.

Senate Bills Nos. 294 and 390, above reported. referred to the Judiciary Committee.

Senate Bills Nos 365, 489, and 494, above reported, referred to the San Francisco delegation.

Senate Bills Nos. 440 and 506, above reported, referred to the Committee on Hospitals.

Senate Bill No. 516, above reported, referred to the El Dorado delegation.

Senate Bill No. 517, above reported, referred to the Alameda delegation.

Senate Bill No. 519, above reported, referred to the Tehama delegation

Assembly Bill No. 536, above reported, Senate amendments concurred in.

Assembly Bill No. 79, above reported, House refused to concur in Senate amendment to section nine, and concurred in the other Senate amendments.

Upon motion of Mr. Berry, the Speaker appointed on the part of the Assembly, as a Committee of Conference on Assembly Bill No. 79, Messrs. Samuels, Berry, and Wood.

Assembly Bills Nos. 440, 320, and 525, above reported, Senate amendments concurred in.

Assembly Bill No. 444, above reported, referred to the Committee on Swamp and Overflowed Lands

[Mr. McKenna in the chair.]

Assembly Bill No. 221, above reported, laid on the table temporarily.

MOTIONS.

[Speaker in the chair ]

On motion of Mr. Nott, Mr. Wood was added to the Committee on Enrollment.

On motion of Mr Berry, Assembly Bill No. 300—An Act establishing a commission relative to hydraulic mining and the damage resulting therefrom; and Assembly Concurrent Resolution No. 17—Relative to hydraulic mining—were made the special order for Friday, March seventeenth, at two o'clock P M.

Upon motion of Mr. Murphy of Del Norte, Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State—was made the special order for Monday, March twentieth, at two o'clock P. M.

FURTHER INTRODUCTION OF BILLS.

By Mr. Scrivner—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, as far as the same relates to Stanislaus County.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.

By Mr McConnell—An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand and making other improvements to the lands and property of said society.

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

Also, Assembly concurrent resolution relative to the California Immigrant Union.

Read first and second times and referred to the Committee on Centennial.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

REPORTS.

By Mr. Carson—A minority report from the San Francisco delegation, relative to Senate Bill No 115.

Referred to the Committee on Corporations, together with Senate Bill No 115.

By Mr Young·

Mr SPEAKER Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 528—An Act to establish the boundary line between the Counties of Santa Cruz and Santa Clara—having considered the same, beg leave to report the same back, with amendment, and, by a majority, recommend its passage as amended.

YOUNG, Chairman

MOTIONS.

On motion of Mr. Rankin, the House took up Assembly Bill No. 488, reported this morning by the San Francisco delegation.

The rules were suspended, the bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment

Upon motion of Mr. Patterson of Tulare, Assembly Bill No. 221 was referred to the Fresno and Tulare delegations.

On motion of Mr. Clarken, the House took up Assembly Bill No. 463, reported by the San Francisco delegation this day.

The rules were suspended, the bill considered engrossed, read a

third time, passed, and ordered transmitted to the Senate without engrossment.

FURTHER REPORT.

By Mr. Patterson of Sacramento:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 565—An Act to authorize the City of Sacramento to levy taxes for city purposes—recommend its passage.

PATTERSON,
BIGGS.

Senate Bill No. 565, above reported, read third time, and passed.

INTRODUCTION OF BILLS.

By Mr. Carter—An Act authorizing the relocation of certain school land warrants issued by the State of California.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Young—An Act in relation to certain street improvements in the City and County of San Francisco.

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

By Mr. Bagge—An Act to amend section three thousand seven hundred and sixty-four of the Political Code.

Also, an Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

Each read first and second times and referred to the Alameda delegation.

By Mr. Watkins—An Act to provide a new Great Register for the County of Yolo.

Read first and second times and referred to the Yolo delegation.

By Mr Chapman—An Act in relation to the publication of the statutes of this State.

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

SENATE MESSAGE.

SENATE CHAMBER.
SACRAMENTO, March 15th, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on the fifteenth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly immediately, and without engrossment, Senate Bill No. 566—An Act supplementary to an Act entitled an Act to enable John Hoagland and others to sue the City of Sacramento, approved March eleventh, eighteen hundred and seventy-six.

CLARK, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 566, above reported, read first and second times, rules suspended, read third time, and passed.

SPECIAL ORDER.

The Speaker announced as the special order for this hour substitute for Assembly Bill No. 5—An Act to provide for the auditing and

payment of the balance remaining due of the Indian war indebtedness of the State of California.

The bill was considered in Committee of the Whole, Mr. Archer in the chair.

On motion of Mr. Carpenter, the committee arose and reported the bill back, recommending the indefinite postponement of the bill and the substitute.

IN ASSEMBLY.

[Speaker in the chair.]

The question being upon the indefinite postponement of the substitute to Assembly Bill No. 5, above reported, the ayes and noes were demanded by Messrs. Chapman, Nott, and Kennedy.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Bagge, Berry, Biggs, Birney, Bradley, Burbank, Cornwell, Covington, Crutcher, Dixon, Dunlap, Hart, Harris, Hinshaw, Jenkins, Jones, Jourden, Kennedy, Lambourn, McMann, McCarthy, Nott, Osborn, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Quigley, Rankin, Reddick, Roberts, Ruggles, Sargent, Samuels, Suverkrup, Watkins, and Mr. Speaker—36

NOES—Messrs Archer, Barber, Blackwell, Blue, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Ferral, Garretson, Gelwicks, Giffen, Harding, Hayne, Koutz, Lammers, Maguire, McConnell, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Pullen, Raisch, Rice, Scrivner, Sullivan, Swan, Wetherill, Wood, and Young—33.

The question recurring upon the indefinite postponement of Assembly Bill No. 5, above reported, the ayes and noes were demanded by Messrs. Murphy of Del Norte, Nott, and Rankin.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Bradley, Broderick, Burbank, Chapman, Clarken, Coffey, Cornwell, Covington, Crutcher, Dixon, Ferral, Garretson, Gelwicks, Hart, Harris, Harding, Hayne, Hinshaw, Jenkins, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Osborn, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Pullen, Quigley, Rankin, Raisch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Wetherill, Wood, Young, and Mr. Speaker—64.

NOES—Messrs Carter, Carson, Giffen, Swan, and Watkins—5.

Mr. Broderick had leave to introduce the following bill: An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

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

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 15th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed, and ordered transmitted without engrossment, Senate Bill No 394—An Act amendatory of and supplemental to an Act entitled an Act to establish a quarantine in the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 394, above reported, read first and second times and referred to the San Francisco delegation.

REPORTS.

## By Mr. Covington:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 418—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for then payment.

Also, Assembly Bill No. 420—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities.

Also, Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County.

Also, Assembly Bill No. 495—An Act to amend section five hundred and thirty-two of the Penal Code.

Also, Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.

Also, Assembly Bill No. 510—An Act to prevent the destruction of timber on lands belonging to the State of California.

Also, Assembly Bill No. 558—An Act to authorize the City of Oakland to condemn certain lands for wharf and other purposes.

Also, Assembly Bill No. 623—An Act relating to road districts and Road Overseers in the County of Sierra.

Also, Assembly Bill No. 565—An Act amendatory of and supplementary to an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Also, Assembly Bill No. 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County.

Also, Assembly Bill No. 506—An Act to repeal section three thousand four hundred and eight of the Political Code.

Also, Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Also, Assembly Bill No. 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Also, Assembly Bill No. 532—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure.

COVINGTON, for Committee.

## By Mr. Ruggles:

Mr. Speaker: The Butte County delegation, to whom was referred Senate Bill No. 388, in relation to railroad bonds of said county, have had the same under consideration, and report the same back, and recommend that it do not pass.

RUGGLES, for Delegation.

## By Mr. Crutcher:

Mr. Speaker: Your Committee on Claims, having duly considered several bills referred to them, herewith report back Assembly Bill No. 562—An Act for the relief of William Brown—with the recommendation that it do not pass.

Also, Assembly Bill No. 592—An Act for the relief of John Johnson—with the recommendation that it do not pass.

Also, Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner—with the recommendation that the bill be passed.

Also, Assembly Bill No. 191—An Act for the relief of William Ford, of Mendocino County—with the recommendation, by a majority of the committee, that the bill be passed.

Also, Assembly Bill No. 572—An Act to provide for the purchase of a certain toll road in the County of Mendocino—without recommendation.

Also, Assembly Bill No. 445—An Act to pay the bill of P. Conlon for the board and lodging furnished to two companies of the National Guard—with the recommendation that it do not pass.

Also, Assembly Bill No. 540—An Act for the relief of Rodolph Bessmeyer—with the recommendation that it do not pass.

CRUTCHER, for Committee.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Mr. McKenna, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 16th, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Journal of yesterday read and approved.

RESOLUTION.

By Mr. Lambourn:

*Resolved*, That the Enrolling Clerk of the Assembly be authorized to correct the title of Assembly Bill No. 102, by changing the word "treasury" into "treasuries," and adding at the end thereof the word "counties;" also, to amend section eight of Assembly Bill No. 396—An Act in relation to highways in the County of Solano—by inserting on line four of section eight, before the word "file," the word "must;" also, to correct a clerical error in Assembly Bill No. 638—An Act to establish pounds in the County of San Mateo—by inserting the word "impounded" instead of the word "empowered," on line seven, section three.

Adopted

Upon motion of Mr. Young, the House took up for consideration Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

Amended and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Young—An Act to repeal sections four hundred and fifty and four hundred and fifty-one of the Civil Code.

Also, an Act to amend section six hundred and sixteen of the Political Code, relative to foreign insurance companies.

Each read first and second times and referred to the Committee on Corporations.

Also, a petition from citizens of San Francisco, relative to the above bills

Referred to the Committee on Corporations.

On motion of Mr. Birney, indefinite leave of absence was granted to Mr. Clark.

REPORTS.

By Mr. Clunie:

MR SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No. 439—An Act to provide for the payment of certain outstanding bonds of the State of California—having considered the same, herewith report the bill back, with the recommendation that it do not pass.

Also, Assembly Bill No. 630—An Act to provide for the payment of certain outstanding bonds of the State of California—report it back with the recommendation that it do not pass

Also, Assembly Bill No. 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys—report it back, with the recommendation that it be referred to the Sacramento delegation.

CLUNIE, for Committee.

Senate Bill No. 325, above reported, was referred to the Committee on Ways and Means.

By Mr. Giffen:

MR. SPEAKER. Your Committee on State Prison, having considered Assembly Bill No. 358—An Act to regulate and govern the California State Prison, and to establish a State Penal Re-

formatory—beg leave to report the same back with amendments, and recommend its passage as amended.

GIFFEN, Chairman.

Assembly Bill No. 358, above reported, was made the special order for Tuesday, March twenty-first, at one o'clock and thirty minutes P. M.

By Mr. Coffey.

Mr. Speaker: The San Francisco delegation, to whom was referred substitute for Senate Bill No. 394—An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine in the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy—report the same back and recommend its passage; also, that the rules be suspended and that it be placed on its passage.

Also, Assembly Bill No. 635—An Act to provide for the furnishing of all books and stationery, of whatever description, free of charge, to the public school children of the City and County of San Francisco—report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 127—An Act for the relief of Frederick Victor—report the same back with amendments, and a majority recommend its indefinite postponement.

COFFEY, Chairman.

Substitute for Senate Bill No. 394, above reported, adopted, read third time, and passed.

Assembly Bill No. 127, above reported, author had leave to withdraw.

By Mr. Gelwicks.

Mr. Speaker: The Committee on State Hospitals, to whom was referred Senate Bill No. 440—An Act to appropriate the sum of five thousand dollars for the improvement of the roads and sidewalks around the Stockton Insane Asylum—have had the same under consideration, report it back, and recommend its passage.

Also, Senate Bill No. 506—An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relative to the Insane Asylum at Stockton—have had the same under consideration, report it back, and recommend its passage.

BRICELAND,
JENKINS,
GRISWOLD,
CLARK,
GELWICKS,
Committee

By Mr. Chapman:

Mr. Speaker: Your Committee on Swamp and Overflowed Lands have had under consideration Assembly Bill No. 351—An Act to provide for a levee on the Mokelumne River, and to provide a revenue therefor—and report the same back, and recommend that the author have leave to withdraw it.

Also, Assembly Bill No. 607—An Act to provide for the protection from overflow of certain lands in the County of Colusa—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers—and recommend its passage.

Also, Senate Bill No. 287—An Act to authorize the Controller and Treasurer of State to transfer certain funds—and recommend its passage.

CHAPMAN, Chairman.

Assembly Bill No. 351, above reported, withdrawn by author.

Assembly Bill No. 607, above reported, withdrawn by author.

The following bills were withdrawn by the authors, the House granting leave for that purpose: By Mr. Archer, Assembly Bill No. 547; by Mr. Abbott, Assembly Bill No. 597; by Mr. Biggs, Assembly Bill No. 445.

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 16th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 143—An Act to regulate contracts on behalf of the State in relation to elections and buildings.

And, yesterday, passed Assembly Bill No. 615—An Act to authorize the appropriation of five thousand dollars from the General Fund of the City and County of San Francisco, for the maintenance and support of the fire-alarm and police telegraph of said city and county.

Also, Assembly Bill No. 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters.

And, on March tenth, passed Senate Bill No. 432—An Act to amend the Civil Code by adding a new section thereto, to be numbered three hundred and twenty-one, and to repeal section five hundred and eighty-four of the same Code, concerning corporations.

And, on March eleventh, passed Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco.

Also, Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 16th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the tenth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 538—An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento.

And, on this day, passed and ordered transmitted without engrossment, Senate Bill No. 548—An Act to provide for the opening of streets in the City of Oakland.

Also, Senate Bill No. 567—An Act to authorize the County Clerk of Alameda County to employ two additional deputies.

Also, Senate Bill No. 570—An Act to provide for opening streets in the Town of Alameda.

Also, Senate Bill No. 571—An Act to amend the Political Code of the State of California.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 538, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bills Nos. 548 and 570, above reported, each read first and second times and referred to the Alameda delegation.

Senate Bill No. 567, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 571, above reported, read first and second times, rules suspended, amended, read third time, and passed.

Senate Bill No 143, above reported, read first and second times and referred to the Committee on Public Buildings and Grounds.

Senate Bill No. 432, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bills Nos. 384 and 385, above reported, each read first and second times and referred to the San Francisco delegation.

## REPORTS

By Mr. Covington:

MR. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Also, Assembly Bill No. 530—An Act to encourage the destruction of certain wild animals.

Also, Assembly Bill No. 625—An Act to provide for the improvement of the public roads in Inyo County.

Also, Assembly Bill No. 361—An Act to amend the Political Code of the State of California,

and to protect the health and regulate hours of labor of street-car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code

Also, Assembly Bill No. 507—An Act to amend sections two hundred and fifty-eight and two hundred and fifty-nine of the Code of Civil Procedure, concerning Court Commissioners.

Also, Assembly Bill No. 137—An Act to protect fish in the County of Del Norte.

Also, Assembly Bill No. 459—An Act to fix the compensation of the Board of Supervisors of San Bernardino County.

Also, Assembly Bill No. 537—An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego.

Also, Assembly Bill No. 473—An Act supplementary to and amendatory of an Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.

Also, Assembly Bills Nos. 157 and 158—Acts to prevent wanton destruction of fish, and to provide penalties therefor.

Also, Assembly Bill No. 527—An Act to authorize the Board of Supervisors of the County of Inyo to sell the several county bridges across Owen's River, and to authorize said bridges to be established as toll bridges

Also, Assembly Bill No. 531—An Act to amend section three hundred and seventy-four of the Penal Code.

Also, Assembly Bill No. 432—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine.

Also, Assembly Bill No. 570—An Act to legalize and make valid the transcribed records of San Benito County.

COVINGTON, for Committee.

## By Mr. Patterson of Sacramento.

Mr. Speaker The Sacramento delegation, to whom was referred Assembly Bill No. 581—An Act to require the City Assessor and City Tax Collector of the City of Sacramento to perform certain duties in collecting the revenue of said city, report it back, and recommend its passage.

PATTERSON,
BIGGS

## By Mr. Gelwicks:

Mr Speaker The Alameda delegation, to whom was referred Assembly Bill No. 666—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation.

## Assembly Bill No. 666, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

## By Mr. Biggs:

Mr. Speaker. The Sacramento delegation, to whom was referred Senate Bill No. 461—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert—report the same back, and recommend its passage.

BIGGS.
PATTERSON.

## Senate Bill No. 461, above reported, rules suspended, read third time, and passed.

## By Mr. Blue:

Mr. Speaker Your committee, to whom was referred Assembly Bill No. 655—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code—respectfully report the same back, and recommend its passage

BLUE, for Committee.

## By Mr. Watkins

Mr Speaker The Yolo delegation, to whom was referred Assembly Bill No. 653—An Act to prevent hogs and goats running at large in the Town of Washington, Yolo County—have had the same under consideration, beg leave to report it back, and recommend its passage.

WATKINS, for Delegation.

Assembly Bill No. 653, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

GOVERNOR'S MESSAGES.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 14th, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma.

Also, Assembly Bill No. 373—An Act to provide for the payment of a claim against the City of Santa Cruz.

Also, Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to Carson Creek School District, in the County of El Dorado.

Also, Assembly Bill No. 573—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and the amendments thereto, and to incorporate the City of Santa Rosa.

Also, Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds for the construction thereof, and to provide for the payment of the same.

Also, Assembly Bill No. 428—An Act to authorize the Board of Supervisors and County Treasurer of the County of Stanislaus to transfer certain funds.

Also, Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Also, Assembly Bill No. 273—An Act to protect the public roads in Santa Clara County.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 16th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 220—An Act concerning certain reclamation districts in San Joaquin County.

Also, Assembly Bill No. 302—An Act to ratify and confirm Ordinance Number Forty-seven, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city on the twentieth day of January, eighteen hundred and seventy-six, and Ordinance Number Forty-eight, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city on the twenty-seventh day of January, eighteen hundred and seventy-six.

Also, Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County.

Also, Assembly Bill No. 355—An Act authorizing the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

Also, Assembly Bill No. 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County.

WILLIAM IRWIN, Governor.

REMONSTRANCE.

By Mr. Scrivner—From citizens of Monterey County, against the passage of a bill granting power to the Board of Supervisors of said county to issue bonds for the purpose of building a bridge across the Salinas River.

Referred to the Committee on Roads and Highways.

MOTION AND RESOLUTION.

On motion of Mr. Preston, the House took up Assembly Bill No. 636—An Act to provide funds for road purposes in the County of San Luis Obispo.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Ostrom:

WHEREAS, The session of this Legislature is drawing rapidly to a close, and business accumulating in committee and on the file; therefore, be it

*Resolved*, That on and after the adoption of this resolution the regular hour of meeting of this Assembly shall be ten o'clock A. M. each day.

RECESS.

Pending the consideration of the above resolution the hour of twelve o'clock and thirty minutes P. M arrived, and the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Harris offered a substitute for Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State.

The substitute was ordered printed and, together with the bill, was made the special order for to-morrow, at eleven o'clock and thirty minutes A. M.

Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years; and substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—were made the special order for the same hour.

GENERAL FILE.

Assembly Bill No. 657—An Act to incorporate the Town of Colusa.

Amended, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries of school districts.

Read third time and passed.

[Mr. Harding in the chair.]

Assembly Bill No. 608—An Act concerning certain taxes in Placer County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property in the County of Contra Costa

Rules suspended, considered engrossed, read third time, and passed.

Upon motion of Mr. Kennedy, Assembly Bill No. 668 was ordered printed.

Upon motion of Mr. Maguire, Senate Bill No. 294 was referred to the Committee on Education.

INTRODUCTION OF BILLS.

By Mr. Murphy of San Francisco—An Act for the relief of the California Furniture Manufacturing Company, of San Francisco, California.

Read first and second times and referred to the State Prison Committee.

By Mr. Clunie—An Act to revise the charter of the City of Sacramento.

Read first and second times and ordered on file.

By Mr. Rankin—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code.

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

By Mr. Pullen—An Act to provide for the construction and maintenance of public gas-works in the City and County of San Francisco.

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

By Mr. Ferral—An Act to establish and define the powers and duties of the Board of Education of Court-house School District, in the County of Sonoma, and State of California.

Read first and second times and referred to the Sonoma delegation.

SPECIAL ORDER.

The Speaker announced as the special order for this hour Assembly Bill No. 387—An Act to regulate the practice of medicine in the State of California.

Made the special order for Monday, March twenty-first, at one o'clock and thirty minutes P. M.

The resolution offered this morning by Mr. Ostrom, relative to changing the hour of meeting of the Assembly from eleven o'clock A. M. to ten o'clock A. M., was taken up and adopted.

Upon motion of Mr. Carson, the minority report of the San Francisco delegation, relative to Assembly Bill No. 115, was ordered printed.

FURTHER INTRODUCTION OF BILLS.

By Mr Carson—An Act to provide for the payment of certain claims of Frederick Victor.

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

By Mr. Patterson of Sacramento—An Act entitled an Act to amend an Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other judicial officers, approved April first, A. D. eighteen hundred and sixty-four.

Read first and second times and referred to the Sacramento delegation.

By Mr. Hayne—An Act concerning the terms of the County Court of the County of Ventura.

Read first and second times and referred to the Santa Barbara and Ventura delegations.

By Mr. Ferral—An Act to amend section two hundred and one of the Civil Code.

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

By Mr. Abbott—An Act to transfer money from one fund to another in the County of Monterey.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands

By Mr. Harding—Assembly concurrent resolution relative to the preemption laws now in force in this State.

Read first and second times and referred to the Committee on Public Lands.

RESOLUTIONS.

By Mr. Maguire:

*Resolved*, That the Engrossing Clerk of the Assembly be authorized to add the words, "should the decision of the County Judge be adverse to the party or parties contesting," after the word "proceedings," in the ninth line of section seven of Assembly Bill No. 489—An Act to provide for a recount of votes cast at the last general election in the City and County of San Francisco.

Adopted.

By Mr. Maguire:

*Resolved*, That Francis A. Pullen be and he is hereby allowed the sum of ninety-seven dollars for expenses incurred in contesting the election of H. C. Squire, and the State Controller is authorized and directed to draw his warrant on the Contingent Fund of the Assembly, in favor of Francis A. Pullen, for the sum of ninety-seven dollars, and the State Treasurer is directed to pay the same.

Referred, with the papers in the contested election case, to the Committee on Elections.

REPORTS.

By Mr. Coffey:

SACRAMENTO, March 16th, 1876.

MR SPEAKER The Committee on Enrollment have examined Assembly Concurrent Resolution No. 37—Relative to the payment of Fabian Kunhardt, for the translation of the inaugural address of Governor Irwin

Also, Assembly Bill No. 105—An Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them.

Also, Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature.

Also, Assembly Bill No. 276—An Act to provide for the payment of the claim of John Breuner.

Also, Assembly Bill No. 396—An Act in relation to highways in the County of Solano.

Also, Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County

Also, Assembly Bill No. 455—An Act to fix the rate of compensation of officers of the County of Amador.

Also, Assembly Bill No. 460—An Act to amend an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four

Also, Assembly Bill No. 593—An Act to repeal all special road laws now in force, and relating to the County of Del Norte

Also, Assembly Concurrent Resolution No 32—Relative to instructing our Senators and Representatives to take measures to secure the release of one Edward O'Meagher Condon, an American citizen, from unjust imprisonment

Also, Assembly Bill No 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County

Also, Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County.

Also, Assembly Bill No. 231—An Act to protect agriculture and to prevent the trespassing of animals on private property in the County of San Bernardino.

Also, Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes

And report the same correctly enrolled, and that at two o'clock and forty minutes P. M. the same were presented to the Governor for his approval.

COFFEY, Chairman.

By Mr. Covington:

Mr SPEAKER Your Committee on Engrossment having examined the engrossment of Assembly Bill No. 666, would report the same correctly engrossed.

COVINGTON, for Committee.

GENERAL FILE RESUMED.

Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras.

Read third time and passed.

Assembly Bill No. 494—An Act to provide for the ascertainment and settlement of the claim of Robert E. Beasley (if any he has), for services performed in the construction and improvement of the levee to reclaim Swamp Land District Number Fifty-four, in Sacramento County.

Recommitted to the Sacramento delegation.

Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Amended, read third time, and passed.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 16th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the tenth day of March eighteen hundred and seventy-six, passed Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals.

And, on the thirteenth day of March, passed Senate Bill No 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

Also, Senate Bill No. 270—An Act to add a new section to the Penal Code, to be designated as section two hundred and fifty-eight

Also, Senate Bill No. 276—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 16th, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on the eleventh day of March, eighteen hundred and seventy-six, passed Senate Bill No. 555—An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

Also Senate Bill No. 541—An Act to amend an Act entitled an Act to separate the office of County Recorder and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Also, Senate Bill No 495—An Act relating to acknowledgments of deeds and other instruments in writing affecting real estate, taken before consular agents of the United States prior to July first, eighteen hundred and seventy-four.

Also, Senate Bill No 455—An Act to prevent hogs and goats running at large on certain lands in this State.

Also, Senate Bill No. 473—An Act to widen English Street, in the City of Petaluma, and to take private property therefor

And, on this day, passed Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, concurred in Assembly amendments to Senate Bill No. 571

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 473, above reported, read first and second times and referred to the Sonoma delegation.

Senate Bill No. 455, above reported, read first and second times and referred to the Committee on Agriculture.

Senate Bills Nos. 495, 476, 373, 276, and 270, above reported, each read first and second times and referred to the Judiciary Committee.

Senate Bill No. 541, above reported, read first and second times and referred to the delegations from Fresno, Kern, and Tulare.

Senate Bill No. 555, above reported, read first and second times and referred to the Santa Clara delegation.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Mr. Biggs, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 17th, 1876

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Messrs. Pullen and McInerny were granted leave of absence for one day, and indefinite leave of absence was granted to Mr. Sullivan.

REPORT.

By Mr. Scrivner:

MR. SPEAKER: The Stanislaus delegation, to whom was referred Senate substitute for Senate Bill No. 533—An Act conferring certain powers upon the Board of Supervisors of Stanislaus County, in employing special counsel in certain cases—has had the same under consideration, and hereby report the same back, recommending its passage.

SCRIVNER, for Delegation.

Rules suspended, and Senate Bill No. 533, above reported, read third time, and passed.

By Mr. Covington:

MR SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 662—An Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a school-house, approved March twentieth, eighteen hundred and seventy-four.

Also, Assembly Bill No 545—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered two hundred and thirty-three, and to follow section two hundred and thirty-two of said Code, relating to juries.

Also, Assembly Bill No. 505—An Act to amend section nine hundred and eighty of the Code of Civil Procedure, concerning appeals to County Courts.

Also, Assembly Bill No 642—An Act to provide for the government of the public schools of the City of Sacramento.

Also, Assembly Bill No. 621—An Act to authorize the Mayor and Common Council of Salina City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same

COVINGTON for Committee.

On motion of Mr. Covington, the action of the Engrossing Clerk in inserting an enacting clause in Assembly Bill No. 642, was ratified by the House.

By Mr. McConnell:

Mr SPEAKER: Your Judiciary Committee (present—McConnell and Chapman) having considered Senate Bill No. 99—An Act granting relief to tax-payers whose lands have been sold to the State—report the same back, and recommend its passage.

McCONNELL, Chairman

By Mr. Berry:

Mr. SPEAKER Your Committee on Ways and Means, to whom was referred Senate Bill No. 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain money—report the same back, and recommend its reference to the Sacramento delegation. It being a purely local bill we want the Sacramento delegation to assume the responsibility of passing upon the merits of their local matters.

Also, Assembly Bill No. 637—An Act to provide for the Boys' and Girls' Aid Society, San Francisco—and recommend that it do not pass

Also, Assembly Bill No 652—An Act making appropriations for benevolent purposes—with amendments, and recommend that it pass as amended.

BERRY, Chairman.

Senate Bill No 325, above reported, was referred to the Sacramento delegation.

By Mr. Hinshaw:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts ask to report that they have examined the bill of Patrick Levy and John Sheeren, for cleaning the chandelier globes of the Assembly Chamber Their charge is forty dollars, which the committee recommend be reduced to thirty dollars, and ask that the account, so changed, be allowed by the House.

We ask the adoption of the following resolution

*Resolved* That the Controller of State be and he is hereby instructed to draw his warrant in favor of Patrick Levy and John Sheeren for the sum of thirty dollars, and the State Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly

HINSHAW, Chairman.

The resolution was adopted.

By Mr. Lambourn:

Mr SPEAKER The Los Angeles delegation, to whom was referred Assembly Bill No 647—An Act to fix the compensation of the Assessor of Los Angeles County for the collection of the tax on personal property—have considered the same, and beg leave to report it back, with the recommendation that it pass.

LAMBOURN,
McCONNELL.

Assembly Bill No. 647, above reported, read third time and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Hayne:

Mr. SPEAKER The special committee of delegation from Ventura County, to whom was referred Assembly Bill No 681—An Act concerning the terms of the County Court of the County of Ventura—respectfully report the same back, and recommend its passage

HAYNE, for Delegation.

Rules suspended, and Assembly Bill No. 681, above reported, read third time and passed

By Mr. Bagge:

Mr SPEAKER The Alameda delegation, to whom was referred Assembly Bill No. 661—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda—have had the same under consideration, report it back, and recommend its passage.

Also, Assembly Bill No 669—An Act to amend section three thousand seven hundred and sixty-four of the Political Code—have had the same under consideration, report it back, and recommend its passage.

BAGGE, for Delegation.

Rules suspended, and Assembly Bill No. 661 and Assembly Bill No. 669, above reported, read third time and passed.

By Mr. Jones:

Mr. Speaker The Santa Clara delegation, to whom was referred Senate Bill No. 555—An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six—have had the same under consideration, and would report the same back, and recommend its passage.

JONES, for Delegation.

Rules suspended, and Senate Bill No. 555, above reported, read third time and passed.

By Mr. Patterson of Tulare:

Mr Speaker Your committee, to whom was referred Senate Bill No 541—An Act to amend an Act entitled an Act to separate the office of County Recorder and to regulate official salaries in the Counties of Fresno, Tulare, and Kern approved March eighth, eighteen hundred and seventy-six—report the same back, and recommend that it pass

Also, recommend concurrence in Senate amendments to Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare.

PATTERSON, for Delegation.

Rules suspended, and Senate Bill No. 541 and Assembly Bill No. 221, above reported, read third time and passed

By Mr. Gelwicks:

Mr. Speaker The Alameda delegation, to whom was referred Senate Bill No. 517—An Act to prevent the catching of fish by seines nets, or weirs, in the San Antonio Creek, in the County of Alameda—have had the same under consideration, report it back, and recommend its passage

GELWICKS, for Delegation.

Rules suspended, and Senate Bill No. 517, above reported, read third time and passed.

By Mr Patterson of Sacramento

Mr Speaker The Sacramento delegation, to whom was referred Senate Bill No 462—An Act in regard to the payment of coupons in Sacramento City bonds funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four—report the same back, and recommend that it do not pass.

CLUNIE.
PATTERSON.

By Mr. Gelwicks:

Mr Speaker The Alameda delegation, to whom was referred Assembly Bill No. 442—An Act to limit the powers of the Board of Supervisors of Alameda County, with reference to contracting debts and levying taxes for county purposes—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation

Rules suspended, and Assembly Bill No. 442, above reported, read third time and passed.

By Mr. Reddick:

Mr. Speaker Your Committee on Corporations, to whom was referred Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County—have had the same under consideration, and herewith report the bill back, and a majority of the committee recommend its passage.

REDDICK, for Committee.

By Mr. Nott:

Mr. Speaker: The El Dorado delegation, to whom was referred Senate Bill No. 516—An Act to protect agriculture in the County of El Dorado—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

S. A. NOTT,
G. J. CARPENTER.

Rules suspended, and Senate Bill No. 516, above reported, read third time and passed.

By Mr. Archer:

Mr. Speaker: Your Committee on Corporations, to whom was referred Senate Bill No. 432—An Act to amend the Civil Code by adding a new section thereto, to be numbered three hundred and twenty-one, and to repeal section five hundred and eighty-four of same Code, concerning corporations—have had the same under consideration, and herewith report the bill back, and recommend its passage.

ARCHER, Chairman.

By Mr. Swan:

Mr. Speaker: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 36—Relative to the United States Marine Hospital in San Francisco—have had the same under consideration, report it back, and recommend its passage.

SWAN, Chairman.

SENATE MESSAGE.

Senate Chamber,
Sacramento, March 17th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the fourteenth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 486—An Act to aid in the construction of a levee and ditch to protect the grounds of the Insane Asylum at Stockton from overflow and inundation.

And, on yesterday, passed Senate Bill No. 561—An Act to extend the time for selling property for delinquent taxes in the County of Alpine.

Also, Assembly Bill No. 663—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment rendered against said county in the Sixth Judicial District in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Also, Assembly Bill No. 571—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two.

Also, Assembly Bill No. 588—An Act to legalize the taxes in Winship School District, Sutter County.

Also, Assembly Bill No. 532—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure.

Also, that the Senate refused to recede from its amendment to Assembly Bill No. 79, and the President appointed, as a Committee of Conference on the part of the Senate, Messrs. O'Connor, Donovan, and Angney.

Also, that the President appointed, as a Committee of Conference on Senate Bill No. 275, Messrs. Beazell, McGarvey, and Evans.

Also, passed Assembly Bill No. 513—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 486, above reported, read first and second times and referred to the Hospital Committee.

Senate Bill No. 561, above reported, read first and second times and referred to the Alpine delegation.

The Santa Cruz delegation was granted fifteen days' further time to report on Senate Bill No. 317.

INTRODUCTION OF BILLS.

By Mr. McConnell—An Act to establish a system of irrigation in the County of Los Angeles.

Read first and second times, rules suspended, bill considered engrossed, read third time, and passed.

By Mr Ferral—An Act to add a new section to the Code of Civil Procedure, to follow section one thousand and fifty-nine, and to be known as section one thousand and sixty.

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

By Mr. Chapman—An Act to authorize Quincy School District to issue bonds for building purposes

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

By Mr. McKenna—An Act to amend section six hundred and thirty-two of the Penal Code.

Read first and second times and referred to the Napa and Solano delegations.

By Mr. Watkins—An Act to amend section two thousand eight hundred and fifty-three of the Political Code.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. McMann (by request)—An Act to appoint a State Gauger of Wines and Spirituous Liquors, by the Governor of the State of California, for said State

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

By Mr. Jones—An Act concerning the office of the District Attorney of Santa Clara County.

Read first and second times, rules suspended, bill considered engrossed, read third time, passed, and ordered to be transmitted to the Senate without engrossment.

REPORT.

By Mr. Cornwell:

Mr. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 143—An Act to regulate contracts on behalf of the State, in relation to erections and buildings—have had the same under consideration, and report it back with amendments, with a recommendation that it do pass as amended

CORNWELL, Chairman.

Senate Bill No. 143, above reported, was taken up for consideration, amendments reported by the Committee on Public Buildings and Grounds adopted, bill read third time, and passed.

GENERAL FILE.

Substitute for Assembly Bills Nos. 157 and 158—An Act to prevent wanton destruction of fish, and provide penalties therefor.

Read third time and passed

Assembly Bill No. 432—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine.

Read third time and passed.

Mr. McConnell gave notice of a motion to reconsider the vote by which Assembly Bill No. 432 passed the House this day.

Assembly Bill No. 531—An Act to amend section three hundred and seventy-four of the Penal Code.

Read third time and passed.

Assembly Bill No 527—An Act to authorize the Board of Supervisors of the County of Inyo to sell the several county bridges across Owen's River, and to authorize said bridges to be established as toll bridges.

Read third time and passed.

Assembly Bill No. 473—An Act supplementary to an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain offices, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy

Read third time and passed.

Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.

Read third time and passed.

Assembly Bill No 137—An Act to protect fish in the County of Del Norte.

Read third time and passed.

Assembly Bill No. 240—An Act to appropriate money for the relief of General John A. Sutter.

Mr. Hart moved to indefinitely postpone. Upon which the ayes and noes were demanded by Messrs. McMann, Maguire, and Sargent.

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs Archer, Abbott, Barber, Biggs, Blackwell, Buceland, Burbank, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Crutcher Dixon, Garretson, Hart, Hayne, Hinshaw, Jenkins, Jones, Kennedy, Lambourn, McConnell, Nott, Osborn, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Rankin, Reddick, Rice, Ruggles, Sargent, Samuels, Scrivner, Suverkrup, Watkins, Wetherill, Wood, and Young—44.

NOES—Messrs Bagge, Birney, Bradley, Carter, Carson, Dunlap, Ferral, Gelwicks, Giffen, Griswold Jourden Koutz, Lammers, Maguire, McMann, McKenna, Murphy of San Francisco, Raisch, Swan, Wilcox, and Mr. Speaker—21.

SENATE MESSAGE.

SENATE CHAMBER
SACRAMENTO March 17th, 1876

Mr. SPEAKER I am directed to inform your honorable body that the Senate on this day, passed, and ordered transmitted without engrossment, Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.

Also, Senate Bill No 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bills Nos. 568 and 430, above reported, were severally read first and second times and referred to the San Francisco delegation.

REPORT.

By Mr Coffey:

Mr SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations—report the same back with an amendment, and recommend its passage as amended—thirteen members voting for passage, two against, and five absent.

Also, Assembly Bill No. 668—An Act in relation to certain street improvements in the City and County of San Francisco—report the same back with an amendment, and recommend its passage as amended—fourteen members voting for passage, three against, and three absent.

Also, Assembly Bill No. 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto—report the same back with amendments, and recommend its passage as amended—eleven members voting for passage, six against, and three absent.

Also, Assembly Bill No. 41—An Act to further define the duties of the Tax Collector of the City and County of San Francisco—report the same back with a substitute, and a majority recommend the passage of the substitute.

Also, Senate Bill No. 44—An Act for the relief of J. J. Coulin—report the same back, with the recommendation that it do pass—eleven members voting in the affirmative, four in the negative, and five absent.

Also, Assembly Bill No. 86—An Act to complete the City Hall in the City of San Francisco—report the same back with a substitute, and a majority recommend the passage of the substitute—eleven members voting for the substitute, seven against, and two absent.

COFFEY, *Chairman*.

RESOLUTION.

By Mr. McMann.

WHEREAS, A majority of this House has discovered that General John A. Sutter is unworthy to be a recipient of State bounty; therefore, be it

*Resolved*, That the portrait of General John A. Sutter be taken down from its present position, and stowed away in the lumber-rooms of the Capitol building.

Indefinitely postponed.

GENERAL FILE RESUMED.

Assembly Bill No. 412—An Act to amend section ninety-two of the Civil Code.

Passed on file.

Assembly Bill No. 397—An Act concerning corporations.

Passed on file.

Senate Bill No. 405—An Act to add another section to the Civil Code.

Read third time and passed.

Assembly Bill No. 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes, in the Counties of Fresno, Tulare, and Kern.

Rules suspended, bill considered engrossed, read third time, and passed.

Assembly Bill No. 411—An Act for the relief of purchasers at probate sales.

Engrossment refused.

Assembly Bill No. 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Ordered engrossed.

Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 481—An Act to amend section six hundred and thirty of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 267—An Act to confer certain powers on the State Board of Health, and to repeal section three thousand and

eighty, Chapter III, Title VII, of the Political Code, relating to registry of births, marriages, and deaths.

Passed on file

Assembly Bill No. 533—An Act for the incorporation of societies for the prevention of cruelty to children.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 587—An Act to authorize the Board of Supervisors of Lake County to levy a special tax.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 377—An Act authorizing the Treasurer of Butte County to transfer certain funds

Read third time and passed.

Senate Bill No. 378—An Act to call in and pay registered warrants of Butte County.

Read third time and passed.

Assembly Bill No. 258—An Act to grant to H. S. Gates the right to construct and operate a railroad in the City and County of San Francisco.

Amended.

Pending the further consideration of the bill, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

[Mr. Clarken in the chair.]

House resumed consideration of Assembly Bill No. 258, pending at time of recess.

The bill was further amended, and the previous question moved by Messrs. Young, Kennedy, and Jones, and so ordered by the House.

[Speaker in the chair.]

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Broderick, Clarken, and Kennedy

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Bagge, Barber, Berry, Blackwell, Blue, Brueland, Broderick, Burbank, Clarken, Coffey, Collins, Cornwell, Covington, Crutcher, Dixon, Garretson, Gelwicks, Hinshaw, Jones, Kennedy, Koutz, Lammers, McCarthy, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Preston, Quigley, Rankin, Raisch, Rice, Sargent, and Mr. Speaker—34.

NOES—Messrs. Carter, Carson, Dunlap, Ferral, Harding, Hayne, Jourden, Maguire, McMann, Murphy of San Francisco, Reddick, Roberts, Ruggles, Samuels, Suverkrup, Swan, Wetherill, and Young—18.

SPECIAL ORDER

The Speaker announced as the special order for this hour, Assembly Bill No. 208—An Act to abolish the State Board of Health, by repealing certain sections of the Political Code.

Mr. Gelwicks moved to indefinitely postpone. Upon which the ayes and noes were demanded by Messrs Sargent, Maguire, and Berry.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Birney, Blackwell, Blue, Brueland, Broderick, Burbank, Carson, Clunie, Crutcher, Dixon, Garretson, Gelwicks, Griswold, Harding, Hayne Jones, Jourden, Koutz, Lambourn, Maguire, McConnell, McKenna Patterson of San Joaquin, Preston, Raisch, Reddick, Ruggles Sargent, Suverkrup, Swan, Wetherill, Wood, Young, and Mr. Speaker—34

NOES—Messrs. Abbott, Bagge, Barber, Berry, Bradley, Clarken, Coffey, Collins, Cornwell Covington, Dunlap, Ferral, Hinshaw Kennedy, Murphy of San Francisco, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rankin, Rice, Roberts, Samuels, and Watkins—25.

REPORTS.

By Mr. Covington—Of the number of folios copied in the Engrossing Clerk's office by the extra clerical force, and also the accompanying resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant in favor of the following persons, for the sums set opposite to their names

| | |
|---|---|
| A. G. Shirley | $23 55 |
| D. Corcoran | 18 90 |
| D. P. Fenton | 25 50 |
| N Moritz | 12 60 |
| R. Anderson | 4 05 |

To be paid out of the appropriation for the contingent expenses of the Assembly.

Adopted.

By Mr Patterson of Sacramento.

MR SPEAKER The Sacramento delegation, to whom was referred Senate Bill No. 325, beg leave to report the bill back, and recommend its passage.

PATTERSON, for Delegation.

By Mr. Ferral:

MR SPEAKER *The Sonoma delegation, to whom was referred Assembly Bill No. 676*—An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa, in the County of Sonoma, State of California—have had the same under consideration, report it back and recommend its passage.

FERRAL, for Delegation.

Assembly Bill No 676, above reported, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Quigley

SACRAMENTO, *March 17th, 1876.*

MR. SPEAKER The Committee on Enrollment have examined Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo.

Also, Assembly Concurrent Resolution No 3—Relative to construction of breakwater and light-house at the Port of Mendocino

Also, Assembly Bill No 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes.

Also, Assembly Bill No. 509—An Act fixing the number of Supervisors of Humboldt County.

Also, Assembly Bill No. 638—An Act to establish pounds in the County of San Mateo.

Also, Assembly Bill No 410—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four

Also, Assembly Bill No 320—An Act to provide for the distribution of school moneys in certain counties.

Also, Assembly Bill No. 440—An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Alameda, and an Act amendatory of said Act, approved March seventh, eighteen hundred and seventy-two, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 536—An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego

Also, Assembly Bill No 525—An Act to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter.

Also, Assembly Bill No 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters

Also, Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth eighteen hundred and seventy-six.

Also, Assembly Bill No 615—*An Act to authorize the appropriation of five thousand dollars* from the General Fund of the City and County of San Francisco for the maintenance and support of the fire-alarm and police telegraph of said city and county

Also, Assembly Bill No 535—An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads in the County of Mendocino, California

And report the same correctly enrolled; and that at eleven o'clock and twenty minutes A. M. the same were presented to the Governor for his approval.

QUIGLEY, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No 330—An Act to create the Twenty-second Judicial District, and define the Sixth and Seventh Judicial Districts.

Referred to the Judiciary Committee

Assembly Bill No 222—An Act in relation to the Fourth and Seventh Judicial Districts, and fixing the terms of said Courts.

Referred to the Judiciary Committee.

[Mr Young in the chair.]

SPECIAL ORDER.

Assembly Bill No. 300—An Act establishing a commission relative to hydraulic mining, and the damage resulting therefrom; and Assembly Concurrent Resolution No. 17—Relative to hydraulic mining—made the special order for March twenty-first, at eleven o'clock and thirty minutes A. M.

Assembly Bill No. 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers;

Assembly Bill No 204—An Act to regulate the practice of medicine in the State of California:

Assembly Bill No. 389—An Act to regulate the practice of medicine and surgery in the State of California.

Assembly Bill No. 72—An Act to prevent the practice of medicine by unqualified persons, and

Assembly Bill No. 14—An Act to prevent the practice of medicine and surgery by unqualified persons.

Were severally passed on file.

Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and other purposes:

Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code of the State of California, relating to wharves:

Senate Concurrent Resolution No. 29—Asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County; and

Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code;

Were severally read a third time and passed.

PETITION.

By Mr. Carpenter—From citizens of San Diego and San Bernardino.

Referred to the Committee on Ways and Means.

GENERAL FILE RESUMED

Senate Bill No 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento.

Read third time and passed.

Senate Bill No. 490—An Act to amend an Act entitled an Act to establish a State Printing Office, and to create the office of Superintendent of State Printing.

Passed on file.

Assembly Concurrent Resolution No 36—Relative to specie payment.

Substitute adopted and ordered engrossed

Assembly Bill No. 614—An Act entitled an Act to amend section three thousand three hundred and eighty of the Political Code of the State of California.

Rules suspended, bill considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No 356—An Act to amend section one thousand two hundred and sixty-one of the Civil Code.

Rules suspended, bill considered engrossed, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows·

By Mr. Roberts—An Act to apportion the expenses incurred in the trial and execution of Tiburcio Vasquez between the Counties of Monterey and San Benito.

Read first and second times and referred to the Monterey and San Benito delegations.

By Mr. Patterson of Kern—An Act to provide for the construction of a wagon road in Tulare County, from Tulare Valley to Beulah, Mineral King Mining District

Read first and second times and referred to the Tulare delegation.

By Mr. Blue—An Act regulating fees and mileage in the criminal cases in the County of Nevada.

Read first and second times, rules suspended, bill considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

GENERAL FILE RESUMED.

Assembly Bill No. 191—An Act for the relief of William Ford, of Mendocino County.

Rules suspended, bill considered engrossed, read third time, and passed.

Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Penal Code.

The bill was read a third time

Upon the passage of the bill the ayes and noes were demanded by Messrs. Berry, Ostrom, and Carson.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Abbott, Bagge, Barber, Broderick, Carson, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Garretson, Gelwicks, Harding, Hinshaw, Jourden, Lambourn, Maguire, McCarthy, Nott Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Sargent, Suverkrup, Wetherill, and Young—36.

NOES—Messrs. Archer, Berry, Birney, Blackwell, Blue Burbank, Carter, Clarken, Giffen, Griswold, Hart, Hayne, Jones, Kennedy, Koutz, McKenna, Murphy of San Francisco, Patterson of San Joaquin, Samuels, Scrivner, Swan, Watkins, Wood, and Mr. Speaker—24.

Mr Archer had leave to introduce the following bill: An Act to

amend section one thousand six hundred and sixty-five of the Code of Civil Procedure.

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

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Mr. Koutz, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 18th, 1876

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Biggs, and also one day to Messrs. Jenkins and Patterson of Sacramento.

REMONSTRANCE.

By Mr. Garretson—From citizens of this State, remonstrating against the passage of a law to regulate the practice of medicine in this State

Referred to the Special Committee on Medicine.

REPORTS.

By Mr. Carter:

MR SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 604—An Act requiring saloon keepers and retail liquor dealers to give bonds to preserve order at their places of business—have had the same under consideration, and respectfully report the same back, without recommendation

CARTER Chairman.

Also:

MR SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 659—An Act to amend section three hundred and thirty of the Penal Code—have had the same under consideration, and report it back without recommendation.

CARTER, Chairman.

By Mr. Blackwell:

MR. SPEAKER: The Committee on Public Lands, to whom was referred Assembly Bill No. 670—An Act authorizing the re-location of certain school land warrants issued by the State of California—have considered the same, and recommend its passage as amended.

BLACKWELL, Chairman.

Assembly Bill No. 670, above reported, rules suspended, amended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Berry:

Mr. SPEAKER. Your Committee on Ways and Means, to whom was referred Senate Bill No. 443—An Act to provide for the government of San Diego County—have considered and amended the same, and a majority of your committee recommend its passage as amended. A majority of your committee report two bills as substitutes for Senate Bill No. 443, and recommend the passage of the substitutes

We have also considered Assembly Bill No 624—An Act for the relief of Lake County—and report the same back, and ask its reference to the Committee on Claims.

BERRY Chairman.

Assembly Bill No. 624, above reported, was referred to the Committee on Claims

Senate Bill No. 443, together with the substitutes above reported, were ordered to head of file for Tuesday.

By Mr. McConnell:

Mr. SPEAKER Your Judiciary Committee (present—McConnell, Archer, Swan, Chapman, Scrivner, McKenna, Carson, and Harding.) have considered and disposed of bills as follows:

Senate Bill No 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code—report the same back, with an amendment, and recommend its passage as amended

Senate Bill No. 334—An Act to repeal Chapter III., Title VII., of the Political Code—report the same back, and recommend that it do not pass

Senate Bill No. 561—An Act to provide for a Probate Court Commissioner in the City and County of San Francisco—report the same back, with an amendment, and recommend its passage as amended.

Assembly Bill No. 534—An Act to amend section six hundred and sixty-nine of and to add a section to the Penal Code—report the same back, with an amendment, and recommend its passage as amended.

Assembly Bill No. 222—An Act in relation to the Fourth and Seventh Judicial Districts, and fixing the terms of Courts therein—and on a motion to recommend its passage, Messrs. Archer and Swan voted aye Messrs. McConnell, McKenna, Scrivner, Chapman, Carson, and Harding voted nay

Assembly Bill No. 330—An Act to create the Twenty-second Judicial District, and define the Sixth and Seventh Judicial Districts—on a motion to recommend its passage, Messrs. Chapman and Scrivner voted aye, Messrs. McConnell, McKenna, Swan, Carson, and Harding voted nay.

Senate Bill No. 289—An Act to create the Twenty-second Judicial District—on a motion to recommend its passage, Messrs McConnell, Chapman, Carson, Harding, and McKenna voted aye; Messrs Scrivner and Swan, nay, Mr. Archer not voting.

Assembly Bill No. 364—An Act to amend sections three thousand seven hundred and fifty, three thousand seven hundred and fifty-one, three thousand seven hundred and fifty-three, and three thousand seven hundred and fifty-four of the Political Code, and to add a new section thereto, to be known as section three thousand eight hundred and eleven, in relation to the collection of property taxes—report the same back, with recommendation that the author be allowed to withdraw it.

Senate Bill No 151—An Act to amend the Code of Civil Procedure—report the same back, and recommend its passage.

Assembly Bill No. 672—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code—report the same back, and recommend its passage

Assembly Bill No. 612—An Act to amend section one thousand one hundred and thirteen of the Political Code—report the same back, with an amendment, and recommend its passage as amended.

Assembly Bill No. 551—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure—report the same back, with a substitute, and recommend the passage of the substitute.

Assembly Bill No. 649—An Act to add a new section to the Code of Civil Procedure, to be known as section eight hundred and eleven—report the same back, and recommend its passage

Assembly Bill No 650—An Act to authorize George K. Porter to sue the State of California—report the same back, and recommend that it do not pass.

Assembly Bill No. 675—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code—report the same back, and recommend its passage

Assembly Bill No. 610—An Act to amend sections five hundred and sixty-six and five hundred and sixty-seven of the Political Code—report the same back, and recommend its passage

McCONNELL, Chairman.

Assembly Bill No. 364, above reported, was, upon motion, returned to the author.

By Mr. Patterson of Kern and Tulare:

Mr. SPEAKER Your committee, to whom was referred Assembly Bill No. 692—An Act to provide for the construction of a wagon road in Tulare County, from Tulare Valley to Beulah, Mineral King Mining District—have had the same under consideration, and report the same back, and recommend its passage

PATTERSON, for Delegation.

By Mr. Murphy of San Francisco—A report from the Committee on Commerce and Navigation, relative to the investigation of the seaworthiness of steam vessels sailing to and from the Port of San Francisco

The reading was dispensed with and the report ordered printed. [See Appendix ]

By Mr. Briceland:

Mr SPEAKER The Committee on Hospitals, to whom was referred Senate Bill No. 486—An Act to aid in the construction of a levee and ditch, to protect the grounds of the Insane Asylum at Stockton from overflow and inundation—have examined the same, and recommend its passage.

BRICELAND, Chairman.

Senate Bill No. 486, above reported, taken up

The House resolved itself into Committee of the Whole for the consideration of the bill, with Mr. Preston in the chair.

On motion of Mr Berry, the committee arose and reported the bill back, with the recommendation that it be indefinitely postponed.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the Committee of the Whole was received, and the question being upon the indefinite postponement of Senate Bill No. 486, above reported, the ayes and noes were demanded by Messrs. Sargent, Lammers, and Garretson.

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs Archer Bagge, Barber, Berry, Birney, Blackwell, Blue, Bradley, Broderick, Chapman, Colley, Collins, Cornwell, Crutcher, Dixon, Dunlap Ferral, Gelwicks, Giffen, Griswold, Hart, Hayne, Hinshaw, Kennedy, Koutz, Lamboun, McConnell, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels Suverkrup, Watkins, Wilcox, Young, and Mr Speaker—43.

NOES—Messrs Abbott, Briceland, Burbank, Clunie, Garretson, Jones, Lammers, Magune, Murphy of San Francisco, Preston, Pullen, Sargent, Swan, and Wetherill—14.

By Mr. Nott:

Mr SPEAKER The Alpine delegation, to whom was referred Senate Bill No. 561—An Act to extend the time for selling property for delinquent taxes in the County of Alpine—has had the same under consideration, and beg leave to report the same back, and recommend its passage

NOTT, for Delegation.

Senate Bill No. 561, above reported, read third time and passed.

By Mr. Gelwicks:

Mr SPEAKER The Alameda delegation, to whom was referred Senate Bill No. 548—An Act to provide for the opening of streets in the City of Oakland—have had the same under consideration, report it back, and recommend its passage.

Also, Senate Bill No. 570—An Act to provide for the opening of streets in the Town of Alameda—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation.

Senate Bill No. 548, above reported, read third time and passed.
Senate Bill No. 570, above reported, read third time and passed.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 17th, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of Legislature.

Also, Assembly Bill No. 231—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Bernardino.

Also, Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte.

Also, Assembly Bill No. 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Also, Assembly Bill No. 396—An Act in relation to highways in the County of Solano.

Also, Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates and certain insane persons in the City and County of San Francisco.

Also, Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

WILLIAM IRWIN, Governor.

[Mr. Maguire in the chair.]

## MOTIONS AND RESOLUTIONS.

By Mr. Quigley:

WHEREAS, In the first line of the title to Assembly Bill No. 663, the word "Act" is omitted; therefore, be it

*Resolved*, That the Enrolling Clerk of the Assembly be and he is hereby authorized to insert said word in the first line of the title to said bill after the word "An."

Adopted.

By Mr. Pullen:

*Resolved*, That the usual number of copies be printed of the testimony taken by the Committee on Commerce and Navigation, regarding the investigation into the condition of steamships sailing to and from the Port of San Francisco.

Lost.

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 17th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this sixteenth day of March, passed Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.

Also, March seventeenth, Senate Bill No. 439—An Act to appropriate the sum of eight thousand dollars to make certain repairs on the State Normal School, and to provide furniture therefor.

SHACKLEFORD, Secretary.

SENATE CHAMBER,
SACRAMENTO, March 17th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 465—An Act for the relief of N. A. Corvarubias, Sheriff of Santa Barbara County.

Also, Assembly Bill No. 623—An Act relating to road districts and Road Overseers in the County of Sierra.

Also, Assembly Bill No. 466—An Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses

Also, Assembly Bill No 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa

Also, Assembly No. 418—An Act to authorize the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment.

Also, Assembly Bill No 541—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum by taxation to furnish the necessary additional school facilities for said district

Also, amended and passed Assembly Bill No 633—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 18th, 1876.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the fourteenth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 563—An Act to amend section two thousand and twenty-five of the Code of Civil Procedure

Also, Senate Bill No. 431—An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No 557—An Act authorizing and directing the Secretary of State to change the size and style of enrolling papers.

Also, Senate Bill No 406—An Act for the relief of Mrs. T. M. Logan.

Also, Senate Bill No 437—An Act to amend section three thousand six hundred and forty-four of the Political Code.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 563 and 437, above reported, each read first and second times and referred to the Judiciary Committee.

Senate Bill No. 431, above reported, read first and second times and referred to the Committee on Education

Senate Bill No. 557, above reported, read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 406, above reported, read first and second times and referred to the Committee on Claims.

Substitute for Senate Bill No. 103, above reported, read first and second times and referred to the San Francisco delegation, and ordered printed.

Substitute for Senate Bill No. 439, above reported, read first and second times and referred to the Committee on Public Buildings and Grounds.

Assembly Bill No. 633, above reported, Senate amendments concurred in.

FURTHER REPORTS.

By Mr Carson:

MR SPEAKER Your Committee of Conference on the disagreeing vote of the two Houses on the House amendment to Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code—after deliberation, unanimously report and recommend that the Senate concur in the Assembly amendment

BEAZELL, Chairman Senate Committee.
CARSON, Chairman Assembly Committee.

By Mr. Roberts:

MR SPEAKER The Monterey and San Benito delegations, to whom was referred Assembly Bill No 685—An Act to apportion the expenses incurred in the trial and execution of Tiburicio Vasquez between the Counties of Monterey and San Benito—beg leave to report the same back, and ask that it be referred to the Judiciary Committee

ROBERTS, for Delegations.

Assembly Bill No. 685, above reported, was referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Bagge—An Act to fix the salaries of certain officers in the County of Alameda.

Read first and second times and referred to the Alameda delegation.

Also, an Act to provide for the appointment of a State Architect.

Read first and second times and referred to the Committee on Public Buildings and Grounds.

By Mr. Clunie—An Act entitled an Act to amend section three thousand eight hundred and two of the Political Code.

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

By Mr. Berry—An Act to authorize the Board of Supervisors of Sutter County to redistrict North Butte, Buttesylvania, and Columbia School Districts.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Lambourn—An Act to appropriate money for the benefit of the various agricultural societies throughout the State

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

By Mr. Patterson of Sacramento—An Act to provide the people of Sacramento, and State Capitol grounds, Oakland, San José, San Francisco, and other cities, with pure and wholesome water.

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

By Mr. Hayne—An Act confirming to the Santa Barbara Cemetery Association a deed of conveyance made by the Town of Santa Barbara.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr Watkins—An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

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

By Mr. Maguire—An Act to repeal an Act entitled an Act to prevent changes in the text-books in use in the public schools, approved December thirteenth, eighteen hundred and seventy-five.

Read first and second times and referred to the Committee on Education.

By Mr. Burbank—An Act declaring Gallinas Slough, or creek, in Marin County, navigable.

Read first and second times and referred to the Committee on Commerce and Navigation

SPECIAL ORDERS.

On motion of Mr Clunie the special orders for this hour, being Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State, substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth,

eighteen hundred and seventy-two; and Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—were made the special order for Tuesday evening at seven o'clock.

GENERAL FILE.

Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Referred to the Judiciary Committee.

Assembly Bill No. 545—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered two hundred and thirty-three, and to follow section two hundred and thirty-two of said Code, relating to juries.

Referred to the Judiciary Committee.

Assembly Bill No. 505—An Act to amend section nine hundred and eighty of the Code of Civil Procedure, concerning appeals to County Courts.

Read third time and passed.

Assembly Bill No. 412—An Act to amend section ninety-two of the Civil Code;

Assembly Bill No. 397—An Act concerning corporations; and

Assembly Bill No. 267—An Act to confer certain powers on the State Board of Health, and to repeal section three thousand and eighty, Chapter III., Title VII., of the Political Code, relating to registry of births, marriages, and deaths;

Were each respectively indefinitely postponed.

Assembly Bill No 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers.

Passed on file.

Assembly Bill No. 204—An Act to regulate the practice of medicine in the State of California;

Assembly Bill No. 389—An Act to regulate the practice of medicine and surgery in the State of California,

Assembly Bill No. 72—An Act to prevent the practice of medicine by unqualified persons;

Assembly Bill No. 14—An Act to prevent the practice of medicine and surgery by unqualified persons; and

Assembly Bill No. 490—An Act to amend an Act entitled an Act to establish a State Printing Office and to create the office of Superintendent of State Printing,

Were each taken up in their respective order and indefinitely postponed.

Senate Bill No. 448—An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of a Courthouse,

Senate Bill No 360—An Act concerning the salary of the District Attorney of San Bernardino County; and

Senate Bill No. 186—An Act in relation to sales and conveyances of the Mutual Real Estate Company;

Were respectively read a third time and passed

Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Amended, read a third time, and passed.

Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Ordered second on file for Tuesday next.

Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets.

Amended.

RECESS.

Pending consideration of the bill, the hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

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

Speaker in the chair.

Roll called, and a quorum present.

Upon motion of Mr. Maguire, Mr McInerny was granted one day's leave of absence.

House resumed consideration of Assembly Bill No. 433, pending at time of recess

The bill was further amended, and the previous question being demanded by Messrs. Blue, Clunie, and Kennedy, the House so ordered.

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Clarken, Gelwicks, and Farrel.

The roll was called, and the House refused, by the following vote:

AYES—Messrs Abbott, Bagge, Blackwell, Blue, Bradley Burbank, Chapman, Cornwell, Clunie, Garretson, Griswold, Hayne, Jones, Koutz, McConnell, McKenna, Pierce, Preston, Sargent, Suverkrup, Swan, Wood, and Young—23.

NOES—Messrs. Barber, Berry, Broderick, Carter, Clarken, Coffey, Collins, Covington, Dixon, Ferral, Gelwicks, Hart, Hinshaw, Kennedy, Lambourn, Maguire, McCarthy, Murphy of San Francisco, Nott, Patterson of Kern and Tulare, Pullen, Quigley, Rankin, Raisch, Ruggles, Samuels, Watkins, Wetherill, and Mr. Speaker—29.

The question recurring upon the engrossment of the bill, the ayes and noes were demanded by Messrs Clarken, Quigley, and Kennedy.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Barber, Berry, Broderick, Carter, Carson, Clarken, Coffey, Collins, Covington, Dixon, Ferral, Gelwicks, Hart, Hinshaw, Jourden, Kennedy, Lambourn, Maguire, McCarthy, Murphy of San Francisco, Nott, Patterson of Kern and Tulare, Pullen, Quigley, Rankin, Raisch, Ruggles, Samuels, Watkins, Wetherill, and Mr. Speaker—31.

NOES—Messrs. Abbott, Bagge, Blackwell, Blue, Bradley, Burbank, Chapman, Cornwell, Clunie, Garretson, Griswold, Hayne, Jones, Koutz, McConnell, McKenna, Pierce, Preston, Sargent, Suverkrup, Swan, Wood, and Young—23.

REPORTS.

By Mr. Covington:

Mr. SPEAKER—Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 489—An Act to provide for a recount of votes at the last general election.

Also, Assembly Bill No. 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property in the County of Contra Costa

Also, Assembly Bill No 653—An Act to prevent hogs and goats running at large in the Town of Washington, Yolo County

Also, Assembly Bill No 608—An Act concerning certain taxes in Placer County.

Also, Assembly Bill No. 376—An Act to repeal Article IV 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, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV.

COVINGTON, for Committee

By Mr. Samuels.

Mr Speaker: The Joint Committee on Conference, of the Senate and Assembly, upon Assembly Bill No 79—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California—have had the same under consideration, and beg leave to report the bill back, with the recommendation that the Senate recede from its amendment to section nine, in so far as it relates to the Counties of Sutter, Yuba, and San Benito

O'CONNER, on part of the Senate
SAMUELS, on part of the Assembly.

Mr. McConnell, in accordance with notice previously given, moved the reconsideration of the vote by which Assembly Bill No. 432 passed this House on yesterday.

Upon motion of Mr. McConnell, the motion to reconsider was postponed until Monday, March twentieth, at three P. M.

SENATE MESSAGE.

Senate Chamber,
Sacramento March 18th, 1876.

Mr Speaker: I am directed to inform your honorable body that the Senate, on the seventeenth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 477—An Act to provide for the completion of the building, in the City and County of San Francisco, known as the New City Hall.

Also, on this day passed, under suspension of the rules, and ordered transmitted immediately and without engrossment, Senate Bill No. 521—An Act to provide for the opening and extending of Leidesdorff Street, in the City and County of San Francisco

CLARK, Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 477, above reported, was ordered third on file for Monday.

Senate Bill No. 521, above reported, referred to the San Francisco delegation.

Mr. Gelwicks gave notice of a motion to reconsider the vote by which Senate Bill No. 486 was on this day indefinitely postponed.

INTRODUCTION OF BILLS.

The following bills were introduced out of order:

By Mr Reddick—An Act to provide for the payment of certain claims against the Board of Regents of the University of California.

Read first and second times and referred to the Committee on Claims

By Mr. Blue—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Read first and second times and referred to the Nevada delegation.

By Mr. Patterson of Kern and Tulare—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eighteenth, eighteen hundred and sixty

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

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M. Mr. Rankin moved to adjourn to Monday, March twentieth, at one o'clock and thirty minutes P M.

Mr. Nott moved to amend—to ten o'clock A. M. on Monday.

The amendment was lost.

The question being upon the adoption of Mr. Rankin's motion, the ayes and noes were demanded by Messrs. Berry, Nott, and Gelwicks.

The roll was called, and the motion lost, by the following vote:

AYES—Messrs. Archer, Blackwell, Broderick, Carter, Clarken, Coffey, Garretson, Giffen, Hayne, Jourden, Kennedy, Kontz, Maguire McConnell, Pullen, Quigley, Rankin, Sargent, Suverkrup, Watkins, Wetherill, and Young—22.

NOES—Messrs Abbott, Berry, Birney, Bradley, Burbank, Chapman, Collins, Cornwell, Dunlap, Gelwicks, Griswold, Jones, Lambourn, McCarthy, Nott, Patterson of Kern and Tulare, Preston, Reddick, Rice, Ruggles, Swan, Wood, and Mr. Speaker—23.

At three o'clock and thirty minutes P. M., on motion of Mr. Nott, the House adjourned to meet on Monday, March twentieth, at eleven o'clock A. M

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 20th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of Saturday read and approved.

On motion of Mr. Kennedy, one day's leave of absence was granted all absentees.

REPORTS.

By Mr. McConnell:

Mr. SPEAKER Your Judiciary Committee (present—McConnell, Archer, Chapman, Swan, Carter, and Harding) have considered, and report bills as follows:

Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three—report the same back, and recommend its passage.

Also, Senate Bill No 373—An Act to establish a State force for the detection and arrest of criminals—report the same back, and recommend its passage—Archer dissenting.

Also, Senate Bill No 270—An Act to add an additional section to the Penal Code to be designated as section two hundred and fifty-eight—report the same back, and recommend that it do not pass.

Also, Senate Bill No 370—An Act to amend section one thousand two hundred and forty-one of the Civil Code—report the same back, together with the accompanying memorial, and recommend that it do not pass—Archer dissenting.

Also, Senate Bill No. 495—An Act relating to acknowledgments of deeds and other instruments of writing affecting real estate, taken before consular agents of the United States prior to July first, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Senate Bill No. 563—An Act to amend section two thousand and twenty-five of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to the revenue—report the same back, and recommend the passage of the original bill, without the amendments heretofore adopted by the Assembly.

Also, Senate Bill No. 428—An Act to add another section to the Penal Code—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code—report the same back, and recommend its passage.

Also, Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Senate Bill No. 390—An Act to repeal section four hundred and fifteen of the Political Code—report the same back and recommend that it do not pass.

Also, Assembly Bill No 665—An Act in relation to the publication of the statutes of this State—report the same back, and recommend its passage.

Also, Assembly Bill No. 685—An Act to apportion the expenses incurred in the trial and execution of Tiburcio Vasquez between the Counties of Monterey and San Benito—report the same back, and recommend its passage.

Also, Assembly Bill No 626—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, Assembly Bill No. 641—An Act to add a new section to the Political Code, to be numbered four hundred and seventy-four, relative to the duties of the Attorney-General—report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 645—An Act to authorize the Governor, Lieutenant-Governor, and Secretary of State to act as a Special Board of Auditors to audit certain claims, and for other purposes—report the same back, and recommend that the author be allowed to withdraw it.

Also, Assembly Bill No. 619—An Act to amend section three thousand seven hundred and ninety-seven of the Political Code—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 620—An Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and an Act amending the same, approved April twenty-eighth, eighteen hundred and sixty—report the same back, and recommend that it do not pass.

McCONNELL, Chairman

Assembly Bill No. 645, above reported, the author had leave to withdraw.

Also:

Mr. Speaker: Your Judiciary Committee herewith report back Assembly Bill No. 658—An Act to authorize Drury Melone to sue the State—together with a substitute, conforming to the instructions of the House.

McCONNELL, Chairman.

Also:

Mr Speaker. Your Judiciary Committee, to whom was referred Senate Bill No 270—An Act to add an additional section to the Penal Code, to be designated as section two hundred and fifty-eight—beg leave to report specially that, after maturely considering the same, your committee is forced to recommend that it do not pass.

Your committee does not feel assured that, if enacted into a law, the bill in question would not conflict with section nine, article one, of our State Constitution.

It certainly appears difficult to understand why such an enactment will not "*restrain or abridge*" the liberty of the press, since the whole utility ascribed to it consists in the restraint its friends suppose it will exercise upon that liberty. Apart, however, from the question of its constitutionality, your committee can see no adequate reasons for the passage of this bill.

While acknowledging the evils which flow from a licentious press, unrestrained by moral considerations your committee is of the opinion that they are inherent in the system itself, and must be accepted along with the innumerable benefits which we derive from the same source—benefits which are certainly of importance enough to far more than counterbalance the evils

Your committee is of the opinion that as long as the law holds editors, publishers, printers, and writers (when known) responsible for abuses of the liberty of the press, it does all that can be reasonably asked to protect citizens from false and malicious attacks from that source Moreover, your committee is convinced that such an enactment as is proposed by this bill will operate to most seriously hamper and impair the usefulness of the press in those directions where its utility is universally seen and acknowledged. The press has in other countries been not untruthfully styled "the fourth estate," and none will deny that in modern times it has played a part in the highest affairs of State equally important and beneficial. In the conduct of government matters often occur calling for the reprehension of the public, which, however,

possesses no organ through which to express its judgment of condemnation, except the newspapers of the country. But it is notorious that no man will express himself with the same degree of freedom when writing over his own name as when using a *nom de plume*, or no signature at all. This observation applies to writings of the most meritorious character—to writings intended to expose the crime of a public officer, or the fraud of a public agent. But it may be said that it also applies to writings of a character not so meritorious—to libels, lampoons, and pasquinades, for instance. This may be safely granted, but as respects such writings, your committee has already endeavored to show that the law, as it now stands, furnishes as large protection and remedy, in the responsibility of the printers, publishers, etc., as can reasonably be demanded by the citizen.

In conclusion, your committee would remark that, as shown by the history of criminal procedure in this State, libelers are not favorites of California juries. To the credit of our people it can be said, that whenever this odious crime has been satisfactorily proved, whether in criminal or civil actions, jurors have not been slow to mark their detestation of the offense by their condemnation of the offenders.

McCONNELL, Chairman.

By Mr. Cornwell:

Mr. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred substitute for Senate Bill No. 439—An Act to appropriate the sum of thirteen thousand dollars to make certain repairs in the State Normal School, and to provide furniture therefor, and also to provide for a deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years for said school—have had the same under consideration, and beg leave to report the same back, with a recommendation that it do pass.

CORNWELL, for Committee.

By Mr. Scrivner:

Mr. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 292—An Act to add another section to the Civil Code, numbered section five hundred and fifty-two—have had the same under consideration, and herewith report the same back and recommend its passage.

SCRIVNER, Chairman.

By Mr. McInerny (for Mr. Maguire):

Mr. SPEAKER: Your Committee on Education, to which was referred Senate Bill No. 294—An Act to add a new section to the Political Code—report the same back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 431—An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Assembly Bill No. 689—An Act to repeal an Act entitled an Act to prevent changes in the text-books in use in the public schools, approved December thirteenth, eighteen hundred and seventy-five—report the same back, and recommend its passage.

Also, Assembly Bill No. 311—An Act concerning the examination of teachers in the County of Humboldt—report the same back, and recommend that the author be allowed to withdraw it.

MAGUIRE, for Committee.

Assembly Bill No. 311, above reported. The author had leave to withdraw the bill, in accordance with the recommendation of the committee.

Assembly Bill No. 698, above reported, ordered on file.

By Mr. Gelwicks:

Mr. SPEAKER: The Committee on Printing, to whom was referred Assembly Bill No. 337—An Act to amend section four hundred and fifteen of the Political Code—have had the same under consideration, and report it back, without recommendation.

GELWICKS, for Committee.

Assembly Bill No. 337, above reported, the author had leave to withdraw the bill.

The House took up for consideration Assembly Bill No. 685, reported on this day by the Judiciary Committee.

The rules were suspended, the bill considered engrossed, read third time, and passed.

[Speaker pro tem. in the chair.]

Upon motion of Mr. Wetherill, the House took up for consideration Assembly Bill No. 635—An Act to provide for the furnishing of all books and stationery, of whatever description, free of charge, to the public school children of the City and County of San Francisco.

Amended and ordered engrossed.

FURTHER REPORTS.

By Mr. Pierce:

Mr. SPEAKER: The San Diego delegation, to whom was referred Assembly Bill No. 482—An Act to reincorporate the City of San Diego—have had the same under consideration, and beg leave to report a substitute therefor, and recommend the passage of the substitute as reported.

PIERCE, for Delegation.

Assembly Bill No. 482 and substitute, above reported, referred to the Committee on Corporations.

By Mr. Hayne:

Mr. SPEAKER: The Committee on Centennial, to whom was referred Assembly Concurrent Resolution No. 43—Relative to the California Immigrant Union—respectfully report the same back, and recommend its passage.

HAYNE, for Committee.

Assembly Concurrent Resolution No. 43, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr. Briceland:

Mr. SPEAKER: Your Committee on Hospitals, to whom was referred Assembly Bill No. 704—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eighteenth, eighteen hundred and sixty—after examination, respectfully report the same back, and unanimously recommend its passage.

BRICELAND, Chairman.

By Mr. Cornwell:

Mr. SPEAKER: The Napa and Solano delegations, to whom were referred Assembly Bill No. 690—An Act to amend section six hundred and thirty-two of the Penal Code—have considered the same, and report it back, and recommend its passage.

CORNWELL, for Delegations.

By Mr. Samuels:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 473—An Act to widen English Street in the City of Petaluma, and to take private property therefor—have examined the same, and report it back, with the recommendation that it pass.

SAMUELS, for Delegation.

Senate Bill No. 473, above reported, read third time and passed.

By Mr. Blue:

Mr. SPEAKER: The Nevada delegation, to whom was referred Assembly Bill No. 706—An Act to provide for the location, construction, and maintenance of public roads in the County of Nevada—respectfully report the same back, and recommend its passage.

BLUE, for Delegation.

Assembly Bill No. 706, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr. Nott, Senate Bill No. 373 was ordered second on file for to-morrow.

By Mr. McKenna.

*Resolved*, That the Enrolling Clerk of the Assembly be instructed to amend the title of Assembly Bill No. 532 by striking out the word "annul" and insert "amend."

Adopted.

INTRODUCTION OF BILLS.

By Mr. Scrivner—An Act to authorize the Board of Supervisors of the County of Stanislaus to purchase the toll bridge across the Stanislaus River at Knight's Ferry.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Carpenter—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Cornwell, for Committee on Public Buildings and Grounds—An Act to appropriate four hundred and thirteen thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the insane, and to complete the structure.

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

Also, an Act to provide a supply of water for the University and for the Deaf and Dumb and Blind Asylum.

Also, an Act to provide a supply of water for the Napa State Asylum for the Insane.

Each read first and second times and referred to the Judiciary Committee.

By Mr. McConnell (by request)—An Act to amend section one thousand and sixty-eight of the Penal Code.

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

By Mr. Roberts—Assembly concurrent resolution in relation to establishing a mail route in Fresno County.

Read first and second times, rules suspended, considered engrossed, read third time, adopted, and ordered transmitted to the Senate without engrossment.

By Mr. Samuels—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city.

Read first and second times and referred to the Sonoma delegation.

By Mr. Gelwicks—An Act making an appropriation for deficiency in the Stationery, Lights, and Fuel Fund for the twenty-seventh fiscal year.

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

Also, an Act to aid in the construction of a levee to protect the grounds of the Insane Asylum at Stockton from overflow and inundation.

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

By Mr. Archer—An Act amendatory of an Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Santa Clara delegation.

GENERAL FILE.

Senate Bill No. 109—An Act to authorize the widening of Dupont Street, in the City and County of San Francisco.

Ordered to head of file for to-morrow.

Assembly Bill No. 41—An Act to further define the duties of the Tax Collector of the City and County of San Francisco.

Amended.

On motion of Mr. McConnell to strike out the enacting clause, the ayes and noes were demanded by Messrs. Berry, McCarthy, and Hart.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Blackwell, Blue, Bradley, Carter, Chapman, Cornwell, Crutcher, Garretson, Gelwicks, Griswold, Hart, Harding, Hayne, Jenkins, Lambourn, McConnell McInerny, McKenna, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Ruggles, Sargent, Suverkrup, Swan, Wetherill, and Young—28.

NOES—Messrs Archer, Berry, Briceland, Broderick, Burbank, Collins, Covington, Dixon, Dunlap, Ferral, Jones, Kennedy, Koutz, Maguire, McCarthy, Murphy of Del Norte and Klamath, O'Connell, Preston, Quigley, Reddick, Rice, Roberts, Watkins, Wood, and Mr Speaker—25.

Assembly Bill No. 655—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 41—An Act to further define the duties of the Tax Collector of the City and County of San Francisco.

Substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 301—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Mr. Covington, the author of the bill, had leave to withdraw the same.

Assembly Bill No 376—An Act to repeal 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, and supplementary thereto, and substituting this Act for said article fourth.

Read third time and passed.

Assembly Bill No. 545—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered two hundred and thirty-three, and to follow section two hundred and thirty-two of said Code, relating to juries

Read third time and passed.

RECESS.

At twelve o'clock and thirty minutes P. M. the House took a recess.

RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the House re-assembled.
Speaker in the chair
Roll called, and a quorum present.

SPECIAL ORDERS.

Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County—the special order for this evening, at seven P. M., was, upon motion of Mr. Birney, ordered third on file for to-morrow.

Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State—the special order for this day, at two P. M., was, upon motion of Mr. Murphy of Del Norte, made the special order for Friday, March twenty-fourth, at two P. M.

Upon motion of Mr. Abbott, the House reconsidered the vote by which Assembly Bill No. 685 passed the Assembly on this day; and, upon motion of the same gentleman, the bill was referred to the Judiciary Committee.

Mr. Murphy of Del Norte had leave to introduce the following bill: An Act to amend Chapter III., Title IV., Part III., of the Code of Civil Procedure, by adding a new section.

Read first and second times and ordered on file.

SPECIAL ORDER.

[Mr. Harding in the chair.]

The Speaker announced as the special order for this hour Assembly Bill No. 387—An Act to regulate the practice of medicine in the State of California.

Amended.

The previous question was moved by Messrs. Wilcox, Hart, and Ostrom, and the House so ordered.

The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Wilcox, McCarthy, and Ostrom.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Briceland, Broderick, Burbank, Chapman, Clark, Coffey, Collins, Crutcher, Dixon, Dunlap, Gelwicks, Griswold, Hart, Harding, Hayne, Jones, Kennedy, Lambourn, McConnell, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Patterson of Kern and Tulare, Preston, Pullen, Rankin, Reddick, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Wetherill, Wilcox, and Young—41.

NOES—Messrs. Blackwell, Bradley, Carter, Covington, Garretson, Giffen, Jenkins, Koutz, Maguire, McInerny, Nott, O'Connell, Ostrom, Patterson of San Joaquin, Pierce, Rice, Roberts, Ruggles, Sargent, Watkins, Wood, and Mr. Speaker—22.

Mr. Murphy of Del Norte gave notice of a motion to reconsider the vote by which Assembly Bill No. 387 was ordered engrossed on this day.

The Speaker announced as the special order for this hour the motion made by Mr. McConnell on Saturday, to reconsider the vote by which Assembly Bill No. 432—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine—passed this House on Saturday.

The motion to reconsider prevailed.

[Speaker in the chair.]

The bill, together with the substitute offered by Mr. Koutz, was referred to the Judiciary Committee.

GENERAL FILE RESUMED.

Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Amended, read a third time, passed, and ordered transmitted to the Senate immediately.

Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco, known as the New City Hall.

Mr. McMann offered the following amendment. Amend section seven, line ten, after the word "created," by adding the words, "and all masonry work shall be performed by men employed by the day; and all expenses of said work shall be paid out of the New City Hall Fund—such men to be employed or discharged at the pleasure of the Superintendent of Works."

Upon the adoption of which the ayes and noes were demanded by Messrs. McMann, Barber, and Watkins.

The roll was called, and amendment lost, by the following vote.

AYES—Messrs. Barber, Coffey, McInerny, McMann, Watkins, and Young—6.

NOES—Messrs. Abbott, Archer, Bagge, Blackwell, Blue, Broderick, Burbank, Carter, Chapman, Collins, Cornwell, Garretson, Gelwicks, Giffen, Harding, Hayne, Jenkins, Jones, Kennedy, Koutz, Lambourn, Maguire, McConnell, McCarthy, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Roberts, Ruggles, Sargent, Sullivan, Suverkrup, Swan, and Mr. Speaker—41.

The bill was read a third time, and the question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Barber, Coffey, and Young.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Blackwell, Briceland, Broderick, Burbank, Carter, Chapman, Collins, Cornwell, Covington, Crutcher, Dixon, Dunlap, Gelwicks, Giffen, Harding, Hayne, Jenkins, Jones, Kennedy, Koutz, Lambourn, Maguire, McConnell, McMann, McCarthy, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Roberts, Ruggles, Sargent, Sullivan, Suverkrup, Watkins, Wood, and Mr. Speaker—46.

NOES—Messrs. Barber, Coffey, Swan, and Young—4.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Kennedy, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 21st, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

RESOLUTION.

Mr. Quigley had leave to introduce the following resolution out of order:

WHEREAS, A clerical error exists in section four of Assembly Bill No. 202, therefore, be it
*Resolved*, That the Enrolling Clerk of this House be and he is hereby directed to correct said error by striking out, in section four of said Act, the words "the County Supervisors shall be ex officio Road Commissioners for their respective districts."

Adopted.

REPORTS.

By Mr. Berry:

Mr. SPEAKER: The Committee on Ways and Means have considered Senate Bill No 557—An Act to authorize the Secretary of State to change the size and style of enrolling paper—and recommend that it do not pass

BERRY, Chairman.

By Mr. Ferral:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 657—An Act to incorporate the Town of Colusa.

FERRAL, for Committee.

By Mr. Archer:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No 482—An Act to reincorporate the City of San Diego—have had the same under consideration, and herewith report the bill back with a substitute, and respectfully recommend the adoption of the substitute, and the passage of the same

ARCHER, Chairman.

By Mr. Gelwicks:

Mr. SPEAKER: The Committee on Printing, to whom was referred Assembly Bill No 152—An Act to amend sections three hundred and thirty-four and three hundred and thirty-five of the Political Code of the State of California—have had the same under consideration, report it back, and recommend that the author have permission to withdraw it, as a bill of a similar character has passed both Houses, and is now a law.

GELWICKS, Chairman

Assembly Bill No. 152, above reported, withdrawn by the author.
By Mr. Rice

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Senate Bill No 317—An Act to extend the franchise of J. E Davis, A. P. Jordan, and others, to construct a wharf at Santa Cruz—report the same back, and recommend its passage

RICE, for Delegation

Senate Bill No 317, above reported, read third time and passed.
By Mr. Lambourn:

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 455—An Act to prevent hogs and goats running at large in certain lands in this State—have had the same under consideration, and beg leave to report it back, with the recommendation that it pass.

Also, have had under consideration Assembly Bill No. 671—An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand, and making other improvements to the lands and property of said society—and a majority of your committee, consisting of the following undersigned members, beg leave to report it back, and respectfully recommend its passage.

CARTER,
OSTROM,
BIGGS,
RUGGLES.

We, the undersigned members, are favorable towards making the appropriations asked for in the said bill, providing that the aid of the State is extended to all the various district and county agricultural societies, and not otherwise.

LAMBOURN,
JONES.

I respectfully dissent from both the majority and minority of the committee, being opposed to a report either in favor of or against the bill, preferring that the House should pass upon the bill without prejudice

WATKINS

## By Mr. Cornwell:

Mr Speaker Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin—respectfully report the same back, with amendments, and a recommendation that it do pass as so amended.

Perhaps it might be well here for your committee to give the reasons which actuated them in making their amendments to this bill. The report made on the Folsom Branch Prison is now printed and before the House, and from the position there taken nothing has as yet been brought to the notice of your committee which would cause any deviation. It has been shown that at Folsom five hundred prisoners can be accommodated in single cells. This fact, then, does away with the necessity of appropriating any money for more cell room at San Quentin. Further than this, we have the testimony and figures of an expert to show that it would be impossible to finish the buildings which are stricken out of the bill, by amendment, for less than twenty thousand dollars more than is called for by the estimates made in the report of the State Prison Committee. By the amendments to the bill, the sum of one hundred and eighty thousand dollars is appropriated for one large fire-proof workshop, four hundred feet by sixty feet, four stories high. In addition to this, the sum of fifteen thousand dollars is appropriated for the purchase of the necessary machinery and water power for the workshop, when these improvements are made, and by the removal of five hundred convicts to Folsom, the present buildings at San Quentin are sufficiently relieved The Prison Directors will be enabled to give employment to all convicts (which, in the judgment of your committee, is a prime necessity, as our prison, as at present conducted, is but a felon's boarding-house, where they are better fed and clothed, with less labor to perform, than on the outside of the institution), so that they would be made, as they ought to be, to do more service while under sentence than would make a good living at honest labor.

The present inferior and illy adapted structures at San Quentin sadly need rebuilding, and Folsom will furnish the necessary and proper material therefor, and give adequate employment to all prisoners, thereby making their labor of value to the State, without coming in competition with the mechanical and skilled labor of honest tax-payers.

CORNWELL, for Committee

## By Mr. Coffey.

Mr. Speaker The San Francisco delegation, to whom was referred Assembly Bill No. 385—An Act for the relief of S. Driscoll and Edward Deady—report the same back, and recommend that the author be permitted to withdraw it.

Also, Assembly Bill No 603—An Act to amend sections two hundred and sixty-nine and two hundred and seventy-one of the Code of Civil Procedure—report the same back, and recommend that the author be permitted to withdraw it.

Also, Assembly Bill No 629—An Act to provide for the payment of the members of the Board of Education of the City and County of San Francisco—report the same back, with amendments, seven members recommending its passage as amended, seven against, six absent

Also, Assembly Bill No. 644—An Act to amend an Act supplemental to and amendatory of an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and seventy-two—report the same back, with amendments, and a majority recommend its passage as amended, seven members voting in the affirmative, five in the negative, eight absent.

Also, Assembly Bill No. 646—An Act to further define the duties of the several elective officers of the City and County of San Francisco—report the same back, and recommend its passage.

COFFEY, Chairman.

Assembly Bill No. 385, above reported, withdrawn by the author.
Assembly Bill No. 603, above reported, withdrawn by the author.
By Mr. Samuels:

Mr. SPEAKER The Sonoma delegation, to whom was referred Assembly Bill No. 710—An Act to enable the Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city—have had the same under consideration, and report it back, and recommend its passage.

SAMUELS, for Delegation.

Assembly Bill No. 710, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

GOVERNOR'S MESSAGES.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 20th, 1876

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 234—An Act appointing and empowering Charles F. Irwin a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom.

Also, Assembly Bill No. 271—An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in Santa Clara and Los Angeles Counties.

Also, Assembly Bill No. 276—An Act to provide for the payment of the claim of John Breuner.

Also, Assembly Bill No 320—An Act to provide for the distribution of school moneys in certain counties.

Also, Assembly Bill No. 369—An Act fixing the number of Supervisors of Humboldt County.

Also, Assembly Bill No 410—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County.

Also, Assembly Bill No 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 595—An Act to repeal all special road laws now in force and relating to the County of Del Norte.

Also, Assembly Bill No 615—An Act to authorize the appropriation of five thousand dollars from the General Fund of the City and County of San Francisco for the maintenance and support of the fire-alarm and police telegraph of said city and county.

Also, Assembly Bill No. 638—An Act to establish pounds in the County of San Mateo.

WILLIAM IRWIN, Governor.

The following veto message from the Governor was taken up and read:

*To the Assembly of the State of California:*

I herewith respectfully return to your honorable body Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code—without approval.

Section one thousand two hundred and seventy-five of the Civil Code, as originally adopted, provided that "a testamentary disposition might be made to any person capable by law of taking the property so disposed of, except that no corporation could take under a will, unless expressly authorized by statute so to take."

This provision was in substantial accord with the powers then possessed by corporations to hold real estate. It may be said that corporations in general were restricted in their power to hold real estate, to such amounts thereof as might be necessary in the transaction of the business for which they were formed respectively.

Corporations of the classes enumerated in the bill now returned, were restricted by the corporation laws in force prior to the adoption of the Codes, in the amount of real estate which they might own, to four whole lots in a town or city, or twenty acres in the country. Under these laws these corporations might take by will, but the amount of land which they could hold was limited to the quantity already stated. Corporations which existed prior to the adoption of the Civil Code still continue their existence under the laws under which they were formed, unless they have elected, in pursuance of section two hundred and eighty-seven of the Civil Code, to come under the provisions of said Code. All corporations, therefore, of the classes enumerated, which were formed prior to the date on which the Civil Code went into effect, and which have not elected to continue their existence under the provisions of that Code, can now, without further

enactment, take property by devise, but the amount of land which any such corporation can hold is, as already stated, but four whole lots in a town or city, or twenty acres in the country; and the annual increase of both the real and personal property of any such corporation must not exceed the sum of twenty thousand dollars.

And all corporations of the classes enumerated, which have been formed since the Civil Code took effect—and those also organized prior thereto, which have elected to come under its provisions—are restricted as follows. "No such corporation must own or hold more real estate than may be necessary for the business and objects of the association and providing burial grounds for its deceased members, not to exceed six whole lots in any city or town nor more than twenty acres in the country, the annual increase or income whereof must not exceed fifty thousand dollars"—Civil Code, section five hundred and ninety-five.

This reference to the laws governing these classes of corporations prior to the adoption of the Civil Code, and to the provisions in that compilation relating to them, will suffice to show that our legislative policy has been, up to a very recent date, to restrict these corporations in their power to hold real estate, to such amounts thereof as were necessary for the transaction of the business for which they were formed.

This legislation was, in my judgment, based upon, and supported by, sound considerations of public policy. The object of these restrictions was to prevent the accumulation of large amounts of real estate by corporations of the classes now proposed to be allowed to take property by will.

I have already quoted section one thousand two hundred and seventy-five of the Civil Code, which inhibited corporations from taking under a will, unless expressly authorized by statute to do so. At the last session of the Legislature that section was amended so as to authorize corporations formed for scientific, literary, or solely educational purposes to take by will. The intention, of course, was to permit corporations formed for these purposes to hold real estate without regard to the amount—whatever amount, in fact, might come to them through this channel. The present bill further amends the same section with the purpose of adding an additional class of corporations—those formed for charitable purposes—to those which may take by will. It, perhaps, does in fact much more than this. In addition to adding charitable corporations to those which are endowed with the power of taking by will, it strikes out the limiting word "solely," used to define another class of corporations in the category of those permitted to take, as the law now stands. What would be the effect of this? Under the law as it stands, educational corporations formed "solely" for educational purposes, alone can take. With the limiting word "solely" stricken out would not all the corporations formed for the purpose of taking care of and educating the orphans be admitted to the list of those permitted to take? Perhaps, however, the term "charitable" would embrace all institutions of that character, so that the same result would be obtained if the word "solely" were allowed to remain as in the existing law.

But, it will be asked, why should not corporations of these classes be endowed with the capacity to take by will? Are not the objects for which such corporations are formed worthy to be promoted? Are not literary, scientific, educational, and charitable institutions entitled to be cherished and protected by a civilized and Christian State? Most assuredly. But it concerns us to look after the manner in which this shall be done.

The object of the amendment to section one thousand two hundred and seventy-five of the Civil Code, made two years ago, was to permit literary, scientific and educational corporations to hold real estate in unlimited quantities in perpetuity; the object of the present section is to endow all charitable corporations with like powers. How long will it take the corporations of these several classes to absorb a large share of the real property in the State? Who will venture to predict what the aggregate value of the real estate held by these multiplied corporations will be in twenty, fifty, or a hundred years if no limit be placed on their power to hold?

Shall the power then be denied to these corporations to take by will? If so, how are our universities, our colleges, our schools of science and art, and our institutions of charity to receive support? No, under certain restrictions I would permit all these corporations to take by will and in all other lawful ways.

Our laws at present do not permit any real or personal estate to be bequeathed to any charitable or benevolent society or corporation, or to any person in trust for any charitable uses, except it be done by will duly executed at least thirty days before the decease of the testator; the provision requiring the will to be executed at least thirty days before the death of the testator is a wise one. It would, perhaps, be wiser if it required the will to be made sixty days before the death of the testator. Under a restriction of this kind, as to the time in which the testator must make his will, corporations of the kind enumerated in this bill might be safely allowed to take whatever might be devised to them, if to this right to take there should be annexed the condition that they should sell and convey all real estate of which they might become possessed, except a certain specified limited amount, within three or five years, after the title shall have vested in them.

Under these or similar restrictions and limitations, I would deem it proper and wise to confer on the corporations enumerated, the power proposed to be given them by this bill; but to give this power without the restrictions, is not only against the constant policy of the State up to within the last two years, but I think against the lessons of statesmanship taught by all history.

For the reasons above given, I am constrained to withhold from the bill my approval.

WILLIAM IRWIN, Governor.

The Speaker announced the question to be, "Shall Assembly Bill No. 313—An Act to amend section one thousand two hundred and

seventy-five of the Civil Code—pass, notwithstanding the veto of the Governor?"

The roll was called, and the Governor's veto sustained, by the following vote:

AYES—Messrs. McConnell, Murphy of Del Norte and Klamath, and Wetherill—3.

NOES—Messrs Abbott, Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Bradley, Briceland, Broderick, Burbank, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Harding, Hayne, Hinshaw, Jenkins, Jones, Jourden, Kennedy, Koutz, Lambourn, McInerny, McMann, McKenna, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Suverkrup, Swan, Watkins, Wilcox, Wood, Young, and Mr Speaker—67.

INTRODUCTION OF BILLS.

By Mr. Scrivner—An Act to provide for the collection of road poll-taxes in and for the County of Stanislaus.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr. Suverkrup—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the Santa Anna River, and to issue bonds for the payment of the same, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

RESOLUTIONS.

By Mr. Preston.

*Resolved by the Assembly, the Senate concurring*, That the Enrolling Clerk of the Assembly be and he is hereby authorized to correct Assembly Bill No 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo—by erasing the word "and," in the first line of section four, after the word "number," and inserting the word "and" before the word "their," in the same line.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Hayne:

*Resolved*, That the Enrolling Clerk of the Assembly be and he is hereby authorized to correct an error in Assembly Bill No. 466, by changing the word "rewards" to "award," in the eighteenth line of section nine of said bill

Adopted.

GENERAL FILE.

Assembly Bill No. 540—An Act for the relief of Rudolph Ressmeyer.

Withdrawn by author.

Senate Bill No. 109—An Act to authorize the widening of Dupont Street, in the City and County of San Francisco.

Amended, read third time, and passed.

Senate Bill No 289—An Act to create the Twenty-second Judicial District.

Made the special order for Thursday, March twenty-third, at seven o'clock and thirty minutes P. M.

[Speaker pro tem. in the chair.]

Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals.

RECESS.

Pending the debate of a motion to refer the bill to the Committee on Retrenchment and Reform, the House, at twelve o'clock and thirty minutes P. M., took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Senate Bill No. 373, pending at the time of recess.

The motion to refer the bill to the Committee on Retrenchment and Reform was lost.

Mr. Ferral moved the indefinite postponement of the bill.

Upon which the ayes and noes were demanded by Messrs. Clunie, Harding, and Gelwicks

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs. Archer, Bagge, Barber, Berry, Broderick, Carter, Coffey, Collins, Cornwell, Crutcher, Dixon, Ferral, Harding, Hinshaw, Jenkins, Jones, Jourden, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Rankin, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Watkins, and Young—35.

NOES—Messrs. Abbott, Biggs, Blackwell, Blue, Bradley, Brickland, Burbank, Chapman, Clarken, Covington, Clunie, Dunlap, Garretson, Gelwicks, Griswold, Hart, Hayne, Kennedy, Lambourn, Lammers, Maguire, McConnell, McInerny, McKenna, Patterson of San Joaquin, Pierce, Preston, Quigley, Reddick, Suverkrup, Swan, Wetherill, Wood, and Mr. Speaker—34

MOTIONS AND RESOLUTIONS.

By Mr. Hart:

*Resolved*, That the Clerk be directed to make out a special file, consisting of local bills, and that said file be made the special order for each evening hereafter, at half-past seven o'clock, commencing March twenty-second

Adopted

Upon motion of Mr. Preston, Senate Bill No. 496, reported by the Committee on Public Buildings and Grounds, on this day, was made the special order for Wednesday, March twenty-second, at one o'clock and thirty minutes P. M.

Upon motion of Mr. Jones, substitute for Senate Bill No. 439—An Act to appropriate thirteen thousand dollars to make certain repairs in the State Normal School and to provide furniture therefor, and also to provide for a deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years for said school—was ordered to head of file for to-morrow.

Upon motion of Mr. Clarken, Assembly Bill No. 358—An Act to regulate and govern the California State Prison, and to establish a

State Penal Reformatory—was made the special order for Thursday, March twenty-third, at eleven o'clock and thirty minutes A M.

INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Archer—An Act to reserve from sale the north half of section sixteen, in township seven south, and range three east, Monte Diablo meridian.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Covington—An Act to amend section one thousand seven hundred and twelve of the Political Code

Read first and second times and referred to the Committee on Education.

By Mr. Young—An Act to authorize the Board of Examiners of the State of California to inquire into and allow or reject the war bond indebtedness of the State, created under the Act of February fifteenth, eighteen hundred and fifty-one, and the Act of May the third, eighteen hundred and fifty-two.

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

By Mr. Kennedy—An Act to declare and define the meaning of a certain provision of section five hundred and forty-nine of the Civil Code of California

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

[Mr Clarken in the chair.]

SPECIAL ORDER.

The Speaker announced as the special order for this hour, Assembly Bill No. 300—An Act establishing a Commission relative to hydraulic mining and the damage resulting therefrom; and Assembly Concurrent Resolution No 17—Relative to hydraulic mining.

Upon motion of Mr. Carpenter, the House took up for consideration first Assembly Concurrent Resolution No. 17, and the substitutes offered by the Committee on Mines and Mining Interests and the Committee on Agriculture

Mr. Carpenter moved that the substitute offered by the Committee on Mines and Mining Interests be adopted.

Mr. Berry moved, as an amendment, that the substitute offered by the Committee on Agriculture be adopted.

The previous question was moved by Messrs Harding, Murphy of San Francisco, and Wilcox, and the House so ordered.

The question being upon the adoption of the amendment offered by Mr. Berry, the ayes and noes were demanded by Messrs Berry, Ruggles, and Clunie

The roll was called, and the amendment adopted, by the following vote:

AYES—Messrs. Abbott, Bagge, Barber, Berry, Biggs, Bradley, Burbank, Carter, Clarken, Coffey, Collins, Clunie, Dixon, Hart, Hayne, Hinshaw, Jamison, Kennedy, Lambourn, Lammers, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Quigley, Rankin, Rice, Ruggles, Sargent, Suverkrup, Swan, and Watkins—32

NOES—Messrs Birney, Blackwell, Blue, Briceland, Broderick, Chapman, Cornwell, Coving-

ton, Crutcher, Dunlap, Garretson, Giffen, Griswold, Harding, Jones, Koutz, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Pullen, Rausch, Reddick, Roberts, Samuels, Wilcox, Young, and Mr. Speaker—31.

The question being upon the engrossment of the substitute, the ayes and noes were demanded by Messrs. Berry, Ruggles, and Clunie.

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs. Abbott, Bagge, Barber, Berry, Biggs, Bradley, Burbank, Carter, Clarken, Cofley, Collins, Clunie, Dixon, Hart, Hayne, Hinshaw, Jamison, Kennedy, Lambourn, Lammers, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Quigley, Rankin, Rice, Roberts, Ruggles, Sargent, Sullivan, Suverkrup, Swan, and Watkins—33

NOES—Messrs Birney, Blackwell, Blue, Breeland, Broderick, Chapman, Cornwell, Covington, Crutcher, Dunlap, Garretson, Giffen, Griswold, Harding, Jones, Koutz, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Pullen, Rausch, Reddick, Roberts, Samuels, Wilcox, Young, and Mr. Speaker—31.

Upon motion of Mr. Carpenter, Assembly Bill No. 300—An Act establishing a commission relative to hydraulic mining and the damage resulting therefrom—was made the special order for Thursday, March twenty-third, at one o'clock and thirty minutes P. M.

Mr. Broderick gave notice of a motion to reconsider the vote by which Senate Bill No. 373 was on this day indefinitely postponed

FURTHER INTRODUCTION OF BILLS.

By Mr. Cornwell—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb, and the Blind.

Also, an Act to appropriate forty thousand dollars for the construction of a building for a college of mining and mechanic arts at the University of California.

Also, an Act to appropriate twelve thousand dollars for the painting and general repairs of the State Capitol.

Each of the above bills read first and second times and referred to the Committee on Ways and Means.

By Mr. Broderick—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code

Read first and second times and referred to the Committee on Elections.

On motion of Mr. Birney, Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County—was ordered at the head of the general file for to-morrow.

ADJOURNMENT.

At five o'clock and fifty minutes P. M. Mr. Murphy of Del Norte moved to adjourn until to-morrow morning at ten o'clock

Mr. Nott moved to amend by adjourning until half-past seven o'clock this evening.

Lost.

The original motion prevailed, and the House adjourned until ten o'clock to-morrow.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 22d, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Jenkins on account of sickness.

### GENERAL FILE.

Upon motion of Mr. Harding, the House took up for consideration the general file.

Substitute for Senate Bill No. 439—An Act to appropriate thirteen thousand dollars to make certain repairs in the State Normal School and to provide furniture therefor, and also to provide for a deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years for said school

Considered in Committee of the Whole, the Speaker in the chair.

Upon motion of Mr. Harding, the committee arose and reported the bill back and recommended its passage.

### IN ASSEMBLY.

[Speaker in the chair.]

Substitute for Senate Bill No 439, above reported, read a third time and passed.

Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County.

Amended, and upon the engrossment of the bill the ayes and noes were demanded by Messrs. Berry, Coffey, and Barber.

The roll was called, and the bill ordered engrossed, by the following vote:

AYES—Messrs Abbott, Bagge, Biggs, Birney, Briceland, Broderick, Carter, Carson, Clark, Covington Ferral, Garretson, Gelwicks, Gifford Griswold, Hart, Hayne, Jones, Jourden, Lammers, Maguire, McConnell, McInerny, McMann, O'Connell Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Quigley, Raisch, Reddick, Roberts, Ruggles, Scrivner Sullivan, Suverkrup, Wetherill, Wilcox, and Young—41.

NOES—Messrs Archer, Barber, Berry, Blackwell, Bradley, Burbank, Chapman, Clarken, Coffey, Cornwell, Clunie, Dunlap, Hinshaw, Jamison, Kennedy, Koutz, Lambourn, McCarthy, McKenna, Murphy of Del Norte and Klamath, Ostrom, Preston, Rankin, Sargent, Samuels, Wood, and Mr. Speaker—27

### RESOLUTIONS.

Mr. Ferral had leave to offer the following resolution:

*Resolved*, That from and after this day no bill on the general file shall be taken up for consideration until the general file has been reached in the order of business.

Adopted.

Mr. Wilcox had leave to offer the following:

*Resolved*, That Henry F. Williams be allowed the sum of forty-seven dollars as mileage and witness fees before the Committee on Golden City Homestead affairs, and that the Controller is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the same.

Referred to the Committee on Expenditures and Accounts.

Upon motion of Mr. Clunie, the House resumed the regular order of business.

REPORTS.

By Mr. McConnell:

Mr. Speaker: Your Judiciary Committee—(present, McConnell, Chapman, Scrivner, McKenna, Swan, and Archer)—have had under consideration Assembly Bill No. 685—An Act to apportion the expenses incurred in the trial and execution of Tiburcio Vasquez between the Counties of Monterey and San Benito—and report the same back without recommendation.

Also, Assembly Bill No. 682—An Act to amend section two hundred and one of the Civil Code—report the same back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 42—Relative to mineral lands within the limits of the sixteenth and thirty-sixth sections—report the same back, and recommend its passage. Chapman dissenting.

Also, Assembly Bill No. 640—An Act to exempt active members of unpaid fire departments of the State of California from the payment of poll-tax provided for in section three thousand eight hundred and thirty-nine of the Political Code—report the same back, and recommend that it do not pass. Archer not voting.

Also, Assembly Bill No. 639—An Act exempting active firemen of the City of Stockton, County of San Joaquin, from the payment of poll-tax—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 550—An Act to amend the Code of Civil Procedure by creating a new section thereto—report the same back, and recommend its passage.

Also, Assembly Bill No. 690—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand and sixty—report the same back, and recommend passage. Chapman and McKenna dissenting.

Also, Assembly Bill No. 694—An Act to amend section one thousand six hundred and sixty-five of the Code of Civil Procedure—report the same back, and recommend its passage.

Also, substitute for Assembly Bill No. 432—An Act to prohibit the acceptance of free passes by members of the Legislature, State officers, and Judges of Courts of record—report the same back with an amendment, and majority recommend passage of substitute as amended.

McCONNELL, Chairman.

By Mr. Clunie:

Mr. Speaker: Your Committee on Claims, to whom was referred Assembly Bill No. 336—An Act for the relief of Michael Essinger—having considered the same, herewith report it back with an amendment, and with the recommendation that the bill be passed as amended.

Also, Assembly Bill No. 437—An Act for the relief of Addington & Green, publishers of the *Colusa Sun*—report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 301—An Act to provide for the redemption of unused and uncancelled stamps of the State of California, heretofore sold—report the same back, with the recommendation that the bill be passed.

Also, Senate Bill No. 406—An Act for the relief of Mrs. T. M. Logan—report the same back without recommendation.

Also, Assembly Bill No. 481—An Act for the relief of William Saunders—report the same back with a substitute therefor, and with the recommendation that the substitute be passed.

CLUNIE, for Committee.

By Mr. Covington:

Mr. Speaker: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 717—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four.

Also, Assembly Concurrent Resolution No. 43—Relative to the State Centennial Board of California.

Also, Assembly Bill No. 703—An Act confirming to the Santa Barbara Cemetery Association a deed of conveyance made by the Town of Santa Barbara.

Also, Assembly Bill No. 533—An Act for the incorporation of societies for the prevention of cruelty to children.

Also, Assembly Bill No. 481—An Act to amend section six hundred and thirty of the Penal Code.

Also, Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the

assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes in the Counties of Fresno, Tulare, and Kern.

Also, Assembly Bill No 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Also, Assembly Bill No. 356—An Act to amend section one thousand two hundred and sixty-one of the Civil Code.

Also, Assembly Bill No 442—An Act to limit the powers of the Board of Supervisors of Alameda County, with reference to contracting debts and levying taxes for county purposes

Also, Assembly Bill No 661—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda approved April fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 669—An Act to amend section three thousand seven hundred and sixty-four of the Political Code.

Also, Assembly Bill No 681—An Act concerning the terms of the County Courts of the County of Ventura

Also, Assembly Bill No. 587—An Act to authorize the Board of Supervisors of Lake County to levy a special tax

Also, Assembly Bill No 191—An Act for the relief of William Ford, of Mendocino County.

Also, Assembly Concurrent Resolution No. 36—Relative to specie payment

Also, Assembly Bill No 655—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code

Also, Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets.

Also, Assembly Bill No. 635—An Act to provide for the furnishing of all books and stationery of whatever description, free of charge, to the public school children of the City and County of San Francisco.

COVINGTON, for Committee.

By Mr. Giffen:

Mr. Speaker Your Committee on State Prison, having considered Assembly Bill No 677—An Act for the relief of the California Furniture Manufacturing Company of San Francisco, California—beg leave to report the same back, with accompanying documents, and recommend that it be referred to the Judiciary Committee

GIFFEN, for Committee

Assembly Bill No. 677, above reported, was referred to the Judiciary Committee.

By Mr. Preston:

Mr Speaker Your Committee on Fish, to whom was referred Assembly Bill No. 651—An Act to encourage the propagation of fish in Lake Elinor, Tuolumne County—after having examined the same, beg leave to report it back, and recommend its passage as amended

PRESTON, for Committee

By Mr. Giffen:

Mr Speaker The Nevada delegation, to whom was referred Assembly Bill No. 171—An Act to establish a branch county jail at the Town of Truckee, Nevada County—beg leave to report the same back, and recommend that the author be allowed to withdraw it.

GIFFEN, for Delegation.

Assembly Bill No. 171, above reported, the author had leave to withdraw.

By Mr. Gelwicks:

Mr Speaker The Alameda delegation, to whom was referred Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers—have had the same under consideration, report it back with amendments, and recommend the adoption of the amendments, and passage as amended.

GELWICKS, for Delegation.

By Mr. Coffey:

Mr. Speaker The San Francisco delegation, to whom was referred Senate Bill No 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors

of the City and County of San Francisco—report the same back, and recommend its passage: eleven members voting in the affirmative, seven in the negative, two absent.

Also, Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan—report the same back, and recommend its passage.

Also, Senate Bill No. 521—An Act to provide for the opening and extending of Liedesdorff Street, in the City and County of San Francisco—report the same back, and recommend its passage.

Also, Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction—report the same back, and recommend its passage.

Also, Assembly Bill No. 679—An Act to provide for the payment of certain claims of Frederick Victor—report the same back, and recommend its passage; fourteen members voting in the affirmative, three in the negative, three absent.

Also, Assembly Bill No. 336—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations—report the same back with a substitute, and recommend the passage of the substitute.

COFFEY, Chairman.

Assembly Bill No. 567, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Broderick:

Mr. Speaker: The undersigned, members of the San Francisco delegation, respectfully dissent from the report of the majority upon Senate Bill No. 494.

COFFEY,
BRODERICK,
KENNEDY,
O'CONNELL,
McCARTHY,
MURPHY,
RANKIN.

By Mr. Dixon:

Mr. Speaker: The Alameda delegation, to whom was referred Assembly Bill No. 714—An Act to fix the salaries of certain officers in the County of Alameda—have had the same under consideration, report it back, and recommend its passage.

DIXON, for Delegation.

By Mr. Hart:

Mr. Speaker: The Colusa and Tehama delegations, to whom was referred Senate Bill No. 519—An Act to repeal an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in Tehama County—have had the same under consideration, and hereby report the same back, and recommend its passage.

HART, for Delegations.

By Mr. Biggs:

Mr. Speaker: The Sacramento delegation, to whom was referred Senate Bill No. 538—An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento—report the same back, and recommend its passage.

BIGGS,
CLUNIE,
PATTERSON.

By Mr. Clunie:

Mr. Speaker: The Sacramento delegation, to whom was referred Assembly Bills Nos. 582, 584, and 586—report said bills back with amendments, and recommend their passage.

CLUNIE,
BIGGS,
PATTERSON.

Assembly Bill No. 582, above reported, amended, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill No. 584, above reported, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill No. 586, above reported, rules suspended, considered engrossed, read a third time, and passed.

By Mr. Patterson of Sacramento:

MR. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 579—An Act to incorporate the City of Sacramento—report the same back, and recommend that it pass.

PATTERSON, for Delegation.

Assembly Bill No. 579, above reported, rules suspended, considered engrossed, read a third time, and passed.

By Mr. Hinshaw.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts beg leave to report that they have examined the following newspaper bills and accounts, have corrected the same, and recommend that they be paid as allowed:

| To whom due. | Asked | Allowed. |
|---|---|---|
| Coso Mining News, four copies | $14 00 | $10 00 |
| Contra Costa News, one copy | 2 50 | 2 50 |
| Yolo Democrat, eleven copies | 27 50 | 27 50 |
| Weekly Monitor, two copies | 6 00 | 5 00 |
| Sutter Banner, eighteen copies | 36 00 | 45 00 |
| Inyo Independent, one copy | 4 00 | 2 50 |
| Glass Valley Union, five copies | 20 00 | 20 00 |
| Mendocino Dispatch, ten copies | 25 00 | 25 00 |
| Placer Argus, one copy | 1 00 | 2 50 |
| Solano Republican, four copies | 6 00 | 10 00 |
| Calaveras Chronicle, four copies | 12 00 | 10 00 |
| Nevada Transcript, two copies | 8 00 | 8 00 |
| Lake County Bee, four copies | 10 00 | 10 00 |
| Northern Enterprise, two copies | 4 00 | 5 00 |
| Dixon Tribune, one copy | 3 00 | 2 50 |
| Mariposa Gazette, nine copies | 27 50 | 22 50 |
| Hollister Enterprise, one copy | 2 00 | 2 50 |
| Amador Ledger, one copy | 1 50 | 2 50 |
| Placer Herald, seven copies | 14 00 | 17 50 |
| Stockton Independent, five copies | 17 50 | 17 50 |
| El Dorado Republican, two copies | 3 50 | 5 00 |
| *Spirit of the Times, forty copies* | 120 00 | 100 00 |
| San Mateo County Gazette, three copies | 9 00 | 7 50 |
| Yreka Union, ten copies | 14 00 | 17 50 |
| Stanislaus News, ten copies | 14 00 | 17 50 |
| Santa Clara Argus, ten copies | 20 00 | 25 00 |
| Total | $431 50 | $420 50 |

*Resolved*, That the Controller is hereby authorized and directed to draw his warrants in favor of the persons named in the above report, for the sums set opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 21st, 1876.

*To the Assembly of the State of California.*

I have to inform your honorable body that I have approved Assembly Bill No. 402—An Act for the better protection of the county treasuries of Los Angeles, Sutter, and Butte Counties.

Also Assembly Bill No. 440—An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Alameda, and an Act amendatory of said Act, approved March seventh, eighteen hundred and seventy-two, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 455—An Act to regulate the salaries and fix the compensation of the county officers of the County of Amador.

Also, Assembly Bill No 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo

Also, Assembly Bill No 525—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter.

Also, Assembly Bill No. 555—An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads in the County of Mendocino

WILLIAM IRWIN, Governor.

MOTIONS AND RESOLUTIONS

By Mr. McMann:

*Resolved*. That on and after twelve o'clock M. to-morrow, March twenty-third, no bills shall be introduced into this House

Lost.

Also:

*Resolved*. That on and after this date, no member shall be allowed to speak on any resolution or bill longer than ten minutes without permission of the House. The Speaker is charged with the enforcement of this rule.

Adopted.

By Mr. Ostrom:

WHEREAS, Certain newspapers published in the City of San Francisco have set forth, by implication and otherwise that the committee of this House on Commerce and Navigation have made a partial and one-sided report in their investigation of the condition of ocean steamers; and, whereas, there has been garbled extracts of the testimony taken before said committee, thereby aiming to impute dishonest motives to have governed said committee, therefore, be it

*Resolved*. That two hundred and forty copies of all testimony taken and received by said committee be printed, together with their report.

Laid on the table temporarily.

Upon motion of Mr. Harding the Committee on Land Monopoly was granted leave to sit at any time during the session of this House.

Upon the motion of Mr. Berry to place at the head of the file for this day Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State; substitute for Senate Bills Nos 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—the ayes and noes were demanded by Messrs. Berry, Ostrom, and Nott

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs Archer Bagge, Berry, Biggs, Birney Bradley, Clark, Collins, Covington, Crutcher, Dixon, Garretson, Gelwicks, Hayne, Hinshaw, Jamison, Kennedy, Kontz, McCarthy, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Rankin, Rice Roberts, Ruggles, Suverkrup, Swan, Wilcox, Wood, and Mr Speaker—34.

NOES—Messrs. Abbott, Barber Blackwell, Briceland, Broderick, Burbank, Chapman, Clarken, Coffey, Clunie, Ferral, Giffen, Griswold, Hart, Harding, Jourden, Lamboum, Maguire, McConnell, McInerny, O'Connell, Patterson of San Joaquin, Pullen, Raisch, Sargent, Sullivan, Watkins, and Young—28.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 18th, 1876

MR. SPEAKER I am directed to inform your honorable body that the Senate, on the eighteenth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules,

and ordered transmitted without engrossment. Senate Bill No 341—An Act to amend the Civil Code concerning the mortgage of growing crops

CLARK, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 20th, 1876

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth day of March, eighteen hundred and seventy-six, passed Assembly Bill No 518—An Act concerning roads and highways in the County of Placer.

Also, Assembly Bill No 102—An Act for the payment of the claim of Laura De Force Gordon against Swamp Land District Number Five.

Also, Assembly Bill No 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 531—An Act to amend section three hundred and seventy-four of the Penal Code.

Also, Assembly Bill No 492—An Act making appropriations for certain deficiencies in the appropriations for the twenty-sixth and twenty-seventh fiscal years.

Also, Assembly Bill No 666—An Act supplemental to an Act entitled an Act to incorporate the City of Oakland approved March twenty-fifth, eighteen hundred and fifty-four.

Also, Assembly Bill No. 693—An Act regulating fees and mileage in the criminal cases in the County of Nevada.

Also, on March eighteenth, passed Senate Bill No. 305—An Act to authorize the Board of Supervisors of the City and County of San Francisco to fix and establish water rates

Also, on March twentieth, passed under suspension of the rules, and ordered transmitted immediately and without engrossment to the Assembly, Senate Bill No 539—An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 21st, 1876

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventeenth day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 450—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Diego

Also, on March twenty-first, passed Assembly Bill No 706—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 625—An Act to provide for the improvement of the public roads in Inyo County.

And indefinitely postponed Assembly Bill No. 566—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six

And, on the twentieth day of March, passed Assembly Bill No 662—An Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a school-house, approved March twentieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 575—An Act to prevent hogs and goats running at large in the Town of Sutter Creek, Amador County

Also, Assembly Bill No. 627—An Act to fix the terms of the County and Probate Courts for the County of Amador

Also, Assembly Bill No. 475—An Act to make applicable to Del Norte County an Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, eighteen hundred and seventy-two.

Also, Assembly Bill No. 707—An Act to authorize the Board of Supervisors of the County of Stanislaus to purchase the toll bridge across the Stanislaus River at Knight's Ferry

Also, Senate Bill No. 505—An Act to provide revenue for the support of the government of this State

And, on March fourteenth, passed Senate Bill No. 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code.

Also, Senate Bill No 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

And, on March fifteenth, passed Senate Bill No. 522—An Act to provide for the removal of the remains of deceased persons interred in California Street, west of Lyon Street, in the City and County of San Francisco and for the grading of California street between Lyon Street and First Avenue, in said city and county

And, on March eighteenth, passed Senate Bill No 416—An Act to provide for levying and collecting a tax in Levee District Number Five, Sutter County, and for paying the salaries due the late State Board of Reclamation Fund Commissioners.

And, on this day, concurred in report of Committee of Conference on Assembly Bill No. 79.
Also, concurred in Assembly amendments to Senate Bill No 380

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 22d, 1876

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-first day of March, eighteen hundred and seventy-six, adopted Senate Concurrent Resolution No 42—Relative to expenses of funeral of the late J. W. Mandeville.

And, on this day, adopted Senate Concurrent Resolution No. 43—Requesting the Governor to return Senate Bill No 435.

Also, amended and passed Assembly Bill No 520—An Act to incorporate the Town of St. Helena

Also, adopted Assembly Concurrent Resolution No. 47—Relative to correcting clerical errors in Assembly Bill No 496

Also, concurred in Assembly amendments to Senate Bill No 109.

Also, passed Assembly Bill No. 609—An Act to modify the grades of certain streets in the City and County of San Francisco.

CLARK, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 341, 505, 501, and Senate Concurrent Resolution No. 42, above reported, each read first and second times and referred to the Committee on Ways and Means.

Substitute for Senate Bill No. 305 and Senate Bill No. 522, above reported, each read first and second times and referred to the San Francisco delegation.

Senate Bill No. 469, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 416, above reported, read first and second times and referred to the Committee of Swamp and Overflowed Lands.

Senate Bill No. 589, above reported, read first and second times and referred to the San Joaquin delegation.

Senate Concurrent Resolution No. 43, above reported, read first and second times, rules suspended, read third time, and adopted.

Assembly Bill No. 520, above reported, Senate amendments concurred in.

[Speaker pro tem. in the chair.]

## INTRODUCTION OF BILLS.

By Mr. Clunie—An Act to raise additional taxes for the City of Sacramento, for the fiscal year eighteen hundred and seventy-six-seven

Read first and second times and referred to the Sacramento delegation.

Also, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the Acts amendatory thereof.

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

Also, an Act entitled an Act to amend section three thousand eight hundred and two of the Political Code.

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

Also, an Act to confer further powers on the Board of Trustees of the City of Sacramento

Also, an Act to provide for a Board of Levee Commissioners of the City of Sacramento.

Also, an Act imposing additional duties on the County Clerk of the County of Sacramento

Each of the above bills read first and second times and referred to the Sacramento delegation

Also, an Act to amend section four hundred and seventy-six of the Code of Civil Procedure.

By Mr. McConnell—An Act to prevent adulteration of foods, drinks, and drugs.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Lambourn—An Act to authorize the Board of Supervisors of Los Angeles County to erect a jail, and to issue bonds for the payment of the same.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Ferral—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Garretson—An Act to confer additional powers upon the Board of Supervisors of San Mateo County

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr Burbank—An Act to prevent stock from running at large upon the roads and highways in the County of Marin.

Read first and second times rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr Preston—An Act to make applicable a certain Act to San Luis Obispo County.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr McInerny—An Act concerning certain claims of J. B. Doherty against the State of California

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

Also, an Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

By Mr Nott—An Act in relation to the fees of witnesses in the County of El Dorado

Each of the above bills read first and second times and referred to the delegations named in the bills.

By Mr. Carson—An Act for the better protection of children.

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

GENERAL FILE RESUMED.

Senate Bill No 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of Califor-

nia, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State.

Mr. Blue moved that the bill, together with substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—be made the special order for next Monday, at one o'clock and thirty minutes P. M.

Upon which the ayes and noes were demanded by Messrs. Berry, Clunie, and Nott.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Abbott, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clarken, Clunie, Dunlap, Ferial, Giffen, Griswold, Maguire, McConnell, McInerny, Murphy of Del Norte and Klamath, O'Connell, Patterson of San Joaquin, Raisch, Reddick, Roberts, Suverkrup, Wetherill, and Young—26

NOES—Messrs. Archer, Bagge, Barber, Berry, Biggs, Bradley, Burbank, Collins, Cornwell, Covington, Crutcher, Dixon, Garretson, Gelwicks, Hart, Harding, Hayne, Hinshaw, Jamison, Jones, Jourden, Kennedy, Koutz, Lambourn, McMann, McCarthy, McKenna, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Quigley, Rankin, Rice, Sargent, Samuels, Sullivan, Swan, Wilcox, Wood, and Mr. Speaker—44.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair

Roll called, and a quorum present.

House resumed consideration of Senate Bill No 315, and the substitute offered by Mr. Harris.

Mr. Hart moved to indefinitely postpone the substitute.

[Speaker pro tem. in the chair.]

The previous question was moved by the requisite number, and so ordered by the House.

Mr O'Connell moved a call of the House, and the House so ordered.

The roll was partly called and, upon motion of Mr. Clunie, further proceedings under the call was dispensed with.

The question being upon the indefinite postponement of the substitute, the House so ordered.

The question recurring upon the passage of the bill, certain amendments offered by the Committee on Retrenchment and Reform were adopted, and certain other amendments proposed by the same committee were lost.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Berry, Nott, and Clunie

The roll was called, and the bill refused passage, by the following vote:

AYES—Messrs Archer, Bagge, Berry, Bradley, Burbank, Collins, Cornwell, Covington, Crutcher, Hart, Hinshaw, Jamison, Jones, Kennedy, Koutz, Nott, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Samuels, Sullivan, Watkins, Wilcox, and Mr. Speaker—27

NOES—Messrs. Abbott, Barber, Biggs, Birney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Clunie, Dixon, Dunlap, Ferial, Garretson, Gelwicks, Giffen, Griswold, Harding, Jenkins, Jourden, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Raisch, Roberts, Sargent, Scrivner, Suverkrup, Swan, Wetherill, Wood, and Young—49.

Substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Indefinitely postponed

Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years

Recommitted to the Committee on Ways and Means.

SPECIAL ORDER.

The Speaker announced as the special order for this hour, Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin

Considered in Committee of the Whole, Speaker pro tem. in the chair.

On motion of Mr Scrivner, the Committee of the Whole arose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

[Speaker in the chair]

The report of the committee was received, and leave to sit again was granted.

MOTIONS AND RESOLUTIONS.

By Mr Clunie:

*Resolved*, That the Committee on State Prison be requested to report the bill concerning the Branch State Prison at Folsom to this House on March twenty-third, eighteen hundred and seventy-six.

Adopted.

Upon motion of Mr. McConnell, Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five—was referred to the Judiciary Committee

Upon motion of Mr. Berry, Assembly Bill No. 549—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six; and Assembly Bill No. 390—An Act to amend the Political Code, and to reduce the expenses of the National Guard—were ordered to head of file for to-morrow.

REPORT.

By Mr. Coffey:

SACRAMENTO, March 22d, 1876.

MR SPEAKER: The Committee on Enrollment have examined Assembly Bill No 663—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five, approved March fourteenth, eighteen hundred and seventy-six

Also, Assembly Bill No. 571—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two

Also, Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare.

Also, Assembly Bill No. 513—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four.

Also, Assembly Bill No. 532—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure.

Also, Assembly Bill No 588—An Act to legalize the taxes in Winship School District, Sutter County

Also, Assembly Bill No 466—An Act to authorize the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses

Also, Assembly Bill No 465—An Act for the relief of N A Covarubias, of Santa Barbara County.

Also, Assembly Bill No 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa

Also, Assembly Bill No 623—An Act relating to road districts and Road Overseers in the County of Sierra

Also, Assembly Bill No 633—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County.

Also, Assembly Bill No 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four.

Also Assembly Bill No 541—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum, by taxation, to furnish the necessary additional school facilities for said district

Also, Assembly Bill No 418—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment.

Also Assembly Bill No 666—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

And report the same correctly enrolled; and that at twelve o'clock and thirty minutes P. M. on this day the same were presented to the Governor for his approval.

COFFEY, Chairman.

Also:

SACRAMENTO, March 22d, 1876.

MR SPEAKER The Committee on Enrollment have examined Assembly Bill No. 102—An Act for the payment of the claim of Laura De Force Gordon against Swamp Land District Number Five.

Also, Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two

Also, Assembly Bill No. 492—An Act making appropriation for certain deficiencies in the appropriation for the twenty-sixth and twenty-seventh fiscal years

Also, Assembly Bill No 518—An Act concerning roads and highways in the County of Placer.

Also, Assembly Bill No. 531—An Act to amend section three hundred and seventy-four of the Penal Code.

Also, Assembly Bill No 693—An Act to regulate fees and mileage in the criminal cases in the County of Nevada.

Also, Assembly Bill No 707—An Act to authorize the Board of Supervisors of the County of Stanislaus to purchase the toll bridge across Stanislaus River, at Knight's Ferry.

Also, Assembly Bill No 475—An Act to make applicable to Del Norte County an Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, eighteen hundred and seventy-two

Also, Assembly Bill No 575—An Act to prevent hogs and goats running at large in the Town of Sutter Creek, Amador County.

Also, Assembly Bill No. 627—An Act to fix the terms of the County and Probate Courts in and for the County of Amador.

Also, Assembly Bill No 662—An Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a school-house, approved March twentieth, eighteen hundred and seventy-four

Also, Assembly Bill No 609—An Act to modify the grades of certain streets in the City and County of San Francisco.

And report the same correctly enrolled, and that at four o clock P. M of this day the same were presented to the Governor for his approval

COFFEY, Chairman

RECESS.

At five o'clock and five minutes P. M., on motion of Mr. Hart, the House took a recess until seven o'clock and thirty minutes P. M. this evening.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker pro tem. in the chair.
Roll called, and a quorum present.

REPORTS.

By Mr. Archer:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires and of saving property and human life from conflagration—have had the same under consideration and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 8—An Act to amend certain sections of the Political Code, and to repeal certain sections of said Code, all relating to insurance—report the same back with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 12—An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, all relating to insurance—report the same back with an amendment, respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 673—An Act to amend section six hundred and sixteen of the Political Code, relative to foreign insurance companies—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 674—An Act to repeal sections four hundred and fifty and four hundred and fifty-one of the Civil Code—report the same back, and recommend that it do not pass.

ARCHER, Chairman.

By Mr. Blackwell:

Mr. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 723—An Act to reserve from sale the north half of section sixteen, in township seven south, and range three east, Mount Diablo meridian—have had the same under consideration, and recommend its passage.

Your committee have also had under consideration Assembly Concurrent Resolution No. 41—Relative to preemption laws now in force in this State—and recommend its passage.

BLACKWELL, for Committee.

Assembly Bill No. 723, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

INTRODUCTION OF BILLS.

By Mr. Broderick—An Act to confer additional power upon 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. Archer—An Act supplementary to the Civil Code, and to add a new section thereto.

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

By Mr. Scrivner—An Act to regulate the terms of the County Court of the County of Stanislaus.

Read first and second times, rules suspended, bill considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Carpenter—An Act amendatory of the Penal Code of the State of California, by adding thereto a section, to be designated as section one thousand three hundred and seventy-four.

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

By Mr. Gelwicks—An Act to enable the working of mining claims in certain cases.

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

SPECIAL EVENING FILE.

Senate Bill No. 443—An Act to provide for the government of the County of San Diego.

The previous question was demanded by the requisite number, but upon a division of the House, was lost.

Mr. Pierce moved the adoption of the substitute offered by him, entitled: An Act to regulate fees of office and salaries of officers in the County of San Diego. Upon the adoption of which the ayes and noes were demanded by Messrs. Biggs, Nott, and Covington.

The roll was called, and the House adopted the substitute, by the following vote:

AYES—Messrs. Abbott, Berry, Biggs, Blackwell, Blue, Bradley, Brueland, Burbank, Carson, Clark, Collins, Covington, Crutcher, Dunlap, Garretson, Griswold, Hinshaw, Jones, Kennedy, Koutz, Lammers, Maguire, McCarthy, McKenna, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Rankin, Reddick, Rice, Sargent, Samuels, Scrivner, Sullivan, Swan, Watkins, and Wood—37.

NOES—Messrs. Bagge, Barber, Broderick, Clarken, Coffey, Clunie, Ferral, Gelwicks, Giffen, Hart, Harding, Jenkins, Jourden, Lamboum, McInerny, McMann, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Kern and Tulare, Pullen, Quigley, Raisch, and Wetherill—25.

Mr. Scrivner gave notice of a motion to reconsider the vote by which the substitute above referred to was adopted.

Mr. Berry moved the adoption of the following, as an additional substitute to the original bill: An Act to provide for the government of the County of San Diego.

The substitute was adopted, and Mr. Ferral gave notice of a motion to reconsider the vote by which the same was adopted.

The bill was read a third time, and the question recurring upon the passage of the original bill, as amended, the House so ordered.

Mr. Scrivner gave notice of a motion to reconsider the vote by which Senate Bill No. 443 just passed the House.

Mr. Griswold had leave to introduce the following bill. An Act to regulate proposals for the removal of the seat of government of this State.

Read first and second times and referred to the Committee on Internal Improvements.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Mr. Hart, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 23d, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Two days' leave of absence was granted to Mr. Ruggles.
[Mr. Scrivner in the chair.]

## REPORTS

By Mr. McConnell:

MR. SPEAKER Your Judiciary Committee, to which was referred Senate Bill No 276—An Act to compel the retraction of false or defamatory articles in newspapers or serial publications—begs leave to report that having fully considered the bill in question your committee has arrived at the conclusion that it ought not to pass

The bill, so far as your committee has been able to ascertain, attempts an anomaly in legislation, and endeavors, in cases of libel, to make proceedings wholly exceptional in their character.

When a man has suffered an injury in his person or property, the law, by the general consent of mankind, has done all it can reasonably be asked to do when it supplies him with an action in which pecuniary compensation is recovered

Why should injuries to reputation be made an exception to this rule? And why, if the principle of this bill is sound and safe, should it be confined in its operations to printed, and not applied to written or verbal slander?

The law as it stands, both on its civil and criminal sides, affords an ample remedy for all false and malicious attacks on the good name and reputation of the citizen.

Indeed, in its anxiety to make the redress adequate, the law tolerates an element in the crime of libel which exists in no other class of offenses

Not only is the proprietor of a newspaper liable civilly for any defamatory article appearing in his paper, but he is also, according to most authorities, responsible for the same in a criminal proceeding, although the libelous matter may have been inserted without his knowledge

The law has thus, in its anxiety to protect private character, made the offense of libel an exception to the whole criminal law

But, suppose this bill should be enacted into a law, what would be its effect?

Will a retraction compelled by legal proceedings satisfy either the injured party or the public?

A voluntary retraction will, of course, always have a great effect on men's minds, but a retraction produced by dread of imprisonment for contempt will surely have little effect on any reasonable mind

Next to a voluntary retraction, no doubt the verdict of a jury or the judgment of a Court would be the most satisfactory refutation of any libel or slander.

This can always be had under the law as it stands, and your committee cannot believe that an enforced retraction or apology will add to its effect in the slightest degree

Believing therefore, that if enacted into a law this bill would be useless and inoperative, and knowing that it is an experiment in criminal legislation, your committee finds itself compelled to dissent from the views of the supporters of the bill, and to recommend its rejection by this House.

McCONNELL, Chairman.

Senate Bill No. 276, above reported, indefinitely postponed.

By Mr. Giffen:

MR. SPEAKER Your Committee on State Prison, to whom was referred Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison—beg leave to report the same back, without recommendation.

GIFFEN, for Committee.

By Mr. Wetherill:

MR. SPEAKER The Committee on Elections, to whom was referred the resolution appropriating the sum of ninety-seven dollars to defray the expenses of F A. Pullen in the contest of

*Squires* v. *Pullen*, have considered the same and found from the evidence taken that the sum mentioned in said resolution was expended, therefore the committee report the same back, and recommend its passage.

WETHERILL, Chairman.

The resolution above reported was adopted.

By Mr. Dixon:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Senate Bill No 24 also substitute for the same, respectfully report them back with a substitute for the bill and substitute, and recommend its passage.

DIXON, for Committee.

Senate Bill No. 24 and substitute, above reported, were referred to the Sacramento delegation.

By Mr. Nott:

Mr SPEAKER Your Committee on Retrenchment and Reform, to whom was referred Senate Bill No. 278—An Act to amend certain sections of the Political Code concerning the salaries of judicial officers, and of officers connected with the Supreme Court—have had the same under consideration, and beg leave to report the same back without recommendation

NOTT, Chairman

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 89—An Act to establish a system of irrigation in the County of Los Angeles.

Also, Assembly Bill No. 710—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city

Also, Assembly Bill No. 387—An Act to regulate the practice of medicine in the State of California.

Also, Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County.

COVINGTON, for Committee

By Mr. Sargent:

Mr. SPEAKER The San Joaquin delegation, to whom was referred Senate Bill No. 589—An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six—beg leave to report the same back, and recommend its passage.

SARGENT, for Delegation.

Senate Bill No. 589, above reported, rules suspended, read third time, and passed.

By Mr. Clunie:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No 745—An Act to confer further powers on the Board of Trustees of Sacramento City—report the same back, and recommend its passage.

CLUNIE for Delegation

Assembly Bill No. 745, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr. Jamison, Assembly Bill No 528—An Act to establish the county line between the Counties of Santa Clara and Santa Cruz—was placed second on file for to-morrow.

Upon motion of Mr. Clunie, Assembly Bill No. 639—An Act exempting active firemen of the City of Stockton, County of San Joaquin, from the payment of poll-tax—was referred to the Judiciary Committee.

Upon motion of Mr. Young, Senate Bills Nos. 8 and 12, and As-

sembly Bills Nos. 673 and 674 were made the special order for Monday, March twenty-seventh, at one o'clock and thirty minutes P. M.

Upon motion of Mr. Dunlap, Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires, and of saving property and human life from conflagration—was placed at head of the file for to-morrow.

Upon motion of Mr. Blue, Assembly Bill No 524—An Act to provide text-books, free of cost, for the children attending the public schools of this State—was made special order for to-morrow, Friday, March twenty-fourth, at eleven o'clock A. M.

By Mr. Preston—Assembly concurrent resolution relative to the payment of Fabian Kunhardt for the translation of the inaugural address of Governor Irwin into Spanish, and for the rescinding of an Assembly concurrent resolution heretofore adopted pertaining to the same subject.

Read first and second times, rules suspended, considered engrossed, read third time, adopted, and ordered transmitted to the Senate without engrossment.

By Mr. Hinshaw:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant upon the State Treasurer in favor of Dana Perkins, Sergeant-at-Arms of the Assembly, for the sum of one hundred and twenty-four dollars, for serving subpœnas and mileage in subpœnaing witnesses to appear before the Committees on Land Monopoly, and Investigation of the affairs of the Golden Gate Park, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Berry:

*Resolved*, That W. L. McEwen be and he is hereby allowed the sum of twenty-five dollars, for services as Clerk of the Committee on Ways and Means The Controller is directed to draw his warrant on the Treasurer, and the Treasurer to pay the same out of the Contingent Fund of the Assembly.

Referred to the Committee on Contingent Expenses.

By Mr. Cornwell:

*Resolved*, That the Enrolling Clerk of the Assembly be authorized to correctly number the sections of Assembly Bill No. 520.

Adopted.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 23d, 1876

MR SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-second day of March, eighteen hundred and seventy-six, passed, and ordered transmitted without engrossment, Senate Bill No 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortion and discrimination in fares and freights on railroads within this State

And that the Senate refused to concur in Assembly amendment to Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning sale of public lands

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 134, above reported, made the special order for to-morrow at two o'clock P. M, and ordered printed.

Senate Bill No. 43, above reported The House refused to recede from its amendments, and the Speaker appointed as a Committee of Conference on the part of the Assembly, Messrs Blackwell, Garretson, and Nott.

NOTICE.

Mr. Hayne gave notice that he would, on to-morrow, introduce a bill entitled an Act to empower and give authority to the County of Santa Barbara to aid in the construction of a railroad within its limits.

GENERAL FILE.

Assembly Bill No. 549—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Considered in Committee of the Whole, Mr. Scrivner in the chair.

Upon motion of Mr. Berry, the committee arose, reported the bill back, and recommended its passage.

IN ASSEMBLY

[Mr. Scrivner in the chair.]

Assembly Bill No 549, above reported. Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

Assembly Bill No 390—An Act to amend the Political Code, and to reduce the expense of the National Guard.

Substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

SPECIAL ORDER.

The Speaker announced as the special order Assembly Bill No. 358—An Act to regulate and govern the California State Prison, and to establish a State Penal Reformatory.

Considered in Committee of the Whole, Mr. Scrivner in the chair.

Upon motion of Mr. Clarken, the committee arose, reported progress, and asked leave to sit again at one o'clock and thirty minutes P. M.

IN ASSEMBLY.

[Mr. Scrivner in the chair.]

The report of the Committee of the Whole was received, and leave to sit again at one o'clock and thirty minutes P. M. granted.

RECESS.

The hour for recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Assembly Bill No. 358, and in accordance with the leave granted, the House went into Committee of the Whole for the further consideration, the Speaker in the chair.

Upon motion of Mr. Clarken, the committee arose and reported the bill back with amendments, and recommended its passage as amended.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee on Assembly Bill No. 358, above reported, was received.

The bill was amended, rules suspended, considered engrossed, read third time, and passed.

RESOLUTIONS.

By Mr. Cornwell—Assembly concurrent resolution relative to printing the report and testimony of the Joint Committee on Public Buildings and Grounds.

Read first and second times, rules suspended, considered engrossed, read third time, and adopted.

By Mr. Pullen—Preamble and Assembly concurrent resolution, relative to the evil of Chinese immigration and asking of our Representatives and Senators in Congress the enacting of such laws as they may deem necessary in the premises

Laid on the table for one day.

On motion of Mr. Ostrom, the House took up for consideration the resolution offered by him on yesterday, relative to the printing of the testimony and report of the Committee on Commerce and Navigation.

The resolution was amended by striking out all of the preamble, and the original resolution as amended was then adopted.

Mr. McConnell had leave to introduce the following bill: An Act to create a Board of Public Works in and for the City of Los Angeles.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Upon motion of Mr. Murphy of San Francisco, the House took up Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.

Read third time and passed.

[Mr. McKenna in the chair.]

SPECIAL ORDER.

The Speaker announced as the special order, Assembly Bill No. 300—An Act establishing a commission relative to hydraulic mining and the damage resulting therefrom.

Substitute adopted and amended.

Mr. Carpenter moved to indefinitely postpone.

The previous question was moved by the requisite number and so ordered by the House.

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs Berry, Blue, and Clunie.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Birney, Blue, Briceland, Broderick, Collins, Covington, Clunie, Crutcher, Dunlap, Gelwicks, Giffen, Griswold, Harding, Jenkins, Jones, Koutz, Lammers, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Kern and Tulare, Patterson of San Joaquin, Pullen, Reddick, Samuels, Servanet, Young, and Mr Speaker—29.

NOES—Messrs Abbott, Bagge, Barber, Berry, Biggs, Blackwell, Bradley Burbank, Carter, Coffey, Dixon, Garretson, Hart, Hinshaw, Kennedy, Lambourn, McMann, McKenna, Ostrom, Pierce, Rankin, Sullivan, Suverkrup, Swan, Watkins, and Wood—26.

Mr. Clunie gave notice of a motion to reconsider the vote by which the above bill was indefinitely postponed.

Mr. Coffey had leave to make the following report:

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No 103—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose—report the same back, and recommend its passage, and respectfully ask that the rules be suspended, it be considered engrossed, read third time, and placed on its passage

COFFEY, Chairman.

Senate Bill No. 103, above reported, read third time and passed.

On motion of Mr. Scrivner, the House took up Senate message.

SENATE CHAMBER,
SACRAMENTO, March 23d, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of March, eighteen hundred and seventy-six, amended and passed Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District—and ordered the same transmitted immediately to the Assembly.

CLARK, Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Pending the consideration of Assembly Bill No. 73, above reported, upon motion of Mr. Murphy of Del Norte, at five o'clock and fifty minutes P. M., the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Upon motion of Mr. Ferral, Senate Bill No. 289—An Act to create the Twenty-second Judicial District—was made the special order for to-morrow at eleven o'clock A. M.

REPORTS

By Mr. Coffey.

SACRAMENTO, March 23d, 1876.

MR. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 450—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Diego

Also, Assembly Bill No. 625—An Act to provide for the improvement of the public roads in Inyo County.

Also, Assembly Bill No 706—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Also, Assembly concurrent resolution relative to correcting a clerical error in Assembly Bill No 496.

Also, Assembly Bill No. 520—An Act to incorporate the Town of St. Helena

Also, Assembly Bill No 79—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California.

And report the same correctly enrolled, and that at four o'clock and thirty minutes P. M. of this day the same were presented to the Governor for his approval.

COFFEY, Chairman

By Mr. Gelwicks:

Mr SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 524—An Act to make, open, and establish a public street in the City of Oakland, to be called Fourteenth Avenue, to take private lands therefor, and to construct a main sewer therein—have had the same under consideration, report it back with amendments, and respectfully recommend its passage as amended.

GELWICKS, for Delegation

Senate Bill No. 524, above reported, was taken up, rules suspended, read third time, and passed.

MOTIONS.

Upon motion of Mr. Wetherill, Assembly Bill No. 333 and Assembly Bill No. 334 were ordered respectively third and fourth on file for to-morrow.

BILL WITHDRAWN.

Mr. Patterson of Kern and Tulare had leave to withdraw Assembly Bill No. 692—An Act to provide for the construction of a wagon road in Tulare County, from Tulare Valley to Beulah, Mineral King Mining District.

INTRODUCTION OF BILLS.

By Mr. Hinshaw (by request)—An Act to save from destruction the vineyards of California, and to extirpate the phylloxera in said vineyards.

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

By Mr. McMann—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and to authorize certain appropriations of money by said Board.

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

Upon motion of Mr Berry, the Committee on Ways and Means were granted a leave of absence for the evening.

SPECIAL EVENING FILE.

Assembly Bill No. 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Read third time and passed.

Assembly Bill No. 635—An Act to provide for the furnishing of all books and stationery, of whatever description, free of charge, to the public school children of the City and County of San Francisco.

Read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Amended, read third time, and passed.

Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read third time and passed.

Assembly Bill No. 371—An Act for the relief of Michael Purcell.

Amended, read third time, and upon the passage of the bill the

ayes and noes were demanded by Messrs. Barber, Kennedy, and Raisch.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Archer, Bagge, Blackwell, Bradley, Broderick, Burbank, Carson, Chapman, Coffey, Cornwell, Dixon, Ferral, Griswold, Hart, Harding, Hayne, Jenkins, Jourden, Kontz, Lambourn, Lammers, Maguire, McInerny, McMann, McCarthy, McKenna Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Raisch, Roberts, Samuels, Suverkrup, Swan, Wetherill, Wood, Young, and Mr Speaker—44.

NOES—Messrs. Barber, Kennedy, Ostrom, Rankin, and Sullivan—5.

Assembly Bill No. 427—An Act to amend an Act entitled an Act to organize and regulate the Justices' Courts of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 601 passed on file

Senate Bill No. 64—An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same.

Read third time and passed.

Assembly Bill No. 456—An Act to provide for the distribution of school money in the County of Marin.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 388—An Act to provide for the redemption of the outstanding railroad bonds of Butte County.

Read third time and passed

Assembly Bill No 581—An Act to require the City Assessor and City Tax Collector of the City of Sacramento to perform certain duties in collecting the revenue of said city.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No 679—An Act to revise the charter of the City of Sacramento

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 462—An Act in regard to the payment of coupons on Sacramento City bonds, funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four.

Passed on file.

Assembly Bill No. 668—An Act in relation to certain street improvements in the City and County of San Francisco.

Amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto.

Amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted immediately to the Senate without engrossment.

Senate Bill No 44—An Act for the relief of J. J. Conlin.

Read third time and passed.

Assembly Bill No. 86—An Act to complete the City Hall of the City of San Francisco.

Withdrawn by author.

Senate Bill No. 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys.

Amended, read a third time, and passed.

Assembly Bill No. 620—An Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty.

Ordered placed on file for Monday evening.

Senate Bill No. 521—An Act to provide for the opening and extending of Leidesdorff Street, in the City and County of San Francisco.

Amended, read a third time, and passed.

At ten o'clock and seven minutes P. M., on motion of Mr. Jones, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 24th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Reading of journal of yesterday dispensed with, and approved.

### LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Jamison

### REPORTS.

By Mr. Berry:

MR. SPEAKER: Your Committee on Ways and Means have considered Assembly Bill No. 727—An Act to appropriate forty thousand dollars for the construction of a building for a College of Mining and Mechanic Arts at the University of California—and recommend that it do not pass.

Also, Assembly Bill No. 716—An Act making appropriation for deficiency in Stationery, Lights, and Fuel Fund for the twenty-seventh fiscal year—and recommend its passage.

Also, Senate Bill No. 341—An Act to amend the Civil Code concerning the mortgage of growing crops—and recommend its passage

Also, Senate Concurrent Resolution No. 42—Relative to expenses of funeral of late J. W. Mandeville—and recommend its passage.

Also, Assembly Bill No 725—An Act to appropriate twelve thousand dollars for painting the State Capitol—without recommendation.

Also, Senate Bill No. 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission—and recommend its passage

Also, Assembly Bill No. 713, with a substitute, and without recommendation either for the original bill or the substitute.

Also, Assembly Bill No. 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for Deaf, Dumb, and Blind—with amendment, and recommend its passage as amended.

Also, Assembly Bill No. 517—An Act making appropriation for the support of general government of the State of California, for twenty-eighth and twenty-ninth fiscal years—with a substitute, and recommend the passage of the substitute.

BERRY, Chairman.

By Mr. Archer:

Mr SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 164—An Act to amend section five hundred and seventy-one of the Civil Code, concerning savings and loan corporations—have had the same under consideration, and herewith report the bill back, and recommend that it do not pass

ARCHER, Chairman.

By Mr. Murphy of San Francisco:

Mr SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 699—An Act declaring Gallinas Slough, or Creek, in Marin County, navigable—report the same back, and recommend its passage.

MURPHY, for Committee.

Assembly Bill No. 699, above reported, taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Crutcher:

Mr. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 624—An Act for the relief of Lake County—having duly considered the same, herewith report the bill back, with the recommendation that it do not pass.

CRUTCHER, for Committee.

By Mr. Patterson of Sacramento:

Mr. SPEAKER We, the undersigned, majority of the Sacramento delegation, to whom was referred the substitute, presented by the Committee on Roads and Highways, for Senate Bill No. 24, and the substitute for the same, offered by Mr. Patterson of Sacramento, most respectfully beg leave to report that they have had the same under consideration, report the same back, with amendments, and recommend the passage of the substitute as amended.

PATTERSON,
BIGGS.

Senate Bill No. 24, above reported, taken up, substitute adopted, amended, read third time, and passed.

By Mr. Gelwicks:

Mr. SPEAKER The Alameda delegation, to whom was referred Assembly Bill No. 511—An Act to grant the right of way to the Oakland, Berkeley and Contra Costa Railroad Company—have had the same under consideration, and report it back without recommendation.

GELWICKS, for Delegation.

By Mr. Hart:

Mr SPEAKER: The Colusa delegation, to whom was referred Assembly Bill No 648, relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County, have had the same under consideration, and hereby report the same back, and recommend its passage

HART, for Delegation

By Mr. Coffey:

Mr SPEAKER The San Francisco delegation, to whom was referred Senate Bill No. 450—An Act for the relief of George Green and James Smith, of the City and County of San Francisco—report the same back, and recommend that it do pass

Also, Assembly Bill No 474—An Act relating to interments within the City and County of San Francisco—report the same back, and majority recommend that it do not pass, seven members voting against its passage, and five in favor.

Also, Assembly Bill No 512—An Act concerning the office of City and County Surveyor in and for the City and County of San Francisco—report the same back, and majority recommend its passage as amended, nine members voters in favor, eight against, and three absent.

COFFEY, Chairman.

By Mr. Cornwell:

Mr SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No 697—An Act to provide for the appointment of a State Architect—have considered the same, and beg to report it back, with an amendment, and recommend that it do pass as amended

CORNWELL, for Committee.

## GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, SACRAMENTO, March 23d, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 202—An Act concerning roads and highways in Lake County.

Also, Assembly Bill No. 536—An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego

Also, Assembly Bill No. 475—An Act to make applicable to Del Norte County an Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, eighteen hundred and seventy-two.

Also, Assembly Bill No. 492—An Act making appropriations for certain deficiencies in the appropriations made for the twenty-sixth and twenty-seventh fiscal years.

Also, Assembly Bill No. 633—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County.

WILLIAM IRWIN, Governor

## MOTIONS AND RESOLUTIONS.

Upon motion of Mr. Wilcox, Master Bertie Worthington was granted an indefinite leave of absence on account of sickness.

By Mr. Rankin:

*Resolved*, That the honorable Senate be requested to return Assembly Bill No. 632, for the purpose of engrossment.

Laid on the table.

By Mr. Dunlap:

*Resolved by the Assembly, the Senate concurring*, That the Fish Commissioners of California be and are hereby requested to take such steps as they may deem advisable and necessary to insure the protection and preservation of fish in Silver Lake, Amador County, California.

Laid over for one day, under the rules.

The House took up Assembly concurrent resolution offered yesterday by Mr. Pullen, relative to the evil of Chinese immigration.

Referred to the Committee on Federal Relations.

## SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, March 22d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth day of March, eighteen hundred and seventy-six, amended and passed Assembly Bill No. 404—An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four

CLARK, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 23d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of March, eighteen hundred and seventy-six, passed under suspension of the rules, and ordered transmitted immediately and without engrossment to the Assembly, Senate Bill No. 234—An Act to provide for the recovery of double taxation on outside lands of the City and County of San Francisco.

CLARK, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 23d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of March, eighteen hundred and seventy-six, passed, and ordered transmitted immediately to the Assembly, Senate Concurrent Resolution No. 45—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 435.

CLARK, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 23d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of March, eighteen hundred and seventy-six, amended and passed, under suspension of the rules, Senate Bill No. 551—An Act to amend section three thousand eight hundred and twenty of the Political Code—and ordered the same transmitted immediately, and without engrossment, to the Assembly.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 23d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty third day of March, eighteen hundred and seventy-six, passed under suspension of the rules, and ordered transmitted immediately and without engrossment, Senate Bill No. 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.

Also, adopted substitute for Senate Bill No. 529—An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplementary thereto—and under suspension of the rules ordered the same transmitted immediately and without engrossment to the Assembly.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 23d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventeenth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 575—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-six.

And, on March eighteenth, passed Senate Bill No. 492—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

Also, Senate Bill No. 491—An Act to regulate the fees and salaries of certain officers in Yuba County.

Also, Senate Bill No. 460—An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and to provide for its more efficient government, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, on March twentieth, passed Senate Bill No. 383—An Act to incorporate the Town of Livermore, Alameda County.

And that the President has appointed, as a Committee of Conference on part of the Senate, on Senate Bill No. 43, Messrs. McGarvey, Hill, and Laine.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 73, reported in yesterday's Senate message, and pending at time of taking recess, was taken up.

Mr. Carson moved to postpone the consideration of Senate amendments to Monday, March twenty-seventh, at two o'clock P. M.

Pending the discussion of the motion the previous question was demanded by the requisite number, and so ordered by the House.

The motion to postpone was lost.

The question recurring upon the concurrence in Senate amendments, certain amendments were concurred in, and upon the question to concur in Senate amendment to section forty-six, the ayes and noes were demanded by Messrs. Murphy of Del Norte, O'Connell, and Maguire.

The roll was called, and the House refused to concur, by the following vote:

AYES—Messrs. Abbott, Archer, Birney, Burbank, Carter, Chapman, Collins, Cornwell, Garretson, Gelwicks, Jones, Lammers, Ostrom, Patterson of San Joaquin, Pierce, Preston, Quigley, Rice, Roberts, Sargent, Scrivner, Suverkrup, Watkins, Wilcox, and Wood—25.

NOES—Messrs. Bagge, Barber, Berry, Blackwell, Blue, Bradley, Broderick, Carson, Clark,

Clarken, Coffey, Covington, Dixon, Dunlap, Ferral, Giffen, Griswold, Hayne, Hinshaw, Jenkins, Jourden, Kennedy, Lambourn, Maguire, McConnell, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Kern and Tulare, Pullen, Rankin, Rasch, Reddick, Ruggles, Samuels, Sullivan, Swan, Wetherill, Young, and Mr Speaker—43.

Senate Bill No 491, above reported, read first and second times and referred to the Yuba delegation.

Senate Bill No. 529, above reported, read first and second times and referred to the Judiciary Committee

Senate Bill No. 234, above reported, read first and second times and referred to the San Francisco delegation.

Senate Concurrent Resolution No. 45, above reported, read first and second times, rules suspended, read third time, and adopted.

Senate Bill No 551, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 504, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 460, above reported, read first and second times and referred to the Los Angeles delegation.

Senate Bill No. 575, above reported, read first and second times and referred to the Yolo delegation.

Senate Bill No. 492, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 383, above reported, read first and second times and referred to the Alameda delegation.

Assembly Bill No. 404, above reported, Senate amendments concurred in.

INTRODUCTION OF BILLS.

By Mr. Bricelland—An Act concerning the census of Millville School District, County of Shasta.

Read first and second times and referred to the Shasta delegation.

By Mr. Samuels—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

Read first and second times and referred to the Sonoma delegation.

By Mr. Gelwicks—An Act to provide for the first election in the Town of Hayward

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Ferral (by request)—An Act to provide for the adjustment of certain claims against Sonoma County.

Read first and second times and referred to the Sonoma delegation.

By Mr. Carson—Assembly concurrent resolution in regard to obtaining a grant to the State of a portion of Angel Island for cemetery purposes.

Read first and second times and referred to the Committee on Federal Relations.

Also, an Act to amend sections one thousand seven hundred and fifty-four and one thousand eight hundred and nine of the Code of Civil Procedure, concerning guardians.

Also, an Act to add a new section to the Code of Civil Procedure, to be known as section one thousand six hundred and forty-one.

Also, an Act to amend section two hundred and ninety-seven of the Civil Code, concerning corporations.

Each read first and second times and referred to the Judiciary Committee.

MOTIONS.

Upon motion of Mr. Watkins, Assembly Bills Nos. 222 and 330 were passed on file

Upon motion of Mr. Abbott, Assembly Bill No. 605—An Act concerning the removal of the remains of deceased persons from the State of California—was placed at the head of the file for to-morrow.

SPECIAL ORDER.

The Speaker announced as the special order Senate Bill No. 289—An Act to create the Twenty-second Judicial District.

Amended and read a third time.

Upon which Mr. Murphy of Del Norte moved a call of the House, and it was so ordered.

The roll was called, and the absentees noted.

The roll was called a second time, and Messrs. McConnell and Rice were the only members absent without leave.

Upon motion of Mr. Murphy of Del Norte, further proceedings were dispensed with under the call.

Upon the passage of the bill the roll was called, and the bill not having received the constitutional majority, was declared lost, the vote being as follows:

AYES—Messrs. Archer, Bagge, Blackwell, Broderick, Carson, Chapman, Clark, Clarken, Cornwell, Covington, Gelwicks, Griswold, Hart, Harding, Hayne, Hinshaw, Jourden, Kennedy, Koutz, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Pullen, Quigley, Raisch, Reddick, Roberts, Ruggles, Sargent, Samuels, Scrivner, Suverkrup, Wetherill, Wilcox, Young and Mr. Speaker—42.

NOES—Messrs. Abbott, Barber, Berry, Biggs, Birney, Blue, Bradley, Briceland, Burbank, Carter, Coffey, Collins, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garretson, Giffen, Jenkins, Jones, Lambourn, Lammers, McMann, Nott, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Rankin, Rice, Sullivan, Swan, Watkins, and Wood—36.

Mr Ferral gave notice of a motion to reconsider the vote by which Senate Bill No. 289 was refused passage on this day.

The hour of recess having arrived, the House took a recess for one hour..

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Harding had leave to introduce the following bill: An Act to confirm Order Number One Thousand Two Hundred and Sixty-nine of the Board of Supervisors of the City and County of San Francisco.

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

Upon motion of Mr. McInerny, Assembly Bill No. 610—An Act to amend sections five hundred and sixty-six and five hundred and sixty-seven of the Political Code—was ordered third on file for to-morrow.

REPORTS.

By Mr. Wetherill:

Mr. SPEAKER: Your Committee on Elections have had under consideration Assembly Bill No 728—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code—with amendments, and report it back to the House, recommending its passage.

WETHERILL, Chairman.

By Mr. McConnell:

Mr. SPEAKER: Your Judiciary Committee herewith report Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five—with two amendments, recommending the adoption of the amendments, and the passage of the bill as amended: for which purpose your committee recommend the suspension of the rules, and the immediate passage of said bill

McCONNELL, Chairman.

Senate Bill No. 145, above reported, taken up, amended, read third time, and passed.

MOTION.

Upon motion of Mr. Broderick, Assembly Bill No. 652—An Act making appropriations for benevolent purposes—was made the special order for to-morrow, at eleven o'clock A. M.

FURTHER REPORTS.

By Mr. McConnell:

Mr SPEAKER: Your Judiciary Committee (present—McConnell, Hart, Carter, Chapman, Swan, Scrivner, Harding, Archer, Murphy, Carson, and Clunie) have considered Senate Bill No. 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code—report the same back, and recommend its passage.

McCONNELL, Chairman.

By Mr. Covington.

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 586—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento, approved March sixth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 582—An Act to repeal an Act entitled an Act supplementary to the Act of April twenty-fifth, eighteen hundred and seventy-three, entitled an Act to incorporate the City of Sacramento, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 584—An Act to repeal part of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March eighteenth, eighteen hundred and seventy.

Also, Assembly Concurrent Resolution No. 17—Relative to hydraulic mining.

COVINGTON, for Committee.

By Mr Lambourn:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No 594—An Act to authorize the Brooklyn Land and Building Company to subscribe for stock in other companies—have considered the same, and beg leave to report it back, with the recommendation that it pass

McCONNELL,
LAMBOURN.

Assembly Bill No. 594, above reported, taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 24th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of March, eighteen hundred and seventy-six, amended and passed Assembly Bill No.

277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two

Also, amended and passed Assembly Bill No 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Also, amended and passed Assembly Bill No. 45—An Act supplementary to an Act approved March twenty-fourth, eighten hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six

Also, amended and passed Assembly Bill No 341—An Act to grant land for the right of way to the Arcata Transportation Company.

Also, passed, under suspension of the rules, Assembly Bill No 729—An Act to authorize the Board of Supervisors of Los Angeles County to erect a jail, and to issue bonds for the payment of the same.

Also, adopted Assembly Concurrent Resolution No. 48, relative to payment of Fabian Kunhardt for services in translating the inaugural address of Governor Irwin into Spanish.

Also, indefinitely postponed Assembly Bill No 479—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers of the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-four.

Also, indefinitely postponed Assembly Bill No. 461—An Act to provide for the payment of official reporters in certain cases, in Humboldt County.

Also, amended and passed Assembly Bill No. 730—An Act to confer additional power upon the Board of Supervisors of San Mateo County

Also, amended and passed Assembly Bill No 183—An Act to authorize Grant I. Taggart, former Clerk and Recorder of Shasta County, to certify and sign certain records

Also, amended and passed Assembly Bill No. 58—An Act concerning roads in the County of Humboldt

Also, passed Assembly Bill No 661—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy

Also, passed Assembly Bill No. 731—An Act to prevent stock from running at large upon the roads and highways in the County of Marin

Also, indefinitely postponed Assembly Bill No. 442—An Act to limit the powers of the Board of Supervisors of Alameda County with reference to contracting debts and levying taxes for county purposes

Also, on March twenty-third, passed, under suspension of the rules, and on this day ordered transmitted immediately, and without engrossment, Senate Bill No. 466—An Act to amend an Act entitled an Act to incorporate the City of Stockton, approved March twenty-ninth, eighteen hundred and seventy-two.

Also, on this day, passed, under suspension of the rules, and ordered transmitted immediately, and without engrossment, Senate Bill No 627—An Act to incorporate the Town of Red Bluff, Tehama County.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 24th, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-six, passed, and ordered transmitted immediately to the Assembly, Senate Concurrent Resolution No 46—Requesting return of Senate Bill No. 339, and to correct error in said bill

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 24th, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate receded from its amendment to section forty-six of Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

Also, concurred in Assembly amendments to Senate Bills Nos 524 and 521

CRAWFORD, Assistant Secretary.

[Mr. Clarken in the chair.]

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 46, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 466, above reported, read first and second times and referred to the San Joaquin delegation.

Senate Bill No. 627, above reported, read first and second times and ordered placed on this evening's special file.

Assembly Bill No. 73, above reported, was, upon motion of Mr. Scrivner, ordered enrolled out of its order.

Assembly Bills Nos. 341, 183, 730, 58, 277, and 480, above reported, Senate amendments to each concurred in.

Assembly Bill No. 45, above reported, certain Senate amendments concurred in, and certain other Senate amendments the House refused to concur in.

Mr. Wetherill, had leave to introduce the following bill out of order: An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

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

Mr. Briceland had leave to make the following report:

Mr Speaker Your Committee on State Hospitals, to whom was referred Assembly Bill No. 715—An Act to aid in the construction of a levee to protect the grounds of the Insane Asylum at Stockton from overflow and inundation—have fully examined the same, and report the bill back, with recommendation that it pass.

BRICELAND, Chairman.

SPECIAL ORDER.

The Speaker announced as the special order for this hour Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortion and discrimination in fares and freights on railroads within this State.

The Speaker announced the question to be upon the passage of the bill.

Messrs Wilcox, Bagge, and Hart moved the previous question

Mr. Archer raised the point of order that the previous question was out of order, as the question had not been stated by the Chair.

The Chair stated that he had stated the question and that the previous question was in order.

Mr. Sargent appealed from the decision of the Chair.

Whereupon the Speaker announced the question to be, "Shall the decision of the Chair stand as the decision of the House?" and upon a division vote the House so ordered.

[Speaker in the chair.]

The question being, "Shall the main question be now put?" the ayes and noes were demanded by Messrs. Berry, Blue, and Clunie, and the House refused, by the following vote:

Ayes—Messrs Bagge, Biggs, Binney, Blackwell, Briceland, Carson, Cornwell, Covington, Clunie, Ferral, Gelwicks, Gillen, Griswold, Hart, Hayne, Jenkins, Jouden, Maguire, McConnell, McInerny, McMann McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pullen, Quigley, Raisch, Reddick, Ruggles, Samuels, Suverkrup, Wetherill, Wilcox, and Young—37

Noes—Messrs Abbott, Archer, Barber Berry Blue, Bradley, Broderick, Burbank Chapman, Clarken, Coffey, Collins, Crutcher, Dixon, Dunlap, Garretson, Harding, Hinshaw, Jones, Kennedy, Koutz, Lambourn, Lammers, McKenna, Noti, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Rankin, Rice, Roberts, Sargent, Scrivner, Sullivan, Swan, Watkins, Wood, and Mr Speaker—39

Amended and, upon motion of Mr Murphy of Del Norte, made the special order for this evening, at seven o'clock and thirty minutes.

RECESS.

At five o'clock and fifty minutes P. M., on motion of Mr. Berry, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.
Mr. Coffey had leave to make the following report:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 748—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—report the same back, with the recommendation that it do pass.

Also, Senate Bill No. 413—An Act granting the Omnibus Railroad Company certain rights therein named—and recommend its passage.

COFFEY, Chairman.

House resumed consideration of Senate Bill No. 134, pending at time of recess.

The previous question was demanded by Messrs Murphy of San Francisco, Wilcox, and Covington.

The question being, "Shall the main question now be put?" the ayes and noes were demanded by Messrs. Berry, Rankin, and Rice.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Abbott, Bagge, Biggs, Birney, Briceland, Carter, Carson, Chapman, Covington, Clunie, Dunlap, Ferral, Gelwicks, Griswold, Hart, Hayne, Jounden, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pullen, Quigley, Raisch, Reddick, Wetherill, Wilcox, and Young—33.

NOES—Messrs. Archer, Barber, Berry, Blackwell, Bradley, Broderick, Burbank, Clarken, Coffey, Collins, Crutcher, Dixon, Garretson, Giffen, Harding, Hinshaw, Jenkins, Jones, Kennedy, Koutz, Lambourn, Lammers, Magune, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Rankin, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wood, and Mr. Speaker—42.

Upon the adoption of the amendment offered by Mr. Archer, and which is as follows: Amend section six by inserting after the words "over and above," on line fourteen, the following: "Ninety per centum of," the ayes and noes were demanded by Messrs. Berry, Rice, and Collins.

The roll was called, and the amendment was lost, by the following vote:

AYES—Messrs. Archer, Barber, Berry, Blackwell, Blue, Bradley, Broderick, Burbank, Clarken, Coffey, Collins, Crutcher, Dixon, Harding, Hinshaw, Jones, Kennedy, Koutz, Lambourn, Lammers, McMann, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Rankin, Rice, Roberts, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wood, and Mr. Speaker—38.

NOES—Messrs. Abbott, Bagge, Biggs, Birney, Briceland, Carter, Carson, Chapman, Covington, Clunie, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hayne, Jenkins, Jounden, Magune, McConnell, McInerny, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Preston, Pullen, Quigley, Raisch, Reddick, Ruggles, Wetherill, Wilcox, and Young—38.

Mr. McKenna offered the following amendment: Amend section six by inserting after the words "over and above," on line fourteen, the following "Ninety-five per centum of."

Mr. Blue offered an amendment to the amendment, upon the adop-

tion of which the ayes and noes were demanded by Messrs. Chapman, Nott, and Berry.

The roll was called, and the amendment lost, by the following vote:

AYES—Messrs. Archer, Barber, Berry, Blackwell, Bradley, Broderick, Burbank, Clarken, Coffey, Collins, Crutcher, Dixon, Harding, Hinshaw, Jones, Kennedy, Koutz, Lambourn, Lammers, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Rankin, Rice, Roberts, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Watkins, Wood, and Mr. Speaker—35.

NOES—Messrs. Abbott, Bagge, Biggs, Birney, Blue, Briceland, Carter, Carson, Chapman, Covington, Clunie, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hayne, Jenkins, Jourden, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Preston, Pullen, Quigley, Raisch, Reddick, Ruggles, Swan, Wetherill, Wilcox, and Young—41.

The question being upon the original amendment, offered by Mr. McKenna, the ayes and noes were demanded by Messrs. Murphy of San Francisco, Berry, and Sullivan.

The roll was called, and the amendment adopted, by the following vote:

AYES—Messrs. Archer, Barber, Berry, Biggs, Blackwell, Blue, Bradley, Broderick, Burbank, Clarken, Coffey, Collins, Cornwell, Clunie, Crutcher, Dixon, Garretson, Harding, Hinshaw, Jenkins, Jones, Kennedy, Koutz, Lambourn, Lammers, Maguire, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wood, and Mr. Speaker—44.

NOES—Messrs. Abbott, Bagge, Birney, Briceland, Carter, Carson, Chapman, Covington, Dunlap, Ferral, Gelwicks, Giffen, Griswold, Hart, Hayne, Jourden, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Preston, Pullen, Quigley, Reddick, Sargent, Wetherill, Wilcox, and Young—33.

Mr. McConnell, at nine o'clock and thirty-five minutes P. M., moved to adjourn.

Lost.

The bill was further amended, and upon its passage the ayes and noes were demanded by Messrs. Murphy of Del Norte, Covington, and Berry.

The roll was called, and the bill passed, by the following vote.

AYES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Bradley, Briceland, Broderick, Burbank, Carter, Carson, Chapman, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hayne, Hinshaw, Jenkins, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Raisch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—76.

NOES—None.

Mr. Abbott gave notice of a motion to reconsider the vote by which Senate Bill No. 134 passed the House on this day.

BILL WITHDRAWN.

Mr. Murphy of Del Norte was granted leave to withdraw Assembly Bill No. 354—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads in this State.

At ten o'clock and thirty minutes P. M., on motion of Mr. Wilcox, the House adjourned, to meet at eleven o'clock A. M. on to-morrow.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 25th, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Reading of journal of yesterday dispensed with, and approved.

## LEAVE OF ABSENCE.

Mr. Harris was granted an indefinite leave of absence on account of sickness.

## RECONSIDERATION.

Mr. Ferral, in pursuance to notice previously given, moved the reconsideration of the vote by which Senate Bill No. 289—An Act to create the Twenty-second Judicial District—was lost on yesterday.

The motion to reconsider prevailed.

The rules were suspended, the bill amended, and, upon motion of Mr. Ferral, placed upon its final passage.

Mr. Murphy of Del Norte moved a call of the House.

So ordered.

The roll was called, and the names of the absentees noted.

Upon motion of Mr. Murphy of Del Norte, further proceedings under the call was dispensed with.

The question being upon the passage of the bill, the roll was called, and the bill having received the requisite constitutional majority, was declared passed, the vote being as follows.

AYES—Messrs Archer, Bagge, Berry, Biggs, Birney, Broderick, Carson, Chapman, Clark, Clarken, Collins Cornwell, Covington, Clunie, Crutcher, Ferral, Gelwicks, Giffen, Griswold, Hart, Harding, Hinshaw, Jouden, Kennedy, Koutz, Lammers, Magune, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Raisch, Rice, Roberts, Sargent, Samuels, Sullivan, Suverkrup, Swan, Wetherill, Wilcox, Young, and Mr. Speaker—54

NOES—Messrs Abbott, Barber, Blackwell, Briceland, Burbank, Carter, Dixon, Dunlap, Garretson, Hayne, Jenkins, Jones Lambourn, Ostrom, Rankin, Ruggles, Scrivner, Watkins, and Wood—19

In accordance with notice previously given by Mr. Abbott, Mr. Clarken moved a reconsideration of the vote by which Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortion and discrimination in fares and freights on railroads within this State—passed the House on yesterday.

Mr. Patterson of Kern and Tulare moved that the motion to reconsider be indefinitely postponed, and the House so ordered.

## MOTIONS.

Upon motion of Mr. Crutcher, Mr. Reddick was granted one day's leave of absence.

Upon motion of Mr Rice, Assembly Bill No. 528—An Act to establish the county line between the Counties of Santa Clara and Santa Cruz—was ordered placed at the head of the file for this evening.

Upon motion of Mr. Harding, the testimony taken before the Committee on Land Monopoly was ordered printed.

Upon motion of Mr. Cornwell, the House took up for consideration Assembly Bill No. 713—An Act to appropriate four hundred and thirteen thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane and to complete the structure.

Considered in Committee of the Whole, with the Speaker in the chair.

Upon motion of Mr. Archer, the committee arose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the Committee of the Whole was received, and leave to sit again, at one o'clock and thirty minutes P. M., was granted.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

REPORTS.

By Mr. McConnell:

Mr SPEAKER: Your Judiciary Committee (present—McConnell, Swan, Chapman, Scrivner, Hart, Archer, McKenna, and Carter,) have considered Senate Bill No 529—An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplementary thereto—report the same back, with three amendments, recommend its passage as amended, and, in view of the importance of the matters involved, your committee urge a suspension of the rules, and the immediate passage of the bill and transmission to the Senate.

Also, Assembly Bill No 749—An Act to enable the working of mining claims in certain cases—report the same back, and recommend that it do not pass

Also, Assembly Bill No 639—An Act exempting active firemen of the City of Stockton, County of San Joaquin, from the payment of poll-tax—report the same back, and recommend its passage.

Also, Assembly Bill No 628—An Act to amend section three hundred and sixty-nine of the Political Code—report the same back and recommend that it do not pass

Also, Assembly Bill No. 589—An Act to prevent confusion and uncertainty in land titles, and to prevent frauds and oppression—report the same back, and recommend that it do not pass; Scrivner dissenting.

Also, Assembly Bill No 711—An Act to provide a supply of water for the University and for the Deaf and Dumb and Blind Asylum—report the same back, and recommend its passage.

Also, Assembly Bill No 712—An Act to provide a supply of water for the Napa Asylum for the Insane—report the same back, and recommend passage.

Also, Assembly Bill No. 743—An Act to prevent the adulteration of foods, drinks and drugs—report the same back, and recommend that it do not pass, for the reason that the objects of the bill are accomplished by sections three hundred and eighty-two and three hundred and eighty-three of the Penal Code.

McCONNELL, Chairman.

Senate Bill No. 529, above reported, rules suspended, amended, read third time, passed, and ordered transmitted to the Senate immediately.

Assembly Bill No. 711, above reported, rules suspended, considered

engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 712, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Upon motion of Mr. Ferral, Assembly Bill No 676 was ordered enrolled out of its order.

By Mr. Lambourn.

Mr. Speaker: Your Committee on Agriculture, to whom was referred Assembly Bill No. 701—An Act to appropriate moneys for the benefit of the various agricultural societies throughout the State—have had the same under consideration, and beg leave to report it back, with a substitute, and a majority of your committee respectfully recommend the passage of the substitute.

Also, have had under consideration Assembly Bill No. 753—An Act to save from destruction the vineyards of California, and to extirpate the phylloxera in said vineyards—and beg leave to report the bill back, and recommend that it be referred to the Committee on the Culture and Improvement of the Grape.

LAMBOURN, Chairman.

Assembly Bill No. 701, above reported, ordered to head of the file for Monday, March twenty-seventh.

Assembly Bill No 753, above reported, referred to the Committee on the Cultivation of the Grape-vine.

By Mr. Ostrom:

Mr. Speaker: The Yuba delegation, to whom was referred Senate Bill No. 491—An Act relating to fees and salaries of certain officers in Yuba County—have examined the same, report the same back, and recommend passage.

OSTROM, for Delegation.

Senate Bill No. 491, above reported, read third time and passed.

## SENATE MESSAGES.

Senate Chamber,
Sacramento, March 24th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted without engrossment to the Assembly, Senate Bill No. 456—An Act in relation to the election of county officers in the County of El Dorado.

Also, Senate Bill No. 586—An Act for the establishment and maintenance of a branch County Jail in the County of Solano.

Also, Senate Bill No. 480—An Act concerning the office of Collector of Licenses for the City and County of San Francisco.

Also Senate Bill No. 590—An Act to facilitate the construction of a canal for the improvement of the Oakland Harbor.

Also, Senate Bill No. 423—An Act to authorize the Police Judge of the City and County of San Francisco to transfer actions to the Justices' Court thereof.

Also, Senate Bill No. 503—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No 598—An Act supplementary to an Act to authorize the City of Oakland to obtain a supply of water, passed March thirtieth, eighteen hundred and seventy-four.

CLARK, Assistant Secretary.

Senate Chamber,
Sacramento, March 24th, 1876.

Mr Speaker: I am directed to inform your honorable body that the Senate, on the eighteenth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 602—An Act to amend section six hundred and twenty-five of the Penal Code.

Also, Senate Bill No 572—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure.

Also, on March twenty-second, passed Senate Bill No 532—An Act to amend the Code of Civil Procedure.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 24th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly immediately, Assembly Bill No. 699—An Act declaring Gallinas Slough, or creek, in Marin County, navigable.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco.

Also, passed Senate Bill No. 311—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license public weighers for said city and county.

Also, on this day, passed, under suspensions of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 464—An Act amending the Political Code, by adding a new section thereto, to be numbered section four thousand one hundred and ninety-four, in relation to duties of Sheriffs.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules and ordered transmitted to the Assembly without engrossment, Senate Bill No. 629—An Act concerning the Burlingame treaty.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 632—An Act to fix the terms of the County Court of the County of El Dorado.

Also, on this day, amended and passed Assembly Bill No. 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 717—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 380—An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco.

Also, Assembly Bill No. 553—An Act to provide for the payment of the debt due upon the Road Fund of Butte County.

Also, Assembly Bill No. 554—An Act in relation to roads and highways in the County of Butte.

Also, Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta.

Also, Assembly Bill No. 596—An Act to repeal an Act entitled an Act regulating the fees of witnesses in criminal cases in the Counties of Stanislaus and Merced, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 664—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Stanislaus County.

Also, Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County.

Also, Assembly Bill No. 438—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six.

Also, Assembly Bill No. 676—An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa, in the County of Sonoma.

Also, Assembly Bill No 459—An Act to fix the compensation of the Supervisors of San Bernardino County

Also, Assembly Bill No 570—An Act to legalize and make valid the transcribed records of San Benito County.

Also, Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Also, Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara

Also, Assembly Bill No. 532—An Act to authorize the City Council of the City of Oakland to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.

Also, Assembly Bill No. 434—An Act to authorize the Board of Supervisors of Mariposa County to pay a certain claim

Also, Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, also, to change the name of Cañada Street, in said town, to that of Ventura Avenue.

Also, Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Also, Assembly Bill No. 613—An Act to provide for the building of a school-house in Meridian School District, in the County of Sutter, State of California.

Also, Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight

Also, Assembly Bill No. 242—An Act to protect irrigation, and to make water rights responsible for expenses incurred on irrigating ditches in San Bernardino County.

Also, amended and passed Assembly Bill No. 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Also, Assembly Bill No. 655—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code

Also, Assembly Bill No. 426—An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth and East Ninth Streets.

Also, Assembly Bill No. 425—An Act concerning public roads in Lassen County.

Also, Assembly Bill No 552—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers in Butte County, approved March twenty-seventh, eighteen hundred and seventy-four

Also, Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa County.

Also, Assembly Bill No. 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.

Also, Assembly Bill No. 574—An Act to change the name of a town in Modoc County.

Also, Assembly Bill No 530—An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa.

Also, Assembly Bill No 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten, of Placer County

Also, Assembly Bill No. 266—An Act in relation to Superintendent of Schools of Del Norte County.

Also, Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

Also, Assembly Bill No. 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four.

And, indefinitely postponed Assembly Bill No. 56—An Act concerning the office of Sheriff of Sonoma County.

Also, Assembly Bill No. 286—An Act to protect salmon trout and brook trout in the streams of Sonoma County

Also, Assembly Bill No 305—An Act to amend an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco

Also, Assembly Bill No. 399—An Act concerning goats in the County of Mariposa.

Also, that Senate refuses to concur in certain amendment made by Assembly to Senate Bill No 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 312, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 632, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 423, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 300, above reported. House receded from its amendments.

Senate Bill No. 629, above reported, read first and second times and referred to the Committee on Federal Relations.

Senate Bill No. 480, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bills Nos. 532, 572, and 602, above reported, each read first and second times and referred to the Judiciary Committee.

Senate Bill No. 456, above reported, read first and second times and referred to the El Dorado delegation.

Senate Bill No. 503, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Senate Bill No. 586, above reported, read first and second times and referred to the Solano delegation.

Senate Bills Nos. 598 and 590, above reported, each read first and second times and referred to the Alameda delegation.

Senate Bill No. 320, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 464, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 311, above reported, read first and second times and referred to the Committee on Hospitals.

Assembly Bills Nos. 130, 416, 426, 526, 530, 552, 458, 574, 655, 8, 266, 321, 415, and 425, above reported, Senate amendments to each were concurred in.

FURTHER SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the following resolution

*Resolved*, That Assembly Bill No 554 be returned to the Senate for the purpose of acting on the amendments.

CLARK, Assistant Secretary.

The resolution above reported was adopted.

[Speaker pro tem. in the chair.]

MOTIONS AND RESOLUTIONS.

By Mr. Scrivner—Assembly concurrent resolution relative to the Mexican land grants and the Acts of Congress granting certain lands to railroad companies.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Clunie:

*Resolved*, That the use of the Assembly Chamber be granted to Mrs Waterhouse on Sunday evening, March twenty-sixth, eighteen hundred and seventy-six, for religious purposes

Lost.

Upon motion of Mr. McKenna, the House took up Assembly Bill No. 626—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure.

Rules suspended, considered engrossed, and read a third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Carson, Lambourn, and Clunie

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Abbott, Archer, Birney, Blackwell, Blue, Broderick, Burbank, Carter, Chapman, Clarken, Coffey, Cornwell, Clunie, Crutcher, Ferral, Garretson, Gelwicks, Griswold, Hart, Harding, Jones, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McKenna, Patterson of San Joaquin, Preston, Quigley, Rankin, Sargent, Samuels, Scrivner, Sullivan, Swan, Watkins, Wood, and Mr. Speaker—39

NOES—Messrs Bagge, Barber, Berry, Briceland, Carson, Clark, Covington, Dixon, Dunlap, Giffen, Hayne, Jourden, Kennedy, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Pullen, Raisch, Rice, Roberts, Suverkrup, Wetherill, and Young—29.

Mr. Clunie gave notice of a motion to reconsider the vote by which the above bill passed the House on this day.

Upon motion of Mr. Berry, Assembly Bill No 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—was made the special order for Monday, March twenty-seventh, at eleven o'clock A M.

Upon motion of Mr. Maguire, Senate Bill No. 629—An Act concerning the Burlingame treaty—was made the special order for Monday, March twenty-seventh, at eleven o'clock A. M.

REPORT.

By Mr. Nott:

Mr. SPEAKER Your Committee on Public Lands, to whom was referred Concurrent Resolution No 53—Relative to the Mexican land grants and the Acts of Congress granting certain lands to railroad companies—have considered the same, report it back, and recommend its passage.

NOTT, for Committee.

Mr. Carpenter had leave to present a protest from the Fire and Marine Underwriters of San Francisco, relative to a bill imposing a tax upon insurance policies.

Ordered to be placed in the same position as the bill to which it refers.

INTRODUCTION OF BILLS.

By Mr. Clunie—An Act entitled an Act amendatory of an Act to establish a paid fire department in the City of Sacramento.

Also, an Act concerning Swamp Land District Number Two Hundred and Five, in the County of Sacramento.

Also, an Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, an Act concerning the Auditor of the City of Sacramento.

Each of the above bills was read first and second times and ordered on file.

By Mr. Blackwell—An Act to cure certain defects in applications for the purchase of land and to confirm land titles.

Read first and second times and referred to the Committee on Public Lands, and ordered printed.

Upon motion of Mr Cornwell, the House went into Committee of the Whole for the consideration of the following bills:

Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison;

Assembly Bill No. 727—An Act to appropriate forty thousand dollars for the construction of a building for a College of Mining and Mechanic Arts at the University of California;

Assembly Bill No. 725—An Act to appropriate twelve thousand dollars for the painting and general repairs of the State Capitol;

Assembly Bill No. 713—An Act to appropriate four hundred and thirteen thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane and to complete the structure.

Assembly Bill No. 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb and Blind; and special order—

Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.

[Speaker in the chair.]

Upon motion of Mr. Berry, the committee arose and reported Assembly Bills Nos. 726, 713, and 725 back, and recommended their passage; also, the indefinite postponement of Assembly Bill No. 727; also, reported progress on Assembly Bill No. 611 and Senate Bill No. 496, and asked leave to sit again at seven o'clock and thirty minutes P. M.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the Committee of the Whole was received, and leave to sit at seven o'clock and thirty minutes P. M. granted.

MOTIONS.

Upon motion of Mr. Ferral, the Enrolling Clerk was authorized to correct the enacting clause of Assembly Bill No. 676.

Upon motion of Mr. Clunie, the Engrossing Clerk was authorized to sectionize Assembly Bill No. 680.

REPORTS

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 579—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 371—An Act for the relief of Michael Purcell.

Also, Assembly Bill No. 427—An Act to amend an Act entitled an Act to organize and regulate the Justices' Court of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 358—An Act to regulate and govern the California State Prison.

Also, Assembly Bill No. 581—An Act to require the City Assessor and City Tax Collector of the City of Sacramento to perform certain duties in collecting the revenue of said city.

Also, Assembly Bill No. 456—An Act to provide for the distribution of school money in the County of Marin.

COVINGTON, for Committee.

By Mr. Coffey:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 470—An Act for the relief of Patrick Dowling—report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 161—An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims—report the same back without recommendation.

Also, Assembly Bill No. 335—An Act to ratify and confirm the proceedings and report of *Commissioners appointed under and pursuant to the Act entitled an Act to authorize the Board* of Supervisors of the City and County of San Francisco to open and grade Market Street in said city, from the intersection of said street with Valencia Street to its intersection with Seventeenth Street, and to condemn private property for the roadway of said street, approved April second, eighteen hundred and seventy, and the Act amendatory thereof and supplemental thereto, approved April first, eighteen hundred and seventy-two, and to provide for the payment of the sums of money awarded as the value of the lands taken and as the value of the work done in opening and grading said street, to the respective parties justly entitled thereto, and for a tax on the taxable property of said city and county to pay the cost of the said improvement—report the same back without recommendation

Also, Assembly Bill No. 616—An Act to amend an Act to provide for the support of the common schools of the City and County of San Francisco, and to define the powers and duties of the Board of Education thereof, approved April first, eighteen hundred and seventy-two—report the same back, and recommend that it do pass

Also, Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—report the same back with amendments, and recommend that it pass as amended, eleven members voting in the affirmative, six in the negative, three absent.

Also, report a substitute for the three following bills, and recommend its passage:

Assembly Bill No. 734—An Act to empower the Board of Supervisors of the City and County of San Francisco to expend five thousand dollars in improving Pioneer Park.

Assembly Bill No. 754—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and to authorize certain appropriations of money by said Board.

Assembly Bill No. 598—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Also beg leave to introduce a bill for an Act to authorize the prosecuting attorney of the Police Court of the City and County of San Francisco to appoint a Clerk, and respectfully ask that the rules be suspended, it be considered engrossed, read third time, and passed.

COFFEY, Chairman.

MOTION.

Upon motion of Mr. Rankin, Assembly Bill No. 675—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code—was placed third on the file for Monday, March twenty-seventh.

RECESS.

At five o'clock and forty-five minutes P. M., on motion of Mr. Berry, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker pro tem. in the chair.
Roll called, and a quorum present.

REPORTS.

By Mr. Berry:

Mr. SPEAKER: The Committee on Ways and Means have considered Assembly Bill No. 735—An Act concerning the claim of J. B. Doherty against the State of California—and recommend that it do not pass.

Also, Senate Bill No. 505—An Act to provide revenue for the support of the government of this State—and report it back without recommendation.

BERRY, Chairman.

By Mr. Clunie:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 558—An Act to provide for the payment of certain coupons—recommend that it be passed.

CLUNIE, for Committee

By Mr. Wood:

SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 729—An Act to authorize the Board of Supervisors of Los Angeles County to erect a jail and to issue bonds for the payment of the same.

Also, Assembly Concurrent Resolution No. 48—Relative to payment of Fabian Kunhardt for services in translating the inaugural address of Governor Irwin into Spanish.

Also, Assembly Bill No. 404—An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.

And report the same correctly enrolled, and that at four o'clock P. M. this day the same were presented to the Governor for his approval.

WOOD, for Committee.

Also:

SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District—ordered enrolled out of its order, and report the same correctly enrolled, and that at four o'clock P. M. of this day the same was presented to the Governor for his approval.

WOOD, for Committee.

By Mr. Chapman:

Mr. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 683—An Act to transfer money from one fund to another in the County of Monterey—have had the same under consideration, and report the same back, with an amendment, and recommend its passage as amended.

CHAPMAN, Chairman.

Assembly Bill No. 683 amended, rules suspended, considered engrossed, read third time, and passed.

By Mr. Carter:

Mr. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 736—An Act for the better protection of children—have had the same under consideration, and respectfully report the same back, with an amendment, and recommend its passage as amended.

CARTER, Chairman.

Mr. Scrivner had leave to introduce the following bill: An Act imposing certain duties upon the Governor of the State.

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

MOTIONS.

Upon motion of Mr. Hart, Assembly Bill No. 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County—was referred to the Judiciary Committee, with instructions to report on Monday.

Upon motion of Mr. Carpenter, the House went into Committee of the Whole for the further consideration of Assembly Bill No. 611, Speaker pro tem. in the chair.

Upon motion of Mr. Biggs, the committee arose and reported back Assembly Bill No. 611, with a recommendation that it pass.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the Committee of the Whole received.

Mr. Carpenter moved to suspend the rules and consider the bill engrossed.

The previous question being moved by the requisite number, was so ordered by the House.

The question being upon Mr. Carpenter's motion to suspend the rules and consider the bill engrossed, the ayes and noes were demanded by Messrs. Jourden, Quigley, and Samuels.

The roll was called, and the motion not receiving a two-thirds vote, was declared lost, the vote being as follows:

AYES—Messrs. Abbott, Archer, Barber, Biggs, Blackwell, Blue, Briceland, Broderick, Carter, Clarken, Coffey, Cornwell, Clunie, Dunlap, Ferral, Garretson, Gelwicks, Hayne, Jenkins, Jones, Lambourn, Lammers, Magune, McCarthy, Nott, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Rankin, Rice, Ruggles, Suverkrup, Wetherill, Wilcox, and Mr. Speaker—35

NOES—Messrs. Berry, Bradley, Burbank, Chapman, Collins, Covington, Crutcher, Dixon, Giffen, Griswold, Hart, Harding, Hinshaw, Jourden, Kennedy, Koutz, Murphy of Del Norte and Klamath, Patterson of Kern and Tulare, Preston, Quigley, Roberts, Samuels, Scrivner, Swan, Watkins, and Young—26

The question recurring upon the engrossment of the bill, the House so ordered.

MOTIONS.

Upon motion of Mr. Clunie, the bill was ordered engrossed out of its order, and made the special order for Monday, March twenty-seventh, at eleven o'clock A. M.

Upon motion of Mr. Cornwell, Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin—was made the special order for Monday, March twenty-seventh, at eleven o'clock A. M.

Upon motion of Mr. Birney, Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County—was ordered placed at the head of the file for Monday evening, March twenty-seventh.

At ten o'clock P. M. Mr. Samuels moved to adjourn.

Lost.

The House took up Assembly Bill No. 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb and Blind.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Clarken had leave to present a report from the minority of the Joint Committee on State Prison.

Reading dispensed with, and ordered to be placed with Assembly Bill No. 611.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Mr. Ferral, the House adjourned, to meet at ten o'clock A M. on Monday, March twenty-seventh.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 27th, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Reading of the journal of Saturday, March twenty-seventh, dispensed with, and approved.

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Messrs. Gelwicks, Bagge, McInerny, and Pullen.
Upon motion of Mr Kennedy, all other absentees were granted one day's leave.

## PETITION.

By Mr. Carson—From citizens of this State, protesting against the passage of an Act prohibiting the teaching of music and foreign languages in the public schools of this State.
Ordered on file.

## REPORTS.

By Mr. Hinshaw:

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred the resolution providing for the payment of twenty-five dollars to W. L. McEwen, for serving as Clerk to the Committee on Ways and Means, having considered the same, would herewith report it back, and recommend its adoption.

HINSHAW, Chairman.

The resolution above reported was adopted.
By Mr. Briceland:

Mr. SPEAKER: The Committee on State Hospitals, to whom was referred Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco—having considered the same, a majority of said committee report the bill back, and recommend its passage.

BRICELAND, Chairman.

By Mr. Archer:

Mr. SPEAKER: The Santa Clara delegation to whom was referred Assembly Bill No 708—An Act amendatory of an Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four—report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

ARCHER, for Delegation.

Assembly Bill No. 708, above reported, taken up, amended, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.
By Mr. McConnell:

Mr. SPEAKER: Your Judiciary Committee (present—McConnell, Archer, Chapman, Swan, McKenna, and Scrivner) have considered Assembly Bill No. 722—An Act to declare and define the meaning of a certain provision of section five hundred and forty-nine of the Civil Code—report the same back with a substitute, and recommend the passage of the substitute.
Also, Assembly Bill No. 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County—and recommend its passage.
Also, Senate Bill No. 532—An Act to amend the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No 769—An Act imposing certain duties upon the Governor of this State —and recommend its passage

Also, Senate Bill No. 464—An Act amending the Political Code, by adding a new section thereto, to be numbered section four thousand one hundred and ninety-four, in relation to the duties of Sheriffs—and recommend its passage.

Also, Senate Bill No 602—An Act to amend section six hundred and twenty-five of the Penal Code—and recommend its passage.

Also, Assembly Bill No 677—An Act for the relief of the California Furniture Manufacturing Company, of San Francisco, California—together with sundry letters and a memorial, report the same back, and recommend its indefinite postponement.

Also, Assembly Bill No. 750—An Act amendatory of the Penal Code of the State of California, by adding a new section thereto, to be designated as section one thousand three hundred and seventy-four—recommend that it do not pass.

Also Assembly Bill No 742—An Act to amend section four hundred and seventy-six of the Code of Civil Procedure—and recommend its indefinite postponement.

Also, Assembly Bill No. 709—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 696—An Act to amend section three thousand eight hundred and two of the Political Code, and Assembly Bill No. 749—An Act to amend section three thousand eight hundred and two of the Political Code—and recommend that they do not pass.

Also, Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two —and recommend that it do not pass.

Also, Senate Bill No 551—An Act to amend section three thousand eight hundred and twenty of the Political Code—and recommend that it do not pass.

Also, Senate Bill No. 164—An Act to add a new section to the Code of Civil Procedure, and repeal certain sections of the Civil Code—and recommend its passage.

Also, Senate Bill No 163—An Act to amend section four thousand three hundred and thirty-two of the Political Code in relation to Sheriffs' fees—and recommend that it do not pass

McCONNELL, Chairman.

Assembly Bill No. 722, above reported, taken up, substitute adopted, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Patterson of San Joaquin.

Mr. SPEAKER The San Joaquin delegation, to whom was referred Senate Bill No. 466—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two—report the same back with amendment, and recommend its passage.

PATTERSON, for Delegation.

Senate Bill No. 586, above reported, taken up, amended, read a third time, and passed.

By Mr. Swan:

Mr SPEAKER The Solano delegation, to whom was referred Senate Bill No 586—An Act for the establishment and maintenance of a branch County Jail in the County of Solano—have considered the same, and hereby report the same back, and recommend its passage

SWAN, for Delegation.

Senate Bill No. 586, above reported, taken up, read third time, and passed

By Mr Samuels:

Mr. SPEAKER The Sonoma delegation, to whom was referred Assembly Bill No 757—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg—have examined the same, and report it back, recommending its passage

SAMUELS, for Delegation.

Assembly Bill No 757, above reported, taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr. Watkins:

Mr. Speaker The Yolo delegation, to whom was referred Senate Bill No 575—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four—have considered the same, and report it back, and recommend its passage.

WATKINS, for Delegation.

Senate Bill No 575, above reported, taken up, read third time, and passed.

By Mr. Briceland:

Mr. Speaker The delegation to whom was referred Assembly Bill No. 758—An Act concerning the census of the Millville School District, in the County of Shasta—have examined the same, and report it back, with the recommendation that it pass.

BRICELAND, for Delegation.

Assembly Bill No. 758, above reported, taken up, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

Upon motion of Mr. Cornwell, the House took up for consideration the bills which were on last Saturday considered in and reported by the Committee of the Whole, being Assembly Bills Nos. 713, 725, and 727.

Assembly Bill No. 713—An Act to appropriate four hundred and thirteen thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane, and to complete the structure.

Substitute adopted, rules suspended, considered engrossed, and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Covington, Murphy of Del Norte, and Hinshaw.

The roll was called, and the House so ordered, by the following vote:

Ayes—Messrs Abbott, Archer, Barber, Berry, Biggs, Blackwell, Blue, Briceland, Broderick, Burbank, Carter, Clark, Clarkson, Coffey, Cornwell Clunie, Dunlap, Garretson, Giffen, Griswold, Hart, Hayne, Jones, Lamboum, Lammers, Maguire, McConnell, McKenna, Pierce, Preston, Quigley, Rankin, Rice, Suverkrup, Wetherill, Wood, and Mr Speaker—37.

Noes—Messrs. Birney, Bradley, Chapman, Covington, Crutcher, Dixon, Ferral, Hinshaw, Jenkins, Kennedy, Koutz, McCarthy, Murphy of Del Norte and Klamath, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Roberts, Ruggles, Samuels, Scrivner, Swan, Watkins, and Wilcox—24.

Assembly Bill No. 725—An Act to appropriate twelve thousand dollars for the painting and general repairs of the State Capitol.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 727—An Act to appropriate forty thousand dollars for the construction of a building for a College of Mining and Mechanic Arts at the University of California.

Mr. Murphy of Del Norte moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Maguire, Briceland, and Wood.

The roll was called, and the House refused, by the following vote:

Ayes—Messrs. Barber, Berry, Birney, Bradley, Chapman, Clark, Covington, Crutcher, Dixon, Ferral, Garretson, Hart, Harding, Hinshaw, Jenkins, Kennedy, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rice, Ruggles, Samuels, Scrivner, Swan, Watkins, and Wilcox—29.

NOES—Messrs. Abbott, Archer, Biggs, Blackwell, Blue, Briceland, Broderick, Burbank, Carter, Carson, Clarken, Coffey, Cornwell, Dunlap, Giffen, Griswold, Hayne, Jones, Koutz, Lambourn, Lammers, Maguire, McConnell, McKenna, Patterson of San Joaquin, Pierce, Roberts, Suverkrup, Wood, and Mr. Speaker—30.

Mr. Patterson of Kern and Tulare moved to make the bill the special order for next Saturday evening, at seven o'clock and thirty minutes.

Upon which the ayes and noes were demanded by Messrs. Murphy of Del Norte, Ferral, and Wilcox.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Berry, Birney, Bradley, Chapman, Covington, Crutcher, Dixon, Ferral, Hart, Harding, Hinshaw, Jenkins, Kennedy, McCarthy, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rice, Roberts, Ruggles, Samuels, Scrivner, Watkins, Wetherill, and Wilcox—28

NOES—Messrs. Abbott, Archer, Barber, Biggs, Blackwell, Blue, Briceland, Broderick, Burbank, Carter, Carson, Clark, Clarken, Coffey, Cornwell, Clunie, Dunlap, Garretson, Giffen, Griswold, Hayne, Jones, Koutz, Lambourn, Lammers, Maguire, McConnell, McKenna, Patterson of San Joaquin, Pierce, Preston, Rankin, Suverkrup, Swan, Wood, and Mr. Speaker—36.

The previous question being moved by the requisite number, it was so ordered by the House.

The question being upon the adoption of the amendment offered by Mr. Ostrom, to strike out "forty thousand" and insert "twenty thousand," the ayes and noes were demanded by Messrs. Maguire, Blackwell, and Archer.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Barber, Berry, Birney, Bradley, Chapman, Covington, Crutcher, Dixon, Ferral, Garretson, Hart, Harding, Hinshaw, Jenkins, Kennedy, McCarthy, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rice, Roberts, Ruggles, Samuels, Scrivner, Suverkrup, Swan, Watkins, Wetherill, Wilcox, and Mr. Speaker—33.

NOES—Messrs. Abbott, Archer, Biggs, Blackwell, Blue, Briceland, Broderick, Burbank, Carter, Carson, Clark, Clarken, Coffey, Cornwell, Dunlap, Giffen, Griswold, Hayne, Jones, Koutz, Lambourn, Lammers, Maguire, McConnell, McKenna, Patterson of San Joaquin, Pierce, Preston, Rankin, and Wood—30.

The House refused engrossment to the bill.

Upon motion of Mr. Cornwell, Assembly Bills Nos. 713, 725, and 727, just acted on, were ordered transmitted to the Senate without engrossment.

REPORT.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison

COVINGTON, for Committee.

Assembly Bill No. 611, above reported, taken up, and the question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Clunie, Berry, and Ostrom.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Biggs, Blackwell, Blue, Briceland, Broderick, Carter, Clarken, Coffey, Cornwell, Covington, Clunie, Ferral, Garretson, Harding, Hayne, Lambourn, Lammers, Maguire, McConnell, McCarthy, Nott, Ostrom, Patterson of Sacramento, Rankin, Rice, Ruggles, Suverkrup, Wetherill, and Mr. Speaker—32

NOES—Messrs. Berry, Bradley, Burbank, Chapman, Clark, Collins, Crutcher, Dixon, Dunlap, Giffen, Hart, Hinshaw, Jourden, Kennedy, Koutz, McKenna, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Roberts, Samuels, Scrivner, Swan, Watkins, and Wood—27

Upon motion of Mr. Clunie, the bill was ordered transmitted to the Senate without engrossment

SPECIAL ORDER.

The Speaker announced as the special order Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison at San Quentin.

Amended, and referred to Mr. Preston

REPORT.

By Mr. Wood:

SACRAMENTO, March 25th, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 58—An Act concerning roads in the County of Humboldt

Also, Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company.

Also, Assembly Bill No. 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Also, Assembly Bill No. 183—An Act to authorize Grant I. Taggart, former Clerk and Recorder of Shasta County, to certify and sign certain records

Also, Assembly Bill No. 750—An Act to confer additional powers upon the Board of Supervisors of San Mateo County

Also, Assembly Bill No. 661—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 699—An Act declaring Gallinas Slough, or Creek, in Marin County, navigable.

Also, Assembly Bill No. 731—An Act to prevent stock from running at large upon the roads and highways in the County of Marin.

Also, Assembly Bill No. 242—An Act to protect irrigation, and to make water rights responsible for expenses incurred on irrigating ditches in San Bernardino County.

Also, Assembly Bill No. 332—An Act to authorize the City Council of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.

And report the same correctly enrolled, and that at nine o'clock and twenty minutes this evening the same were presented to the Governor for his approval.

WOOD, for Committee.

GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 24th, 1876.

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four

Also, Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare

Also, Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 418—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment.

Also, Assembly Bill No. 466—An Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.

Also, Assembly Bill No. 513—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four

Also, Assembly Bill No. 531—An Act to amend section three hundred and seventy-four of the Penal Code.

Also, Assembly Bill No. 532—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure

Also, Assembly Bill No. 541—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum, by taxation, to furnish the necessary additional school facilities for said district

Also, Assembly Bill No. 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, California.

Also, Assembly Bill No. 571—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two.

Also, Assembly Bill No. 575—An Act to prevent hogs and goats running at large in the Town of Sutter Creek, Amador County

Also, Assembly Bill No. 588—An Act to legalize the assessment of taxes in Winship School District, County of Sutter.

Also, Assembly Bill No. 627—An Act to fix the terms of the County and Probate Courts in and for the County of Amador.

Also, Assembly Bill No 662—An Act entitled an Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Trustees of Santa Cruz School District, Santa Cruz County, to issue bonds to build a public school-house, approved March twentieth, eighteen hundred and seventy-four

Also, Assembly Bill No 693—An Act regulating fees and mileage in criminal cases in the County of Nevada.

Also, Assembly Bill No. 623—An Act relating to road districts and Road Overseers in the County of Sierra

Also, Assembly Bill No. 663—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, A. D eighteen hundred and seventy-five, approved March fourteenth, eighteen hundred and seventy-six.

Also, Assembly Bill No 707—An Act to authorize the Board of Supervisors of the County of Stanislaus to purchase the toll bridge across the Stanislaus River, at Knight's Ferry.

Also, Assembly Bill No. 102—An Act for the payment of the claim of Laura De Force Gordon against Swamp Land District Number Five

Also, Assembly Bill No 450—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Diego

Also, Assembly Bill No. 520—An Act to incorporate the Town of St. Helena

Also, Assembly Bill No. 70—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California

Also, Assembly Bill No 110—An Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them.

Also, Assembly Bill No. 518—An Act concerning roads and highways in the County of Placer.

Also, Assembly Bill No. 625—An Act to provide for the improvement of the public roads in the County of Inyo

Also, Assembly Bill No. 706—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two

WILLIAM IRWIN, Governor

RESOLUTION.

By Mr. Quigley:

*Resolved*, That the Enrolling Clerk of the Assembly, and his present assistants, be requested to work four hours each night in addition to their day work, and they be allowed for such service four dollars per night in addition to the per diem now received by them.

*Resolved further*, That the Enrolling Clerk be allowed four additional assistants, at the same per diem allowed his present assistants, all payable from the Contingent Fund of the Assembly.

Adopted.

Mr. McConnell had leave to make the following report:

Mr SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 460, have considered the same, and beg leave to report it back, with the recommendation that it pass.

LAMBOURN,
McCONNELL.

Senate Bill No. 460, above reported, was taken up, read third time, and passed.

The bill introduced by the San Francisco delegation on last Saturday was, on motion of Mr. Clarken, taken up, read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Upon motion of Mr. Covington, Assembly Bill No. 572 was ordered placed second on this evening's file.

Upon motion of Mr. Berry, Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—was made the special order for two o'clock P. M. on this day.

Upon motion of Mr. McConnell, the House took for consideration Assembly Bill No. 658—An Act to authorize Drury Melone to sue the State.

Mr. Berry moved a call of the House, and the House so ordered.

The roll was called, and the names of the absentees noted.

The names of the absentees were again called, and Messrs. Chapman, Clark, and Quigley were found to be absent without leave.

Upon motion of Mr. Wilcox, further proceedings under the call was dispensed with.

Mr. Lambourn moved the indefinite postponement of the bill.

Upon which the ayes and noes were demanded by Messrs. Berry, Ostrom, and Rice.

The roll was called, and the House refused, by the following vote:

AYES—Messrs Barber, Berry, Biggs, Birney, Bradley, Briceland, Burbank, Collins, Cornwell, Covington, Clunie, Dixon, Dunlap, Hart, Hinshaw, Jenkins, Jourden, Kennedy, Lambourn, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Rankin, Rice, Roberts, Ruggles, Samuels, Watkins, and Mr. Speaker—30.

NOES—Messrs Abbott, Archer, Blackwell, Blue, Broderick, Carter, Carson, Clarken, Coffey, Crutcher, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Koutz, Lammers, Maguire, McConnell, McCarthy, McKenna, Murphy of Del Norte and Klamath, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Scrivner, Suverkrup, Swan, Wetherill, Wilcox, and Wood—33.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present

House resumed consideration of Assembly Bill No. 658, pending at time of taking recess.

Mr McConnell moved a suspension of the rules for the purpose of considering the bill engrossed.

Upon which the ayes and noes were demanded by Messrs. Nott, Ostrom, and Jourden.

The roll was called, and the House refused, the motion not receiving a two-thirds majority, the vote being as follows:

AYES—Messrs Abbott, Archer, Blackwell, Broderick, Carter, Chapman, Clarken, Clunie, Crutcher, Ferral, Garretson, Giffer, Griswold, Harding, Jones, Kennedy, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Scrivner, Suverkrup, Swan, Wetherill, Wilcox, and Young—36

NOES—Messrs. Bagge, Berry, Birney, Briceland, Burbank, Collins, Cornwell, Dixon, Hart, Hinshaw, Jenkins, Jourden, Lambourn, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Sullivan, Watkins, Wood, and Mr. Speaker—28

The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Clarken, Chapman, and Ostrom.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Blackwell, Broderick, Carter, Carson, Chapman, Clark, Clarken, Coffey, Clunie, Crutcher, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Jones, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Raisch, Sargent, Scrivner, Suverkrup, Swan, Wetherill, Wilcox, Wood, and Young—42.

NOES—Messrs Bagge, Barber, Berry, Biggs, Birney, Blue, Bradley, Buceland, Burbank, Collins, Cornwell, Covington, Dixon, Hart, Hinshaw, Jenkins, Jourden, Kennedy, Lambourn, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Roberts, Ruggles, Samuels, Sullivan, Watkins, and Mr. Speaker—32.

REPORT.

By Mr. Preston:

Mr. SPEAKER: Your committee, to whom was referred Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison at San Quentin—report the same back with an amendment, and recommend its passage as amended.

PRESTON, for Committee.

Senate Bill No. 496, above reported, amended, read third time, and passed.

MOTIONS.

Upon motion of Mr. Murphy of Del Norte, the House took up Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets.

Amended, read third time, and passed.

Upon motion of Mr. Wilcox, the following bills were made the special order, to follow upon the disposal of Assembly Bill No. 517:

Senate Bill No. 8—An Act to amend certain sections of the Political Code, and to repeal certain sections of said Code, all relating to insurance:

Senate Bill No. 12—An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, all relating to insurance;

Assembly Bill No. 673—An Act to amend section six hundred and sixteen of the Political Code, relative to foreign insurance companies; and

Assembly Bill No. 674—An Act to repeal sections four hundred and fifty and four hundred and fifty-one of the Civil Code.

SPECIAL ORDER.

The Speaker announced as the special order, Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years.

Considered in Committee of the Whole, Speaker pro tem. in the chair

Upon motion of Mr. Berry, the committee arose and reported the bill back with amendments, and recommended the passage of the bill as amended.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Assembly Bill No. 517, above reported, substitute adopted, amended, rules suspended, considered engrossed, read third time, and passed.

Upon motion of Mr. Berry, the bill was ordered engrossed out of order.

Upon motion of Mr. Wetherill, the House took up from the bills reported by the Senate to-day, Senate Bill No. 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

Read first and second times and made the special order for to-morrow, Tuesday, March twenty-eighth, at eleven o'clock A. M.

RESOLUTION.

By Mr. Quigley:

WHEREAS, A large amount of unfinished business appears on the Assembly files and in the hands of the different committees, and we are now reaching the close of the session, therefore, be it

*Resolved*, That no member, from and after Tuesday, March twenty-eighth, be allowed to occupy the floor more than five minutes at any one time, nor more than twice during the discussion of any one subject

Adopted.

[Speaker in the chair.]

SPECIAL ORDERS.

Senate Bill No. 8—An Act to amend certain sections of the Political Code and to repeal certain sections of said Code, all relating to insurance.

Amended, read third time, and passed.

Senate Bill No. 12—An Act to amend certain sections of the Civil Code and to add certain new sections to said Code, all relating to insurance.

Amended, read third time, and passed.

Assembly Bill No. 673—An Act to amend section six hundred and sixteen of the Political Code, relative to foreign insurance companies.

Refused engrossment.

Assembly Bill No. 674—An Act to repeal sections four hundred and fifty and four hundred and fifty-one of the Civil Code.

Refused engrossment.

MOTIONS.

Upon motion of Mr. Clunie, Senate Bill No. 428—An Act to add another section to the Penal Code—was referred to the Judiciary Committee.

Upon motion of Mr. Maguire, the House took up Senate Bill No. 629—An Act concerning the Burlingame treaty.

Read third time and passed.

INTRODUCTION OF BILLS.

By Mr. Archer—An Act to amend section six hundred and sixty-seven of the Penal Code.

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

By Mr. Clunie—An Act to provide for the payment of school moneys into the city treasury of the City of Sacramento.

Read first and second times and ordered placed on the special evening file.

By Mr. Berry—An Act relative to the County Treasurer of Sutter County, as to counting the moneys and examining his books, vouchers, etc.

Read first and second times and referred to the Sutter delegation.

RESOLUTION.

By Mr Nott:

*Resolved*, That Mr. Garretson be added to the Committee on Enrollment.

Adopted.

NOTICE.

Mr Wilcox, on behalf of Mr. Bagge, gave notice of a motion to reconsider the vote by which the House, on this day, refused to engross Assembly Bill No. 727.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Mr. Birney, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

REPORT.

By Mr. Chapman:

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, to whom was referred substitute for Assembly Bill No. 444—An Act to legalize the assessments on land in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five—have had the same under consideration, and report it back, with amendments, and recommend its passage as amended

CHAPMAN, Chairman

By Mr. Coffey:

MR. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years in the City and County of San Francisco—report the same back, and a majority recommend its passage.

Also, Senate Bill No 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco—report the same back, and a majority recommend its passage

Also, Senate Bill No 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco—report the same back with amendments, and a majority recommend its passage as amended.

Also, Assembly Bill No. 557—An Act to authorize the City and County of San Francisco to provide and maintain public water works for said city and county, and to appropriate and purchase private property for that purpose—report the same back, and recommend that the author be permitted to withdraw it.

COFFEY, Chairman.

Assembly Bill No. 557, above reported, withdrawn by author.

By Mr. Archer:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 737—An Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the Acts amendatory thereof—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on—report the same back, and recommend its passage.

Also, Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking—report the same back, and recommend its passage.

ARCHER, Chairman.

By Mr. Berry:

Mr. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 771—An Act relative to the County Treasurer of Sutter County, as to counting the moneys, examining the books, vouchers, etc.—have considered the same, and recommend its passage.

BERRY, for Delegation.

Assembly Bill No. 771, above reported, was ordered to head of file for to-morrow evening.

MOTIONS.

Upon motion of Mr. Hart, Senate Bill No. 628 was ordered printed.

Upon motion of Mr. Murphy of Del Norte, Mr. Murphy of San Francisco was granted one day's leave of absence.

Upon motion of Mr. Clunie, Assembly Bill No. 701—An Act to appropriate moneys for the benefit of the various agricultural societies throughout the State, and

Assembly Bill No. 671—An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand and making other improvements to the lands and property of said society—were made the special order for ten o'clock and thirty minutes A. M. to-morrow.

Upon motion of Mr. Broderick, Assembly Bill No. 652—An Act making appropriations for benevolent purposes—was made the special order for to-morrow at eleven o'clock A. M.

Upon motion of Mr. Abbott, Assembly Bill No. 605—An Act concerning the removal of the remains of deceased persons from the State of California—was made the special order for to-morrow at ten o'clock and thirty minutes A. M.

INTRODUCTION OF BILLS.

By Mr. Scrivner—An Act to permit Nancy Wilson (a widow) to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-four-five.

Read first and second times and referred to the Stanislaus delegation.

By Mr. Bagge—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

Read first and second times and referred to the Alameda delegation.

By Mr. Koutz—An Act relating to road poll-tax in the County of Sierra.

Read first and second times and referred to the Sierra delegation.

By Mr. Clunie—An Act in relation to idiots.

Read first and second times and ordered fifth on file for to-morrow.

By Mr. Hayne—An Act to empower and give authority to the

County of Santa Barbara to aid in the construction of a railroad within its limits.

Read first and second times and made the special order for to-morrow, at three o'clock P. M.

By Mr. Patterson of Sacramento—An Act to regulate the fees of Constables in the County of Sacramento, and to repeal all other Acts in conflict with this Act.

Read first and second times and referred to the Sacramento delegation.

The following bills were taken up from the bills reported to this House in to-day's Senate messages, and acted on:

Senate Bill No. 290, above referred to, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 211, above referred to, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 289, above referred to, the House receded from its amendments.

SPECIAL EVENING FILE.

Assembly Bill No 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County.

Read third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Chapman, Nott, and Ostrom.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Bagge, Biggs, Birney, Broderick, Carter, Carson, Clark, Covington, Ferral, Garreison, Giffen, Griswold, Hart, Hayne, Jones, Jourden, Lammers, McConnell, McInerny, McMann, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Quigley, Raisch, Roberts, Ruggles, Sargent, Scrivner, Suverkrup, Wetherill, Wilcox, and Young—37.

NOES—Messrs. Archer, Barber, Berry, Blackwell, Blue, Briceland, Burbank, Chapman, Clarken, Coffey, Clunie, Crutcher, Dunlap, Harding, Hinshaw, Kennedy, Koutz, Lamboum, McCarthy, McKenna, Nott, Ostrom, Preston, Rankin, Samuels, Sullivan, Swan, Wood, and Mr. Speaker—29.

Upon motion of Mr. Birney, the bill was ordered transmitted to the Senate without engrossment.

Assembly Bill No. 572—An Act to provide for the purchase of a certain toll road in the County of Mendocino.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 528—An Act to establish the county line between the Counties of Santa Clara and Santa Cruz.

House refused engrossment.

Mr. Covington gave notice of a motion to reconsider the vote on the above bill.

Assembly Bill No. 601—An Act to amend section sixty-four of the Code of Civil Procedure.

Withdrawn by the author.

Senate Bill No. 462—An Act in regard to the payment of coupons on Sacramento City bonds funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four.

Read third time and refused passage.

Mr. Biggs gave notice of a motion to reconsider the vote on the above bill.

Assembly Bill No. 620—An Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty—was ordered placed on file for Friday evening.

Senate Bill No. 431—An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Mr. Wilcox was granted leave to withdraw the bill.

Assembly Bill No. 690—An Act to amend section six hundred and thirty-two of the Penal Code.

Amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 482—An Act to reincorporate the City of San Diego.

Substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 629 passed on file.

Assembly Bill No. 644—An Act to amend an Act supplemental to and amendatory of an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and seventy-two.

Amended, rules suspended, considered engrossed, read third time, and upon the passage of the bill the ayes and noes were demanded by Messrs. Barber, Sullivan, and Rankin.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Bagge, Biggs, Birney, Bradley, Buckland, Carson, Ferral, Giffen, Griswold, Hart, Harding, Hinshaw, Jourden, Koutz, Maguire, McConnell, McInerny, McMann, Murphy of Del Norte and Klamath, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pullen, Raisch, Roberts, Sargent, Suverkrup, Swan, Wetherill, and Mr. Speaker—32

NOES—Messrs. Abbott, Barber, Berry, Blackwell, Broderick, Burbank, Carter, Clarken, Coffey, Collins, Crutcher, Dixon, Dunlap, Jones, Kennedy, McCarthy, Ostrom, Preston, Rankin, Sullivan, and Wood—21

[Mr. Wilcox in the chair.]

Assembly Bill No. 646—An Act to further define the duties of the several elective officers of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 685—An Act to apportion the expenses incurred in the trial and execution of Tiburcio Vasquez between the Counties of Monterey and San Benito

Refused engrossment.

Mr. Roberts gave notice of a motion to reconsider the vote on the above bill.

Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

Ordered at head of file for to-morrow evening.

Assembly Bill No. 679—An Act to provide for the payment of certain claims of Frederick Victor.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County.

Placed third on file for to-morrow evening.

Assembly Bill No. 651—An Act to encourage the propagation of fish in Lake Elinor, Tuolumne County.

Amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers.

Amended, read third time, and passed.

Senate Bill No. 413—An Act granting the Omnibus Railroad Company certain rights therein named.

Read third time and passed.

Assembly Bill No. 714—An Act to fix the salaries of certain officers in the County of Alameda.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 455—An Act to prevent hogs and goats running at large on certain lands in this State.

Read third time and passed.

At ten o'clock and five minutes P. M. Mr. McKenna moved to adjourn Upon which the ayes and noes were demanded by Messrs. Murphy of Del Norte, Carson, and Covington.

The roll was called, and the House refused, by the following vote.

AYES—Messrs. Archer, Bagge, Blackwell, Briceland, Chapman, Dixon, Jones, McKenna, Murphy of Del Norte and Klamath, Nott, O'Connell, Patterson of San Joaquin, Preston, Rausch, Samuels, Seuyner, Sullivan, Swan, and Wood—19.

NOES—Messrs. Abbott, Berry, Biggs, Birney, Blue, Bradley, Broderick, Burbank, Carson, Coffey, Collins, Clunie, Crutcher, Dunlap, Hart, Harding, Hinshaw, Jourden, Kennedy, Koutz, Lamborn, Lammers, Maguire, McMann, McCarthy, Ostrom, Patterson of Kern and Tulare, Pullen, Rankin, Ruggles, Sargent, Wetherill, Wilcox, and Mr Speaker—34.

Senate Bill No. 519—An Act to repeal an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in Tehama County.

Read third time and passed.

Senate Bill No. 538—An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento.

Amended, read third time, and passed.

Assembly Bill No. 511—An Act to grant the right of way to the Oakland, Berkeley, and Contra Costa Railroad Company.

Made the special order for Friday evening.

Senate Bill No. 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco.

Read third time and passed

Assembly Bill No 474—An Act relating to interments within the City and County of San Francisco.

Ordered fourth on file for to-morrow evening.

Assembly Bill No. 512 passed on file.

Senate Bill No. 627—An Act to incorporate the Town of Red Bluff, Tehama County.

Read third time and passed.

Assembly Bill No. 748—An Act to confer additional power upon the Board of Supervisors of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 765—An Act entitled an Act amendatory of an Act to establish a paid fire department in the City of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 766—An Act concerning the Auditor of the City of Sacramento.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 768—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 764—An Act concerning Swamp Land District No. 205, in the County of Sacramento.

Indefinitely postponed.

Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 616—An Act to amend an Act entitled an Act to provide for the support of the common schools of the City and County of San Francisco, and to define the powers and duties of the Board of Education thereof, approved April first, eighteen hundred and seventy-two.

Ordered placed fifth on to-morrow evening's file.

Assembly Bill No. 470—An Act for the relief of Patrick Dowling.

Indefinitely postponed.

Assembly Bill No. 335—An Act to ratify and confirm the proceedings and report of Commissioners appointed under and pursuant to the Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market Street in said city, from the intersection of said street to its intersection with Seventeenth Street, and to condemn private property for the roadway of said street, approved April second, eighteen hundred and seventy, and the Act amendatory thereof and supplementary thereto, approved April first, eighteen hundred and seventy-two, and to provide for the payment of the sums of money awarded as the value of the lands taken and as the value of the work done in opening and grading said street, to the respective parties justly entitled thereto, and for a tax on the taxable property of said city and county, to pay the costs of the said improvement.

Passed on file.

Assembly Bill No. 161—An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims

Passed on file.

Assembly Bill No. 754—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and to authorize certain appropriations of money by said Board.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 677—An Act for the relief of the California Furniture Manufacturing Company of San Francisco, California.

Passed on file.

Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco.

Read third time and passed.

ADJOURNMENT.

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

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 28th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Reading of the journal of yesterday dispensed with, and approved.

MOTIONS.

Upon motion of Mr. Sullivan, Assembly Bill No. 598 was ordered transmitted to the Senate without engrossment.

Upon motion of Mr. Scrivner, the House took up

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of March, eighteen hundred and seventy-six, passed substitute for Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of March, eighteen hundred and seventy-six, concurred in the first and refused to concur in the second Assembly amendment to Senate Bill No. 289—An Act to create the Twenty-second Judicial District—and respectfully ask the Assembly to recede from the said second amendment

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 25th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 639, substitute for Senate Bill No. 43 and for Assembly substitute for the same—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections, and lands in lieu thereof.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused to recede from its amendment to Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—and ask the appointment of a Committee of Free Conference, and the President has appointed, on the part of the Senate, Messrs. Eaton, Lewis, and O'Connor.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 637—An Act to provide for the drainage of the County of Sacramento.

Also, Senate Bill No. 638—An Act to authorize certain liberties and to maintain certain restrictions within the County of Sacramento.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county.

And, on March twenty-fifth, passed Assembly Concurrent Resolution No. 51—Relative to printing testimony taken before the Senate and Assembly Committees on Public Buildings and Grounds.

Also, Assembly Bill No. 755—An Act to provide for the first election in the Town of Haywards.

Also, Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries.

Also, Assembly Bill No. 720—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across Santa Anna River, and to issue bonds for the payment of the same.

Also, Assembly Bill No. 719—An Act to provide for the collection of road poll-taxes in and for the County of Stanislaus.

Also, Assembly Bill No. 647—An Act to fix the compensation of the Assessor of Los Angeles County for the collection of tax on personal property.

Also, Assembly Bill No. 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County.

Also, Assembly Bill No. 338—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property in the County of Contra Costa.

Also, Assembly Bill No. 519—An Act for the relief of East Fork School District, in the County of Siskiyou.

Also, Assembly Bill No. 621—An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, and to issue bonds therefor, and to provide for the payment of the same.

Also, Assembly Bill No. 636—An Act to provide funds for road purposes in the County of San Luis Obispo.

Also, amended and passed Assembly Bill No. 82—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 501—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square.

Also, Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 608—An Act concerning certain taxes in Placer County.

Also, Assembly Bill No. 491—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa.

And indefinitely postponed Assembly Bill No. 361—An Act to amend the Political Code of the State of California, and to protect the health and regulate hours of labor of the street-car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

Also, Assembly Bill No 417—An Act to amend the Political Code in reference to the boundaries of Alameda County

Also, Assembly Bill No 688—An Act concerning the office of District Attorney of Santa Clara County

Also Assembly Bill No 527—An Act to authorize the Board of Supervisors of the County of Inyo to sell the several county bridges across Owen's River, and to authorize said bridges to be established as toll bridges

Also, Assembly Bill No 368—An Act supplementary to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine

Also, passed Senate Bill No 549—An Act to regulate the practice of medicine in the State of California

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-third day of March eighteen hundred and seventy-six, passed Senate Bill No 402—An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco.

Also, Senate Bill No 479—An Act prohibiting the sale of intoxicating liquors within one mile of College City, Colusa County

Also Senate Bill No 554—An Act concerning road poll-taxes in Tehama County.

Also, Senate Bill No 363—An Act to provide homes for homeless children in the City and County of San Francisco.

Also, Senate Bill No 424—An Act in relation to the State Burying-grounds.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate on the twenty-fourth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, Assembly Bill No 708—An Act amendatory of an Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876

Mr SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 451—An Act concerning water water ditches and water privileges for irrigation and mining purposes, in the Counties of Fresno, Tulare, and Kern.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-seventh day of March, eighteen hundred and seventy-six passed, under suspension of the rules and ordered transmitted immediately and without engrossment, Senate Bill No. 628—An Act amendatory of an Act entitled an Act authorizing the appointment of certain employés in the State Capitol and fixing their compensation approved March thirtieth, eighteen hundred and seventy-four.

CLARK, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No 290—An Act to amend section one hundred and thirty-two of the Political Code, relating to judicial districts

CRAWFORD, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876

Mr SPEAKER I am directed to inform your honorable body that the Senate on the twenty-fourth day of March, eighteen hundred and seventy-six, passed under suspension of the rules, Senate Bill No. 597—An Act to amend sections six hundred and thirty four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted immediately, and without engrossment, Senate Bill No. 291—An Act to amend section sixty-four of the Code of Civil Procedure.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of March, eighteen hundred and seventy-six, passed under suspension of the rules, and ordered transmitted to the Assembly immediately, and without engrossment, Senate Bill No. 618—An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted at once, without engrossment, to the Assembly, Senate Bill No. 483—An Act to confirm Resolutions Numbers Three Thousand Eight Hundred and Sixty-eight and Three Thousand Nine Hundred and Ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of ten thousand dollars from the General Fund to the Building Fund of said city and county.

Also, Senate Bill No. 585—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Also, Senate Bill No. 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

Also, Senate Bill No. 574—An Act relative to the government of Sacramento County.

Also, Senate Bill No. 615—An Act concerning public records in the office of the County Recorder of San Bernardino County.

And on this day passed Senate Bill No. 412—An Act to provide for the issuance of the bonds of the County of Kern, for the payment of the indebtedness of said county.

Also, passed and ordered transmitted, without engrossment, Senate Bill No. 604—An Act to amend certain sections, to repeal certain sections, and to add a new section to the Political Code.

Also, amended and passed Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 27th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate concurred in all of Assembly amendments to Senate Bill No. 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freight and fares, and to prevent extortion and discrimination on railroads in this State—except the amendment to section six, from which amendment the Assembly is respectfully requested to recede.

Also, on this day passed and ordered transmitted, without engrossment, Senate Bill No. 156—Proposed amendments to the Constitution of the State of California.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 28th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of March, eighteen hundred and seventy-six, amended and passed Assembly Bill No. 239—An Act concerning county officers of Lake County, their fees and salaries.

Also, Assembly Bill No. 554—An Act in relation to roads and highways in the County of Butte.

Also, Assembly Bill No 500—An Act to establish and maintain public and private roads in the County of Santa Cruz.

And indefinitely postponed Assembly Bill No. 259—An Act to fix the number of permanent employés of the State Capitol and Capitol grounds, their duties and compensation.

Also, Assembly Bill No 670—An Act authorizing the relocation of certain school land warrants issued by the State of California

Also, Assembly Bill No. 386—An Act to amend section three thousand eight hundred and twenty of the Political Code

Also, Assembly Bill No. 134—An Act to repeal section three thousand six hundred and forty-four, and to amend section three thousand six hundred and forty-six of the Political Code.

Also, Assembly Bill No 147—An Act to amend section one thousand seven hundred and fifty of the Political Code

Also, Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code.

CRAWFORD, Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 637, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 412, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 615, above reported, read first and second times and referred to the San Bernardino delegation

Senate Bill No. 574, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 536, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 585, above reported, read first and second times and referred to the Sonoma delegation.

Senate Bill No. 402, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 628, above reported, read first and second times and referred to the Committee on Retrenchment and Reform.

Senate Bill No. 549, above reported, read first and second times and referred to the Committee on Hospitals

Senate Bill No. 156, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 540, above reported, read first and second times and referred to the Sonoma delegation.

Senate Bill No. 618, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 638, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 483, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 604, above reported, read first and second times and referred to the Committee on Retrenchment and Reform.

Senate Bill No. 474, above reported, read first and second times and referred to the Committee on Education.

Senate Bill No 479, above reported, read first and second times and referred to the Colusa delegation.

Senate Bill No. 554, above reported, read first and second times and referred to the Tehama delegation.

Senate Bill No. 363, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 424, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 134, above reported. Mr. Scrivner offered the following resolution relative to the above bill:

*Resolved*, That Senate Bill No. 134 be returned to Senate for the purpose of correction by an indorsement of their action upon the Assembly amendment to section eleven of said bill, and that the Senate be requested to return the same immediately.

Adopted, and the bill was accordingly returned.

Assembly Bills Nos. 393, 608, 501, 82, 491, 500, 554, and 239, above reported, the Senate amendments to each were concurred in.

Assembly Bill No. 289, above reported, referred, with the substitute, to the Napa delegation.

Assembly Bill No. 45, above reported. The Speaker appointed as a Committee of Conference on the part of the Assembly, Messrs. Cornwell, Scrivner, and Blackwell.

Assembly Bill No. 44, above reported. House refused to concur in the Senate amendments.

Senate Bill No. 630, above reported, read first and second times and referred to the Committee on Public Lands.

REPORTS.

By Mr. Wood:

SACRAMENTO, March 27th, 1876.

MR. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 350—An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco.

Also, Assembly Bill No. 434—An Act to authorize the Board of Supervisors of Mariposa County to pay a certain claim.

Also, Assembly Bill No. 445—An Act supplemental to an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six.

Also, Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta.

Also, Assembly Bill No. 459—An Act to fix the compensation of the Supervisors of San Bernardino County.

Also, Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

And report the same correctly enrolled, and that at four o'clock P. M. of this day the same were presented to the Governor for his approval.

WOOD, for Committee.

Also:

SACRAMENTO, March 28th, 1876.

MR. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 676—An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa in the County of Sonoma, and State of California—enrolled out of its order by order of the Assembly, and report the same correctly enrolled, and that at four o'clock P. M. of this day the same was presented to the Governor for his approval.

WOOD, for Committee.

Also:

SACRAMENTO, March 27th, 1876.

MR. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County.

Also, Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara.

Also, Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Also, Assembly Bill No. 553—An Act to provide for the payment of the debt due upon the Road Fund of Butte County.

Also, Assembly Bill No. 570—An Act to legalize and make valid the transcribed records of San Benito County.

Also, Assembly Bill No 596—An Act to repeal an Act entitled an Act regulating the fees of witnesses in criminal cases, in the Counties of Stanislaus and Merced, approved March twenty-seventh, eighteen hundred and seventy-four

And report the same correctly enrolled; and that at eight o'clock P M of this day the same were presented to the Governor for his approval.

WOOD, for Committee

By Mr Scrivner:

Mr. SPEAKER The Stanislaus delegation, to whom was referred Assembly Bill No 776—An Act to permit Nancy Wilson (a widow) to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-four-five—have had the same under consideration, report it back, and recommend its passage

SCRIVNER for Delegation.

Assembly Bill No. 776, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr. Dixon:

Mr SPEAKER The Alameda delegation, to whom was referred Senate Bill No 383—An Act to incorporate the Town of Livermore, in Alameda County—report it back, and recommend its passage

DIXON, for Delegation.

Senate Bill No. 383, above reported, rules suspended, read third time, and passed

By Mr. Bagge.

Mr. SPEAKER The Alameda delegation, to whom was referred Assembly Bill No 775—An Act supplemental to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four—have had the same under consideration, report it back, and respectfully recommend its passage

BAGGE, for Delegation.

Assembly Bill No. 775, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr. Berry:

Mr. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No 691—An Act to appoint a State Gauger of Wines and Spirituous Liquors—have considered the same, and recommend that it do not pass

BERRY, Chairman.

By Mr. Coffey:

Mr. SPEAKER The San Francisco delegation, to whom was referred Assembly Bill No 395—An Act regulating official salaries in and for the City and County of San Francisco—report the same back, and recommend that the author be permitted to withdraw it

Also Assembly Bill No 529—An Act to amend an Act entitled an Act to regulate fees in office approved April tenth, eighteen hundred and fifty-five, approved March thirtieth, eighteen hundred and seventy-two, and to repeal section four of an Act in relation to the office of Sheriff in the City and County of San Francisco approved March twenty-ninth, eighteen hundred and sixty-eight—report the same back, and a majority recommend that it do not pass, six members voting for its passage, nine against, and five absent

Also, Assembly Bill No 618—An Act concerning Justices' Courts of the City and County of San Francisco—report the same back, and recommend that it do pass.

Also, Assembly Bill No 643—An Act to provide for and regulate the election of Supervisors of the City and County of San Francisco—report the same back and recommend that it do not pass

Also Senate Bill No 234—An Act to provide for the recovery of double taxation on outside lands of the City and County of San Francisco—report the same back and recommend that it do pass.

Also, Assembly Bill No 678—An Act to provide for the construction and maintenance of public gas-works in the City and County of San Francisco—report the same back, and a majority recommend that it do pass twelve members voting in the affirmative, three in the negative, and five absent

COFFEY, Chairman

Assembly Bill No 395, above reported, withdrawn by author.

By Mr. Covington:

Mr. Speaker Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb and the Blind.

COVINGTON, for Committee.

By Mr. Watkins:

Mr. Speaker. The Yolo delegation, to whom was referred Assembly Bill No. 700—An Act amendatory of and supplemental to an Act entitled an Act to incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four—have had the same under consideration, and beg leave to report the bill back with a substitute, and recommend the passage of the substitute.

WATKINS, for Delegation.

Assembly Bill No. 700, above reported, rules suspended, substitute adopted, considered engrossed, read a third time, and passed.

By Mr. Ferral:

Mr Speaker The Sonoma delegation, to whom was referred Assembly Bill No. 756—An Act to provide for the adjustment of certain claims against Sonoma County—have had the same under consideration, and a majority of the delegation recommend its passage.

FERRAL,
SAMUELS.

Assembly Bill No. 756, above reported, ordered second on file for to-morrow evening.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr McKenna, Assembly Bill No. 626 was ordered transmitted to the Senate without engrossment.

Upon motion of Mr. Murphy of Del Norte, Senate Bill No. 134, reported to this House in this day's Senate message (reading of message postponed), was made the special order for two o'clock P. M. this day

Upon motion of Mr. Ostrom, Assembly Bills Nos 671 and 701 were made the special order for one o'clock and thirty minutes P. M this day.

By Mr. Briceland

*Resolved*, That the Engrossing Clerk be and he is hereby authorized to correct Assembly Bill No. 446, by inserting the words "and hereby repealed," in section one, and that the Enrolling Clerk enroll the bill as properly engrossed.

Adopted.

By Mr. Scrivner:

*Resolved*, That William Halley be allowed forty dollars, for eight days' service as Clerk of the Committee on Irrigation, to be paid out of the Contingent Fund of the Assembly.

Referred to the Committee on Expenditures and Accounts.

By Mr. Cornwell:

*Resolved*, That the State Controller is hereby authorized and directed to draw his warrant in favor of William Johnson for fifty-four dollars, being in compensation for services rendered by him to the Committee on Public Buildings and Grounds, as an Expert Builder. Also, to draw his warrant in favor of Richard Dudding for one hundred dollars, as compensation for services rendered by him to the same committee, as an Expert Accountant and the Treasurer of State is hereby directed to pay the same out of the Contingent Fund of the Assembly.

Referred to the Committee on Expenditures and Accounts.

By Mr. Cornwell—Assembly concurrent resolution relative to instructing the Attorney-General of this State to prosecute certain cases.

Read first and second times and laid over on the table for one day.

By Mr Preston:

*Resolved*, That the Enrolling Clerk of this House be and he is hereby authorized to correctly number the sections of Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County.

Adopted.

By Mr. Roberts:

*Resolved*, That the Enrolling Clerk be directed to correct Assembly Bill No. 570, by inserting the word "received" where the word "recorded" occurs.

Adopted.

INTRODUCTION OF BILLS.

By Mr. McConnell—An Act to prescribe the fees of the District Attorney of Los Angeles County, in certain cases.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Jones—An Act to change the San José Library Association, of the City of San José, State of California, into a public library, to alter the name thereof to the name of San José Public Library, and to provide funds for the maintenance of the same.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Covington—An Act for the relief of William Ford, of Mendocino County

Read first and second times and referred to the Mendocino delegation.

By Mr. Clunie—An Act to amend sections one thousand eight hundred and seventy and two thousand and thirty-four of the Code of Civil Procedure of this State

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

SPECIAL ORDERS.

Assembly Bill No. 605—An Act concerning the removal of the remains of deceased persons from the State of California.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five and six hundred and thirty-six of the Penal Code.

Amended, read third time, and passed.

Mr Collins gave notice of a motion to reconsider the vote by which the above bill passed the House on this day

Assembly Bill No. 524—An Act to provide text-books, free of cost, for the children attending the public schools of this State.

Referred to the Committee on Education, with special instructions.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M. Speaker in the chair.

Roll called, and a quorum present.

SPECIAL ORDER.

Assembly Bill No. 701—An Act to appropriate moneys for the benefit of the various agricultural societies throughout the State—considered in Committee of the Whole, Speaker in the chair.

Upon motion of Mr. Murphy of Del Norte, the committee arose and reported the bill back, without recommendation.

IN ASSEMBLY

[Speaker in the chair.]

The report of the Committee of the Whole was received, and leave to sit again, after the disposal of the special order for this hour, was granted.

Upon motion of Mr. Murphy of Del Norte, the House took up the following

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 28th, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly amendment to section eleven of Senate Bill No 134—An Act to provide for appointment of Commissioners of Transportation to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State

SHACKLEFORD, Secretary

Senate Bill No. 134, above reported. Mr. Murphy of Del Norte moved that the Assembly recede from its amendment to section six of the bill.

Upon which the ayes and noes were demanded by Messrs. Rankin, Kennedy, and McKenna.

Mr. Young moved a call of the House, and it was so ordered.

The roll was called, and the names of the absentees noted.

The names of the absentees were then called over and no one was found absent without leave, except Mr Rice, who appearing at the bar of the House, was admitted, and further proceedings under the call were dispensed with.

The question being upon Mr Murphy's motion to recede, the roll was called, and the House refused, by the following vote:

AYES—Messrs Abbott Bagge, Blackwell, Carter, Carson Chapman, Clark, Covington, Clunie, Dunlap, Ferral, Gamotson, Golwicks Giffen, Griswold, Hart, Hayne, Jenkins, Jourden, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pullen, Quigley, Raisch, Reddick, Rice, Ruggles, Wetherill, Wilcox, and Young—38

NOES—Messrs Archer, Barber Berry, Biggs, Blue Bradley, Breeland, Broderick, Burbank, Clarken, Coffey, Collins, Cornwell, Crutcher, Dixon, Harding, Hinshaw, Jones Kennedy, Koutz, Lambourn, Lammers, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Rankin, Roberts, Sargent, Samuels, Scrivner, Sullivan Suverkrup, Swan, Watkins, Wood, and Mr Speaker—39.

Mr. Scrivner moved that the Speaker appoint a Committee of Conference on the above bill.

Adopted.

Upon which the Speaker appointed on such committee, on the part of the Assembly, Messrs. Scrivner, Archer, and McKenna.

MOTION TO RECONSIDER.

Mr. Covington, in accordance with notice previously given, moved a reconsideration of the vote by which Assembly Bill No. 528 was refused engrossment on yesterday.

Mr. Rice moved the indefinite postponement of the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. Archer, Rice, and Berry.

The roll was called, and the House so ordered, by the following vote

AYES—Messrs. Abbott, Bagge, Barber, Berry, Biggs, Blue, Bradley, Briceland, Burbank, Carter, Chapman, Clarken, Coffey, Collins, Clunie, Crutcher, Garretson, Griswold, Hayne, Hinshaw, Jenkins, Lambourn, Lammers, McConnell, McKenna, Nott, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Rice, Roberts, Sargent, Scrivner, Suverkrup, Swan, Watkins, Wilcox, and Mr. Speaker—40.

NOES—Messrs. Archer, Blackwell, Broderick, Carson, Clark, Cornwell, Covington, Dixon, Ferral, Gelwicks, Giffen, Hart, Jamison, Jones, Jourden, Kennedy, Koutz, McInerny, McMann, Murphy of Del Norte and Klamath, O'Connell, Pullen, Quigley, Rankin, Ruggles, Sullivan, Wetherill, Wood, and Young—29.

Upon motion of Mr. Clunie, the House resolved itself into Committee of the Whole for the further consideration of Assembly Bills Nos. 671 and 701, the Speaker in the chair.

Upon motion the committee arose and reported back Assembly Bill No. 671—An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand, and making other improvements to the lands and property of said society—and recommended its passage.

Also, substitute for Assembly Bill No. 701—An Act to appropriate moneys for the benefit of the various agricultural societies throughout the State—and recommended that it be laid on the table.

IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 671, above reported.

[Mr. Clarken in the chair.]

The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Clunie, Biggs, and Ruggles.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Bagge, Barber, Biggs, Blackwell, Blue, Bradley, Carter, Carson, Chapman, Clarken, Collins, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Giffen, Griswold, Hart, Hayne, Jenkins, Kennedy, Koutz, Maguire, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Quigley, Roberts, Ruggles, Sargent, Swan, Wetherill, Wilcox, Wood, and Young—47.

NOES—Messrs. Archer, Broderick, Burbank, Coffey, Garretson, Harding, Hinshaw, Jamison, Jones, Jourden, Lambourn, McInerny, Preston, Rankin, Raisch, Scrivner, Suverkrup, Watkins, and Mr. Speaker—19.

Upon motion of Mr. Clunie, the rules were suspended, the bill considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 701, above reported, Mr. Nott moved to indefinitely postpone.

Upon which the ayes and noes were demanded by Messrs Lambourn, Ostrom, and Biggs

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Archer, Bagge, Berry, Blackwell, Blue, Briceland, Carson, Chapman, Clarken, Collins, Cornwell Covington, Clune, Crutcher, Dixon, Dunlap, Ferral, Garretson, Griswold, Hart, Harding, Hayne, Hinshaw, Jamison, Koutz, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rankin, Raisch, Roberts, Samuels, Sullivan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—43.

NOES—Messrs. Abbott, Biggs, Bradley, Broderick, Burbank, Clark, Jenkins, Jones, Jourden, Kennedy, Lambourn, Maguire, McInerny, McMann, McCarthy, McKenna, Nott, Ostrom, Patterson of San Joaquin, Pierce, Ruggles, Sargent, Scrivner Suverkrup, and Swan—25

REPORT.

Mr. Harding had leave to introduce a report from the Committee on Land Monopoly. The reading was dispensed with, and five hundred copies of the report ordered printed. [See Appendix.]

FURTHER INTRODUCTION OF BILLS.

By the Committee on Land Monopoly—An Act to provide for an examination into the sale and disposal of State lands.

Read first and second times and ordered first on file for to-morrow.

Also, an Act to add certain sections to the Political Code, and to amend certain other sections.

Read first and second times and ordered second on file for to-morrow.

By Mr Patterson of Sacramento—An Act conferring certain powers and imposing certain duties upon Constables in the Counties of El Dorado and Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. McCarthy—An Act granting the right to maintain a shipyard and ways upon San Francisco Bay to J. C. Tucker, G. Frank Smith, and their associates

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

Mr. Carpenter gave notice that he would, on to-morrow, move a reconsideration of the vote by which the House, on this day, refused to recede from its amendments to section six of Senate Bill No 134.

REPORT AND RESOLUTION.

By Mr. Carson:

*Resolved*, That the Controller is hereby directed to draw his warrant in favor of the following-named persons for the amounts set opposite their names, to be paid out of the Contingent Fund of the Assembly, and the Treasurer is authorized to pay the same

| | | |
|---|---|---|
| Carson, two trips from Sacramento to Golden Gate Park, San Francisco | | $56 40 |
| Broderick, two trips from Sacramento to Golden Gate Park, San Francisco | | 56 40 |
| Raisch, two trips from Sacramento to Golden Gate Park, San Francisco | | 56 40 |
| Barber, two trips from Sacramento to Golden Gate Park, San Francisco | | 56 40 |
| Sullivan, one trip from Sacramento to Golden Gate Park, San Francisco | | 28 20 |
| Whitton & Riley, stenographic report, six and one-half days at ten dollars per day | $65 00 | |
| Transcript and reporting | 330 20 | 395 20 |
| P. K Stockton, stenographic reporting and transcript | | 32 00 |
| John Gorman, serving subpœnas | | 25 00 |

Witness fees—

| | |
|---|---|
| J. W. Hodnett | $4 00 |
| Frederick Man | 4 00 |
| Patrick Burns, two days | 4 00 |
| Patrick Ward, two days | 4 00 |
| J. J Murphy, two days | 4 00 |
| Patrick Quigley, two days | 4 00 |
| David Sullivan, two days | 4 00 |
| Thos. McGlynn, one day | 2 00 |
| Thomas Mahoney, one day | 2 00 |
| Frank Rosenthal, one day | 2 00 |
| Patrick Owens, one day | 2 00 |
| F. E. Fautsch, two days | 4 00 |
| John B Williams, one day | 2 00 |

CARSON, Chairman.

Referred to the Committee on Expenditures and Accounts.

MOTIONS.

Upon motion of Mr. Hayne, Assembly Bill No. 774—An Act to empower and give authority to the County of Santa Barbara to aid in the construction of a railroad within its limits—was made the special order for this evening, at seven o'clock and thirty minutes

Upon motion of Mr. Broderick, Assembly Bill No. 652—An Act making appropriations for benevolent purposes—was made the special order for to-morrow, at eleven o'clock and thirty minutes A. M.

Mr. Bagge, pursuant to notice previously given, moved the reconsideration of the vote by which Assembly Bill No. 727—An Act to appropriate forty thousand dollars for the construction of a building for a College of Mining and Mechanic Arts at the University of California—was refused engrossment on yesterday.

Upon motion of Mr. Murphy of Del Norte, the motion of Mr. Bagge to reconsider was made the special for to-morrow, at eleven o'clock and thirty minutes A. M.

GENERAL FILE.

Assembly Concurrent Resolution No. 53—Relative to the Mexican land grants and the Acts of Congress granting certain lands to railroad companies

Rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment

Assembly Concurrent Resolution No. 41—Relative to preemption laws now in force in this State.

Rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment

Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

Ordered placed third on general file for to-morrow.

Assembly Bill No. 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations.

Substitute adopted, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations.

Amended, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 675—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code.

Rules suspended, considered engrossed, read a third time, and passed.

Mr. Young gave notice of a motion to reconsider the vote by which the above bill passed this day.

REPORT.

By Mr. Maguire:

Mr. Speaker: Your Committee on Education, having examined and considered Assembly Bill No. 686—An Act to authorize Quincy School District to issue bonds for building purposes—beg leave to report the same back, and recommend its passage.

MAGUIRE, for Committee.

Assembly Bill No. 686, above reported, ordered placed on special file for this evening.

SENATE MESSAGES

Senate Chamber,
Sacramento, March 28th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 622—An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four.

Also, Senate Bill No. 527—An Act to authorize the payment of B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, Napa County.

Also, Senate Bill No. 441—An Act authorizing the Police Judge's Court and Municipal Criminal Court of the City and County of San Francisco to commit persons convicted of certain crimes to the House of Correction, and to order the transfer of persons confined in the County Jail of said city and county to said House of Correction.

Also, Senate Bill No. 530—An Act to incorporate the Town of Martinez, and to provide for the government thereof.

Also, that the Senate refused to recede from its amendment to Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across the Napa River, at Napa City, approved March thirteenth, eighteen hundred and seventy-two, and the President appointed Senators Eakin, Lewis, and O'Connor as a Committee of Conference, and request the appointment of a like committee by the Assembly.

CRAWFORD, Assistant Secretary.

Senate Chamber,
Sacramento, March 28th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the twenty-eight day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 546—An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 639—An Act to provide for the payment of the funded indebtedness of Mendocino County.

CLARK, Assistant Secretary.

Senate Chamber,
Sacramento, March 28th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 625—An Act to authorize the compromise of certain litigations concerning a portion of the water front of the City and County of San Francisco.

Also, Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 523—An Act to authorize the Board of Supervisors of Santa Cruz County to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.

Also, Senate Bill No. 624—An Act concerning Lee School District, in the County of Sacramento.

Also, Senate Bill No. 569—An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco.

*And, on March twenty-seventh, passed Senate Bill No. 619—An Act to authorize the Board* of Supervisors of the City and County of San Francisco to allow and order paid certain claims.

Also, passed Senate Bill No 636—An Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature at its twentieth session, and agreed to by the Legislature at its twenty-first session, to the people at the general election in the year eighteen hundred and seventy-seven and to provide for carrying said amendments into effect if approved and ratified by the people.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 28th, 1876

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-eighth day of March, eighteen hundred and seventy-six, passed under suspension of the rules, and ordered transmitted immediately to the Assembly, Assembly Bill No. 626—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure.

CLARK, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 28th, 1876

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-eighth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, *and ordered transmitted to the Assembly immediately, and without engrossment*, Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure

CLARK, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 28th, 1876

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-eighth day of March, eighteen hundred and seventy-six, passed Senate Joint Resolution No. 53—Relative to correcting error in Senate Bills Nos. 290 and 291, and ordered the same transmitted to the Assembly immediately.

CLARK, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Joint Resolution No 53, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No 441, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 546, above reported, read first and second times, rules suspended, read a third time, and passed

Senate Bill No. 625, above reported, read first and second times and ordered on the general file for to-morrow.

Senate Bill No. 358, above reported, read first and second times and referred to the Judiciary Committee

Senate Bill No. 622, above reported, read first and second times and referred to the Calaveras delegation.

Senate Bill No 527, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 530, above reported, read first and second times and referred to the Contra Costa delegation.

Senate Bill No. 639, above reported, read first and second times and referred to the Mendocino delegation.

Senate Bill No. 569, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No 624, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 523, above reported, read first and second times and referred to the Santa Cruz delegation.

Senate Bills Nos. 490 and 619, above reported, each read first and second times and referred to the San Francisco delegation.

Senate Bill No. 636, above reported, read first and second times and referred to the Judiciary Committee

Assembly Bill No. 44, above reported. The Speaker appointed as a Committee of Conference on the part of the Assembly the same committee as was appointed on Assembly Bill No. 45.

RESOLUTION.

By Mr. Young:

*Resolved,* That all bills upon the general file which are upon their passage shall be first taken in the order in which they stand upon the file.

Adopted.

At five o'clock and fifty-five minutes P. M., on motion of Mr. Jones, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

LEAVE OF ABSENCE.

An indefinite leave of absence was granted to Mr. Raisch, on account of sickness.

REPORTS.

By Mr. Koutz.

Mr. Speaker The Sierra delegation, to whom was referred Assembly Bill No 778—An Act relating to road poll-tax in the County of Sierra—report the same back, and recommend its passage

KOUTZ, for Delegation.

Assembly Bill No. 778, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Cornwell:

Mr. Speaker The Napa delegation, to whom was referred Senate substitute for Assembly Bill No 289, has considered the same, made sundry amendments thereto, by striking out the words "seventy-five" in sections one, four, and six, and inserting in lieu thereof the words "one hundred and twenty-five," and striking out all of section twenty, and recommend the amendments to said substitute, and the adoption of the substitute so amended

CORNWELL, for Delegation

Senate substitute for Assembly Bill No. 289, above reported, amended, and substitute adopted.

By Mr. Ferral.

Mr. Speaker Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 658—An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State

FERRAL, for Committee.

Assembly Bill No. 658, above reported, rules suspended, read third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Barber, Ostrom, and Dixon.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Blackwell, Broderick, Carter, Carson, Chapman, Coffey, Clunie, Crutcher, Dunlap, Ferral, Garretson, Giffen, Griswold, Harding, Hayne, Jones, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Reddick, Sargent, Suverkrup, Swan, Wetherill, Wilcox, Wood, and Young—40.

NOES—Messrs. Bagge, Barber, Biggs, Birney, Bradley, Burbank, Collins, Cornwell, Covington, Dixon, Hart, Hinshaw, Jamison, Jenkins, Jounden, Kennedy, Lambourn, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Roberts, Ruggles, Samuels, Sullivan, Watkins, and Mr Speaker—28.

The above bill was ordered transmitted to the Senate without engrossment.

FURTHER INTRODUCTION OF BILLS.

By Mr. Wilcox—An Act authorizing the State Board of Examiners to allow certain claims against the State.

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

By Mr. Burbank—An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court, in the County of Marin, approved February ninth, eighteen hundred and sixty-six.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

RESOLUTION.

By Mr. Briceland—Assembly concurrent resolution relative to requesting the Governor to return to this House Assembly Bill No. 446, for the purpose of correcting clerical errors.

Read first and second times, rules suspended, considered engrossed, read third time, and adopted.

By Mr. Archer:

*Resolved*, That the Enrolling Clerk of the Assembly be and he is hereby authorized to amend Assembly Bill No. 708, by inserting the word "section" after the word "nine," in section seven of said bill.

Adopted.

By Mr. Suverkrup:

*Resolved*, That the Enrolling Clerk be authorized to sectionize Assembly Bill No. 720.

Adopted.

Upon motion of Mr McConnell, the House took up from the general file Assembly Bill No. 641—An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General.

Amended, rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER.

The Speaker announced as the special order for this hour Assembly Bill No. 774—An Act to empower and give authority to the County of Santa Barbara to aid in the construction of a railroad within its limits.

Rules suspended, considered engrossed, read third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Chapman, Berry, and Kennedy.

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs. Abbott, Biggs, Birney, Briceland, Carter, Carson, Garretson, Giffen, Griswold, Hart, Harding, Hayne, Jones, Jourden, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Quigley, Reddick, Roberts, Suverkrup, Wetherill, Wilcox, and Young—33.

NOES—Messrs. Archer, Barber, Berry, Bradley, Broderick, Burbank, Chapman, Coffey, Cornwell, Clunie, Crutcher, Dixon, Dunlap, Hinshaw, Jamison, Kennedy, Koutz, Lambourn, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Rankin, Ruggles, Swan, Watkins, and Mr. Speaker—27.

The above bill was ordered transmitted to the Senate without engrossment.

RECONSIDERATION.

Mr. Maguire, in accordance with notice previously given, moved a reconsideration of the vote by which Assembly Bill No. 685 was on yesterday refused engrossment.

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

Upon which the ayes and noes were demanded by Messrs. Roberts, Kennedy, and Ostrom.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Barber, Berry, Burbank, Carter, Chapman, Clark, Coffey, Clunie, Dunlap, Ferral, Garretson, Griswold, Harding, Hayne, Jones, Koutz, Lammers, Maguire, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, O'Connell, Patterson of San Joaquin, Pierce, Preston, Reddick, Sargent, Samuels, Sullivan, Suverkrup, Watkins, and Wilcox—33.

NOES—Messrs. Archer, Bagge, Biggs, Birney, Blackwell, Blue, Bradley, Briceland, Broderick, Collins, Crutcher, Dixon, Hart, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lambourn, McConnell, McMann, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Quigley, Rice, Roberts, Ruggles, Swan, Wetherill, Young, and Mr. Speaker—32.

SPECIAL EVENING FILE.

Assembly Bill No. 777—An Act in relation to idiots.

Rules suspended, considered engrossed, read third time. Upon the passage of the bill the ayes and noes were demanded by Messrs. Berry, Ostrom, and Lambourn.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Barber, Biggs, Birney, Blackwell, Blue, Broderick, Clark, Coffey, Cornwell, Clunie, Dunlap, Ferral, Garretson, Giffen, Griswold, Hart, Harding, Hayne, Jenkins, Kennedy, Lammers, Maguire, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Quigley, Reddick, Roberts, Ruggles, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Young, and Mr. Speaker—41.

NOES—Messrs. Archer, Bagge, Berry, Bradley, Briceland, Burbank, Chapman, Collins, Crutcher, Dixon, Jamison, Jones, Koutz, Lambourn, McKenna, Nott, Ostrom, Pierce, Preston, Rice, and Scrivner—21.

The above bill was ordered transmitted to the Senate without engrossment.

Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

Mr. Maguire offered a substitute for the bill, and moved its adoption.

Upon which the ayes and noes were demanded by Messrs. Rankin, Harding, and Murphy of San Francisco

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Broderick, Chapman, Coffey, Collins, Dunlap, Garretson, Jamison, Jones, Kennedy, Lammers, Maguire, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Rankin, Reddick, Rice, Sargent, Samuels, Swan, Watkins, Wetherill, Wilcox, Young, and Mr Speaker—32

NOES—Messrs. Barber, Biggs, Birney, Blue, Bradley, Burbank, Carter, Carson, Covington, Crutcher, Dixon, Ferral, Gelwicks, Harding, Hayne, Hinshaw, Jourden, Koutz, McConnell, McMann, O'Connell, Patterson of Sacramento, Pierce Preston, Pullen, Quigley, Ruggles, Scrivner, Sullivan, and Suverkrup—30.

The bill was read third time and passed.

REPORTS.

Mr Biggs had leave to make the following report:

Mr. SPEAKER The Sacramento delegation, to whom was referred Senate Bill No 638—An Act to authorize certain liberties, and to maintain certain restrictions within the County of Sacramento—report the same back, and recommend its passage

Also, Senate Bill No 574—An Act relative to the government of Sacramento—report the same back, and recommend that it be indefinitely postponed.

BIGGS, for Delegation.

Senate Bill No. 638, above reported, rules suspended, read third time, and passed.

Senate Bill No 574, above reported, indefinitely postponed.

By Mr. Maguire:

Mr. SPEAKER Your Committee on Education, to whom was referred Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county—beg leave to report it back, and recommend that it be referred to the San Francisco delegation.

MAGUIRE, for Committee.

Senate Bill No. 474, above reported, was referred to the San Francisco delegation

SPECIAL FILE RESUMED.

Assembly Bill No. 756—An Act to provide for the adjustment of certain claims against Sonoma County.

Refused engrossment.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Mr Murphy of Del Norte, the House adjourned.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 29th, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Upon motion of Mr. Berry, the reading of yesterday's journal was dispensed with, and approved.

## LEAVE OF ABSENCE.

Mr. Jones was granted one day's leave of absence.

## MOTIONS

Mr. McKenna moved that the Senate be requested to return to this House Assembly Bill No 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.
Adopted.
Upon motion of Mr. Berry, the House took up from the special file Assembly Bill No 771—An Act relative to the County Treasurer of Sutter County, as to counting the moneys and examining his books, vouchers, etc.
Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.
Mr Garretson had leave to introduce the following bill An Act to provide for the election of the Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood City, in the County of San Mateo.
Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

## REPORTS.

By Mr. Blackwell:

MR SPEAKER Your Committee on Public Lands, to whom was referred Senate Bill No 630, substitute for Senate Bill No. 43 and Assembly substitute for the same—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections, and lands in lieu thereof—have had the same under consideration, and recommend its passage.
Also, Assembly Bill No 767—An Act to cause certain defects in applications for the purchase of lands and to confirm land titles—have had the same under consideration, and recommend its passage.

BLACKWELL, for Committee.

Senate Bill No. 630, above reported, was made the special order for one o'clock and thirty minutes P. M. this day.
By Mr. McConnell.

MR SPEAKER: Your Judiciary Committee having considered substitute for Senate Bill No. 156—Proposed amendments to the Constitution, and Senate Bill No 636—An Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature at its twentieth session, and agreed to by the Legislature at its twenty-first session, to the people, at the general election in the year eighteen hundred and seventy-seven, and to provide for carrying said amendments into effect if approved and ratified by the people—report the same back, recommend their passage, and that the rules be suspended for their immediate consideration

McCONNELL, Chairman

Substitute for Senate Bill No. 156, above reported, made the special order for two o'clock P. M. this day.

By Mr. Archer:

Mr. Speaker. Your Committee on Corporations, to whom was referred Assembly Bill No. 702—An Act to provide the people of Sacramento and State Capitol grounds, Oakland, and San Jose, and San Francisco, and other cities, with pure and wholesome water—have had the same under consideration, and herewith report the bill back, and recommend that it do not pass.

ARCHER, Chairman

By Mr. Wood:

Sacramento, March 28th, 1876

Mr. Speaker: The Committee on Enrollment have examined Assembly Bill No 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, and also to change the name of Cañada Street, in said town, to that of Ventura Avenue.

Also, Assembly Bill No. 613—An Act to provide for the building of a school-house in Meridian School District, in the County of Sutter, State of California

Also, Assembly Bill No 664—An Act to repeal an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Stanislaus County.

Also, Assembly Bill No 717—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

Also, Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County

Also, Assembly Bill No 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County

Also, Assembly Bill No 552—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four

Also, Assembly Bill No 530—An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa.

Also, Assembly Bill No 416—An Act in relation to the collection of licenses in Mariposa County.

Also, Assembly Bill No 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County

Also, Assembly Bill No 655—An Act to repeal an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code.

Also, Assembly Bill No. 574—An Act to change the name of a town in Modoc County.

Also, Assembly Bill No 266—An Act in relation to the Superintendent of Schools of Del Norte County.

Also, Assembly Bill No. 425—An Act concerning public roads in Lassen County.

And report the same correctly enrolled, and that at eight o'clock P. M. the same were presented to the Governor for his approval

WOOD, for Committee.

By Mr. Briceland:

Mr Speaker: The Committee on State Hospitals, to whom was referred Senate Bill No. 549—An Act to regulate the practice of medicine in the State of California—have examined and amended the same, and report back said bill with amendments, and recommend its passage

BRICELAND, Chairman.

Senate Bill No. 549, above reported, amended, rules suspended, read a third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Ostrom, Jenkins, and Ruggles.

The roll was called, and the House so ordered, by the following vote:

Ayes—Messrs. Abbott, Bagge, Barber Berry, Blue, Briceland, Broderick, Carson, Clark, Clarkon, Coffey, Collins, Cornwell, Crutcher, Dunlap, Ferral, Griswold, Hart, Hayne, Hinshaw, Jenkins, Jourden, Kennedy, Lambourn, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Rankin, Rausch, Rice, Sargent, Scrivner, Suverkrup, Swan, Wetherill, Wilcox, and Young—45.

Noes—Messrs. Birney, Bradley, Burbank, Carter, Dixon, Garretson, Giffen, Jamison, Koutz, Maguire, Nott, Ostrom, Pierce, Roberts, Ruggles, Watkins, Wood, and Mr. Speaker—18.

Mr. Jenkins gave notice of a motion to reconsider the vote by which the above bill passed the House on this day.

MOTION TO RECONSIDER.

Mr. Collins, pursuant to notice previously given, moved the reconsideration of the vote by which Senate Bill No 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code—passed this House on yesterday.

Mr. Murphy of San Francisco moved to indefinitely postpone the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. McKenna, Clarken, and Collins

The roll was called, and the House refused, by the following vote:

AYES—Messrs Bagge Barber, Briggs, Clarken, Coffey, Chune Hinshaw, Jenkins, Jourden, Kennedy Magune, McInerny, McMann, McCarthy, Murphy of San Francisco, O'Connell, Rankin, Rasch, Roberts, Sullivan, Watkins, and Wetherill—22.

NOES—Messrs Abbott, Archer, Berry, Birney, Blackwell, Blue, Bradley, Broderick, Burbank, Carter, Chapman, Clark, Collins, Cornwell, Covington, Crutcher, Dixon, Dunlap, Ferral, Garretson Giffen, Hayne, Jamison, Koutz, Lambourn, McConnell, McKenna, Murphy of Del Norte and Klamath, Nott Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Rice, Ruggles Sargent, Scrivner, Suverkrup, Swan, Wilcox, Wood, Young, and Mr Speaker—45

The motion to reconsider prevailed, the bill was amended, read third time, and passed.

FURTHER REPORTS.

By Mr. Covington.

MR SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years

Also Assembly Bill No 572—An Act to provide for the purchase of a certain toll road in the County of Mendocino

COVINGTON, for Committee

Also:

MR SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No 680—An Act to revise the charter of the City of Sacramento

Also, Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Assembly Bill No 683—An Act to transfer money from one fund to another, in the County of Monterey.

Also, Assembly Bill No 594—An Act to authorize the Brooklyn Land and Building Company to subscribe for stock in other companies

Also, Assembly Bill No 598—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco

Also, Assembly Bill No 679—An Act to provide for the payment of certain claims of Frederick Victor

COVINGTON, for Committee

By Mr. Wood

MR SPEAKER The Contra Costa delegation, to whom was referred Senate Bill No 530—An Act to incorporate the Town of Martinez, and to provide for the government thereof—have had the same under consideration, and beg leave to report the same back and recommend passage

WOOD, for Delegation

Senate Bill No 530, above reported, rules suspended, read third time, and passed.

Mr Bagge, pursuant to notice given, moved the reconsideration of

the vote by which Assembly Bill No. 727—An Act to appropriate forty thousand dollars for the construction of a building for a College of Mining and Mechanic Arts at the University of California—was refused engrossment.

Upon motion of Mr. Wilcox, the motion to reconsider was laid on the table.

SPECIAL ORDER

The Speaker announced as the special order Assembly Bill No. 652—An Act making appropriations for benevolent purposes.

Considered in Committee of the Whole, the Speaker in the chair.

Upon motion of Mr. Hart, the committee arose and reported progress, and asked leave to sit again at one o'clock and thirty minutes P. M.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was received, and leave to sit again granted.

Upon motion of Mr. Sargent, the House took up Senate Bill No. 99—An Act granting relief to tax-payers whose lands have been sold to the State.

Amended, rules suspended, read third time, and passed.

RESOLUTION.

By Mr. Bagge—Assembly concurrent resolution relative to authorizing the Enrolling Clerk of the Assembly to correct Assembly Bill No. 775.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted without engrossment.

Mr. Pullen had leave to introduce the following bill: An Act for the relief of Peter Connolly.

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

RECESS.

The hour for recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

Mr. Dixon had leave to introduce the following bill: An Act to make, open, and establish a public street, in the City of Oakland, to be called Fourteenth Avenue, to take private lands therefor, and to construct a main sewer therein.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Upon motion of Mr. Berry, the House took up Assembly Concurrent Resolution No. 17—Relative to hydraulic mining.

Read third time, passed, and ordered transmitted to the Senate immediately.

SPECIAL ORDER

Senate Bill No. 630—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections, and lands in lieu thereof.

Amended, read third time, and passed.

REPORTS.

By Mr. Lambourn:

Mr. SPEAKER The Los Angeles delegation, to whom was referred Assembly Bill No 783—An Act to prescribe the fees of the District Attorney of Los Angeles County, in certain cases—beg leave to report that they have duly considered the same, and now report the same back, with the recommendation that it pass.

Also, Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across Los Angeles River, in the County of Los Angeles, and to levy a tax for payment of the cost of the same—beg leave to report a substitute, and recommend the passage of the substitute.

McCONNELL.
LAMBOURN.

Assembly Bill No. 783, above reported, amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 401, above reported, substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Clunie:

Mr SPEAKER The Sacramento delegation, to whom was referred Senate Bill No. 637—An Act to provide for the drainage of the County of Sacramento—have considered the same, report it back, and recommend its passage.

CLUNIE.
BIGGS.

Senate Bill No. 637, above reported, rules suspended, read third time, and passed.

By Mr. Hart:

Mr. SPEAKER The Colusa delegation, to whom was referred Senate Bill No 479—An Act prohibiting the sale of intoxicating liquors within one mile of College City, Colusa County, California—have had the same under consideration, and recommend its passage.

HART, for Delegation.

Senate Bill No. 479, above reported, rules suspended, read third time, and passed.

By Mr. Coffey:

Mr. SPEAKER The San Francisco delegation to whom was referred Senate Bill No. 492—An Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco—report the same back, with a recommendation that it pass

COFFEY, Chairman

Also:

Mr SPEAKER The San Francisco delegation, to whom was referred Senate Bill No. 305—An Act to authorize the Board of Supervisors of the City and County of San Francisco to fix and establish water rates—report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No 618—An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six—report the same back, and recommend that it do pass.

Also, Senate Bill No. 402—An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue Extension, in the City and County of San Francisco—report the same back, and recommend that it pass

Also, Assembly Bill No. 125—An Act relating to the purchase of lands in the City and County of San Francisco, known as City Hall lots—report the same back, and a majority recommend that it do not pass, eight members voting for its passage, nine against, and three absent

Also, Assembly Bill No. 61—An Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement of public parks in the City and County of San Francisco, approved April fourth, eighteen hundred and seventy—report the same back without recommendation.

COFFEY, Chairman.

Also:

Mr. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—report the same back, and a majority recommend that it do not pass, nine members voting for its passage, ten against, one absent

COFFEY, Chairman.

Senate Bill No 402, above reported, rules suspended, read third time, and passed.

Senate Bill No 305, above reported, indefinitely postponed.

Senate Bill No. 492, above reported, rules suspended, read third time, and passed.

Senate Bill No. 618, above reported, rules suspended, read third time, and passed.

By Mr. Suverkrup.

Mr SPEAKER The San Bernardino delegation, to whom was referred Senate Bill No. 615—An Act concerning public records in the office of the County Recorder of San Bernardino County—have had the same under consideration, report it back, and recommend that it pass

SUVERKRUP, for Delegation

Senate Bill No. 615, above reported, rules suspended, read third time, and passed.

By Mr. Covington.

Mr. SPEAKER: Your committee, to whom was referred Senate Bill No. 639—An Act to provide for the payment of the funded indebtedness of the County of Mendocino—have considered the same report it back, and recommend that it pass

COVINGTON, for Committee

Senate Bill No. 639, above reported, rules suspended, read third time, and passed.

By Mr. Gelwicks.

SACRAMENTO, March 29th, 1876.

Mr. SPEAKER. The Committee on Enrollment have examined Assembly Bill No. 426—An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth and East Ninth Streets

Also, Assembly Bill No 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four

Also, Assembly Bill No. 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes

Also, Assembly Bill No 338—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes in the Counties of Fresno, Tulare, and Kern

Also, Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries.

Also, Assembly Bill No 519—An Act for the relief of East Fork School District, in the County of Siskiyou.

Also, Assembly Bill No 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County.

Also, Assembly Bill No. 621—An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same.

Also, Assembly Bill No 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property, in the County of Contra Costa.

And report the same correctly enrolled; and that at one o'clock and fifty minutes p. m. the same were presented to the Governor for his approval.

GELWICKS, for Committee.

By Mr. McConnell:

Mr. SPEAKER: Your Judiciary Committee having considered Assembly Bill No. 788—An Act authorizing the State Board of Examiners to allow certain claims against the State—report the same back, without recommendation.

Also, Senate Bill No. 424—An Act in relation to the State Burying-grounds—report the same back, and recommend its reference to Committee on Ways and Means.

Also, Assembly Bill No. 772—An Act to amend section six hundred and sixty-seven of the Penal Code—and recommend passage.

Also, Assembly Bill No. 760—An Act to amend section two hundred and ninety-seven of the Civil Code—and recommend it do not pass.

Also, Assembly Bill No. 761—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand six hundred and forty-one—and recommend it do not pass.

Also, Assembly Bill No. 762—An Act to amend sections one thousand seven hundred and fifty-four and one thousand eight hundred and nine of the Code of Civil Procedure—and recommend that section two be stricken out and passage as thus amended.

Also, Senate Bill No. 428—An Act to add another section to the Penal Code—and recommend it do not pass.

Also, Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure—and recommend it do not pass.

McCONNELL, Chairman.

Senate Bill No. 424, above reported, referred to the Committee on Ways and Means.

By Mr. Rice:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Senate Bill No. 523—An Act to authorize the Board of Supervisors of the County of Santa Cruz to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville—report the same back, and recommend its passage.

RICE, for Delegation.

Senate Bill No. 523, above reported, amended, rules suspended, read third time, and passed.

By Mr. Nott:

Mr. SPEAKER: Your Committee on Retrenchment and Reform, to whom was referred Senate Bill No. 628—An Act amendatory of an Act entitled an Act authorizing the appointment of certain employes of the State Capitol, and fixing their compensation—having had the same under consideration, would herewith report it back, with a substitute, and recommend the passage of the substitute.

NOTT, for Committee.

Senate Bill No. 628, above reported, substitute adopted, rules suspended, read third time, and passed.

Mr. Young, pursuant to notice given, moved a reconsideration of the vote by which Assembly Bill No. 675 passed the House on yesterday.

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

Upon which the ayes and noes were demanded by Messrs. Clunie, Young, and Lambourn.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Blackwell, Bradley, Broderick, Carter, Carson, Chapman, Clarken, Coffey, Garretson, Griswold, Hall, Jourden, Kennedy, Koutz, Lambourn, Maguire, McConnell, McCarthy, McKenna, Murphy of San Francisco, Nott, Ostrom, Patterson of San Joaquin, Pierce, Rankin, Rice, Sargent, Scrivner, Sullivan, Watkins, Wilcox, Wood, and Mr. Speaker—36.

NOES—Messrs. Bagge, Berry, Birney, Blue, Briceland, Burbank, Collins, Cornwell, Clunie, Crutcher, Dunlap, Gelwicks, Giffen, Hinshaw, Jenkins, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Raisch, Roberts, Swan, and Young—26.

Upon motion of Mr. Rankin, the above bill was ordered transmitted to the Senate without engrossment.

Mr. Sargent had leave to withdraw Assembly Bill No. 384—An Act to cure certain defects in applications for the purchase of land, and to confirm land titles.

FURTHER REPORTS.

By Mr Nott:

Mr. Speaker: The El Dorado delegation, to whom was referred Assembly Bill No. 744—An Act in relation to the fees of witnesses in the County of El Dorado—having had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

G. J CARPENTER,
S A. NOTT.

Assembly Bill No. 744, above reported, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

By Mr. Reddick:

Mr Speaker The Calaveras delegation, to whom was referred Senate Bill No 622—An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras—having had the same under consideration, report it back, recommending its passage.

REDDICK, for Delegation.

Senate Bill No 622, above reported, rules suspended, read third time, and passed.

INTRODUCTION OF BILLS.

By Mr. Biggs—An Act in relation to public roads in the County of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Clunie—An Act in relation to the Auditor of Sacramento County.

Read first and second times and ordered on file.

By Mr. Hart—An Act to authorize W. S Green and his associates to construct a bridge across the Sacramento River, at Colusa.

Read first and second times and ordered placed on to-morrow evening's special file.

By Mr O'Connell—An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay certain warrants and parts of warrants issued by the Laguna Survey Commissioners.

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

SENATE MESSAGES

Senate Chamber,
Sacramento, March 28th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the President of the Senate on this day appointed Senators Farley, Edgerton, and Pierson as a Committee of Conference on the part of the Senate, on the disagreeing vote on Senate Bill No 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges of freights and fares, and to prevent extortion and discrimination on railroads in this State—and that the bill has been delivered to the said committee.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 28th, 1876.

Mr. SPEAKER. I am directed to inform your honorable body that the Senate, on the twenty-eighth day of March, eighteen hundred and seventy-six, amended and passed, under suspension of the rules, and ordered transmitted immediately to the Assembly, Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Also, that the Senate concurred in all of Assembly amendments to Senate Bill No 344—An Act to authorize the City of Oakland to construct a main sewer—except those marked nine and ten, from which the Assembly is respectfully requested to recede

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-seventh day of March, eighteen hundred and seventy-six, passed Senate Bill No 127—An Act to amend the Civil Code in relation to divorces

And, on March twenty-ninth passed Assembly Bill No. 438—An Act to change and modify the grade, and to provide for the grading and regrading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco.

Also, Assembly Bill No 776—An Act to permit Nancy Wilson (a widow) to redeem certain lands sold to the State for the delinquent taxes for the fiscal years eighteen hundred and seventy-four-five.

Also, Assembly Bill No. 456—An Act to provide for the distribution of school moneys in the County of Marin.

Also, Assembly Bill No 775—An Act supplemental to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

Also, Assembly Bill No. 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco.

Also, amended and passed Assembly Bill No 292—An Act to regulate the price and quality of gas in the City and County of San Francisco.

Also, return, as requested by resolution of the Assembly, Assembly Bill No 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

CRAWFORD, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 29th, 1876

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-eighth day of March, eighteen hundred and seventy-six, amended and passed, and on this day ordered transmitted to the Assembly without engrossment, Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh Street, to take private lands therefor to grade, macadamize, and improve a certain portion of Seventh Street.

SHACKLEFORD, Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-ninth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted immediately, and without engrossment, to the Assembly, Senate Bill No. 599—An Act to amend certain sections, to repeal certain sections, and to add new sections to the Political Code, relative to the State Printer

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-eighth day of March, eighteen hundred and seventy-six, passed under suspension of the rules, Senate Bill No. 452—An Act to amend section one thousand and one of the Political Code

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1876

Mr SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the report of the Committee of Conference on Assembly Bills Nos 44 and 45.

CRAWFORD, Assistant Secretary

SENATE CHAMBER, }
SACRAMENTO, March 29th, 1876. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted immediately to the Assembly, Assembly Bill No 671—An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand, and making other improvements to the lands and property of said society.

Also, on this day, adopted Assembly Concurrent Resolution No. 55—Requesting the Governor to return Assembly Bill No. 446, to correct an error.

CLARK, Assistant Secretary.

SENATE CHAMBER, }
SACRAMENTO, March 29th, 1876. }

Mr SPEAKER: I have been directed to transmit to your honorable body the supplemental report of the Committee on State Prison and Prison Buildings, which report was adopted by the the Senate, and to ask the concurrence therein by the Assembly.

CRAWFORD, Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Senate State Prison report, above reported, reading dispensed with, and four hundred and eighty copies ordered printed.

Senate Bill No 127, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 344, above reported, House receded from the amendments to the bill, known as nine and ten.

Senate Bill No. 452, above reported, read first and second times and made the special order for to-morrow, after the reading of the journal

Senate Bill No. 599, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 355, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No 263, above reported, Senate amendments concurred in.

Assembly Bill No. 292, above reported, House refused to concur in Senate amendments, and the bill was ordered returned to the Senate, with a request that they recede from their amendments.

Mr Nott gave notice of a motion to reconsider the vote by which Senate Bill No. 599 passed the House on this day.

FURTHER INTRODUCTION OF BILLS.

By Mr. Abbott—An Act appropriating money for the benefit of the Peoples' and Grangers' Immigrant Bureau.

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

By Mr Jamison—An Act to establish the compensation of official reporters for the various Courts throughout the State.

Read first and second times and referred to the Committee on Retrenchment and Reform.

REPORTS

By Mr. Blue:

Mr SPEAKER Your Committee on Roads and Highways, to whom was referred Assembly Bill No 678—An Act to amend section twenty-eight hundred and fifty-three of the Political Code—respectfully report the same back, and recommend that it do not pass

BLUE, for Committee.

Assemby Bill No. 678, above reported, indefinitely postponed.

By Mr. Swan:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 49—Relative to Chinese immigration—have had the same under consideration, and beg leave to report that they have adopted a substitute therefor, and recommend passage of the substitute.

Also, Assembly Concurrent Resolution No. 41—In reference to the sale of timber lands on the Pacific Coast—report it back, and recommend its passage.

SWAN, Chairman.

GENERAL FILE.

Assembly Bill No. 697—An Act to provide for the appointment of a State Architect.

Indefinitely postponed.

Assembly Bill No. 419 passed on file.

Assembly Bill No. 785—An Act to add certain sections to the Political Code, and to amend certain other sections.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 287—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Read third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs Berry, Hart, and Ostrom.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs Abbott, Archer, Biggs, Brickland, Broderick, Carter, Chapman, Clarken, Coffey, Collins, Cornwell, Chune, Garretson, Giffen, Griswold, Hayne, Kennedy, Lammers, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Quigley, Rankin, Reddick, Sargent, Sullivan, Wetherill, and Mr. Speaker—38.

NOES—Messrs Berry, Birney, Bradley, Burbank, Crutcher, Dixon, Dunlap, Gelwicks, Hart, Hinshaw, Jamison, Jenkins, Koutz, Lambourn, McMann, Ostrom, Rice, Samuels, Suverkrup, Swan, and Watkins—21.

Mr. Quigley gave notice of a motion to reconsider the vote by which the above bill passed the House

Senate Bill No. 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California, heretofore sold.

Considered in Committee of the Whole, Speaker pro tem. in the chair.

Upon motion of Mr. Clunie, the committee arose and reported the bill back, and recommended passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

The report of the committee was received, and Senate Bill No. 301, above reported, was read a third time and passed

Assembly Bill No 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four—was ordered placed on the special file for this evening.

Senate Bill No. 532—An Act to amend the Code of Civil Procedure.

Referred to the Judiciary Committee.

Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking.

Read third time and passed.

Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

Read third time and passed.

Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires, and of saving property and human life from conflagration.

Ordered placed at head of the file for to-morrow.

Senate Bill No 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.

Read third time and passed

Senate Concurrent Resolution No. 42—Relative to expenses of the funeral of the late J. W. Mandeville

Considered in Committee of the Whole, the Speaker pro tem. in the chair.

Upon motion of Mr. Berry, the committee arose and reported the resolution back, recommending its passage

IN ASSEMBLY

[Speaker pro tem. in the chair ]

The report of the committee was received

Senate Concurrent Resolution No. 42, above reported, read third time and passed.

Assembly Bill No. 715—An Act to aid in the construction of a levee to protect the grounds of the Insane Asylum at Stockton from overflow and inundation

Considered in Committee of the Whole, the Speaker pro tem. in the chair

Upon motion of Mr. Berry, the committee arose and reported the bill back, and recommended that it be indefinitely postponed.

IN ASSEMBLY.

[Speaker pro tem. in the chair ]

The report of the committee was received and Assembly Bill No. 715, above reported, indefinitely postponed.

Assembly Bill No. 610—An Act to amend sections five hundred and sixty-six and five hundred and sixty-seven of the Political Code.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

Upon motion of Mr Dunlap, the House took up Assembly Concurrent Resolution No. 50—Relative to the protection of fish in Silver Lake, Amador County.

Rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDERS.

Substitute for Senate Bill No 156—Proposed amendments to the Constitution of the State of California:

The Legislature of the State of California, at its twenty-first session, commencing on the sixth day of December A D. eighteen hundred and seventy-five, by a majority of all the members elected to each House thereof and by a majority of all the members elected to the Senate, and by a majority of all the members elected to the Assembly thereof, adopt and agree to the amendments hereinafter set forth to the Constitution of the State of California Said amendments were proposed in the Assembly of said State, at the twentieth session of the Legislature thereof and were at such session agreed to by a majority of all the members elected to the

Assembly; and subsequently, and at the same session, were agreed to by a majority of all the members elected to the Senate of said State; and were, during such session, entered at large on the journals of each House, with the ayes and nays taken thereon in each House, and were referred to the Legislature then next to be chosen, and were duly and legally published for three months next preceding the time of such choice.

## Amend Article II. of said Constitution to read as follows:

ARTICLE II.—RIGHT OF SUFFRAGE AND ELECTIONS

SECTION 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

*First*—He shall have been a citizen of the United States at least one month.

*Second*—He shall have resided in the State six months immediately preceding the election.

*Third*—He shall have resided in the election precinct where he shall offer to vote, one month immediately preceding the election.

SEC. 2. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison; nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 5. Electors shall, in all cases except treason, felony, or breach of the peace be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 6. The general election shall be held on the Tuesday next following the first Monday in November, A. D. one thousand eight hundred and seventy-seven, and every two years thereafter, unless the Legislature by statute fix a different time.

SEC. 7. All elections by the people shall be by ballot. All elections by persons in a representative capacity shall be viva voce.

SEC. 8. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 9. Any person who shall give or promise, or offer to give, to any elector, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

SEC. 10. Any person who shall, while a candidate for office be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 11. In trials of contested elections and proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon any ground; but such testimony shall not afterward be used against him in any judicial proceeding, except for perjury in giving such testimony.

## Amend Article VI. of said Constitution to read as follows:

ARTICLE VI.—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts, Courts of Justices of the Peace, and in such Municipal Courts as shall be established by statute for cities, or consolidated cities and counties.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The presence of four Justices shall be necessary for the transaction of business in Court, and the concurrence of four Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election next after the adoption of these amendments, and each shall take his seat on the first Tuesday after the first Monday in January next after his election. A full term of a Justice of the Supreme Court is fourteen years. At the meeting of such Justices on the said Tuesday next after the first Monday of January, they shall so classify themselves by

lot that the term of one Justice shall expire every two years, and his successor shall be elected at the general election next preceding the expiration of such term.

SEC. 4. At the election for Justices of the Supreme Court next after the adoption of these amendments, no elector shall vote for more than four persons for Justices of the Supreme Court.

SEC. 5. If a vacancy occur in the office of Justice of the Supreme Court from other causes than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the first Tuesday after the first Monday in January next ensuing until the expiration of the unexpired term.

SEC. 6. No Justice appointed or elected to fill an unexpired term shall be Chief Justice. The Justice not so appointed or elected, having the shortest term to serve, shall be Chief Justice.

SEC. 7. The jurisdiction of the Supreme Court is of two kinds:

*First*—Original; and,

*Second*—Appellate.

SEC. 8. The original jurisdiction of the Supreme Court extends to the issuance of writs of mandate, review, prohibition, and habeas corpus.

SEC. 9. The appellate jurisdiction of the Supreme Court extends:

*First*—To all civil cases and special proceedings arising in the District Courts;

*Second*—To all criminal actions amounting to felony;

*Third*—To the issuance of all writs necessary to the exercise of its appellate jurisdiction; and,

*Fourth*—To such other cases and proceedings as the Legislature may, by general statute, prescribe.

SEC. 10. Each county is a judicial district. District Judges shall be elected by the qualified electors of their respective districts, at the general election next after the adoption of these amendments, and shall hold their respective offices for the term of six years, and until their successors shall be elected and qualified.

SEC. 11. If a vacancy occur in the office of District Judge from causes other than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the Tuesday after the first Monday in January next ensuing, for the term of six years.

SEC. 12. Every county containing less than twenty thousand inhabitants shall elect one District Judge; counties containing more than twenty thousand inhabitants may elect such further number of District Judges as shall be prescribed by statute, not exceeding one for every twenty thousand inhabitants, and one for such fraction as shall exceed ten thousand.

SEC. 13. In districts where there shall be more than one District Judge, a presiding Judge shall be elected by lot, who shall distribute the labor to be performed by each.

SEC. 14. Each District Court shall be held by one District Judge; and when two or more Judges are selected for one county, Courts shall be held separate; but the judgments and orders of each shall be entered and enforced, as of the District Court of such county.

SEC. 15. The jurisdiction of District Courts is of two kinds:

*First*—Appellate; and

*Second*—Original.

SEC. 16. The appellate jurisdiction of District Courts extend:

*First*—To all cases arising in Justices' Courts;

*Second*—To such cases and proceedings arising in Municipal Courts as the Legislature may prescribe.

SEC. 17. The original jurisdiction of District Courts extend:

*First*—To all civil actions for relief formerly given in Courts of equity;

*Second*—To all civil actions in which the subject of litigation is not capable of pecuniary estimation;

*Third*—To all civil actions in which the subject of litigation is capable of pecuniary estimation, which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars;

*Fourth*—To actions to prevent or abate a nuisance;

*Fifth*—To actions of forcible entry and detainer;

*Sixth*—To proceedings in insolvency;

*Seventh*—To probate cases and proceedings;

*Eighth*—To all other special proceedings;

*Ninth*—To inquiring, by the intervention of a Grand Jury, of all public offenses committed or triable within the district;

*Tenth*—To the trial of all indictments;

*Eleventh*—To such other cases and proceedings as the Legislature may prescribe.

SEC. 18. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties and responsibilities; but such powers shall not, in any case, trench upon the jurisdiction of the several Courts of record. The Supreme Court, and District Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 19. The jurisdiction of Municipal Courts established by statute for cities, and consolidated cities and counties, shall extend only to the trial of misdemeanors, and to the trial of cases arising under ordinances of such cities, or cities and counties.

SEC. 20. The Legislature shall provide for the election of a Clerk of the Supreme Court, of County Clerks, District Attorneys, Sheriffs and other necessary officers, and shall fix by law their duties and compensations. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment, by the several Courts of record, of one or more Commissioners, with authority to perform chamber business, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by statute.

SEC. 21. The time and place of holding the terms of the Supreme Court shall be provided for by statute. The District Courts shall always be open for the transaction of business.

SEC. 22. No judicial officer, except Justices of the Peace and Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 23. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

SEC. 24. The Justices of the Supreme Court, and District Judges, shall severally, at stated times during their continuance in office, receive for their services out of the State treasury a compensation which shall not be increased or diminished after their election, or during the term for which they shall have been elected.

SEC. 25. The Justices of the Supreme Court and the District Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any Federal office.

SEC. 26. Judges shall not charge juries with respect to matters of fact, but they may state the testimony and declare the law.

SEC. 27. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 28. The Supreme Court now in existence is continued until the first Monday in January, eighteen hundred and seventy-nine, but after the first Monday in January, eighteen hundred and seventy-eight, its power shall only extend to the determination of such cases, or proceedings pending therein, as may have been submitted for decision prior to that time.

SEC. 29. The Justices of said Court in commission at the time these amendments take effect, may hold their offices as Justices thereof until the first Monday in January, eighteen hundred and seventy-nine.

SEC. 30. If any Justice of said Court is elected a Justice of the Supreme Court created by this article, his office as a Justice of the Supreme Court now in existence shall become vacant on the first Monday in January, eighteen hundred and seventy-eight, and the Governor shall, by appointment, fill the vacancy.

The roll was called, and the bill having received the requisite constitutional majority, was declared passed, the vote being as follows:

AYES—Messrs. Abbott, Archer, Barber, Berry, Biggs, Birney, Blue, Briceland, Broderick, Burbank, Chapman, Clarken, Coffey, Collins, Cornwell, Crutcher, Dixon, Garretson, Gelwicks, Giffen, Griswold, Hart, Harris, Hayne, Hinshaw, Jamison, Jenkins, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Rausch, Rice, Roberts, Ruggles, Sargent, Samuels, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Young and Mr. Speaker—58.

NOES—None.

Senate Bill No. 636—An Act to provide for the submission of the proposed amendments of the Constitution of the State, as proposed by the Legislature at its twentieth session, and agreed to by the Legislature at its twenty-first session, to the people, at the general election in the year eighteen hundred and seventy-seven, and to provide for carrying said amendments into effect, if approved and ratified by the people.

The roll was called, and the bill declared passed, the vote being as follows:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Briceland, Burbank, Chapman, Clarken, Coffey, Collins, Cornwell, Crutcher, Dixon, Garretson, Gelwicks, Giffen, Griswold, Harris, Hinshaw, Jamison, Jenkins, Kennedy, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Rankin, Rausch, Rice, Roberts, Sargent, Samuels, Sullivan, Suverkrup, Swan, Young, and Mr. Speaker—56.

NOES—None.

RESOLUTION.

By Mr. Gelwicks:

*Resolved*, In view of the close of the session next Monday night, that the printing of the weekly report of Assembly bills for next week be dispensed with.

Adopted.

RECESS.

At five o'clock and five minutes P. M., on motion of Mr Carpenter, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.
Upon motion of Mr Murphy of Del Norte, Assembly Bill No. 788, reported by the Judiciary Committee on this day, was ordered second on file for to-morrow.
The Speaker announced as the special committee of five to consider Assembly Bill No. 652, Messrs. Broderick, Dunlap, McInerny, Garretson, and Briceland.

REPORTS.

By Mr. Clunie:

Mr. SPEAKER The Sacramento delegation, to whom was referred Assembly Bill No 218—An Act in relation to the Board of Supervisors of the County of Sacramento—report the same back with amendments, and recommend its passage as amended

CLUNIE.

I dissent from the above report. BIGGS

Also:

Mr SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 555—An Act to provide for determining whether or not the estate of E L. Brown has a valid claim against the State, and if it be adjudged valid, then for paying the same—have considered the same, and herewith report the bill back, with the recommendation that it be referred to the Judiciary Committee.

CLUNIE, for Committee.

Assembly Bill No. 555, above reported, was referred to the Judiciary Committee.
By Mr. Hart:

Mr SPEAKER The Colusa delegation, to whom was referred Senate Bill No. 554—An Act concerning road poll-taxes in Tehama County—have had the same under consideration, and hereby report it back, and recommend its passage.

HART, for Delegation.

Senate Bill No. 554, above reported, ordered placed on the special file for to-morrow evening.
By Mr. Gelwicks:

Mr. SPEAKER The Alameda delegation, to whom was referred Senate Bill No 590—An Act to facilitate the construction of a canal for the improvement of Oakland Harbor—have had the same under consideration, report it back, and recommend its passage.

GELWICKS, for Delegation.

Senate Bill No 590, above reported, rules suspended, read third time, and passed.

By Mr. Cornwell:

Mr. Speaker: Your Committee of Conference on Assembly Bill No. 45 have duly considered the same and recommend that the Senate recede from its amendments to section two. And would further report, that they have duly considered Assembly Bill No. 44, and recommend that the Senate recede from its substitute, and pass the original bill, as amended.

CORNWELL,
SCRIVNER,
BLACKWELL,
House Committee.
LEWIS,
O'CONNOR,
Senate Committee.

Adopted.

FURTHER INTRODUCTION OF BILLS.

By Mr. Bagge—An Act relating to the draw-bridge across the San Antonio Creek, in the County of Alameda.

Read first and second times and referred to the Alameda delegation.

By Mr. McMann—An Act to confer additional power 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. Nott—An Act to consolidate Rattlesnake School District, in Placer County, with Wild-goose School District, in El Dorado County.

Read first and second times and ordered head of file for to-morrow evening.

By Mr. Young—An Act for the relief of Terrence Burke, S. L. Marks, J. R. Deardoff, and Milo Hoadley, of San Francisco.

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

By Mr. Lambourn—An Act to change the name of a certain town in the County of Los Angeles.

Read first and second times and ordered second on file for to-morrow evening.

PETITION.

By Mr. Abbott—From citizens of this State, relative to making an appropriation to defray the expenses of the California Immigrant Bureau.

Referred to the Committee on Ways and Means.

RESOLUTION.

By Mr. Giffen:

*Resolved*, That the people of California, through their representatives in the Assembly, tender their thanks to Captain Fitzpatrick, and the officers of the State Prison, at San Quentin, for the efficient services rendered by them during and subsequent to the late conflagration at that institution.

Adopted.

SENATE MESSAGES.

Senate Chamber,
Sacramento, March 29th, 1876.

Mr. Speaker: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of March, eighteen hundred and seventy-six, passed under suspension of the rules, and ordered to the Assembly without engrossment, Senate Bill No. 194—An Act to enable the Board of Trustees of Snelling School District, in the County of Merced, to provide for the payment of the building debt in said district.

Also, passed Senate Bill No. 306—An Act for the relief of R. M. Wilson.

Also, amended and passed Assembly Bill No. 463—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition to be held in the City of Philadelphia in July, eighteen hundred and seventy-six.

Also, Senate Bill No. 642, under suspension of the rules, and ordered without engrossment—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 221—An Act to revise the road laws of Merced County, and to create the office of Road Commissioner.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 29th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of March, eighteen hundred and seventy-six, passed under suspension of the rules, and ordered transmitted to the Assembly immediately, and without engrossment, Senate Bill No. 553—An Act to add a new section to the Penal Code.

Also, Senate Bill No. 368—An Act relating to bank deposits.

Also, passed, under suspension of the rules, Assembly Bill No. 791—An Act to make, open, and establish a public street in the City of Oakland to be called Fourteenth Avenue, take private lands therefor, and to construct a main sewer therein.

Also, amended and passed Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, adopted Assembly Concurrent Resolution No. 56—Relative to correcting error in Assembly Bill No. 775.

CLARK, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 642, 221, and 194, above reported, each read first and second times, rules suspended, read a third time, and passed.

Substitute for Senate Bill No. 306, above reported, read first and second times and referred to the Committee on Claims.

Substitute for Senate Bill No. 52, above reported, read first and second times, and made the special order for to-morrow, at eleven o'clock A. M.

Senate Bills Nos. 553 and 368, above reported, each read first and second times and referred to the Committee on Corporations.

Senate Bill No. 634, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 486 and 463, above reported, Senate amendments concurred in.

## SPECIAL EVENING FILE.

Assembly Bill No. 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County.

Rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill No. 474—An Act relating to interments within the City and County of San Francisco.

Refused engrossment.

Assembly Bill No. 616—An Act to amend an Act entitled an Act to provide for the support of the Common Schools of the City and County of San Francisco, and to define the powers and duties of the

Board of Education thereof, approved April first, eighteen hundred and seventy-two.

Passed on file.

Assembly Bill No 629—An Act to provide for the payment of the members of the Board of Education of the City and County of San Francisco.

Passed on file.

Assembly Bill No 512—An Act concerning the office of City and County Surveyor in and for the City and County of San Francisco.

Indefinitely postponed

Assembly Bill No. 335—An Act to ratify and confirm the proceedings and report of Commissioners appointed under and pursuant to the Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market Street in said city, from the intersection of said street to its intersection with Seventeenth Street, and to condemn private property for the roadway of said street, approved April second, eighteen hundred and seventy, and the Act amendatory thereof and supplementary thereto, approved April first, eighteen hundred and seventy-two, and to provide for the payment of the sums of money awarded as the value of the lands taken and as the value of the work done in opening and grading said street, to the respective parties justly entitled thereto, and for a tax on the taxable property of said city and county, to pay the costs of the said improvement.

Withdrawn by author

Assembly Bill No. 161—An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims.

Withdrawn by author.

Assembly Bill No. 677—An Act for the relief of the California Furniture Manufacturing Company of San Francisco, California.

Indefinitely postponed.

Assembly Bill No. 444—An Act to legalize the assessments on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Substitute adopted, amended, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco.

Amended, read third time, and passed

Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco

Read third time and passed.

Senate Bill No 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco.

Read third time and passed.

Assembly Bill No. 773—An Act to provide for paying school funds into the treasury of Sacramento City.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

Assembly Bill No. 620 passed on file.

Assembly Bill No. 678—An Act to provide for the construction and maintenance of public gas-works in the City and County of San Francisco.

Amended and referred to the San Francisco delegation.

Senate Bill No. 234—An Act to provide for the recovery of double taxation on outside lands of the City and County of San Francisco.

Referred to the Judiciary Committee, with special instructions to report on to-morrow.

Assembly Bill No. 643—An Act to provide for and regulate the election of Supervisors in the City and County of San Francisco.

Withdrawn by author.

Assembly Bill No 618—An Act concerning Justices' Courts of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 529 passed on file

Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

Amended, read third time, and passed.

Assembly Bill No 639—An Act exempting active firemen of the City of Stockton, County of San Joaquin, from the payment of poll-taxes.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 686—An Act to authorize Quincy School District to issue bonds for building purposes.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water front of the City and County of San Francisco.

Referred to the San Francisco delegation.

Assembly Bill No. 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 793 passed on file.

Assembly Bill No. 795 ordered placed on special file for to-morrow evening.

GENERAL FILE.

The House took up the general file.

Assembly Bill No. 484—An Act for the relief of William Sanders.

Rules suspended, considered engrossed, read third time, passed, and ordered to Senate without engrossment

Assembly Bill No. 672—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 689—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand and sixty.

Withdrawn by author.

Substitute for Senate Bill No 432—An Act to amend the Civil Code by adding a new section thereto, to be numbered section three hundred and twenty-one, and to repeal section five hundred and eighty-four of the same Code, concerning corporations.

Read third time and passed.

Assembly Bill No. 718—An Act to amend Chapter III., Title IV., Part III. of the Code of Civil Procedure, by adding a new section.

Referred to the Judiciary Committee.

Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

Read third time and passed.

Assembly Bill No 728—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code

Amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 694—An Act to amend section one thousand six hundred and sixty-five of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

ADJOURNMENT.

At nine o'clock and forty-five minutes P. M., on motion of Mr. McKenna, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 30th, 1876.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present

The reading of the journal of yesterday was dispensed with, and approved.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr. Clunie, Assembly Bill No. 561 was ordered placed on the special file for this evening.

By Mr. Murphy of Del Norte.

*Resolved*, That the Postmaster of the Assembly be and he is hereby required to take the address of each member of this House, and remain at the State Capitol for the period of one week, for the purpose of remailing all letters that may come to the members after the House adjourns, and for such services to receive the sum of twenty-five dollars, and the Controller is hereby directed to issue his warrant for the same

Adopted.

Mr Lambourn, in pursuance to notice given, moved the reconsideration of the vote by which Senate Bill No. 549 passed this House on yesterday.

Mr. McConnell moved that the motion to reconsider be indefinitely postponed.

Adopted.

Mr. Patterson of Kern and Tulare, in pursuance to notice given, moved the reconsideration of the vote by which Senate Bill No. 287 passed this House on yesterday.

Mr Wilcox moved to indefinitely postpone the motion to reconsider. Adopted.

REPORTS.

By Mr. Berry:

Mr. SPEAKER The Committee on Ways and Means, to whom was referred Senate Bill No. 424—An Act in relation to the State Burying-grounds—have considered the same, and report it back without recommendation

Also, Assembly Bill No 797—An Act for the appropriation of money for the benefit of the People's and Grangers' Immigrant Bureau—report it back, and recommend that it do not pass.

BERRY, Chairman.

By Mr. Covington:

Mr SPEAKER Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 641—An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General

Also, Assembly Bill No. 714—An Act to fix the salaries of certain officers in the County of Alameda

Also, Assembly Bill No 744—An Act in relation to the fees of witnesses in the County of El Dorado.

COVINGTON, for Committee

By Mr. Jamison:

Mr. SPEAKER The Santa Clara delegation, to whom was referred Assembly Bill No. 182—An Act to change the San Jose Library Association, of the City of San José into a public library, to alter the name thereof to San Jose Public Library, and to provide funds for the maintenance of the same—report the same back, and recommend its passage

JAMISON, for Delegation.

Assembly Bill No. 182, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr. Hinshaw:

Mr. SPEAKER The Sonoma delegation, to whom was referred Senate Bill No. 585—An Act to amend an Act entitled an Act to regulate salaries, and fix the compensation of certain officers in the County of Sonoma—have examined and amended the same, ask leave to report it back, and recommend its passage as amended.

HINSHAW,
FERRAL

Senate Bill No 585, above reported, amended, rules suspended, read a third time, and passed.

Mr. McConnell, pursuant to notice given, moved the reconsideration of the vote by which Senate Bill No. 287 passed this House on yesterday.

Mr. Ferral moved to indefinitely postpone the motion to reconsider. Lost.

The motion of Mr. McConnell to reconsider prevailed.

The bill was amended, read a third time, and passed

GOVERNOR'S MESSAGES

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 27th 1876

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No 58—An Act concerning roads in the County of Humboldt.

Also, Assembly Bill No. 183—An Act to authorize Grant I. Taggart, former Clerk of Shasta County, to certify and sign certain records

Also, Assembly Bill No. 242—An Act to protect irrigation, and to make water rights responsible for expenses incurred on irrigating ditches in San Bernardino County.

Also, Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company.

Also, Assembly Bill No. 404—An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 661—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 699—An Act declaring Galinas Slough, or Creek, in Marin County, navigable.

Also, Assembly Bill No. 730—An Act to confer additional power upon the Board of Supervisors of San Mateo County.

Also, Assembly Bill No. 731—An Act to prevent stock from running at large upon the roads and highways in the County of Marin.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 28th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 332—An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.

Also, Assembly Bill No. 380—An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property, in the City and County of San Francisco.

Also, Assembly Bill No. 438—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six.

Also, Assembly Bill No. 459—An Act to fix the compensation of the Supervisors of San Bernardino County.

Also, Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Also, Assembly Bill No. 487—An Act for the refunding of certain bonded indebtedness of the County of Santa Clara.

Also, Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Also, Assembly Bill No. 553—An Act to provide for the payment of the debt due upon the Road Fund of Butte County.

Also, Assembly Bill No. 596—An Act to repeal an Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 609—An Act to modify the grades of certain streets in the City and County of San Francisco.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 29th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

Also, Assembly Bill No. 266—An Act in relation to the Superintendent of Schools of Del Norte County.

Also, Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa and Merced Counties.

Also, Assembly Bill No. 434—An Act to authorize the Board of Supervisors of the County of Mariposa to pay a certain claim.

Also, Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant in Humboldt County.

Also, Assembly Bill No. 467—An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County.

Also, Assembly Bill No. 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Also, Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 570—An Act to legalize and make valid the transcribed records of San Benito County.

Also, Assembly Bill No. 574—An Act to change the name of a town in Modoc County.

Also Assembly Bill No. 664—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Stanislaus County.

Also, Assembly Bill No 676—An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa, in the County of Sonoma, and State of California.

Also, Assembly Bill No 729—An Act to authorize the Board of Supervisors of Los Angeles County to erect a jail, and to issue bonds for the payment of the same.

WILLIAM IRWIN, Governor.

RESOLUTIONS.

By Mr. Quigley:

WHEREAS, A repetition occurs in section eleven of Assembly Bill No. 239—An Act concerning county officers of Lake County, their fees and salaries, therefore, be it

*Resolved*, That the Enrolling Clerk of the Assembly be and he is hereby authorized to strike out of section eleven of said Act the words "The following has rendered any service for me."

Adopted.

By Mr. Giffen:

*Resolved*, That the sum of fifty dollars is hereby allowed to C. L. Perkins, for services as Clerk of the Committee on State Prison, to be paid out of the Contingent Fund of the Assembly.

Adopted.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 390—An Act to amend the Political Code, and to reduce the expenses of the National Guard.

Also, Assembly Bill No 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf, Dumb, and Blind.

Also, amended and passed Assembly Bill No. 549—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth and twenty-sixth fiscal years, ending June thirtieth, eighteen hundred and seventy-six

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 611—An Act to pay the claim of George W Whitlock.

Also, passed Assembly Bill No 778—An Act relating to road poll-tax in the County of Sierra.

Also, Assembly Bill No. 771—An Act relative to the County Treasurer of Sutter County, as to counting the moneys and examining his books and vouchers

Also Assembly Bill No 723—An Act to reserve from sale the north half of section sixteen, township seven south, range three east, Mount Diablo meridian.

Also, Assembly Bill No 777—An Act in relation to idiots.

Also, Assembly Bill No. 752—An Act to create a Board of Public Works in and for the City of Los Angeles.

Also, Assembly Bill No. 568—An Act to fix the terms of the County and Probate Courts in and for the County of Solano.

Also, Assembly Bill No 733—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain county officers of the County of Sonoma

Also, Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases

Also, Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County.

Also, Assembly Bill No 745—An Act to confer further powers on the Board of Trustees of Sacramento City.

Also, Assembly Bill No 587—An Act to authorize the Board of Supervisors of Lake County to levy special taxes

Also, Assembly Bill No. 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County

Also, Assembly Bill No 742—An Act to make applicable a certain Act to San Luis Obispo County

Also, Assembly Bill No. 681—An Act concerning the terms of the County Court of the County of Ventura

Also, Assembly Bill No 703—An Act confirming to the Santa Barbara Cemetery Association a deed of conveyance made by the Town of Santa Barbara

Also, Assembly Concurrent Resolution No. 53—Relative to the Mexican land grants and the Acts of Congress granting certain lands to railroad companies.

Also, Assembly Concurrent Resolution No. 17—Relative to hydraulic mining.

And indefinitely postponed Assembly Bill No. 489—An Act to provide for a recount of votes at general elections in the City and County of San Francisco.

Also, Assembly Bill No. 378—An Act to incorporate the City of Monterey.

Also, Assembly Bill No. 572—An Act to provide for the purchase of a certain toll road in the County of Mendocino.

Also, Assembly Bill No. 586—An Act to amend an Act entitled an Act amendatory and supplementary to an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento, approved March sixth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 585—An Act to repeal an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 582—An Act to repeal an Act entitled an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 584—An Act to repeal part of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March eighteenth, eighteen hundred and seventy.

Also, Assembly Bill No. 581—An Act to repeal an Act entitled an Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, concurred in Assembly amendments to Senate substitute for Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same.

Also, concurred in Assembly amendments to Senate Bills Nos. 494, 497, 99, 496, 538, and 466.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of March, eighteen hundred and seventy-six, amended and passed Assembly Bill No. 789—An Act to provide for the election of the Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood City, in the County of San Mateo.

Also, Assembly Bill No. 786—An Act conferring certain powers and imposing certain duties upon Constables, in the Counties of El Dorado and Sacramento.

Also, Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make his settlement.

Also, Assembly Bill No. 657—An Act to incorporate the Town of Colusa.

Also, passed Assembly Bill No. 690—An Act to amend section six hundred and thirty-two of the Penal Code.

Also, Assembly Bill No. 683—An Act to transfer money from one fund to another in the County of Monterey.

Also, Assembly Bill No. 787—An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court, in the County of Marin, approved February first, eighteen hundred and sixty-six.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 611, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bills Nos. 549, 422, 786, 789, and 567, above reported. Senate amendments to each were concurred in.

Mr. Wood had leave to introduce the following bill: An Act entitled an Act to amend Article II., Chapter I., Title VIII., Part III. of the Political Code of the State of California, by adding a new section thereto.

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

Upon motion of Mr. Briceland, the House took up Assembly Bill No. 769—An Act imposing certain duties upon the Governor of this State.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

SPECIAL ORDER.

The Speaker announced as the special order Senate Bill No. 452—An Act to amend section one thousand and one of the Political Code.

Upon the adoption of an amendment offered by Mr. McKenna, the ayes and noes were demanded by Messrs. Sargent, Wood, and McKenna.

The roll was called, and the amendment lost, by the following vote:

AYES—Messrs Abbott, Bradley, Burbank, Garretson, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Sargent, and Wood—11

NOES—Messrs Archer, Bagge, Barber, Berry, Biggs, Birney, Blackwell, Blue, Breeland, Broderick, Carter, Clark, Coffey, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Griswold Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lambourn, Magune, McConnell, McInerny McMann, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Rankin, Raisch, Rice, Roberts, Ruggles, Scrivner, Sullivan, Swan, Watkins, Wetherill, Young, and Mr. Speaker—58.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Sargent, McKenna, and Preston.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs Archer, Bagge, Barber, Berry, Biggs Birney, Blackwell, Blue, Breeland, Broderick, Carter, Chapman, Clark, Coffey, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Gelwicks, Giffen, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, Magune, McConnell, McInerny, McCarthy, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill Wilcox, Young, and Mr Speaker—60.

NOES—Messrs. Abbott, Bradley, Burbank, Garretson, Koutz, Lammers, McKenna, Patterson of San Joaquin, Pierce, Sargent, and Wood—11

REPORTS

By Mr. Archer:

Mr. SPEAKER: Your committee, appointed to confer with a committee from the Senate in regard to non-concurrence of the Senate in the Assembly amendment to section six of Senate Bill No 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State—respectfully report that it has met and conferred about said matter with said committee from the Senate, and has been unable to agree with it.

ARCHER,
McKENNA.

By Mr Scrivner:

Mr. SPEAKER A minority of your Committee of Conference on Senate Bill No. 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum of charges for freights and fares, and to prevent extortion and discrimination on railroads in this State—beg leave to dissent from the majority report, upon the following grounds:

Some legislation is desirable upon this very important subject, and that unless the Assembly recedes from its amendment to section six of said bill, all legislation upon the subject will be absolutely defeated, a result directly in the interest of the railroad corporations of the State, and is therefore to be deplored.

That while the said bill, with or without the said amendment, does not meet the expectations of the people, still it is an important step gained in the right direction, and will, unquestionably, result in great good to the people, if honest, intelligent, and faithful men are selected as Commissioners This responsibility, it is believed, can be safely reposed in our Governor.

All legislation upon this complicated subject is, to a greater or less extent, an experiment, and the minority of your committee believe it to be wiser and better to try this experiment, as a last resort, than to leave things as they are

The minority of your committee, therefore recommend that the House recede from its amendment to section six, and thus allow the bill to become a law

J. J. SCRIVNER.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the report of the Committee of Conference on the amendment to section six of Senate Bill No. 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent discrimination on railroads in this State—which report is herewith presented, and the Assembly is respectfully requested to concur in the same.

CRAWFORD, Assistant Secretary.

The report above referred to is to the effect that the Assembly recede from its amendment to section six of the bill, so recommended by the Committee of Conference on the part of the Senate.

The Speaker announced the question to be, "Shall the House recede from its amendment to section six of Senate Bill No. 134, above reported?"

Mr. McConnell moved that the question be made the special order for one o'clock and thirty minutes P. M.

Adopted.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of the question pending at time of recess, viz. "Shall the House recede from its amendment to section six of Senate Bill No. 134?"

The previous question was moved by Messrs. Farrel, Hart, and Murphy of Del Norte.

Upon the adoption of which the ayes and noes were demanded by Messrs. Wood, Blue, and Clarken.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Bagge, Biggs, Birney, Carter, Carson, Clark, Cornwell, Covington, Clunie, Ferral, Gelwicks, Giffen, Griswold, Hart, Hayne, Jenkins, Jourden, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pullen, Quigley, Raisch, Rice, Scrivner, Suverkrup, Wetherill, Wilcox, and Young—39.

NOES—Messrs. Archer, Barber, Berry, Blackwell, Blue, Bradley, Briceland, Broderick, Burbank, Chapman, Clarken, Coffey, Collins, Crutcher, Dixon, Garretson, Harris, Harding, Hinshaw, Jamison, Kennedy, Koutz, Lambourn, McKenna, Nott, Ostrom, Pierce, Preston, Rankin, Reddick, Roberts, Ruggles, Sargent, Sullivan, Swan, Watkins, Wood, and Mr. Speaker—38.

The question being, "Shall the House recede from the amendment to section six of Senate Bill No. 134?"

The ayes and noes were demanded by Messrs. Harris, McKenna, and Berry.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Bagge, Biggs, Birney, Blackwell, Carter, Carson, Chapman, Clark, Covington, Clunie, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hayne, Jenkins, Jourden, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson

of San Joaquin, Pullen, Quigley, Raisch, Reddick, Rice, Ruggles, Samuels, Scrivner, Suverkrup, Swan, Wetherill, Wilcox, and Young—45.

NOES—Messrs. Archer, Barber, Berry, Blue, Bradley, Briceland, Broderick, Burbank, Clarken, Coffey, Collins, Cornwell, Crutcher, Dixon, Harris, Harding, Hinshaw, Jamison, Kennedy, Koutz, Lambourn, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Rankin, Roberts, Sargent, Sullivan, Watkins, Wood, and Mr. Speaker—34.

Upon motion of Mr. Wilcox, the bill was ordered transmitted to the Senate immediately, with a notification of the action of this House.

Mr. Raisch had leave to introduce the following bill: An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provisions for any deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-five-six.

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

Upon motion of Mr. Burbank, Assembly Bill No. 548—An Act for the relief of the persons in possession of certain lands belonging to the State of California—was ordered placed second on file for this evening.

REPORTS.

By Mr. Maguire—A report from the Assembly Committee on Education.

The reading was dispensed with, and the report ordered printed. [See Appendix.]

By Mr. Maguire:

MR. SPEAKER: Your Committee on Education, to which was referred Assembly Bill No. 254—An Act to provide text-books free of cost to the children attending the public schools of this State—together with the argument of Hon. G. F. Harris in its favor, report the same back, and recommend that the bill do not pass.

MAGUIRE, for Committee.

By Mr. Coffey:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 759—An Act to confirm Order Number One Thousand Two Hundred and Sixty-nine of the Board of Supervisors of the City and County of San Francisco—report the same back, and recommend that it do pass.

J. V. COFFEY, Chairman.
J. W. HARDING,
GEORGE A. YOUNG,
J. C. MURPHY,
THOMAS McINERNY,
J. W. JOURDEN,
J. G. MAGUIRE,
WILLIAM McMANN,
F. A. PULLEN,
M. O'CONNELL,
S. E. WETHERILL.

Assembly Bill No. 759, above reported, ordered placed on this evening's file.

Also:

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 522—An Act providing for the removal of the remains of deceased persons interred in California Street, west of Lyon Street, in the City and County of San Francisco, and for the grading of California Street, between Lyon Street and First Avenue, in said city and county—report the same back, and recommend that it do pass.

Also, Senate Bill No. 483—An Act to confirm Resolutions Numbers Three Thousand Eight Hundred and Sixty-eight and Three Thousand Nine Hundred and Ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco—report the same back, and a majority recommend that it do pass, ten members voting in the affirmative, eight against, and two absent.

Also, Assembly Bill No 801—An Act for the relief of Terrence Burke, S L Marks, J. R. Deardorff, and Milo Hoadley, of San Francisco—report the same back without recommendation; eleven members voting to report without recommendation

Also, Senate Bill No 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county—report the same back with an amendment, and recommend that the rules be suspended, the bill be considered engrossed, read third time, and passed as amended

Also, Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh Street, to take private land therefor, and to grade, macadamize, and improve a portion of Seventh Street—report the same back, and recommend that it do pass

Also, Assembly Bill No 784—An Act granting the right to maintain a ship-yard and ways upon San Francisco Bay to J C Tucker, G Frank Smith, and their associates—report the same back, and recommend that it be indefinitely postponed

COFFEY, Chairman.

The bills above reported ordered placed on the special file for this evening.

By Mr. McConnell:

Mr. Speaker Your Judiciary Committee having considered Senate Bill No 127—An Act to amend the Civil Code in relation to divorces—report the same back, and recommend that it do not pass.

Also, Senate Bill No 532—An Act to amend the Code of Civil Procedure—report the same back, and recommend that it do not pass, two members dissenting.

Also, Senate Bill No. 634—An Act to add a new section to the Code of Civil Procedure—report the same back, and recommend that it do not pass

Also, Assembly Bill No 555—An Act to provide for determining whether or not the estate of E. L Brown has a valid claim against the State, and if it be adjudged valid, then for paying the same—report the same back, and recommend that it do not pass

McCONNELL, Chairman.

By Mr. Wood

Sacramento, March 30th, 1876.

Mr. Speaker The Committee on Enrollment have examined Assembly Bill No. 630—An Act to provide funds for road purposes in the County of San Luis Obispo.

Also, Assembly Bill No 647—An Act to fix the compensation of the Assessor of Los Angeles County for the collection of the tax on personal property

Also, Assembly Bill No. 719—An Act to provide for the collection of road poll-taxes in and for the County of Stanislaus

Also, Assembly Bill No 720—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the Santa Anna River, and to issue bonds for the payment of the same

Also, Assembly Bill No 755—An Act to provide for the first election in the Town of Haywards

Also, Assembly Bill No 708—An Act amendatory of an Act to reincorporate the City of San Jose, approved March seventeenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 626—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure.

Also, Assembly Bill No. 554—An Act in relation to roads and highways in the County of Butte.

Also, Assembly Bill No 500—An Act to establish and maintain public and private roads in the County of Santa Cruz.

Also, Assembly Bill No. 401—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa

Also, Assembly Bill No. 608—An Act concerning certain taxes in Placer County and Nevada.

Also, Assembly Bill No 501—An Act to authorize the Board of Trustees of Santa Clara to sell a public square

Also, Assembly Bill No 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto

Also, Assembly Bill No. 239—An Act concerning county officers of Lake County, their fees and salaries

Also, Assembly Bill No. 82—An Act amendatory of and supplementary to an Act entitled an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco

Also, Assembly Bill No 775—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four

Also Assembly Bill No. 776—An Act to permit Nancy Wilson (a widow) to redeem certain lands sold to the State for delinquent taxes for the fiscal years eighteen hundred and seventy-four-five.

Also, Assembly Bill No 456—An Act to provide for the distribution of school money in the County of Marin

Also, Assembly Bill No. 488—An Act to change and modify the grade, and provide for the grading and regrading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco

And report the same correctly enrolled, and that at twelve o'clock and thirty minutes P. M. of this day the same were presented to the Governor for his approval

WOODS, for Committee.

By Mr Young:

Mr Speaker Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 509—An Act to create the County of Santa Ana—recommend its indefinite postponement

Also a petition from citizens of Inyo County, in reference to boundary lines between Inyo and Mono Counties also, petition from property holders, relative to an equitable division of the County of Inyo, also, a remonstrance from citizens of Los Angeles County, against a division of the county—have considered the same, and report them back, without recommendation.

YOUNG, Chairman.

SPECIAL ORDER.

The Speaker announced as the special order Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia in July, eighteen hundred and seventy-six.

Considered in Committee of the Whole, the Speaker in the chair.

Upon motion of Mr Clunie, the committee arose, reported the bill back, and recommended its indefinite postponement

IN ASSEMBLY.

[Speaker in the chair]

The report of the committee was received.

Mr Clunie moved that Senate Bill No. 52, above reported, be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Patterson of Sacramento, McCarthy, and Maguire

The roll was called, and the House so ordered, by the following vote:

Ayes—Messrs Bagge, Barber, Berry, Biggs, Blackwell, Burbank, Chapman, Clarken, Collins, Covington, Clunie, Crutcher, Dixon, Dunlap, Garretson, Hart, Harris, Himshaw, Jenkins, Kennedy, Lambourn, McConnell, McMann, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Reddick, Roberts, Ruggles, Samuels, Suverkrup, and Watkins—37

Noes—Messrs Abbott, Birney, Bradley, Broderick, Clark, Ferral, Giffen, Harding, Hayne, Koutz, Maguire, McInerny, McCarthy, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Pierce, Pullen, Rice Sargent, Sullivan, Swan, Wilcox, Wood, Young, and Mr. Speaker—26.

REPORT.

By Mr. Clunie.

Mr Speaker Your Committee on Claims, to whom was referred Senate Bill No. 611—An Act to pay the claim of G W. Whitlock—report the same back, and recommend its passage.

CLUNIE, for Committee.

Senate Bill No. 611, aboved reported, ordered on special file for this evening.

RESOLUTION.

By Mr. Bradley:

*Resolved*, That the Senate be respectfully requested to return to this House the substitute for Senate Bill No 599, in order to correct an error in the amendment made to said bill in this House.

Adopted.

FURTHER REPORT.

By Mr. Hinshaw:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts beg leave to report that they have examined the following newspaper bills and recommend that they be paid

| | |
|---|---|
| C. E. Spencer, (Record-Union) | $11 33 |
| Monterey Democrat, one copy | 2 50 |
| Daily Appeal, two copies | 9 00 |
| Weekly Colusa Sun, ten copies | 25 00 |
| Napa County Reporter, four copies | 10 00 |
| Modesto Herald, one copy | 2 50 |
| North San Juan Times, two copies | 5 00 |
| Yolo Mail, three copies | 7 50 |
| Santa Cruz Sentinel, five copies | 12 50 |
| West Coast Signal, two copies | 5 00 |
| Russian River Flag, two copies | 5 00 |
| News Letter, forty copies | 120 00 |
| Los Angeles Daily Herald, two copies | 6 65 |
| Los Angeles Weekly Herald, five copies | 12 50 |
| Mendocino Democrat, five copies | 12 50 |
| Sonoma Democrat, thirty-one copies | 77 50 |
| San Luis Obispo Times, two copies | 5 00 |
| Yreka Union | 7 50 |
| San Diego Times, one copy | 4 25 |
| San Diego Union, one copy | 4 25 |
| Merced Express, one copy | 2 50 |
| Sacramento Agriculturist, one copy | 2 50 |
| Foot-Hill Democrat, one copy | 2 50 |
| Plumas National, one copy | 2 50 |
| Calaveras Citizen, one copy | 2 50 |
| Dutch Flat Forum, one copy | 2 50 |
| Petaluma Journal and Argus, five copies | 12 50 |
| Napa Register, one copy | 2 50 |
| Nevada Dispatch, one copy | 2 50 |
| Humboldt Times, two copies | 5 00 |
| Fresno Expositor, one copy | 2 50 |
| Marin County Journal, one copy | 2 50 |
| Marin County Herald, one copy | 2 50 |
| Shasta Courier, one copy | 2 50 |
| California Farmer, three copies | 7 50 |
| West Coast Star, two copies | 5 00 |
| Butte Record, four copies | 10 00 |
| Santa Barbara Daily Press, one copy | 4 25 |
| Santa Clara Echo, one copy | 2 50 |
| Oroville Mercury, two copies | 5 00 |
| Truckee Republican, one copy | 2 50 |
| Stockton Independent, one copy | 2 50 |
| Red Bluff Sentinel, one copy | 2 50 |
| Los Angeles Star, one copy | 2 50 |
| Solano Herald, one copy | 2 50 |
| Tulare Daily Times, one copy | 4 25 |
| | $443 98 |

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the persons or papers named in the above report, for the sums set opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman

The resolution above reported was adopted.

Upon motion of Mr. Sargent, Assembly Bill No. 639 was ordered transmitted to the Senate without engrossment.

The House took up substitute for Assembly Bill No. 419—An Act to provide for an examination into the sale and disposal of State lands—reported by the Committee on Land Monopoly.

Amended, rules suspended, considered engrossed, and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Clunie, Biggs, and Sargent.

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs. Archer, Bagge, Barber, Berry, Birney, Blackwell, Blue, Bradley, Briceland, Burbank, Carter, Chapman, Coffey, Collins, Covington, Crutcher, Dixon, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Harding, Hayne, Hinshaw, Jamison, Koutz, Lambourn, Lammers, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Reddick, Rice, Roberts, Ruggles, Suverkrup, Swan, Watkins, Wilcox, Wood, Young, and Mr. Speaker—53.

NOES—Messrs. Abbott, Biggs, Clunie, Kennedy, Nott, and Sargent—6.

Upon motion of Mr. Koutz, the above bill was ordered transmitted to the Senate without engrossment.

FURTHER REPORTS.

By Mr. Nott:

Mr. SPEAKER: Your Committee on Retrenchment and Reform, to whom was referred Senate Bill No. 604, with a substitute, have had the same under consideration, and beg leave to report it back with an amendment to the substitute, and recommend the passage of the amendment to the substitute.

NOTT, for Committee.

Senate Bill No. 604, above reported, ordered placed third on file for this evening.

By Mr. Coffey:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water front of the City and County of San Francisco—report the same back, and a majority recommend that it do pass.

COFFEY, Chairman.

Senate Bill No. 625, above reported, was ordered placed on special file for this evening.

By Mr. Broderick:

Mr. SPEAKER: Your special committee, to whom was referred Assembly Bill No. 652 and amendments, have had the same in consideration, and, after careful examination, beg leave to report the accompanying substitute. We have taken into full consideration all that appertains to the general or State benefits of the various bodies contained in the substitute, and respectfully recommend the passage of the same.

BRODERICK, for Committee.

Assembly Bill No. 652, above reported, made the special order for to-morrow, at eleven o'clock A. M.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr. Blackwell, Assembly Bill No. 767 was ordered placed at the head of the file for to-morrow.

Upon motion of Mr. Collins, the resolution offered on yesterday by Mr. Young, and adopted, relative to the general file, was rescinded.

By Mr. Carpenter—Assembly concurrent resolution relative to investigating a certain action now pending in the City and County of San Francisco.

Read first and second times and ordered placed on the special file for this evening.

[Speaker pro tem. in the chair.]

Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires, and of saving property and human life from conflagration.

Read a third time and passed

Assembly Bill No. 788 passed on file.

Assembly Bill No. 419—An Act to provide for an examination into the sale and disposal of State lands.

Amended, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 612—An Act to amend section one thousand one hundred and thirteen of the Political Code.

Amended rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 432—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine.

Substitute adopted, amended, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment

Assembly Bill No. 387—An Act to regulate the practice of medicine in the State of California

Read a third time and passed

Assembly Concurrent Resolution No. 36—Relative to specie payment.

Read a third time and passed.

Assembly Bill No 187—An Act relating to the office of Bank Commissioner, and to prescribe his duties and powers.

The question being upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Barber, O'Connell, and McCarthy.

The roll was called, and the House refused, by the following vote.

AYES—Messrs Briceland, Chapman, Garretson, Giffen, Hayne, Jourden, Lambourn, Magune, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Suverkrup, Swan, Wetherill, Wilcox, and Mr Speaker—21.

NOES—Messrs Archer, Bagge, Barber, Berry, Biggs, Blackwell, Blue, Bradley, Broderick, Burbank, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Ferral, Gelwicks, Hart, Hinshaw, Jamison, Jenkins, Kennedy, Koutz, Lammers, Nott, Ostrom, Pierce, Preston, Rankin, Raisch, Roberts Ruggles, Sargent, Sullivan, and Watkins—36

Substitute for Senate Bill No 206—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight, the Act hereby amended having been approved April fourth, eighteen hundred and seventy.

Referred to the Committee on Land Monopoly

Assembly Bill No. 383—An Act concerning evidence of title to State lands

Indefinitely postponed.

Assembly Bill No 591—An Act to amend section two thousand six hundred and fifty of the Political Code.

Amended and refused engrossment.

Senate Bill No. 177—An Act to regulate Sheriffs' commissions in this State.

Indefinitely postponed.

Assembly Bill No. 538—An Act to amend section three thousand four hundred and fifty-nine of the Political Code.

Upon the adoption of an amendment to section one of the bill, offered by Mr. Hart, the ayes and noes were demanded by Messrs. Berry, Hart, and Chapman.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Archer, Berry, Biggs, Birney, Blue, Crutcher, Ferral, Hart, Hinshaw, Jamison, Jenkins, Lambourn, Murphy of Del Norte and Klamath, Ostrom, Patterson of Kern and Tulare, Pierce, Quigley, Roberts, Ruggles, Samuels, and Swan—21.

NOES—Messrs. Abbott, Bagge, Briceland, Broderick, Burbank, Carter, Chapman, Coffey, Cornwell, Clunie, Dunlap, Garretson, Gelwicks, Giffen, Griswold, Hayne, Kennedy, Koutz, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Preston, Pullen, Rankin, Raisch, Sargent, Sullivan, Suverkrup, Watkins, Wilcox, and Wood—37.

[Mr. Clunie in the chair.]

Mr. Abbott moved that the rules be suspended and that the bill be considered engrossed.

Upon the adoption of which the ayes and noes were demanded by Messrs. Berry, Hart, and Ostrom.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Briceland, Broderick, Burbank, Carter, Chapman, Coffey, Clunie, Dunlap, Garretson, Gelwicks, Giffen, Harding, Hayne, Koutz, Lammers, Maguire, McConnell, McInerny, McKenna, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Preston, Pullen, Rankin, Raisch, Sargent, Scrivner, Suverkrup, Wilcox, and Wood—35.

NOES—Messrs. Berry, Biggs, Birney, Blackwell, Blue, Bradley, Collins, Covington, Crutcher, Dixon, Ferral, Hart, Hinshaw, Jamison, Jenkins, Kennedy, Lambourn, McMann, McCarthy, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare, Quigley, Reddick, Roberts, Ruggles, Samuels, and Watkins—29.

The bill was ordered engrossed.

Upon motion of Mr. McKenna, the House took up Senate Bill No. 648—An Act to amend and also to repeal certain sections of the Political Code, relating to the State Board of Equalization.

Read first and second times, rules suspended, read third time, and passed.

Upon motion of Mr. McKenna, the House took up Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Senate amendments concurred in.

RECESS.

At five o'clock and thirty-five minutes P. M., on motion of Mr. Murphy of Del Norte, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

RESOLUTION.

By Mr. Harding:

*Resolved*, That J. H. Budd is hereby allowed, for services rendered the Committee on Land Monopoly, and including traveling expenses, sixty-five dollars, that John McNee be allowed, as witness fees and traveling expenses, the sum of twenty-five dollars, that D. Fenton be allowed for copying, twenty dollars, that P. K. Stockton be allowed for services as short-hand reporter in taking testimony before said committee ten days, one hundred dollars and for transcribing testimony (four hundred and seventy pages at twenty cents per folio) one hundred and eighty-eight dollars, extra assistance in copying and condensing testimony, copying bill, and searching records, forty-five dollars

Referred to the Committee on Expenditures and Accounts.

INTRODUCTION OF BILLS

By Mr. McKenna—An Act supplemental to an Act entitled an Act in relation to highways in the County of Solano

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Patterson of Sacramento—An Act to enable the City of Sacramento to settle a judgment obtained against it by Pauline C. Fowle.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Chapman—An Act supplemental to an Act concerning public roads in Lassen County, passed March twenty-ninth, eighteen hundred and seventy-six.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

REPORTS

By Mr. Bagge

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 799—An Act concerning the draw-bridge over the San Antonio Creek, in Alameda County—have had the same under consideration, report it back amended, and recommend its passage as amended

BAGGE, for Delegation.

Assembly Bill No. 799, above reported, amended, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr. Coffey:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 804—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-five-six—report the same back, and recommend that it do pass

COFFEY, Chairman.

Assembly Bill No. 804, above reported, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

SPECIAL EVENING FILE

Assembly Bill No. 800—An Act to consolidate Rattlesnake School District, in Placer County, with Wild-goose School District, in El Dorado County.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

Assembly Bill No 802—An Act to change the name of a certain town in the County of Los Angeles

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

Assembly Bill No. 548—An Act for the relief of the persons in possession of certain lands belonging to the State of California.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 759—An Act to confirm Order Number One Thousand Two Hundred and Sixty-nine of the Board of Supervisors of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No 522—An Act providing for the removal of the remains of deceased persons interred in California Street, west of Lyon Street, in the City and County of San Francisco, and for the grading of California Street, between Lyon Street and Fifth Avenue, in said city.

Read third time and passed.

Senate Bill No 483—An Act to confirm Resolutions Numbers Three Thousand Eight Hundred and Sixty-eight and Three Thousand Nine Hundred and Ninety-two (new series), of the Board of Supervisors of the City and County of San Francisco.

Read third time

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Barber, Rankin, and Kennedy.

The roll was called, and the House refused, by the following vote.

AYES—Messrs Birney, Blue, Carter Carson Hart, Hayne, Magune, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Rasch, Roberts, Samuels, Suverkrup, Wetherill, and Young—25.

NOES—Messrs Abbott, Archer, Bagge, Barber, Berry, Blackwell, Bradley Breeland, Broderick, Burbank, Chapman, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Garretson, Giffen, Hinshaw, Jenkins Jourden, Kennedy, Lambourn, Lammers, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Rankin, Reddick, Rice, Ruggles, Sullivan, Swan, Wilcox, and Mr Speaker—38.

Mr Jourden gave notice of a motion to reconsider the vote by which the House refused to pass the above bill.

Assembly Bill No. 801—An Act for the relief of Terrence Burke, S L. Marks, J. R. Deardoff, and Milo Hoadley, of San Francisco.

Indefinitely postponed

Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county.

Amended, read third time, and passed

Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh Street, to take private lands therefor, and to grade, macadamize, and improve a portion of Seventh Street.

Read third time and passed.

Assembly Bill No. 784—An Act granting the right to maintain a ship-yard and ways, upon San Francisco Bay, to J. C Tucker, G. Frank Smith, and their assigns

Withdrawn by author

Assembly Bill No. 616—An Act to amend an Act entitled an Act to provide for the support of the common schools of the City and County of San Francisco, and to define the powers and duties of the Board of Education thereof, approved April first, eighteen hundred and seventy-two.

Withdrawn by author

Assembly Bill No. 529 passed on file.

Assembly Bill No 561—An Act to provide for a Probate Court Commissioner in the City and County of San Francisco.

Amended, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

[Speaker in the chair]

Assembly Bill No. 629—An Act to provide for the payment of the members of the Board of Education of the City and County of San Francisco.

Amended, rules suspended, considered engrossed, and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Maguire, Pullen, and Rankin.

The roll was called, and the House refused, by the following vote:

AYES—Messrs Blackwell, Broderick, Burbank, Carson, Chapman, Ferral, Maguire, McInerny, Murphy of Del Norte and Klamath, O'Connell Patterson of Sacramento, Patterson of San Joaquin, Pullen, Suverkrup, Wetherill, Young, and Mr. Speaker—17.

NOES—Messrs. Archer Barber, Berry, Biggs, Birney, Blue, Bradley, Briceland, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Garretson, Harding, Hayne, Hinshaw, Jamison, Jenkins, Kennedy, Koutz, McMann, Murphy of San Francisco, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston Rankin, Raisch, Reddick, Rice, Ruggles, Swan, and Wilcox—38.

Assembly Bill No. 620—An Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty.

Indefinitely postponed.

Assembly Bill No. 509—An Act to create Santa Anna County.

Indefinitely postponed.

Assembly Bill No. 793—An Act in relation to the Auditor of Sacramento County.

Amended.

Mr. Biggs moved to indefinitely postpone the bill

Upon the adoption of which, the ayes and noes were demanded by Messrs. Clunie, Rankin, and Nott

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs Barber, Berry, Biggs, Birney, Blue, Burbank, Collins, Cornwell, Crutcher, Dunlap, Garretson, Hart, Hayne, Hinshaw Jamison, Kennedy, Koutz, Lammers Murphy of Del Norte and Klamath, Murphy of San Francisco, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Reddick, Rice, Roberts, Sargent, Samuels Swan, and Wilcox—32.

NOES—Messrs. Blackwell, Bradley, Broderick, Chapman, Coffey, Covington, Clunie, Dixon, Ferral, Jenkins, Maguire, McConnell, McInerny, McMann, McCarthy, Nott, Patterson of Kern and Tulare, Pullen, Rankin, Raisch, Ruggles, Wetherill, and Mr Speaker—23.

Assembly Bill No. 795—An Act to authorize W. S. Green and his associates to build a bridge across the Sacramento River at Colusa.

Rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment

Senate Bill No. 611—An Act to pay the claim of George W. Whitlock.

Considered in Committee of the Whole, the Speaker in the chair.

Upon motion of Mr. Nott, the committee arose, reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Speaker in the chair.]

The report of the committee was received, and Senate Bill No. 611, above reported, read a third time and passed.

Substitute for Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water front of the City and County of San Francisco.

Read a third time and passed.

Mr. Biggs had leave to make the following report:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 624—An Act concerning Lee School District, in the County of Sacramento—report the same back without recommendation, and ask that it be referred to the Committee on Education.

BIGGS,
PATTERSON.

Senate Bill No. 624, above reported, referred to the Committee on Education.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate refuses to recede from its amendments to Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—and the President has appointed as a Committee of Conference on the part of the Senate, Messrs. Pierson, Lewis, and McCarthy, and respectfully request the appointment of a like committee by your honorable body.

CRAWFORD, Assistant Secretary.

Assembly Bill No. 292, above reported. The Speaker announced as the Committee of Conference on the part of the Assembly, Messrs. Coffey, Murphy of San Francisco, and McCarthy.

MOTIONS AND RESOLUTIONS.

Upon motion of Mr. Carpenter, the concurrent resolution introduced by him on to-day was referred to the Judiciary Committee.

By Mr. Archer:

*Resolved*, That the Enrolling Clerk be and he is hereby instructed to enroll Assembly Bill No. 546 as quickly as possible, out of order.

Adopted.

GENERAL FILE.

Substitute for Senate Bill No. 292—An Act to add another section to the Civil Code, to be numbered section five hundred and fifty-two.

Read third time and passed.

Assembly Bill No. 704—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of

the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eighteenth, eighteen hundred and sixty.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 749—An Act to enable the working of mining claims in certain cases.

Withdrawn by author.

Assembly Concurrent Resolution No 49—Relative to Chinese emigration.

Substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 772—An Act to amend section six hundred and sixty-seven of the Penal Code.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

ADJOURNMENT.

At nine o'clock and fifty minutes P. M., on motion of Mr Murphy, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 31st, 1876.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and a quorum present.
Reading of journal of yesterday dispensed with, and approved.

REPORTS.

By Mr. Hinshaw:

MR. SPEAKER The Committee on Public Expenditures and Accounts have considered the bills and accounts for the mileage of the Committee on the Investigation of the Golden Gate Park Affairs, and we recommend the adoption of the resolution offered by Mr Carson, Chairman of the committee, herewith returned

HINSHAW, Chairman.

The resolution above reported was adopted
Also.

MR SPEAKER The Sonoma delegation, to whom was referred Senate Bill No 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma—have examined and amended the same, report it back, and recommend that it pass as amended.

HINSHAW, for Delegation.

Senate Bill No. 540, above reported, rules suspended, amended, read a third time, and passed.

## By Mr. McKenna:

SACRAMENTO, March 31st, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 791—An Act to make, open, and establish a public street in the City of Oakland, to be called Fourteenth Avenue, take private lands therefor, and to construct a main sewer therein.

Also, Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishing and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 671—An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand, and making other improvements to the lands and property of said society.

Also, Assembly Bill No. 463—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco.

Also, Assembly Bill No. 486—An Act to amend an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same.

Also, Assembly Bill No. 390—An Act to amend the Political Code, and to reduce the expense of the National Guard.

Also, Assembly Bill No. 549—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 681—An Act concerning the terms of the County Court of the County of Ventura.

Also, Assembly Bill No. 703—An Act confirming to the Santa Barbara Cemetery Association a deed of conveyance made by the Town of Santa Barbara.

Also, Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make his settlement.

Also, Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County.

Also, Assembly Bill No. 745—An Act to confer powers on the Board of Trustees of Sacramento City.

Also, Assembly Concurrent Resolution No. 17—Relative to hydraulic mining.

Also, Assembly Concurrent Resolution No. 53—Relative to the Mexican land grants and the Acts of Congress granting certain lands to railroad companies.

Also, Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.

Also, Assembly Bill No. 733—An Act to amend an Act entitled an Act to regulate salaries, and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four.

And report the same correctly enrolled, and that at ten o'clock A. M. of March thirty-first, eighteen hundred and seventy-six, the same were presented to the Governor for his approval.

McKENNA, for Committee.

## By Mr. Nott.

Mr. SPEAKER: Your Committee on Retrenchment and Reform, to whom was referred a resolution asking that the Sergeant-at-Arms be allowed eight dollars per day, instead of six, as now provided for, have had the same under consideration, and are unable to see why it should not be allowed.

NOTT, for Committee.

The resolution above reported was adopted.

### GOVERNOR'S MESSAGES.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 30th, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten, of Placer County.

Also, Assembly Bill No. 338—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 425—An Act concerning public roads in Lassen County.

Also, Assembly Bill No. 451—An Act concerning water ditches and water privileges for irrigating, mining, and manufacturing purposes in the Counties of Fresno, Tulare and Kern.

Also, Assembly Bill No. 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Cañada Street, in said town, to that of Ventura Avenue.

Also, Assembly Bill No. 519—An Act for the relief of East Fork School District, in the County of Siskiyou.

Also, Assembly Bill No. 530—An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same.

Also, Assembly Bill No. 613—An Act to authorize the Board of Trustees of Mendocino School District, in the County of Sutter, to borrow money for certain purposes, and provide for the payment of the same.

Also, Assembly Bill No. 621—An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same.

Also, Assembly Bill No. 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property, in the County of Contra Costa.

Also, Assembly Bill No. 655—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county, certain provisions of the Political Code.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 30th, 1876.

*To the Assembly of the State of California.*

I have the honor to return to your honorable body Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta—in accordance with Assembly joint resolution.

WILLIAM IRWIN, Governor.

## SENATE MESSAGES.

The House took up Senate messages.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirtieth day of March, eighteen hundred and seventy-six, passed, and ordered transmitted immediately to the Assembly, Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

Also, Assembly Bill No. 746—An Act to regulate the terms of the County Court of the County of Stanislaus.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr. SPEAKER: I am directed to return to your honorable body, as requested by resolution of the Assembly, Senate Bill No. 599—An Act to amend certain sections, to repeal certain sections, and to add new sections to the Political Code, relative to the State Printer.

Also, that the Senate, this day, amended and passed Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State.

And, on yesterday, indefinitely postponed Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirtieth day of March, eighteen hundred and seventy-six, passed, and ordered transmitted to the Assembly, Assembly Bill No. 695—An Act to authorize the Board of Supervisors of Sutter County to re-district North Butte, Buttesylvania, and Columbia School Districts.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 648—An Act to amend and also to repeal certain sections of the Political Code, relating to the State Board of Equalization—and ordered the same transmitted without engrossment.

Also, passed Assembly Bill No 712—An Act to provide a supply of water for the Napa State Asylum for the Insane.

Also, Assembly Bill No. 711—An Act to provide a supply of water for the University, and for the Deaf Dumb, and Blind Asylum.

Also, concurred in Assembly amendments to Senate Bills Nos. 549, 585, 244, 523, 445, and 287.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the thirtieth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted immediately, and without engrossment, to the Assembly, Senate Bill No. 647—An Act to amend an Act entitled an Act to incorporate the City of Gilroy, approved March twelfth, eighteen hundred and seventy.

Also, Senate Concurrent Resolution No. 57—Relative to suspension of Joint Rule Number Fifteen.

Also, Senate Concurrent Resolution No 59—To correct error in Senate Bill No. 549.

CLARK, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the twenty-ninth day of March, eighteen hundred and seventy-six, passed Senate Concurrent Resolution No 55—Relating to the water-front of San Francisco

Also, Senate Bill No. 592—An Act to amend an Act entitled an Act to regulate the fees of office and to fix the compensation of county officers in the County of Sacramento

Also, Senate Bill No. 534—An Act to confer additional powers upon County Boards of Examination and City Boards of Education

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on the thirtieth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly immediately, Assembly Bill No 792—An Act in relation to public roads in the County of Sacramento

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 30th, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on the thirtieth day of March, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly immediately, and without engrossment, Senate Bill No 646—An Act to authorize James McClatchy to sue the County of Sacramento.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on the thirtieth day of March, eighteen hundred and seventy-six, passed Assembly Bill No 482—An Act to reincorporate the City of San Diego

Also, Assembly Bill No 407—An Act to pay the claim of E. O F Hastings

Also, Assembly Bill No 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto.

Also, Assembly Bill No 758—An Act concerning the census of Millville School District, in the County of Shasta

Also, Assembly Bill No 805—An Act supplemental to an Act entitled an Act in relation to highways in the County of Solano, approved March seventeenth eighteen hundred and seventy-six

Also, Assembly Bill No 800—An Act to consolidate Rattlesnake School District, in Placer County, with Wild-goose School District, in El Dorado County

Also, Assembly Bill No. 801—An Act to enable the City of Sacramento to settle a judgment obtained against said city by Pauline C. Fowle.

Also, Assembly Bill No. 537—An Act to ratify and confirm a certain conveyance made by the Trustees of the City of San Diego.

Also, Assembly Bill No. 782—An Act to change the San José Library Association of the City of San José into a public library, to alter the name thereof to the name of San José Public Library, and to provide funds for the maintenance of the same.

Also, Assembly Bill No. 700—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 641—An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General.

Also, Assembly Concurrent Resolution No. 36—Relative to specie payments.

Also, Senate Concurrent Resolution No. 60—Relative to presenting certain reports to officers of the colonial governments of Victoria and New South Wales.

Also, concurred in amendments to Senate substitute for Assembly Bill No. 444—An Act to legalize the assessments on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Also, amended and passed Assembly Bill No. 653—An Act to prevent hogs and goats running at large in the Town of Washington, Yolo County.

And refused to pass Assembly Bill No. 744—An Act in relation to witness fees in the County of El Dorado.

And, indefinitely postponed Assembly Bill No. 680—An Act to revise the charter of the City of Sacramento.

Also, Assembly Bill No. 579—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

Mr. SPEAKER: I am directed to return to your honorable body Assembly Bill No. 548—An Act for the relief of the persons in possession of certain lands belonging to the State of California—as there is no indorsement on said bill to indicate that the same ever passed your honorable body.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, and ordered transmitted without engrossment, Senate Bill No. 651—An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra.

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 60, above reported, read first and second times and referred to the Committee on Federal Relations.

Senate Bill No. 534, above reported, read first and second times and referred to the Committee on Education, with special instructions.

Senate Bill No. 651, above reported, read first and second times and referred to the Fish Committee, with special instructions.

Senate Bill No. 592, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 646, above reported, read first and second times and ordered placed on special file.

Senate Bill No. 626, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 647, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Concurrent Resolution No. 55, above reported, read first and second times and referred to the San Francisco delegation.

Senate Joint Resolution No. 57, above reported, read first and second times, rules suspended, read third time, and passed.

[Mr. Berry in the chair.]

Senate Concurrent Resolution No. 59, above reported, read first and second times and indefinitely postponed.

Senate Bill No 599, above reported The vote on a certain amendment was reconsidered, and the amendment lost. The bill was again amended, read third time, and passed.

Mr. Hart had leave to introduce the following bill: An Act to authorize Boards of Supervisors to furnish the Sheriff and Deputy Sheriffs of their several counties with a suitable badge of office.

Read first and second times and ordered head of the special file.

RESOLUTIONS.

By Mr. Wood:

*Resolved*, That the Enrolling Clerk of the Assembly be and he is hereby allowed three additional assistants, at the same per diem allowed his other assistants, payable out of the Contingent Fund of the Assembly.

Adopted

By Mr Wilcox

*Resolved*, That E S Caylet, Assistant Clerk at the desk, be allowed the same compensation as the other assistants at the desk, under the provisions of section two hundred and sixty-nine of the Political Code, for extra services after the adjournment of the Legislature The Controller is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the Treasurer is directed to pay the same

Adopted.

By Mr. Cornwell.

*Resolved*, That the Controller of State is hereby authorized and directed to draw his warrant in favor of P J O'Connor for three hundred dollars as compensation for services rendered by him to the Assembly Committee on Public Buildings and Grounds.

Referred to the Committee on Expenditures and Accounts.

By Mr Koutz:

*Resolved*, That each member of the Assembly shall, at the close of this session, deliver to the State Librarian all copies of statutes, Codes, and amendments furnished such member by the State at the present session of the Legislature all books so delivered shall belong to the library, and shall be numbered and stamped accordingly.

Adopted

INTRODUCTION OF BILLS

By Mr. Carpenter—An Act granting to certain persons therein named the right to construct and maintain a raceway through the City of Placerville.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

By Mr. Biggs—An Act to provide for the payment of certain claims for labor upon and materials for the Branch State Prison.

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

By Mr. Carpenter—An Act recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of the State

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

RECESS

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.
Speaker in the chair
Roll called, and a quorum present.

REPORTS.

By Mr. Clunie:

Mr. SPEAKER: Your Committee on Claims, to whom was referred substitute for Senate Bill No. 306—An Act for the relief of R. M. Wilson—beg leave to report the same back, with three of your committee in favor of its passage, to wit: Messrs. Sargent, Birney, and Abbott, and three against its passage, to wit: Messrs. Clarken, Crutcher, and Clunie.

CLUNIE, for Committee.

Substitute for Senate Bill No. 306, above reported, ordered placed at the head of special file for this evening.

By Mr. Maguire:

Mr. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 534—An Act to confer additional powers upon County Boards of Examination and City Boards of Education—report the same back, and recommend its passage.

Also, Senate Bill No. 624—An Act concerning Lee School District, in the County of Sacramento—report the same back, and recommend its passage.

MAGUIRE, for Committee.

Senate Bill No. 534, above reported, was made the special order for to-morrow, at ten o'clock and thirty minutes A. M.

By Mr. Nott:

Mr. SPEAKER: Your Committee on Retrenchment and Reform, to whom was referred Assembly Bill No. 796—An Act to establish the compensation of official reporters for the various Courts throughout the State—have had the same under consideration, and beg leave to report the same back with amendment, and recommend its passage as amended.

NOTT, for Committee.

Assembly Bill No. 796, above reported, was ordered placed on the special file for to-night.

SENATE MESSAGES.

House took up Senate messages:

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirty-first day of March, eighteen hundred and seventy-six, amended and passed Assembly Bill No. 605—An Act concerning the removal of deceased persons from the State of California—and ordered the same transmitted at once to the Assembly.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirty-first day of March, eighteen hundred and seventy-six, amended, passed, and ordered transmitted immediately to the Assembly, Assembly Bill No. 675—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code.

Also, Senate Bill No. 643—An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, passed, under suspension of the rules, and ordered transmitted immediately to the Assembly, Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty seventh, eighteen hundred and seventy-four.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirty-first day of March, eighteen hundred and seventy-six, passed, and ordered transmitted immediately to the Assembly, Senate Concurrent Resolution No. 61—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 755.

CLARK, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 643, above reported, read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 580, above reported, read first and second times and referred to the Butte delegation.

Assembly Bills Nos. 605 and 675, above reported. Senate amendments concurred in.

Senate Concurrent Resolution No. 61, above reported, read first and second times, rules suspended, read a third time, and passed.

The San Francisco delegation had leave to introduce the following bill: An Act defining certain powers of the Board of Supervisors of the City and County of San Francisco.

Read first and second times and ordered placed on the special file for this evening.

Mr. Scrivner had leave to offer the following resolution:

*Resolved*, That the Enrolling Clerk be authorized to sectionize Assembly Bill No. 746.

Adopted.

FURTHER REPORTS.

By Mr. McConnell:

MR. SPEAKER: Your Judiciary Committee, having considered Assembly concurrent resolution, to investigate a certain action now pending in the City and County of San Francisco, report the same back, a majority (six members) recommending that it do not pass, and a minority (five members) without recommendation.

Also, Senate Bill No. 234—An Act to provide for the recovery of double taxation on outside lands of the City and County of San Francisco—report the same back, and recommend its passage.

Also, Senate Bill No. 634—An Act to add a new section to the Code of Civil Procedure—report the same back, and recommend its passage—six members for, and five against.

McCONNELL, Chairman.

By Mr. Swan:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 60—Relative to presenting certain reports to officers of the colonial governments of Victoria and New South Wales—have had the same under consideration, report it back, and recommend its passage.

SWAN, Chairman.

Senate Concurrent Resolution No. 60, above reported, rules suspended, read a third time, and passed.

By Mr. Young:

MR. SPEAKER: Your special committee, to whom was referred the memorial of the Board of Control of the Woman's Suffrage Association of California, have had the same under consideration, and beg leave to make the following report, and ask to have the usual number of copies printed.

YOUNG,
REDDICK, } Committee.
DIXON,

The report above referred to was ordered printed. [See Appendix.]

By Mr. Murphy of San Francisco:

Mr Speaker Your Committee of Conference on Assembly Bill No 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—respectfully report that they have met in joint conference with the honorable committee of the Senate, and having failed to agree upon the amendments recommend that they be clothed with the powers of a free conference committee

MURPHY, )
COFFEY, } Committee.
McCARTHY, )

By Mr. Coffey:

Mr Speaker The San Francisco delegation, to whom was referred Senate Bill No 480—An Act concerning the office of Collector of Licenses on the City and County of San Francisco—report the same back, and a majority recommend that it do pass ten members voting in the *affirmative, seven against, and three absent.*

Also, Senate Bill No. 489—An Act to amend an Act entitled an Act repealing article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said article four, approved April first, eighteen hundred and seventy-two—report the same back, and recommend that it be indefinitely postponed nine members voting for postponement five against, and six absent

Also, Assembly Bill No. 678—An Act to provide for the construction and maintenance of public gas-works in the City and County of San Francisco—report the same back with amendments, and a majority recommend its passage as amended

Also, Senate Bill No 423—An Act to authorize the Police Judge of the City and County of San Francisco to transfer actions to the Justices Court thereof—report the same back, and recommend that it be indefinitely postponed

Also Senate Bill No. 619—An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims—report the same back, and recommend that it be indefinitely postponed

Also, Assembly Bill No 617—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor—report the same back, and recommend that it do pass

Also, Assembly Bill No 798—An Act to confer additional power on the Board of Supervisors of the City and County of San Francisco—report the same back and recommend that it do pass

Also, Assembly Bill No. 660—An Act to ratify the record of a certain street assessment in the City and County of San Francisco—report the same back and recommend that it be indefinitely postponed

Also, Assembly Bill No 790—An Act for the relief of Peter Connolly—report the same back, and a majority recommend that it do pass: eleven members voting in the affirmative, seven in the negative and two absent

COFFEY, Chairman.

All the bills above reported were ordered placed on the special file for this evening.

SPECIAL ORDERS.

Assembly Bill No. 652—An Act making appropriations for benevolent purposes.

Mr. Scrivner moved to indefinitely postpone.

Upon the adoption of which the ayes and noes were demanded by Messrs Broderick, Rankin, and Hart.

The roll was called, and the House refused, by the following vote:

Ayes—Messrs Berry, Blue, Burbank, Collins, Covington, Crutcher, Dixon, Hart, Harris, Hinshaw, Jamison Jenkins, Koutz, Nott, Osborn, Patterson of Kern and Tulare, Reddick Rice, Roberts, Samuels, Scrivner, Suverkrup, and Watkins—23

Noes—Messrs Abbott, Archer, Bagge, Barber, Biggs, Birney, Blackwell, Bradley, Briceland, Broderick, Carter Carson, Clark, Clarken, Coffey, Cornwell, Clunie, Dunlap, Garretson, Gelwicks, Giffen, Harding, Hayne, Jourden Kennedy Lamboum, Lammers Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Pullen, Rankin, Ruggles, Sargent, Sullivan, Swan, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—51

The question being upon the adoption of the substitute offered by the special committee of five, the ayes and noes were demanded by Messrs Hart, Covington, and Nott.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Abbott, Archer, Bagge, Barber, Biggs, Birney, Blackwell, Blue, Bradley, Breeland, Broderick Carson, Clark, Clunie, Dunlap, Ferral, Garretson, Gelwicks, Giffen, Griswold, Harding, Hayne, Jones, Jourden, Kennedy, Lambourn, Lammers, Maguire, McConnell, McMann, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Rankin, Sargent, Sullivan, Suverkrup, Swan, Wetherill, Wilcox, Wood, Young, and Mr Speaker—46

NOES—Messrs Berry Burbank, Chapman, Collins Covington, Crutcher, Dixon, Hart, Harris, Hinshaw Jamison, Jenkins, Koutz, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Reddick Rice, Roberts, Ruggles, Samuels, Scrivner, and Watkins—25.

Upon motion of Mr. Clunie, the bill was ordered engrossed by a division vote of the House.

Mr. Abbott gave notice of a motion to reconsider the vote by which the above bill was ordered engrossed

Mr Murphy of Del Norte moved that the rules be suspended, and that the above bill be considered engrossed, and placed upon its final passage.

Upon the adoption of which the ayes and noes were demanded by Messrs Nott, Berry, and Harris.

The roll was called, and the House refused, by the following vote

AYES—Messrs Abbott, Archer, Bagge, Barber, Biggs, Birney Blackwell, Bradley Broderick, Carter, Carson, Chapman, Clark, Clunie, Dunlap, Ferral Garretson, Gelwicks Giffen, Griswold, Harding, Hayne, Jourden, Kennedy, Lambourn, Lammers, Maguire McConnell, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Rankin, Sargent, Sullivan Suverkrup Swan, Wetherill, Wilcox, and Young—45.

NOES—Messrs. Berry, Blue Burbank, Collins, Covington, Crutcher Dixon Hart, Harris, Hinshaw, Jamison, Jenkins Jones, Koutz, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Reddick, Rice, Roberts, Samuels, Watkins, and Mr Speaker—26.

Upon motion of Mr. Clunie, the bill was made the special order for seven o'clock and thirty minutes P. M.

Mr. Ferral had leave to introduce the following bill out of order: An Act to appropriate money for charitable purposes in the Counties of Sonoma and Alpine.

Read first and second times and ordered placed on the special file for this evening.

Senate Bill No 505—An Act to provide revenue for the support of the government of this State.

Amended and indefinitely postponed.

GENERAL FILE

Assembly Concurrent Resolution No 42—Relative to mineral lands embraced within the limits of the sixteenth and thirty-sixth sections.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 634—An Act to add a new section to the Code of Civil Procedure.

Referred to the Judiciary Committee.

Assembly Bill No 737—An Act to amend an Act entitled an Act

concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the Acts amendatory thereof.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code

Read third time and passed.

Assembly Bill No. 767—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 788—An Act authorizing the State Board of Examiners to allow certain claims against the State.

Withdrawn by the author

Assembly Bill No. 543—An Act regulating the issuance and transfer of shares of stock, or certificates thereof, in incorporated companies in the State of California.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 406—An Act to amend section five hundred and sixty-two of the Penal Code.

Withdrawn by the author

Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

Read third time and passed.

Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Read third time and passed

Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Read third time and passed.

Assembly Bill No. 522—An Act for the better protection of stockholders in corporations, and to prevent the loaning of stocks deposited as collateral security.

Substitute adopted, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Concurrent Resolution No 34—In relation to constitutional amendments

Withdrawn by the author.

Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools

Read third time and passed.

Mr. Maguire give notice of a motion to reconsider the vote by which Senate Bill No 90 passed the House on this day.

[Mr. Clarken in the chair.]

Senate Bill No. 93—An Act to repeal certain sections of the Political Code, relating to public schools.

Substitute adopted, read third time, and passed.

Assembly Bill No. 435—An Act to add a new section to the Political Code, to be known as section one thousand six hundred and twenty-five.

Withdrawn by the author.

Assembly Bill No. 436—An Act to amend an Act entitled an Act to amend the provisions of the Political Code, relative to public schools, approved March twenty-eighth, eighteen hundred and seventy-four.

Withdrawn by the author.

Assembly Bill No. 654 passed on file.

Assembly Bill No. 84—An Act entitled an Act to amend section six hundred and fifty of the Code of Civil Procedure of California.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 454—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, by adding an additional subdivision thereto.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed

Assembly Bill No. 716—An Act making an appropriation for deficiency in the Stationery, Lights, and Fuel Fund for the twenty-seventh fiscal year.

Considered in Committee of the Whole, Mr. Clarken in the chair.

Upon motion of Mr. Harding, the committee arose, reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Mr. Clarken in the chair.]

The report of the committee on Assembly Bill No. 716, above reported, was received, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

Assembly Bill No 628—An Act to amend section three hundred and sixty-nine of the Political Code.

Withdrawn by the author.

Assembly Bill No 437—An Act for the relief of Addington & Green, publishers of the *Colusa Sun*.

Withdrawn by the author.

Assembly Bill No. 222—An Act in relation to the Fourth and Seventh Judicial Districts, fixing the terms of said Courts.

Withdrawn by the author.

Assembly Bill No. 682—An Act to amend section two hundred and one of the Civil Code.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 97—An Act to amend the Civil Code, in relation to forms of certificates of acknowledgment.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 569—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment

RECONSIDERATION.

Mr. Jourden, pursuant to notice given, moved the reconsideration of the vote by which Senate Bill No. 483—An Act confirming resolutions numbers three thousand eight hundred and sixty-eight and three thousand nine hundred and ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco—was refused passage on yesterday

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

Upon the adoption of which the ayes and noes were demanded by Messrs. Rankin, Barber, and Kennedy.

The roll was called, and the House refused, by the following vote.

AYES—Messrs Archer, Bagge, Barber, Berry, Blackwell, Blue, Burbank, Carter, Chapman, Clarken, Collins, Cornwell, Gelwicks, Giffen, Harris Jenkins, Jones, Kennedy, Koutz, Ostrom, Patterson of Kern and Tulare, Preston, Rankin, Rice, Ruggles, Scrivner, and Swan—27.

NOES—Messrs Abbott, Burney, Brickland, Carson Clark Covington, Clunie, Crutcher, Dixon, Dunlap, Ferral, Garretson Hart, Harding, Hayne, Hinshaw, Jamison, Jourden, Lambourn, Lammers, Maguire, McConnell, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Raisch, Reddick, Roberts, Sargent, Samuels, Suverkrup, Wetherill, Wilcox, Young, and Mr. Speaker—43

The motion to reconsider prevailed.

The bill was read a third time.

Upon its passage the ayes and noes were demanded by Messrs. Barber, Broderick, and Kennedy.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs Biggs, Burney, Blackwell Carter, Carson, Clark, Covington Dunlap, Ferral, Garretson, Gelwicks, Giffen, Hart, Hayne, Jourden, Lammers, Maguire, McConnell, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Raisch, Reddick, Roberts, Ruggles Sargent, Samuels, Suverkrup, Wetherill, Wilcox and Young—39

NOES—Messrs Abbott, Archer, Bagge, Barber, Berry Blue, Bradley, Brickland, Broderick, Burbank, Chapman, Clarken, Coffey, Collins, Cornwell, Clunie, Crutcher, Dixon, Harris, Hinshaw, Jenkins, Jones, Kennedy Koutz Lambourn, Ostrom, Preston, Rankin, Rice, Scrivner, Swan, and Mr. Speaker—32.

House took up Assembly Concurrent Resolution No. 57—Relative to a certain action now pending in the City and County of San Francisco

Rules suspended, considered engrossed, and read third time

Upon the passage of the resolution the ayes and noes were demanded by Messrs Wilcox, Ferral, and McCarthy.

The roll was called, and the resolution passed, by the following vote:

AYES—Messrs Abbott, Archer, Bagge, Barber, Berry, Blackwell, Blue, Bradley, Broderick, Burbank Clarken, Coffey, Collins, Cornwell Covington Crutcher, Dixon, Dunlap, Ferral, Giffen, Hart, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Koutz, Lambourn Lammers, Maguire, McInerny, McMann, McCarthy, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Raisch, Reddick, Rice, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Wilcox, Wood, Young and Mr Speaker—55

NOES—Messrs. Brickland, Carson, Chapman, Clunie, Kennedy, McConnell, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Roberts, Ruggles, and Watkins—12

Mr. Wilcox gave notice of a motion to reconsider the vote by which the above resolution passed on this day.

SENATE MESSAGES

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the following resolution:

*Resolved*, That the Assembly be requested to return to the Senate Assembly Bill No. 517, in order that the Senate may further amend said bill, in case the Assembly has not already acted upon the amendments to said bill adopted in the Senate.

CRAWFORD, Assistant Secretary.

Assembly Bill No. 517, above reported, was returned to the Senate in accordance with the request of the above resolution.

RESOLUTION

By Mr. Blue:

*Resolved by the Assembly, the Senate concurring*, That the Enrolling Clerk of the Assembly be instructed to enroll Assembly Bill No. 605 out of its order.

Adopted.

RECESS.

At five o'clock and twenty-five minutes P. M., upon motion of Mr. Berry, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.

REPORTS.

By Mr. Preston:

MR. SPEAKER: Your Committee on Fish, to whom was referred Senate Bill No. 651—An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra—have had the same under consideration, and, after having conferred with the members of the Assembly representing those counties, beg leave to report the bill back, and recommend its passage.

PRESTON, for Committee.

Senate Bill No. 651, above reported, read third time and passed.
By Mr. Ruggles:

MR. SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four—have had the same under consideration, and report the same back, with the recommendation that it pass.

RUGGLES, for Delegation.

Senate Bill No. 580, above reported, rules suspended, read third time, and passed.
[Speaker pro tem. in the chair.]

By Mr. Clunie:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 646—An Act to authorize James McClatchy to sue the County of Sacramento—and with the amendment suggested by the delegation, recommend its passage.

CLUNIE, for Delegation.

Senate Bill No. 646 amended, rules suspended, read third time, and passed.

By Mr. Covington:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 538—An Act to amend section three thousand four hundred and fifty-nine of the Political Code.

COVINGTON, for Committee.

Also:

Mr. SPEAKER: Your Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 652—An Act making appropriations for benevolent purposes.

COVINGTON, for Committee.

By Mr. Wood.

SACRAMENTO, March 31st, 1876.

Mr. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 565—An Act to fix the terms of the County and Probate Courts in and for the County of Solano.

Also, Assembly Bill No. 752—An Act to create a Board of Public Works in and for the City of Los Angeles.

Also, Assembly Bill No. 777—An Act in relation to idiots.

Also, Assembly Bill No. 723—An Act to reserve from sale the north half of section sixteen in township seven south, and range three east, Monte Diablo meridian.

Also, Assembly Bill No. 771—An Act relative to the County Treasurer of Sutter County, as to counting the moneys and examining his books, vouchers, etc.

Also, Assembly Bill No. 787—An Act to amend an Act entitled an Act changing the terms of the County Court and the Probate Court in the County of Marin, approved February ninth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 683—An Act to transfer money from one fund to another in the County of Monterey.

Also, Assembly Bill No. 778—An Act relating to road poll-tax in the County of Sierra.

Also, Assembly Bill No. 690—An Act to amend section six hundred and thirty-two of the Penal Code.

Also, Assembly Bill No. 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb, and Blind.

Also, Assembly Bill No. 732—An Act to make applicable a certain Act to San Luis Obispo County.

Also, Assembly Bill No. 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc and Siskiyou Counties.

Also, Assembly Bill No. 587—An Act to authorize the Board of Supervisors of Lake County to levy a special tax.

Also, Assembly Bill No. 657—An Act to incorporate the Town of Colusa.

Also, Assembly Bill No. 786—An Act conferring certain powers and imposing certain duties upon Constables in the Counties of El Dorado and Sacramento.

Also, Assembly Bill No. 789—An Act to provide for the election of the Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood, in the County of San Mateo.

Also, Assembly Bill No. 792—An Act in relation to public roads in the County of Sacramento.

Also, Assembly Bill No. 446—An Act to repeal all special laws in relation to roads in the County of Shasta.

Also, Assembly Bill No. 695—An Act to authorize the Board of Supervisors of Sutter County to re-district North Butte, Buttesylvania, and Columbia School Districts.

Also, Assembly Bill No. 711—An Act to provide a supply of water for the University, and for the Asylum for the Deaf, Dumb, and Blind.

Also, Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State. (Enrolled out of order.)

Also, Assembly Bill No. 712—An Act to provide a supply of water for the Napa State Asylum for the Insane.

Also, Assembly Bill No. 407—An Act to pay the claim of E. O. F. Hastings.

Also, Assembly Bill No. 807—An Act to enable the City of Sacramento to settle a judgment obtained against it by Paulina C. Fowle.

Also, Assembly Bill No. 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco and to amend and supplement the several Acts relating thereto.

And report the same correctly enrolled, and that this day the same were presented to the Governor for his approval.

WOOD, for Committee.

By Mr. Maguire.

Mr. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 724—An Act to amend section one thousand seven hundred and twelve of the Political Code of the State of California—beg leave to report the same back with amendments, and recommend its passage as amended.

MAGUIRE, for Committee.

Assembly Bill No. 724, above reported, amended, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

SPECIAL EVENING FILE.

Assembly Bill No. 796—An Act to establish the compensation of official reporters for the various Courts throughout the State.

Referred to the Judiciary Committee.

Assembly Bill No. 809—An Act to authorize Boards of Supervisors to furnish Sheriffs and Deputy Sheriffs with a suitable badge of office.

Rules suspended, considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 529—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate fees in office, approved April tenth, eighteen hundred and fifty-five, approved March thirtieth, eighteen hundred and seventy-two, and to repeal section four of an Act in relation to the office of Sheriff of the City and County of San Francisco, approved March twenty-ninth, eighteen hundred and sixty-eight.

Mr. Maguire moved to indefinitely postpone.

Messrs. Young, Wilcox, and Harding moved the previous question, and it was so ordered by the House.

Upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Jourden, Rankin, and Kennedy.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Berry, Blackwell, Blue, Bradley, Brickland, Broderick, Burbank, Carter, Chapman, Clarken, Coffey, Collins, Cornwell, Crutcher, Ferral, Gelwicks, Harding, Jamison, Koutz, Lammers, Maguire, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, O'Connell, Ostrom, Patterson of Kern and Tulare, Pierce, Quigley, Rankin, Rausch, Rice, Ruggles, Sullivan, Wilcox, Young, and Mr. Speaker—41.

NOES—Messrs. Bagge, Carson, Covington, Clune, Dunlap, Giffen, Griswold, Hart, Hinshaw, Jenkins, Kennedy, Lambourn, Murphy of San Francisco, Nott, Preston, Reddick, Suverkrup, Swan, Watkins, Wetherill, and Wood—21.

SPECIAL ORDER.

The Speaker announced as the special order Assembly Bill No. 652—An Act making appropriations for benevolent purposes.

Read a third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Nott, Berry, and Quigley.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Blackwell, Blue, Bradley, Broderick, Carter, Carson, Clarken, Coffey, Clune, Dunlap, Ferral, Gelwicks, Giffen, Harding, Jourden, Kennedy, Lambourn, Lammers, Maguire, McInerny, McCarthy, McKenna, Murphy of Del Norte and

Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Rankin, Raisch, Sullivan, Suverkrub, Swan, Wetherill, Wilcox, Wood, Young, and Mr Speaker—42

NOES—Messrs. Berry, Burbank, Chapman, Collins Covington, Hart, Hinshaw, Jamison, Jenkins, Koutz, Nott, Ostrom, Preston Quigley, Reddick, Ruggles, and Watkins—17.

Upon motion of Mr. Carpenter, the House took up consideration of

SENATE MESSAGES

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 45—An Act recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of the State

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day, passed Senate Bill No. 653—An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 328—An Act for the relief of James W. Marshall.

CRAWFORD Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876

MR SPEAKER I am directed to inform your honorable body that the Senate, on the thirty-first day of March, eighteen hundred and seventy-six, passed, and ordered transmitted immediately to the Assembly, Assembly Bill No. 658—An Act to authorize Dinny Melone, John Lord Love, and James J Green to sue the State

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 653, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No 45, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 328 and 658, above reported. Senate amendments concurred in.

Mr. Jamison had leave to offer the following resolution:

*Resolved*, That C W Upton be and he is hereby authorized to index the journal of the Assembly of the twenty-first session, and to receive as a compensation for such work the sum of two hundred and fifty dollars and the Controller of State is hereby authorized and empowered to draw such warrant on the Treasurer for such amount when the work shall have been completed and received the approval of the Secretary of State

Referred to the Committee on Expenditures and Accounts.

SPECIAL EVENING FILE RESUMED.

Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Read third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Kennedy, Raisch, and Barber.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Burney, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Clarken, Covington, Giffen, Griswold, Hart, Jourden, Lammers, Magune, McInerny, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Raisch, Reddick, Sullivan, and Wilcox—26.

NOES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Bradley, Burbank, Chapman, Coffey, Collins, Cornwell, Clunie, Crutcher, Dunlap, Gelwicks, Harding, Hinshaw, Jenkins, Kennedy, Koutz, Lambourn, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rankin, Rice, Ruggles, Samuels, Suverkrup, Swan, Wetherill, Wood, and Mr. Speaker—35.

Mr. Wetherill gave notice of a motion to reconsider the vote by which the above bill was refused passage.

Mr. Wetherill had leave to offer the following resolution:

WHEREAS, The Pages of this House have performed their duties faithfully, and have been very accommodating to the members, and during the closing hours of this session are much overworked, being continually on their feet from morning till late at night, and in appreciation of their services, be it

*Resolved*, That the Pages and the Post-office Page be allowed the sum of fifty dollars each for the session; that the Controller be and is authorized to draw his warrant on the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Upon motion of Mr. Clarken the House took up for consideration the report of the Joint Committee of the Senate and Assembly on State Prison. [For report see Appendix.]

Mr. Wilcox moved that the House adopt the report of the Joint Committee.

Upon the adoption of which the ayes and noes were demanded by Messrs. Berry, Ostrom, and Nott.

The roll was called, and the report adopted, by the following vote:

AYES—Messrs. Archer, Bagge, Barber, Burney, Blackwell, Blue, Bradley, Burbank, Carter, Carson, Clarken, Covington, Clunie, Ferral, Giffen, Hart, Hinshaw, Jamison, Jenkins, Jourden, Kennedy, Lammers, Magune, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Roberts, Sargent, Samuels, Sullivan, Suverkrup, Swan, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—47.

NOES—Messrs. Berry, Chapman, Crutcher, Dunlap, Gelwicks, Harding, Koutz, Lambourn, McKenna, Nott, Ostrom, Reddick, Rice, and Watkins—14.

Assembly Bill No. 617—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor.

Rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 798—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

## FURTHER SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirty-first day of March, eighteen hundred and seventy-six, passed, and ordered transmitted immediately to the Assembly, Senate Concurrent Resolution No. 62—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 383.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

Mr SPEAKER I am directed to inform your honorable body that the Senate, on the thirty-first day of March, eighteen hundred and seventy-six, passed, and ordered to the Assembly immediately, Assembly Bill No. 704—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eighteenth, eighteen hundred and sixty

CLARK, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 62, above reported, read first and second times, rules suspended, read third time, and passed.

ADJOURNMENT.

At ten o'clock P. M., upon motion of Mr. Wilcox, the House adjourned.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 1st, 1876.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, and a quorum present.
Upon motion of Mr. Clarken, the reading of the journal of yesterday was dispensed with, and considered approved.

REPORTS.

By Mr. Swan:

Mr SPEAKER Your Judiciary Committee having considered Senate Bill No. 653—An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure—recommend its passage, and that the rules be suspended for that purpose.

Also, Senate Bill No. 45 and Assembly Bill No. 811—Recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of the State—recommend the passage of the Senate bill, and that the Assembly bill lie on the table

Also, Assembly Bill No. 432—An Act to amend section eighty-six of the Penal Code, and to add a new section thereto, to be known as section ninety-nine—recommend passage.

Also, Assembly Bill No. 781—An Act to amend sections one hundred and eighty-seven and two thousand and thirty-four of the Code of Civil Procedure—passage recommended.

Also, Assembly Bill No. 718—An Act to amend Chapter III, Title IV, Part III of the Code of Civil Procedure, by adding a new section thereto—recommend that it do not pass

Also, Assembly Bill No. 803—An Act to amend Article II, Chapter I., Title VIII, Part III. of the Political Code—recommend that it do not pass.

SWAN, for Committee.

Senate Bill No. 653, above reported, rules suspended, read third time, and passed.

Assembly Bill No 816, above reported, laid on table by unanimous consent of the House.

Senate Bill No. 45, above reported, rules suspended, read a third time.

Upon the passage of the bill the roll was called, and the bill having received the requisite constitutional majority, was declared passed, the vote being as follows.

AYES—Messrs. Abbott, Archer, Barber, Berry, Biggs, Blackwell, Bradley, Brickland, Broderick, Burbank, Carter, Carson, Chapman, Coffey, Collins, Cornwell, Covington, Chunc, Crutcher, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hinshaw, Jamison, Jenkins, Jones, Jordan, Kennedy, Koutz, Lambourn, Lammers, Maguire, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Quigley, Rankin, Reddick, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—62.

NOES—Messrs. Bagge, Birney, Harding, and Noti—4.

MOTIONS AND RESOLUTIONS.

By Mr. Giffen:

*Resolved*, That the special order for one o'clock and thirty minutes p. m., to-day, shall be as follows: Each member, in the order as their names appear on the roll call, shall be allowed to call up for action any bill he may desire, until the entire roll has been called.

Adopted.

By Mr. Crutcher:

*Resolved*, That the Sergeant-at-Arms is required to close the doors of this chamber to the exclusion of all parties, unless especially invited by a member of this body or by permission of the presiding officer.

Laid on the table.

By Mr. Clarken:

*Resolved*, That the Sergeant-at-Arms and his clerk remain for one week after the adjournment of the Assembly, to transfer the property belonging to the State to the Secretary of State, and the Controller be and he is hereby directed to draw his warrants in their favor at the usual per diem, and the Treasurer required to pay the same from the Contingent Fund of the Assembly.

Lost.

Mr. Dixon, upon motion of Mr. Griswold, was granted one day's leave of absence.

Upon motion of Mr. Murphy of Del Norte, the House took up Senate message relative to Assembly Bill No. 517, and which is as follows:

SENATE CHAMBER,
SACRAMENTO, March 31st, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—and ordered the same transmitted to the Assembly at once.

CLARK, Assistant Secretary.

Assembly Bill No. 517, above reported, was returned to the Senate in accordance with a request made by that body, and which is included in to-day's Senate messages.

Mr. Harding, pursuant to notice given, moved the reconsideration of the vote by which Assembly Concurrent Resolution No. 57 passed this House on yesterday.

Upon motion of Mr. Ferral, the motion to reconsider was indefinitely postponed.

Mr. Wilcox had leave to introduce a concurrent resolution, relative to tide lands granted to the Golden City Homestead Association.

Read first and second times, and, upon motion of Mr. Wilcox, the rules were suspended, resolution considered engrossed, read third

time, passed, and ordered transmitted to the Senate without engrossment.

[Mr. Scrivner in the chair.]

SPECIAL ORDER.

Senate Bill No. 534—An Act to confer additional powers upon County Boards of Examination and City Boards of Education.

Mr. Murphy of Del Norte offered the following amendment: Amend section two by striking out the word "six" and insert in lieu thereof the word "two"

The previous question was moved by the requisite number, upon the adoption of which the ayes and noes were demanded by Messrs. Collins, Reddick, and Quigley.

The roll was called, and the House so ordered, by the following vote.

AYES—Messrs Abbott, Archer, Barber, Bradley, Briceland, Burbank, Carter, Chapman, Clark, Cornwell, Covington, Clunie, Dunlap, Garretson, Gelwicks, Griswold, Harding, Hayne, Jamison, Jenkins, Jones, Koutz, Lammers, Maguire, McInerny, McKenna, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of San Joaquin Roberts, Ruggles, Sargent, Scrivner Sullivan, Wilcox, Wood, and Mr Speaker—38

NOES—Messrs Bagge, Biggs, Birney, Blackwell, Blue, Carson, Clarken, Coffey, Collins, Crutcher, Ferral, Giffen, Hart, Hinshaw, Kennedy, Lambourn, McMann McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Patterson of Kern and Tulare, Pierce, Preston, Pullen, Quigley, Rankin, Reddick, Rice, Samuels, Suverkrup, Swan, Watkins, Wetherill, and Young—35.

The question being upon the adoption of the amendment offered by Mr. Murphy of Del Norte, the ayes and noes were demanded by Messrs. Biggs, Quigley, and Murphy of Del Norte.

The roll was called, and the House refused, by the following vote

AYES—Messrs Bagge, Barber Biggs, Blackwell, Blue, Carson, Clarken, Coffey Collins, Ferral, Giffen, Hart, Hinshaw, Jounden Kennedy, Lambourn McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell Patterson of Kern and Tulare, Pierce, Preston, Pullen, Quigley, Rankin, Reddick, Samuels, Sullivan, Watkins, Wetherill, and Young—34

NOES—Messrs Abbott, Archer, Birney, Bradley, Briceland, Burbank, Carter, Chapman, Clark, Cornwell, Covington, Clunie, Crutcher, Dunlap, Garretson, Gelwicks Griswold, Harding, Hayne, Jamison, Jenkins, Jones, Koutz, Lammers, Maguire, McKenna, Nott, Ostrom, Patterson of Sacramento, Patterson of San Joaquin, Rice Roberts, Ruggles, Sargent, Scrivner, Suverkrup, Swan, Wilcox, Wood and Mr Speaker—40

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Collins, Kennedy, and Preston.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Biggs, Blackwell, Blue, Bradley, Briceland, Burbank, Carter, Chapman, Clark, Collins, Cornwell, Covington, Clunie, Crutcher, Dunlap, Garretson, Gelwicks, Giffen, Griswold, Hart, Harding Hayne Hinshaw, Jamison, Jenkins, Jones, Jounden Koutz, Lammers, Maguire, McInerny, McMann, McCarthy, McKenna Murphy of Del Norte and Klamath, Nott, Ostrom Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston Quigley, Rice, Roberts, Ruggles, Sargent Suverkrup Swan, Watkins, Wilcox, Wood, and Mr Speaker—54

NOES—Messrs Bagge, Barber, Carson, Clarken, Coffey, Ferral, Kennedy, Lambourn, Murphy of San Francisco, O'Connell, Pierce, Pullen, Rankin, Reddick, Sullivan Wetherill, and Young —17

Mr. Murphy of Del Norte gave notice of a motion to reconsider the vote on the passage of the above bill.

The Speaker, in accordance with rule number sixty, ruled the notice out of order.

Mr. Murphy of Del Norte appealed from the decision of the Chair.

The Speaker stated the question to be, "Shall the decision of the Chair stand as the decision of the House?" and upon a division vote the House so ordered.

Mr. Wilcox moved that the above bill be transmitted to the Senate forthwith.

Upon the adoption of which, the ayes and noes were demanded by Messrs. Ferral, Biggs, and Kennedy.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Berry, Blackwell, Blue, Bradley, Breeland, Burbank, Carter, Chapman, Clark, Collins, Cornwell, Covington, Clunie, Crutcher, Dunlap, Garretson, Gelwicks, Giffen, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Koutz, Lammers, Magune, McInerny, McCarthy, McKenna, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Quigley, Roberts, Ruggles, Sargent, Samuels, Suverkrup, Swan, Wilcox, Wood, and Mr. Speaker—48.

NOES—Messrs. Bagge, Barbat, Biggs, Carson, Clarken, Coffey, Ferral, Jourden, Kennedy, Lambourn, McMann, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Preston, Pullen, Rankin, Reddick, Sullivan, Watkins, Wetherill, and Young—22.

Mr. Berry had leave to make the following report.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 643, have considered the same, report it back, and recommend its passage.

BERRY, Chairman.

Senate Bill No. 643, above reported, ordered place at head of the file for this evening.

GENERAL FILE.

Senate Bill No. 234—An Act to provide for the recovery of double taxation on outside lands of the City and County of San Francisco.

Read third time and passed.

Senate Bill No. 558—An Act to provide for the payment of certain coupons.

Read third time and passed.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

The House re-assembled at one o'clock and thirty minutes P. M. Speaker in the chair.

Roll called, and a quorum present.

REPORTS.

By Mr. Clunie:

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 810—An Act to provide for the payment of certain claims for labor upon and materials for the Branch State Prison—having duly considered the same, herewith report the bill back with an amendment, and recommend its passage as amended by a majority of the committee.

CLUNIE, for Committee.

By Mr. Archer:

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 368—An Act relating to bank deposits—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 553—An Act to add a new section to the Penal Code—report the same back, and recommend its passage

ARCHER, Chairman.

## By Mr. Coffey:

Mr. Speaker The San Francisco delegation, to whom was referred Senate Bill No 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams—report the same back, and a majority recommend that it do pass; nine members voting in the affirmative, four in the negative, seven absent.

Also, Assembly Bill No 447—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco—report the same back with a substitute, and recommend passage of the substitute.

Also, Assembly Bill No. 794—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain warrants and parts of warrants issued by the Laguna Survey Commissioners—report the same back without recommendation

Also, substitute for Senate Bill No 569—An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco—report the same back, and recommend that the rules be suspended, considered engrossed, and passed.

Also, Senate Bill No. 363—An Act to provide homes for homeless children in the City and County of San Francisco—report the same back, and recommend that it do not pass

Also, Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county—report the same back, and a majority recommend that it do pass, six members voting in the affirmative, five against

Also, Senate Bill No. 441—An Act authorizing the Police Judge's Court and the Municipal Criminal Court of the City and County of San Francisco to commit persons convicted of certain crimes to the House of Correction, and to order the transfer of persons confined in the County Jail of said city and county to the House of Correction—report the same back, and recommend that it do pass.

Also, Senate Bill No. 365—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco—report the same back, seven members recommending its passage, seven against, six absent.

Also, Senate Bill No 371—An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to approve and ratify the acts and actions of the Board of Public Works of said city and county—report the same back, and recommend that it do pass.

Also Senate Concurrent Resolution No. 55—Relating to water front in San Francisco—report the same back, and recommend that it do pass.

COFFEY, Chairman

## By Mr. Murphy of San Francisco:

Mr. Speaker Your Committee on Commerce and Navigation, to whom was referred Senate Bill No 503—An Act to amend an Act entitled an Act to establish a Political Code, approved March first, eighteen hundred and seventy-two—have had the same under consideration, and beg leave to report it back, and recommend its passage.

Also, Assembly Bill No. 306—An Act to amend certain sections of the Political Code—report the same back, and recommend that it do not pass.

Also, Assembly Bill No 309—An Act to amend the Political Code—report the same back, and recommend that it do not pass

Also, Assembly Bill No. 348—An Act to amend the Political Code—report the same back, and recommend that it do not pass

MURPHY, Chairman.

## By Mr. Coffey:

Sacramento, April 1st, 1876.

Mr. Speaker The Committee on Enrollment have examined Assembly Bill No. 746—An Act to regulate the terms of the County Court of the County of Stanislaus.

Also, Assembly Bill No 758—An Act concerning the census of Millville School District, in the County of Shasta.

Also, Assembly Bill No. 482—An Act to reincorporate the City of San Diego.

Also, Assembly Bill No. 805—An Act supplemental to an Act entitled an Act in relation to highways in the County of Solano, approved March seventeenth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 744—An Act in relation to the fees of witnesses in the County of El Dorado

Also, Assembly Bill No 653—An Act to prevent hogs and goat running at large in the Town of Washington, Yolo County.

Also, Assembly Concurrent Resolution No. 36—Relative to specie payment

Also, Assembly Bill No 641—An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General.

Also, Assembly Bill No. 700—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four

Also, Assembly Bill No. 444—An Act to legalize the assessments on lands in District Number Five, Sutter County, for the year eighteen hundred and seventy-five

Also, Assembly Bill No. 782—An Act to change the San Jose Library Association of the City of San Jose into a public library, to alter the name thereof to the name of San José Public Library, and to provide funds for the maintenance of the same

Also, Assembly Bill No 537—An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego

Also, Assembly Bill No 800—An Act to consolidate Rattlesnake School District, in Placer County, with Wild-goose School District, in El Dorado County

Also Assembly Bill No 675—An Act to amend sections five hundred and seventy-eight, five hundred and eighty and five hundred and eighty-one of the Political Code

Also, Assembly Bill No 605—An Act concerning the removal of the remains of deceased persons from the State of California

And report the same correctly enrolled, and that this day the same were presented to the Governor for his approval

COFFEY, Chairman.

By Mr. McInerny:

Mr Speaker Your Committee on Internal Improvements, to whom was referred Assembly Bill No 751—An Act to regulate proposals for the removal of the seat of government of this State—after due consideration, report the same back, with recommendation that it do not pass.

McINERNY, Chairman.

By Mr. Carson—A report from the Committee on Golden Gate Park Investigation.

The reading was dispensed with, and ordered printed. [See Appendix.]

By Mr. McKenna:

Sacramento, April 1st, 1876.

Mr Speaker The Committee on Enrollment have examined Assembly Bill No. 658—An Act to authorize Drury Melone, John Lord Love, and James J Green to sue the State.

Also, Assembly Bill No 328—An Act for the relief of James W Marshall.

And report the same correctly enrolled; and that at twelve o'clock and twenty-five minutes P. M. the same were presented to the Governor for his approval.

McKENNA, for Committee.

Sacramento, April 1st, 1876

Mr Speaker The Committee on Enrollment have examined Assembly Bill No 567—An Act to create a City Criminal Court in and for the City and County of San Francisco—and report the same correctly enrolled; and that at ten o'clock and forty minutes P. M. the same was presented to the Governor for his approval.

McKENNA, for Committee.

## SENATE MESSAGES.

Senate Chamber,
Sacramento, April 1st, 1876.

Mr Speaker I am directed to inform your honorable body that the Senate, on this day, passed Assembly substitute for Assembly Bill No 713—An Act to appropriate four hundred and ninety-four thousand dollars to pay valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane, and to complete said structure, supply water therefor, and to improve the grounds on which it is situate.

Also, amended and passed Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years.

Also, passed Assembly Bill No. 484—An Act for the relief of William Saunders.

CRAWFORD, Assistant Secretary.

Senate Chamber,
Sacramento, April 1st, 1876.

Mr Speaker I am directed to inform your honorable body that the Senate, on this day, refused to concur in Assembly substitute for Senate Bill No. 628—An Act amendatory of an Act entitled an Act authorizing the appointment of certain employés of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four, and respectfully requests your honorable body to recede from its amendment.

And, on this day, passed Senate Bill No 641—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirty-first day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia in Tuolumne County, to Modesto or Oakdale, in Stanislaus County.

Also, Assembly Bill No. 648—An Act relative to assessments in Reclamation District One Hundred and Twenty-four, in Colusa County.

Also, Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction.

Also, Assembly Bill No. 548—An Act for the relief of the persons in possession of certain lands belonging to the State of California.

Also, Assembly Concurrent Resolution No. 58—Relative to enrolling Assembly Bill No. 605 out of order.

And indefinitely postponed Assembly Bill No. 799—An Act concerning a draw-bridge over the San Antonio Creek, in Alameda County.

Also, passed Assembly Bill No. 476—An Act to repeal Article IV of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 714—An Act to fix the salaries of certain officers in the County of Alameda.

Also, Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code.

Also, Assembly Bill No. 772—An Act to amend section six hundred and sixty-seven of the Penal Code.

Also, Assembly Bill No. 774—An Act to empower and give authority to the County of Santa Barbara to aid in the construction of a railroad within its limits.

And, on this day, adopted the following resolution:

*Resolved*, That the Assembly be requested to return the general appropriation bill to the Senate at once.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate on the first day of April, eighteen hundred and seventy-six, passed, under suspensions of the rules, Senate Bill No. 601—An Act to amend an Act entitled an Act to amend an Act entitled an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the first day of April, eighteen hundred and seventy-six, passed Senate Concurrent Resolution No. 63—Requesting the Attorney-General to take action respecting public appropriations in certain cases.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirtieth day of March, eighteen hundred and seventy-six, passed Senate Bill No. 652—An Act for the relief of John A. Sutter.

And, on this day, passed Assembly Bill No. 808—An Act granting to certain persons therein named the right to construct and maintain a raceway through the City of Placerville.

Also, Assembly Bill No. 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code.

Also, Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 809—An Act to authorize Boards of Supervisors to furnish Sheriffs, Under Sheriffs, and Deputy Sheriffs with a suitable badge of office.

Also, amended and passed Assembly Bill No 421—An Act for the relief of Elijah True.

Also, amended and passed Assembly Bill No 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 601, above reported, read first and second times and referred to the San Francisco delegation, with special instructions.

Senate Bill No. 641, above reported, read first and second times and referred to the Committee on Ways and Means, with special instructions.

Senate Bill No. 652, above reported, read first and second times and referred to the Committee on Claims.

Senate Concurrent Resolution No. 63, above reported, read first and second times and referred to the Judiciary Committee, with special instructions

Assembly Bills Nos 205 and 421, above reported, Senate amendments to each concurred in.

Senate Bill No. 628, above reported.

The question being, "Shall the House recede from its amendments?" Mr. Murphy of Del Norte moved that the question to recede be made the special order for Monday, April third, at eleven o'clock and thirty minutes P. M.

Upon the adoption of which the ayes and noes were demanded by Messrs. Collins, Nott, and Roberts .

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Bagge, Barber, Biggs, Birney, Blue, Bradley, Broderick, Carson, Chapman, Covington, Clunie Ferral, Garretson, Gelwicks, Griswold Harding, Jourden, Koutz, Lammers, Magune, McInerny, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco O'Connell, Patterson of San Joaquin, Pierce, Pullen, Raisch Ruggles Scrivner, Sullivan, Suverkrup, Swan, Wetherill, Wilcox, Young and Mr Speaker—39

NOES—Messrs. Archer, Berry, Blackwell, Briceland, Burbank, Carter, Coffey, Collins, Crutcher, Dixon, Dunlap, Hart, Hayne, Hinshaw, Jamison, Jones, Kennedy, Lambourn, Nott, Patterson of Kern and Tulare, Preston, Reddick, Rice, Roberts, Sargent, Samuels and Watkins—27.

Assembly Bill No. 517, above reported, certain Senate amendments concurred in.

Upon the question of concurring in the amendment to section one, appropriating forty thousand dollars for the purpose of constructing a mechanic arts building, the ayes and noes were demanded by Messrs. Archer, Lambourn, and Gelwicks.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Biggs, Blackwell, Bradley, Briceland, Broderick, Burbank, Carter, Carson, Coffey, Cornwell, Gelwicks, Giffen, Griswold, Harding, Hayne, Jourden, Kennedy, Lammers, McInerny, McMann, McCarthy, McKenna, O'Connell, Patterson of San Joaquin, Pierce, Rankin, Reddick, Sargent, Suverkrup, Wilcox, and Wood—35.

NOES—Messrs Berry, Birney, Chapman, Covington, Crutcher, Dunlap, Hart, Hinshaw, Jamison, Jenkins, Jones, Koutz, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rice, Roberts, Ruggles, Samuels, Scrivner, Swan, Watkins, Young, and Mr. Speaker—27

Certain other Senate amendments the House refused to concur in, and the bill was ordered to the Senate immediately.

RECONSIDERATION.

Mr. Wetherill, pursuant to notice given, moved the reconsideration of the vote by which the House refused to pass Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

The motion to reconsider prevailed, and the bill was read third time.

Upon its passage the ayes and noes were demanded by Messrs. Kennedy, Wetherill, and Chapman.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Abbott, Archer, Biggs, Birney, Blackwell, Bruceland, Broderick, Burbank, Carter, Carson, Clark, Covington, Dixon, Dunlap, Ferral, Gelwicks, Griswold, Hart, Hayne, Jamison, Jones, Jourden, Koutz, Lammers, Maguire, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Pullen, Quigley, Raisch, Reddick, Sargent, Sullivan, Suverkrup, Wetherill, and Wilcox—42.

NOES—Messrs. Bagge, Barber, Berry, Blue, Chapman, Coffey, Clunie, Crutcher, Harding, Hinshaw, Kennedy, Lambourn, McMann, Nott, Rankin, Rice, Roberts, Ruggles, Samuels, Scrivner, Young, and Mr. Speaker—22.

Mr. Carpenter had leave to introduce the following bill: An Act for the improvement of the streets and sidewalks in the City of Placerville.

Read first and second times, rules suspended, considered engrossed, read third time by common consent, passed, and ordered to the Senate without engrossment.

RESOLUTIONS.

By Mr. Samuels:

WHEREAS, There has been no extra assistant allowed the Journal Clerk of the Assembly since the commencement of the evening sessions, as has always been customary on account of the large increase of work, and, whereas, the expense of the office of Journal Clerk of this session has been three hundred and seventy-six dollars less than the expense of the same office for the twentieth session of the Legislature, therefore, be it

*Resolved*, That the Journal Clerk be and he is hereby allowed the sum of fifty dollars for extra service, and for ruling, comparing, and finishing the journal after the close of the session, and the Controller is hereby directed to draw his warrant, and the Treasurer to pay the same out of the Contingent Fund of the Assembly.

Referred to the Committee on Retrenchment and Reform.

By Mr. Koutz:

*Resolved*, That five hundred additional copies of the report and testimony of the Special Committee on Land Monopoly be printed.

Adopted.

By Mr. Burbank:

*Resolved*, That the Enrolling Clerk of the Assembly be and he is hereby directed to amend Assembly Bill No. 548 by inserting the word "en," in line twenty-four, section seven, of said bill.

Adopted.

GENERAL FILE.

In accordance with the resolution adopted this morning, the House took up as the special order the general file.

Senate Bill No. 634—An Act to add a new section to the Code of Civil Procedure.

Read third time and passed.

Senate Bill No. 294—An Act to add a section to the Political Code.

Amended and read third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Rankin, Bagge, and Kennedy.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Abbott, Berry, Blackwell, Blue, Briceland, Carter, Chapman, Collins, Cornwell, Covington, Crutcher, Dixon, Ferral, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Jourden, Lambourn, McMann, McCarthy, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Roberts, Sargent, Samuels, Swan, Watkins, Wilcox, and Young—34.

NOES—Messrs. Archer, Bagge, Barber, Birney, Bradley, Broderick, Burbank, Carson, Coffey, Dunlap, Garretson, Gelwicks, Hart, Kennedy, Koutz, Lammers, Maguire, McInerny, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, Rankin, Raisch, Rice, Ruggles, Scrivner, Sullivan, Suverkrup, and Mr. Speaker—30.

Assembly Bill No. 538—An Act to amend section three thousand four hundred and fifty-nine of the Political Code.

Pending consideration of which, at four o'clock and forty-five minutes P. M. Mr. Biggs moved to adjourn.

Lost.

The above bill was read a third time.

Upon its passage the ayes and noes were demanded by Messrs. Hart, Samuels, and Berry.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Bagge, Barber, Birney, Blackwell, Broderick, Burbank, Carter, Chapman, Coffey, Covington, Clunie, Dunlap, Garretson, Gelwicks, Griswold, Jones, Kennedy, Koutz, Lammers, Maguire, McKenna, Murphy of San Francisco, Pierce, Reddick, Sargent, Scrivner, Swan, Wilcox, Wood, and Young—32.

NOES—Messrs. Berry, Biggs, Blue, Carson, Collins, Crutcher, Hart, Harding, Hinshaw, Jamison, Jenkins, Jourden, Lambourn, McMann, Nott, O'Connell, Ostrom, Preston, Pullen, Quigley, Rankin, Raisch, Rice, Roberts, Ruggles, Samuels, Sullivan, Suverkrup, Watkins, Wetherill, and Mr. Speaker—31.

Upon motion of Mr. Coffey, Senate Bill No. 489—An Act to amend an Act entitled an Act repealing Article IV. 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 of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-four—was referred to the San Francisco delegation.

Upon motion of Mr. Coffey, the Committee of Conference on Assembly Bill No. 292 on the part of the Assembly were clothed with the power to act as a Committee of Free Conference.

RECESS.

At five o'clock and twenty minutes P. M., upon motion of Mr. Biggs, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

House re-assembled at seven o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

Mr. Patterson of Sacramento had leave to introduce the following bill. An Act to pay certain outstanding claims for road indebtedness of Sacramento County.

Read first and second times and referred to the Sacramento delegation.

Mr. Pullen had leave to introduce the following resolution:

*Resolved*, That this Assembly do not adjourn until all bills on the special file for this evening have been taken up and disposed of.

Indefinitely postponed.

REPORTS.

By Mr. Hinshaw.

Mr. SPEAKER: The Committee on Public Expenditures and Accounts ask leave to report that they have examined the bills and accounts of the following persons, and recommend that they be paid:

| | |
|---|---|
| Mrs. Johnson, washing | $7 17 |
| D. Perkins, serving papers | 65 00 |
| D. Perkins, telegraphing, etc. | 2 55 |
| W. C. Hopping, post-office box | 15 00 |
| John Cass, keys, etc. | 10 00 |
| K. Ray, white-washing | 6 50 |
| Daily Leader | 8 50 |
| Benj. Cohen, one-half dozen combs | 3 00 |

*Resolved*, That the Controller be and he is authorized and directed to draw his warrants in favor of the persons named in the above report, for the sums set opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

The resolution above reported was adopted.

By Mr. Berry:

Mr. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 641—An Act appropriating money for Napa Insane Asylum—have considered the same, and report it back without recommendation.

BERRY, Chairman.

By Mr. Coffey:

Mr. SPEAKER: Your Committee of Conference, acting jointly with the Senate committee as a free conference on Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—respectfully report that they have been unable to agree with the Senate committee, and therefore recommend that the Assembly adhere to its former action.

COFFEY, for Committee.

Report adopted.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 515—An Act to amend section two thousand five hundred and twenty-five of the Political Code.

Also Assembly Bill No. 76—An Act relative to apprentices and masters.

Also, to inform your honorable body that the Senate adheres to its amendments to Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—marked numbers one and two, *receded from amendment marked number three, and your honorable body is respectfully* requested to concur in the amendments numbered one and two.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 419—An Act to provide for an examination into the sale and disposal of State lands.

CRAWFORD, Assistant Secretary.

Assembly Bill No. 517, above reported, Senate amendments concurred in.

GENERAL AND SPECIAL FILES.

The House took up for consideration the bills both on the general and special files.

Senate Bill No. 643—An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Considered in Committee of the Whole, Speaker pro tem. in the chair.

Upon motion of Mr. Berry, the committee arose and reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Senate Bill No. 643, above reported, read third time and passed.

Assembly Bill No. 125—An Act relating to the purchase of lands in the City and County of San Francisco known as City Hall lots.

Withdrawn by the author.

Assembly Bill No. 61—An Act entitled an Act supplementary to and amendatory of an Act entitled an Act to provide for the improvement of public parks in the City of San Francisco, approved March fourth, eighteen hundred and seventy.

Withdrawn by the author.

Assembly Bill No 218—An Act in relation to the Board of Supervisors of the County of Sacramento

Mr. Biggs moved to indefinitely postpone the bill. Upon the adoption of which the ayes and noes were demanded by Messrs. Clunie, Ostrom, and Barber.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Abbott, Biggs, Birney, Briceland, Carter, Carson, Ferral, Griswold, Harding, Hayne, Jamison, Jenkins, Jones, Jourden, Lambourn, Lammers, Melnerny, McMann, McCarthy, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Preston, Raisch, Rice, Roberts, Ruggles, Sargent, Sullivan, Suverkrup, Swan, Wetherill, Wilcox, and Young—36

NOES—Messrs Archer, Bagge, Barber, Berry, Blackwell, Blue, Bradley, Covington, Clunie, Crutcher Dixon, Dunlap, Gardison, Gelwicks Hinshaw, Kennedy, Koutz, Maguire, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare, Quigley, Rankin, Samuels, Watkins, and Mr. Speaker—27

Assembly Bill No. 551—An Act to amend section eight hundred and thirty-five of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, passed, and ordered to Senate without engrossment

Assembly Bill No. 810—An Act to provide for the payment of certain claims for labor upon and materials for the Branch State Prison.

Mr. Quigley moved to indefinitely postpone.

The previous question was moved by the requisite number, and so ordered by the House

The question being on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Biggs, Clunie, and Sargent.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Berry, Bradley, Briceland, Burbank, Chapman, Collins, Crutcher, Dixon, Dunlap, Harding, Hinshaw, Jamison, Jones, Koutz, Nott, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Quigley, Rice, Roberts, and Watkins—23

NOES—Messrs Abbott, Bagge, Barber, Biggs, Blackwell, Blue, Broderick, Carter, Carson, Coffey, Cornwell, Covington, Clunie, Ferral, Garretson, Gelwicks, Giffen, Hart, Havne, Jourden, Kennedy, Lambourn, Lammers, Maguire, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Pierce, Pullen, Rausch, Ruggles, Sargent, Sullivan, Suverkrup, Swan, Wilcox, Wood, Young, and Mr. Speaker—43.

The bill was ordered engrossed.

Mr. Biggs moved that the rules be suspended, that the above bill be considered engrossed and placed upon its passage.

Upon the adoption of which the ayes and noes were demanded by Messrs. Nott, Ostrom, and Crutcher.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Bagge, Barber, Biggs, Blackwell, Blue, Broderick, Carter, Carson, Coffey, Cornwell, Covington, Clunie, Ferral, Garretson, Gelwicks, Giffen, Harding, Havne, Jourden, Kennedy, Lambourn, Lammers, Maguire, McInerny, McMann, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Pierce, Pullen, Rausch, Ruggles, Sargent, Samuels, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—46

NOES—Messrs. Berry, Bradley, Breeland, Burbank, Chapman, Collins, Crutcher, Dunlap, Hinshaw, Jamison, Jones, Koutz, Nott, Ostrom, Patterson of Kern and Tulare, Patterson of San Joaquin, Preston, Quigley, Reddick, Rice, and Roberts—21

The bill was read a third time, passed, and ordered to the Senate without engrossment.

Senate Bill No. 424—An Act in relation to the State Burying-grounds.

Considered in Committee of the Whole, Speaker pro tem in the chair.

Upon motion of Mr. Koutz, the committee arose, reported the bill back, and recommended that the bill do not pass.

IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 424, above reported, refused passage.

SENATE MESSAGE.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 358—An Act to regulate and govern the California State Prison.

CRAWFORD, Assistant Secretary.

Assembly Bill No. 358, above reported, Senate amendments concurred in.

FILE RESUMED.

Senate Bill No. 641—An Act making an appropriation for deficiencies in support of the Napa State Asylum for the Insane for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six.

Considered in Committee of the Whole, Speaker pro tem. in the chair.

Upon motion of Mr. Cornwell, the committee arose, reported the bill back, with a recommendation that it pass.

IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Senate Bill No. 641, above reported, ordered placed on file.

Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

Read third time.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Barber, Nott, and Kennedy.

The roll was called, and the bill passed, the vote being as follows:

AYES—Messrs Abbott, Archer, Biggs, Blackwell, Blue, Briceland, Broderick, Carter, Carson, Chapman, Cornwell, Covington, Clunie, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Jones, Jourden, Maguire, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Raisch, Reddick, Ruggles, Sargent, Samuels, Sullivan, Suverkrup, Wetherill, Wilcox, Wood, and Mr Speaker—43.

NOES—Messrs. Barber, Berry Birney, Bradley, Burbank, Coffey, Collins, Crutcher, Dixon, Dunlap Harding, Hinshaw, Jenkins, Kennedy, Koutz, Lammers, McMann, Nott, Ostrom, Patterson of Kern and Tulare, Preston, Quigley, Rice, Swan, Watkins, and Young—26

Senate Bill No. 306—An Act for the relief of R. M. Wilson.

Considered in Committee of the Whole, Speaker pro tem. in the chair.

Upon motion of Mr. Griswold, the committee arose, reported the bill back, and recommended its passage

IN ASSEMBLY.

[Speaker pro tem. in the chair]

Senate Bill No 306, above reported, read third time

Upon the passage of the bill the ayes and noes were demanded by Messrs. Ostrom, Crutcher, and Nott.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs Abbott, Archer, Baggs, Biggs, Birney, Briceland, Broderick, Carter, Carson, Chapman, Coffey, Ferral, Garretson, Gelwicks, Giffen, Griswold, Harding, Jones, Koutz, Lammers, Maguire, McInerny, McMann, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pierce, Pullen, Reddick, Ruggles, Sargent, Samuels, Suverkrup, Swan, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—41

NOES—Messrs. Barber, Berry, Blue, Bradley, Burbank, Collins, Cornwell, Clunie, Crutcher, Dixon, Dunlap, Hart, Hinshaw, Jamison, Jenkins, Kennedy, McCarthy, Nott, Ostrom, Preston, Quigley, Rankin, Raisch, Roberts, and Watkins—26

Senate Bill No. 480—An Act concerning the office of Collector of Licenses for the City and County of San Francisco.

Amended, read third time, and passed.

Assembly Bill No. 169, reported in this day's Senate message, Senate amendments concurred in.

REPORTS.

By Mr. Coffey:

Mr. SPEAKER. The San Francisco delegation, to whom was referred Senate Bill No 601—An Act to amend an Act entitled an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto, approved March thirtieth, eighteen hundred and seventy-two, approved March eleventh, eighteen hundred and seventy-four—respectfully report the same back, recommending its passage

COFFEY, Chairman.

Assembly Bill No. 601, above reported, made the special order for Monday, April third, at ten o'clock and thirty minutes P. M.

At ten o'clock and ten minutes P. M. Mr. Berry moved to adjourn. Lost.

By Mr. Coffey:

Mr. SPEAKER The San Francisco delegation, to whom was referred Senate Bill No. 489—An Act to amend an Act entitled an Act repealing 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 of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said article four, approved April first, eighteen hundred and seventy-two—report the same back, recommending its passage.

COFFEY, Chairman.

[Speaker in the chair.]

RESOLUTION.

By Mr. Samuels:

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to correctly sectionize Assembly Bill No. 757

Adopted.

Senate Bill No. 515, reported in the above Senate message, amended, read third time, and passed.

ADJOURNMENT.

At ten o'clock and twenty-five minutes P. M., upon motion of Mr. Archer, the House adjourned to meet on Monday, April third, at ten o'clock A. M.

---

## IN ASSEMBLY.

HOUSE OF ASSEMBLY, )
Monday, April 3d, 1876. )

House met pursuant to adjournment.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

The reading of the journal of Saturday, April first, upon motion of Mr. Harding, was dispensed with, and the journal approved.

REPORTS.

By Mr. Archer:

Mr SPEAKER Your Judiciary Committee report back the following without recommendation.

Assembly Bill No. 85—Proposed amendments to the Constitution of the State of California.

Assembly Bill No 193—Proposed amendments to Articles V. and XI of the Constitution.

Assembly Bill No 346—Proposed amendments to the Constitution.

Assembly Bill No. 409—Proposing an amendment to the Constitution.

Assembly Bill No. 721—An Act to authorize the Board of Examiners of the State of California to inquire into and to allow or reject the war bond indebtedness of the State, created under the Act of February fifteenth, eighteen hundred and fifty-one, and the Act of May third, eighteen hundred and fifty-two

Assembly Bill No. 747—An Act supplementary to the Civil Code, and to add new sections thereto

Senate Concurrent Resolution No. 63—Requesting the Attorney-General to take action respecting public appropriations in certain cases.

Senate Bill No. 437—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Senate Bill No. 572—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure.

Petition from citizens of Santa Clara County, relative to homestead exemptions.

Resolution instructing Judiciary Committee to report on bill prohibiting County Judges from practicing in District and Supreme Courts.

ARCHER, Acting Chairman.

By Mr. Wood:

SACRAMENTO, April 1st, 1876.

Mr. SPEAKER The Committee on Enrollment have examined Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County.

Also, Assembly Bill No 704—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State.

Also, Assembly Bill No 548—An Act for the relief of persons in possession of certain lands belonging to the State of California.

Also, Assembly Bill No. 648—An Act in relation to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County

Also, Assembly Bill No. 484—An Act for the relief of William Saunders.

Also, Assembly Bill No. 713—An Act to appropriate four hundred thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane, and to complete the structure.

Also, Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

Assembly Bill No. 809—An Act to authorize Boards of Supervisors to furnish Sheriffs, Under Sheriffs, and Deputy Sheriffs with a suitable badge of office.

Also, Assembly Bill No 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code.

Also, Assembly Bill No 808—An Act granting to certain persons therein named the right to construct a raceway through the City of Placerville.

Also, Assembly Bill No 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code

Also, Assembly Bill No. 421—An Act for the relief of Elijah True.

And report the same correctly enrolled, and that at ten o'clock P. M of this day the same were presented to the Governor for his approval.

WOOD, for Committee

Mr. Harding reported back verbally, and recommended the passage of Senate Bill No. 206—An Act to amend the Political Code, concerning the sale of University lands.

## GOVERNOR'S MESSAGES.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 31st, 1876

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 45—An Act supplementary to and amendatory of an Act approved twenty-fourth of March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in the County of Napa, approved March thirty-first, eighteen hundred and sixty-six

Also, Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same, approved March thirteenth, A. D eighteen hundred and seventy-four.

Also, Assembly Bill No 390—An Act to amend the Political Code, and to reduce the expense of the National Guard

Also, Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code.

Also, Assembly Bill No 456—An Act to provide for the distribution of school moneys in the County of Marin

Also, Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County

Also, Assembly Bill No 501—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square.

Also, Assembly Bill No. 549—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 647—An Act to fix the compensation of the Assessor of Los Angeles County, for the collection of the tax on personal property.

Also, Assembly Bill No 671—An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand and making other improvements to the land and property of said society.

Also, Assembly Bill No. 681—An Act concerning the terms of the County Court of the County of Ventura.

Also, Assembly Bill No. 703—An Act confirming to the Santa Barbara Cemetery Association a deed of conveyance made by the Town of Santa Barbara.

Also, Assembly Bill No. 719—An Act to provide for the collection of road poll-tax in the County of Stanislaus.

Also, Assembly Bill No. 720—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the Santa Anna River, and to issue bonds for the payment of the same, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No 733—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four

Also, Assembly Bill No. 775—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 1st, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No 82—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four

Also, Assembly Bill No. 239—An Act concerning county officers of Lake County, and to regulate the fees and salaries thereof

Also, Assembly Bill No. 289—An Act to authorize the Trustees of the City of Napa to procure a supply of wholesome fresh water for the use of the inhabitants of said city

Also, Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto

Also, Assembly Bill No 463—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco

Also, Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighth, eighteen hundred and seventy-four

Also, Assembly Bill No. 491—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa.

Also, Assembly Bill No. 500—An Act to establish and maintain public and private roads in the County of Santa Cruz.

Also, Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.

Also, Assembly Bill No. 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County

Also, Assembly Bill No. 568—An Act to fix the terms of the County and Probate Courts in and for the County of Solano.

Also, Assembly Bill No. 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Also, Assembly Bill No 587—An Act to authorize the Board of Supervisors of Lake County to levy a special tax.

Also, Assembly Bill No. 608—An Act concerning certain taxes in the Counties of Placer and Nevada.

Also, Assembly Bill No. 626—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure.

Also, Assembly Bill No. 683—An Act to transfer money from one fund to another in the County of Monterey.

Also, Assembly Bill No 690—An Act to amend section six hundred and thirty-two of the Penal Code

Also, Assembly Bill No 695—An Act to authorize the Board of Supervisors of Sutter County to redistrict North Butte, Buttesylvania, and Columbia School Districts

Also, Assembly Bill No. 708—An Act amendatory of an Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four

Also, Assembly Bill No. 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf, Dumb, and Blind.

Also, Assembly Bill No. 732—An Act to make applicable a certain Act to San Luis Obispo County

Also, Assembly Bill No. 745—An Act to confer further powers on the Board of Trustees of the City of Sacramento

Also, Assembly Bill No. 755—An Act to provide for the first election in the Town of Haywards

Also, Assembly Bill No. 771—An Act supplementary to and amendatory of an Act entitled an Act for the better protection of the county treasuries of Sutter, Los Angeles, and Butte Counties, approved March twentieth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 776—An Act to permit Nancy Wilson (a widow) to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-four-five

Also, Assembly Bill No. 778—An Act relating to road poll-tax in the County of Sierra.

Also, Assembly Bill No. 787—An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court in the County of Marin, approved February ninth, eighteen hundred and sixty-six.

Also, Assembly Bill No 789—An Act to provide for the election of the Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood City, in the County of San Mateo.

Also, Assembly Bill No 807—An Act to enable the City of Sacramento to settle a judgment obtained against it by Paulina C. Fowle.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 3d, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 700—An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four

Also, Assembly Bill No 805—An Act supplemental to an Act entitled an Act in relation to highways in the County of Solano, approved March seventeenth, A D eighteen hundred and seventy-six.

Also, Assembly Bill No. 746—An Act to regulate the terms of the County Court of the County of Stanislaus.

Also, Assembly Bill No. 653—An Act to prevent hogs, goats, and cows running at large in the Town of Washington, Yolo County.

Also, Assembly Bill No. 758—An Act concerning the census of Millville School District, County of Shasta

Also, Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 808—An Act granting to certain persons therein named the right to construct and maintain a raceway through the City of Placerville.

Also, Assembly Bill No. 809—An Act to authorize the Boards of Supervisors to furnish the Sheriff and Deputy Sheriffs of their several counties with a suitable badge of office.

Also, Assembly Bill No 675—An Act to amend sections five hundred and eighty and five hundred and eighty-one of the Political Code.

Also, Assembly Bill No. 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code.

Also, Assembly Bill No. 484—An Act for the relief of William Saunders

Also, Assembly Bill No. 421—An Act for the relief of Elijah True

Also, Assembly Bill No 713—An Act to appropriate four hundred and ninety-four thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane, and to complete said structure, supply water therefor, and improve the grounds on which it is situate

Also, Assembly Bill No 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County.

Also, Assembly Bill No 717—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and to fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Also, Assembly Bill No 641—An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General

Also, Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta.

Also, Assembly Bill No. 482—An Act to reincorporate the City of San Diego.

Also, Assembly Bill No. 711—An Act to provide a supply of water for the University, and for the Asylum for the Deaf, Dumb, and Blind.

Also, Assembly Bill No. 800—An Act to consolidate Rattlesnake School District, in Placer County, with Wild-goose School District, in El Dorado County

Also, Assembly Bill No. 792—An Act in relation to public roads in the County of Sacramento.

Also Assembly Bill No 426—An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth Street and East Ninth Street

Also, Assembly Bill No 657—An Act to incorporate the Town of Colusa

Also, Assembly Bill No. 328—An Act for the relief of James W. Marshall.

Also, Assembly Bill No 658—An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State.

Also Senate Bill No 723—An Act to reserve from sale the north half of section fifteen, in township seven south, and range three east, Mount Diablo meridian

Also, Assembly Bill No 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 419—An Act to provide for an examination into the sale and disposal of State lands.

Also, Assembly Bill No. 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations.

WILLIAM IRWIN, Governor.

## MOTIONS AND RESOLUTIONS.

By Mr. Harding:

*Resolved by the Assembly, the Senate concurring*, That the Governor be requested to return to the Assembly Assembly Bill No 567, for the purpose of correcting a clerical error therein, and that the Enrolling Clerk of the Assembly be and he is hereby instructed, upon said being made, to correct a clerical error therein, by striking out in the first section of said bill the word "exclusive," and inserting in lieu thereof the word "concurrent."

Read first and second times, rules suspended, considered engrossed, read third time, adopted, and ordered transmitted to the Senate without engrossment.

Mr. McKenna requested that his protest against the third reading of the resolution be entered upon the journal, and the Speaker so ordered.

By Mr. Broderick:

*Resolved*, That the Enrolling Clerk of the Assembly be and he is hereby authorized to amend Assembly Bill No 672, by inserting the title of the same in the proper place, the title having been omitted inadvertently in the engrossed copy.

Adopted.

By Mr. Clark:

*Resolved by the Assembly, the Senate concurring*, That his Excellency the Governor be and he is hereby requested to return Assembly Bill No 526—An Act concerning the construction of a boom on Mad River, in Humboldt County—to the Assembly, for the purpose of amending the same by striking out the word "fifty" and inserting the word "twenty" where it occurs in the first section of said bill.

Read first and second times, rules suspended, considered engrossed, read third time, adopted, and ordered transmitted to the Senate without engrossment.

By Mr. Wood.

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Enrolling Clerk of the Assembly, and such assistants as performed extra work, for the respective amounts herein named

| | |
|---|---|
| M. D Carr | $8 00 |
| L H. Sharp | 8 00 |
| D. M Hauser | 8 00 |
| John P. Bell | 8 00 |
| H C Farquharson | 8 00 |
| John H Ryan | 8 00 |
| William L Needham | 8 00 |
| Thomas Field | 8 00 |
| J F Palmer | 8 00 |
| B. Hoyt | 8 00 |

Mr. Nott objected to the adoption of the resolution, and cited rule seventy-nine of the rules governing the House.

The Chair ruled that rule seventy-nine did not apply to the resolution.

Mr. Nott appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the House?" the House so ordered, the Speaker was sustained, and the above resolution adopted

By Mr. Cornwell:

*Resolved by the Assembly, the Senate concurring.* That his Excellency the Governor be requested to return to the Assembly Assembly Bill No 712—An Act to provide a supply of water for the Napa State Asylum for the Insane—for the purpose of correcting a clerical error, and on return of said bill, the Enrolling Clerk be instructed to insert in line twenty of said enrolled bill, in section three, the words "to appraise" after the word "referees" and before the words "the value"

Read first and second times, rules suspended, considered engrossed, read third time, adopted, and ordered transmitted to the Senate without engrossment

By Mr. Covington:

*Resolved* That the Controller of State be and he is hereby authorized to draw his warrants, to be paid out of the Contingent Fund of the Assembly, for the amounts set opposite the names of the following persons

| | |
|---|---|
| P. D. Fenton | $11 85 |
| P. Guy Shirley | 25 95 |

Adopted.

Mr. Scrivner had leave to introduce the following bill. An Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six

Read first and second times, rules suspended, considered engrossed, rules further suspended, read third time, passed, and ordered transmitted to the Senate without engrossment.

## SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 621—An Act to regulate the recording of mining locations in Calaveras County.

Also, Assembly Bill No 565—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Also, Assembly Bill No 766—An Act concerning the Auditor of the City of Sacramento.

Also, Assembly Bill No 768—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two

Also, amended and passed Assembly Bill No. 371—An Act for the relief of Michael Purcell.

Also, passed Assembly Bill No 710—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city.

Also, indefinitely postponed Assembly Bill No 594—An Act to authorize the Brooklyn Land and Building Company to subscribe for stock in other corporations

Also, passed Assembly Bill No. 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations

Also, Assembly Bill No 679—An Act to provide for the payment of certain claims of Frederick Victor.

Also, Assembly Bill No 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations

Also, Assembly Bill No. 598—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Assembly Bill No. 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 773—An Act to provide for paying school funds into the treasury of Sacramento City.

Also, Assembly Bill No. 686—An Act to authorize Quincy School District to issue bonds for building purposes.

Also, Assembly Bill No. 802—An Act to change the name of a town in the County of Los Angeles.

Also, Assembly Bill No. 806—An Act supplemental to an Act concerning public roads in Lassen County.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 414—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure.

Also, Assembly Bill No. 672—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Also, Assembly Bill No. 728—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code.

Also, amended and passed Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Also, passed Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across Los Angeles River, in the County of Los Angeles, and to levy a tax to pay for the cost of the same.

Also, Assembly Bill No. 769—An Act imposing certain duties upon the Governor of this State.

And indefinitely postponed Assembly Bill No. 668—An Act in relation to certain street improvements in the City and County of San Francisco.

Also passed Assembly Bill No. 770—An Act to authorize the Prosecuting Attorney of the Police Judge's Court of the City and County of San Francisco to appoint a clerk.

Also, Senate Bill No. 635—An Act to facilitate the business in the office of the Auditor of the City and County of San Francisco.

Also, Assembly Bill No. 614—An Act authorizing and providing for the building of a roadway along Sixth Street, from Townsend Street to Tennessee Street, and for the construction of a draw-bridge across Channel Street, at its intersection with said Sixth Street, in the City and County of San Francisco.

Also, Assembly Bill No. 478—An Act prescribing the manner of counting the moneys in the hands of the County Treasurer of the County of Sacramento.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the first day of April, eighteen hundred and seventy-six, passed and ordered to the Assembly Senate Concurrent Resolution No. 66—Respecting the renumbering of sections of Senate Bill No. 134.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, indefinitely postponed Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison.

Also, passed and ordered transmitted without engrossment Senate Bill No. 656—An Act to appropriate money for the support of the State government.

Also, Assembly Bill No. 757—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg.

Also Assembly Bill No. 618—An Act concerning Justices' Courts in the City and County of San Francisco.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day,

passed a substitute for Senate Bill No 426—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, and to add a new section thereto.

Also, Senate Concurrent Resolution No 65—Relative to renumbering the sections of Senate Bill No. 355.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this third day of April, passed Assembly Bill No 804—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-five-six.

Also, indefinitely postponed Assembly Bill No 759—An Act to confirm Order Number One Thousand Two Hundred and Sixty-nine of the Board of Supervisors of the City and County of San Francisco.

Also, passed Senate Bill No 649—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.

Also substitute for Senate Bill No. 180—An Act to amend section eight hundred and one of the Code of Civil Procedure

Also, Assembly Bill No. 810—An Act to provide for the payment of certain claims for labor upon and materials for the Branch State Prison.

CRAWFORD, Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 66, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No 656, above reported, read first and second times and referred to the Committee on Ways and Means.

Senate Bills Nos 621 and 635, above reported, each read first and second times, rules suspended, read third time, and passed.

Senate Bill No 414, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 614, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 180, above reported, read first and second times and referred to the Judiciary Committee, with special instructions to report at one o'clock and thirty minutes P. M.

Senate Bill No. 649, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 426, above reported, read first and second times.

Upon the motion of Mr. Birney to suspend the rules for the purpose of reading the bill a third time, Mr. Wilcox objected to the third reading on the same day, and the bill was referred to the Judiciary Committee.

Senate Concurrent Resolution No 65, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bills Nos. 371 and 804, above reported, Senate amendments concurred in

GENERAL FILE AND THIRD READING OF BILLS.

Senate Bill No. 641—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six.

Considered in Committee of the Whole, Mr. Archer in the chair.

Upon motion of Mr. Cornwell, the committee arose, and reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Mr. Archer in the chair.]

Senate Bill No. 641, above reported, read third time. Upon the passage of the bill the ayes and noes were demanded by Messrs. Nott, Rice, and Ostrom.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Archer, Blackwell, Blue, Broderick, Burbank, Carter, Chapman, Coffey, Cornwell, Garretson, Giffen, Griswold, Hayne, Lambourn, Maguire, McInerny, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Sargent, Sullivan, Swan, Wetherill, Wilcox, and Wood—32

NOES—Messrs. Barber, Berry, Biggs, Burney, Covington, Crutcher, Dixon, Dunlap, Gelwicks, Hart, Harding, Hinshaw, Jamison, Jourden, Kennedy, Kontz, Nott, Ostrom, Patterson of Kern and Tulare, Rice, Roberts, Ruggles, Scrivner, Suverkrup, Watkins, and Mr. Speaker—26

Assembly Bill No. 812—An Act defining certain powers of the Board of Supervisors of the City and County of San Francisco.

Amended, rules suspended, considered engrossed, read third time, passed, and ordered to Senate without engrossment.

Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.

Read a third time and passed.

Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

Read a third time and passed.

Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Read a third time and passed.

SPECIAL ORDER.

Senate Bill No. 601—An Act to amend an Act entitled an Act to amend an Act entitled an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto.

Returned to the Senate for proper authentication.

GENERAL FILE RESUMED.

Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner.

Considered in Committee of the Whole, Speaker in the chair.

Upon motion of Mr. Young, the committee arose and reported the bill back, with the recommendation that it pass.

IN ASSEMBLY.

[Mr. McKenna in the chair.]

Senate Bill No. 82, above reported, read third time and passed

Senate Bill No. 151—An Act to amend the Code of Civil Procedure

Read a third time and passed.

Senate Bill No. 569—An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco.

Read a third time and passed.

Senate Bill No. 440—An Act to appropriate the sum of five thousand dollars for the improvement of the roads and sidewalks around the Stockton Insane Asylum.

Considered in Committee of the Whole, Mr. McKenna in the chair.

Upon motion of Mr. Sargent, the committee arose, reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Mr. McKenna in the chair.]

Senate Bill No. 440, above reported, read third time.

Upon its passage the ayes and noes were demanded by Messrs. Crutcher, Ostrom, and Quigley.

The roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Abbott, Archer, Blackwell, Briceland, Broderick, Carter, Chapman, Coffey, Cornwell, Gelwicks, Giffen, Griswold, Jenkins, Jones, Lambourn, Lammers, Maguire, McInerny, McCarthy, Murphy of Del Norte and Klamath, O'Connell, Patterson of San Joaquin, Pierce, Preston, Pulliam, Rasch, Roberts, Sargent, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Young, and Mr. Speaker—35.

NOES—Messrs. Bagge, Barber, Biggs, Blue, Bradley, Burbank, Clarken, Covington, Crutcher, Dixon, Dunlap, Hart, Harris, Harding, Hinshaw, Jamison, Jourden, Kennedy, Koutz, McMann, McKenna, Nott, Ostrom, Patterson of Kern and Tulare, Quigley, Rankin, Reddick, Rice, Samuels, Scrivner, and Sullivan—31.

RECESS.

The hour of recess having arrived, the House took a recess for one hour.

RE-ASSEMBLED.

House re-assembled at one o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

RESOLUTIONS.

By Mr. Carson:

*Resolved*, That the Senate be and is hereby respectfully requested to return to the Assembly Senate Bill No. 125.

Adopted.

Mr. Hinshaw had leave to make the following report with accompanying resolutions:

MR. SPEAKER: The Committee on Public Expenditures and Accounts have examined the following accounts, and beg leave to report accordingly:

| | |
|---|---|
| H. S. Crocker | $36 72 |
| Pacific Ice Company | 51 00 |
| Sergeant-at-Arms, postage | 3 51 |
| Total | $91 23 |

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrants in favor of the above-named parties, for the sums set opposite their names, and the Treasurer of State be instructed to pay the same from the Contingent Fund of the Assembly.

The committee has likewise examined the resolution asking the payment to William Halley of forty dollars for eight days' service as Clerk of the Committee on Irrigation, and they therefore ask the adoption of the following resolution

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of William Halley for the sum of forty dollars, and the Treasurer of State be instructed to pay the same out of the Contingent Fund of the Assembly

Concerning the resolution to allow William Johnson fifty-four dollars as an Expert Builder, and for one hundred dollars to Richard Dudding as an Expert Accountant, employed by the Committee on Public Buildings and Grounds the committee would recommend a resolution to indefinitely postpone the same

Also, the claim of Henry F Williams, of forty-seven dollars for mileage, before the Committee on Golden Gate City Homestead affairs, and would recommend that he be allowed forty-five dollars and fifty cents, and the adoption of the following

*Resolved*, That the Controller of State be and he is hereby instructed to draw his warrant in favor of Henry F. Williams for the sum of forty-five dollars and fifty cents, and the Treasurer of the State to pay the same out of the Contingent Fund of the Assembly.

The committee, after examining the resolution for allowance to several parties for service in connection with the Committee on Land Monopoly, ask to report as follows, viz.

| | |
|---|---|
| J. H Burke | $65 00 |
| John McKee | 25 00 |
| P. K. Stockton | 288 00 |
| Total | $378 00 |

We therefore ask the adoption of the following resolution:

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrants in favor of the above-named parties for the sum set opposite their names, and the State Treasurer to pay the same out of the Contingent Fund of the Assembly

We have also examined the bill of P. J. O'Connor, architect, of three hundred dollars, for services as Expert before the Committee on Public Buildings and Grounds, and would recommend that the amount be reduced to one hundred dollars, and the adoption of the following

*Resolved*, That the Controller of State be authorized to draw his warrant in favor of P. J. O'Connor for one hundred dollars, and that the State Treasurer be instructed to pay the same out of the Contingent Fund of the Assembly.

HINSHAW, Chairman.

Upon motion of Mr. Berry, the report of the committee in full was adopted.

## SENATE MESSAGES

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 659—An Act to appropriate money for the support of the government of the State.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 1st, 1876.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 814—An Act for the improvement of the streets and sidewalks in the City of Placerville.

Also, Assembly Concurrent Resolution No. 61—Relative to requesting the Governor to return Assembly Bill No 526

Also, Assembly Concurrent Resolution No. 60—Relative to requesting the Governor to return to the Assembly Assembly Bill No. 567, to correct an error

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, has amended and passed Assembly Bill No 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 716—An Act making appropriations for certain deficiencies in the Stationery, Lights, and Fuel Fund, for the twenty-seventh fiscal year.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

Mr SPEAKER. I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 652—An Act making appropriations for benevolent purposes

Also, return Senate Bill No. 601, properly authenticated.

CRAWFORD, Assistant Secretary

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on April third, eighteen hundred and seventy-six, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No. 657—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections, and lands in lieu thereof

Also, Senate Bill No 658—An Act to confer additional powers on the Board of Supervisors of San Francisco, and upon the Auditor and Treasurer thereof.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

Mr. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed, under suspension of the rules, and ordered transmitted to the Assembly without engrossment, Senate Bill No 660—An Act to amend section three thousand seven hundred and thirteen of the Political Code

Also, concurred in Assembly amendments to Senate Bills Nos. 275, 659, and 180.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 816—An Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District.

Also, Assembly Bill No. 533—An Act for the incorporation of societies for the prevention of cruelty to children

Also, Assembly Concurrent Resolution No. 62—Requesting the Governor to return Assembly Bill No 712, to correct a clerical error in the same

CRAWFORD, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES

Senate Bill No. 659, above reported, read first and second times, and, upon motion of Mr. Harding, the House resolved itself into a Committee of the Whole for the consideration of the bill, the Speaker in the chair.

Upon motion of Mr. Harding, the committee arose, reported the bill back with an amendment, and recommended the passage of the bill as amended.

## IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 659, above reported, amended, rules suspended, read a third time and passed.

Senate Bill No. 657, above reported, read first and second times and third reading objected to by Mr. Chapman.

Assembly Bills Nos. 652 and 294, above reported, Senate amendments concurred in.

[Mr. Clarken in the chair.]

Senate Bill No. 601, above reported, rules suspended and the bill taken up for consideration.

The previous question was moved by Messrs. Wilcox, Murphy of Del Norte, and Hart, pending which, at three o'clock and forty minutes P. M., Mr. Collins moved that the House take a recess until seven o'clock and thirty minutes P. M.

Upon the adoption of which the ayes and noes were demanded by Messrs Barber, Rankin, and Sullivan.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Archer, Barber, Berry, Blackwell, Blue, Clarken, Collins, Cornwell, Covington, Crutcher, Dixon, Dunlap, Hart, Harris, Harding, Hinshaw, Jamison, Jenkins, Kennedy, Koutz, Lambourn, McMann, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Quigley, Roberts, Ruggles, Sargent, Samuels, Scrivner, Sullivan, Swan, and Watkins—34.

NOES—Messrs. Abbott, Bagge, Biggs, Bradley, Broderick, Burbank, Carter, Carson, Chapman, Clark, Coffey, Clune, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hayne, Jourden, Lammers, Magune, McInerny, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pullen, Rankin, Raisch, Reddick, Rice, Suverkrup, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—37.

The previous question was then ordered by the House.

Mr. McMann offered an amendment which, he stated, he had given notice of before the demand for the previous question.

The Chair ruled the amendment out of order, stating that after the previous question was demanded by the House, no further amendment could be offered.

Mr. McMann appealed from the decision of the Chair.

The Speaker stated the question to be, "Shall the decision of the Chair stand as the judgment of the House?" and the House so ordered.

The question recurring upon the adoption of an amendment by Mr. McMann to section one, by striking out the word "twenty," and inserting in place thereof the word "ten," the ayes and noes were demanded by Messrs. Collins, Harris, and Kennedy

The roll was called, and the amendment adopted, by the following vote:

AYES—Messrs. Archer, Barber, Berry, Blackwell, Blue, Bradley, Broderick, Burbank, Clarken, Coffey, Collins, Cornwell, Covington, Crutcher, Dixon, Dunlap, Harris, Harding, Hinshaw, Jamison, Jenkins, Kennedy, Koutz, Lambourn, McMann, McKenna, Nott, O'Connell, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Quigley, Rankin, Rice, Roberts, Sargent, Samuels, Scrivner, Sullivan, Suverkrup, Swan, Watkins, and Mr. Speaker—44.

NOES—Messrs. Abbott, Bagge, Biggs, Burney, Carter, Carson, Chapman, Clark, Clune, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hart, Hayne, Jourden, Lammers, Magune, McInerny, McCarthy, Murphy of Del Norte and Klamath, Murphy of San Francisco, Patterson of Sacramento, Patterson of San Joaquin, Pullen, Raisch, Reddick, Ruggles, Wetherill, Wilcox, Wood, and Young—33.

The bill was further amended and read a third time.

Pending further action, Mr. McMann, at four o'clock P. M., moved that the House take a recess until seven o'clock and thirty minutes P. M.

Lost.

The question being upon the passage of the bill, the ayes and noes were demanded by Messrs. Berry, Nott, and Barber.

The roll was called, and the House refused, by the following vote:

AYES—Messrs. Abbott, Bagge, Biggs, Burney, Bradley, Carter, Carson, Chapman, Clark, Covington, Clune, Ferral, Garretson, Gelwicks, Giffen, Griswold, Hayne, Jourden, Lammers, Magune, McInerny, McMann, McCarthy, Murphy of San Francisco, O'Connell, Patterson of Sacramento, Patterson of San Joaquin, Pullen, Raisch, Reddick, Rice, Scrivner, Suverkrup, Wetherill, Wilcox, and Young—36.

NOES—Messrs Archer, Barber, Berry, Blackwell, Blue, Broderick, Burbank, Clarken, Coffey, Collins, Cornwell, Crutcher, Dixon, Dunlap, Harris, Harding, Hinshaw, Jamison, Jenkins, Jones, Kennedy, Koutz, Lambourn, McKenna, Murphy of Del Norte and Klamath, Nott, Ostrom, Patterson of Kern and Tulare, Pierce, Preston, Quigley, Rankin, Roberts, Ruggles, Sargent, Samuels, Sullivan, Swan, Watkins, Wood, and Mr. Speaker—41.

REPORTS.

By Mr. Archer:

MR. SPEAKER: Your Judiciary Committee (present—Archer, Swan, Chapman, McKenna, and Harding) having considered Senate Bill No. 414—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure—report the same back and recommend its passage.

Also substitute for Senate Bill No 420—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and add a new section thereto—report the same back, and recommend its passage.

Also, substitute for Senate Bill No 180—An Act to amend section seven hundred and sixty-four of the Political Code—report the same back, with an amendment, and recommend its passage as amended

ARCHER, Acting Chairman.

Substitute for Senate Bill No. 180, above reported, amended, rules suspended, read third time, and passed.

Senate Bill No 414, above reported, rules suspended, read third time, and passed.

By Mr. Coffey:

MR. SPEAKER: The San Francisco delegation, to whom was referred substitute for Senate Bill No 649—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—report the same back, with an amendment, and recommend the passage of the same as amended.

Also, substitute for Senate Bill No. 614—An Act authorizing and providing for the building of a roadway along Sixth Street, from Townsend Street to Tennessee Street, and for the construction of a draw-bridge across Channel Street, at its intersection with said Sixth Street, in the City and County of San Francisco—report the same back, and recommend the passage of the same.

COFFEY, Chairman.

Senate Bill No. 614, above reported, was taken up; third reading objected to by Mr Murphy of San Francisco.

Senate Bill No. 649, amended, rules suspended, read third time, and passed.

By Mr. Coffey:

SACRAMENTO, April 3d, 1876.

MR. SPEAKER: The Committee on Enrollment have examined Assembly Bill No. 757—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Assembly Bill No 618—An Act concerning Justices' Courts of the City and County of San Francisco

Also, Assembly Bill No. 76—An Act relative to apprentices and masters.

Also, Assembly Bill No 517—An Act making appropriations for the support of the State of California for the twenty-eighth and twenty-ninth fiscal years

Also, Assembly Bill No 419—An Act to provide for an examination into the sale and disposal of State lands.

Also, Assembly Bill No. 358—An Act to regulate and govern the California State Prison

Also, Assembly Bill No. 672—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Also, Assembly Bill No 728—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code.

Also, Assembly Bill No 770—An Act to authorize the Prosecuting Attorney of the Police Judge's Court of the City and County of San Francisco to appoint a clerk

Also, Assembly Bill No 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across Los Angeles River, in the County of Los Angeles, and to levy a tax to pay for the same

Also, Assembly Bill No. 478—An Act prescribing the manner of counting the moneys in the hands of the County Treasurer of the County of Sacramento.

Also, Assembly Bill No. 769—An Act imposing certain duties upon the Governor of this State.

Also, Assembly Bill No. 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations.

Also, Assembly Bill No. 334—An Act to amend section three hundred and thirty-four of the Civil Code, relative to railroads.

Also, Assembly Bill No. 598—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Also, Assembly Bill No. 679—An Act to provide for the payment of certain claims of Frederick Victor.

Also, Assembly Bill No. 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Assembly Bill No. 773—An Act to provide for paying school funds into the treasury of Sacramento City.

Also, Assembly Bill No. 686—An Act to authorize Quincy School District to issue bonds for building purposes.

Also, Assembly Bill No. 802—An Act to change the name of a certain town in the County of Los Angeles.

Also, Assembly Bill No. 806—An Act supplemental to an Act concerning public roads in Lassen County, passed March twenty-ninth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 565—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Also, Assembly Bill No. 766—An Act concerning the Auditor of the City of Sacramento.

Also, Assembly Bill No. 768—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

Also, Assembly Bill No. 710—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city.

And report the same correctly enrolled, and that at eleven o'clock and thirty minutes A. M. the same were presented to the Governor for his approval.

COFFEY, Chairman.

RESOLUTION.

By Mr. Preston:

*Resolved by the Assembly, the Senate concurring*, That the Enrolling Clerk of the Assembly be and he is hereby instructed to enroll Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—out of its order.

Adopted.

RECESS.

At four o'clock and fifteen minutes P. M., upon motion of Mr. Nott, the House took a recess until seven o'clock and thirty minutes P. M.

EVENING SESSION.

The House re-assembled at seven o'clock and thirty minutes P. M. Speaker in the chair.

Roll called, and a quorum present.

SENATE MESSAGES.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly Concurrent Resolution No. 63—Instructing the Clerk of the Assembly to enroll Assembly Bill No. 294 out of its order.

Also, amended and passed Assembly Bill No. 798—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, passed Assembly Bill No. 420—An Act concerning lodging-houses and sleeping apartment within the limits of incorporated cities.

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

Mr. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No 66—Authorizing the Enrolling Clerk of the Assembly to insert certain words in the title of Assembly Bill No. 816.

And indefinitely postponed Assembly Bill No. 473—An Act supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain acts in relation thereto, approved March fifth, eighteen hundred and seventy

CRAWFORD, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 506—An Act to repeal section three thousand four hundred and eight of the Political Code.

CLARK, Assistant Secretary.

SENATE CHAMBER,
SACRAMENTO, April 3d, 1876

Mr. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly Concurrent Resolution No. 64—Relative to requesting the Enrolling Clerk to correct error in Assembly Bill No. 294.

CRAWFORD, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bills Nos. 660 and 658, above reported, each read first and second times, rules suspended, read third time, and passed.

Assembly Bills Nos. 798 and 716, above reported, Senate amendments concurred in.

Senate Bill No. 406—An Act for the relief of Mrs. T. M. Logan.

Considered in Committee of the Whole, the Speaker in the chair.

Upon motion of Mr. Nott, the committee arose, reported the bill back, and recommended its indefinite postponement.

IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 406, above reported, indefinitely postponed.

Senate Bill No 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code

Read third time and passed.

Senate Bill No 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county.

Read third time and passed.

Senate Bill No. 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

Read third time and passed

Senate Bill No. 506—An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relative to the Insane Asylum at Stockton.

Refused passage.

Senate Bill No 334—An Act to repeal Chapter III., Title VII. of the Political Code, relating to births, marriages, and deaths.

Refused passage

Assembly Bill No. 678—An Act to provide for the construction and maintenance of public gas-works in the City and County of San Francisco.

Withdrawn by author.

Assembly Bill No. 790—An Act for the relief of Peter Connolly.

Withdrawn by author.

On motion of Mr. Murphy of San Francisco, Senate Bill No. 614—An Act authorizing and providing for the building of a roadway in San Francisco—was taken up, read third time, and passed.

REPORTS.

By Mr. Swan:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 15—Relating to the powers of the Federal Government—have had the same under consideration, and report it back, without recommendation.

Also, Assembly Concurrent Resolution No. 35—Relative to mountain passes between the Pacific Ocean and the Mississippi Valley—and report it back, without recommendation.

Also, Assembly Concurrent Resolution No. 52—In regard to obtaining a grant to the State of a portion of Angel Island for cemetery purposes—and report it back, without recommendation.

SWAN, Chairman.

By Mr. Berry:

Mr. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 656—An Act to appropriate money for the support of the State Government—report the same back, without recommendation.

BERRY, Chairman.

By Mr. Clunie:

Mr. SPEAKER: The Committee on Claims, to whom was referred Senate Bill No. 652—An Act for the relief of John A. Sutter—report the same back, and recommend that the bill be made the special order for to-morrow at one o'clock and thirty minutes p. m.

CLUNIE, for Committee.

By Mr. Hinshaw:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts ask leave to make the following report.

HINSHAW, Chairman.

CONTINGENT EXPENSES OF THE ASSEMBLY.

NINETEENTH SESSION.

| | |
|---|---|
| December | $3,382 00 |
| January | 8,597 90 |
| February | 9,812 55 |
| March | 22,368 87 |
| April | 8,852 75 |
| Total | $53,014 07 |

TWENTIETH SESSION.

| | |
|---|---|
| December | $3,148 00 |
| January | 5,426 52 |
| February | 7,687 05 |
| March | 12,356 91 |
| April | 1,136 04 |
| Total | $28,754 82 |

TWENTY-FIRST SESSION.

| | |
|---|---|
| December | $886 00 |
| January | 5,996 69 |
| February | 8,200 50 |
| March and April | 10,422 88 |
| Total | $25,506 07 |

## SESSION OF 1871–2

*Statement of the amount of stationery furnished the members of the Legislature, committees, Sergeants-at-Arms, secretaries, clerks, and other attaches, from the opening of the session to and including the thirty-first day of March, A. D. eighteen hundred and seventy-two.*

| | |
|---|---|
| To members of the Senate, clerks, committees, etc. | $7,243 96 |
| To members of the Assembly, clerks, committees, etc. | 9,537 71 |
| Total | $16,781 67 |

## SESSION OF 1873–4.

*Statement of the amount of stationery furnished the members of the Legislature, committees, Sergeants-at-Arms, secretaries, clerks, and other attaches, from the opening of the session to and including the thirty-first day of March A. D eighteen hundred and seventy-four.*

| | | |
|---|---|---|
| To members of the Senate | $1,450 34 | |
| To committees, clerks, etc. | 2,415 21 | |
| | | $3,865 55 |
| To members of the Assembly | $2,263 58 | |
| To committees, clerks, etc | 2,848 49 | |
| | | 5,112 07 |
| | | $8,977 62 |
| To reporters of both Houses | | 530 07 |
| Total | | $9,507 69 |

## SESSION OF 1875–6.

*Statement of the amount of stationery furnished the members of the Legislature, committees, Sergeants-at-Arms, secretaries, clerks, and other attaches, from the opening of the session to and including the thirty-first day of March, A. D. eighteen hundred and seventy-six.*

| | | |
|---|---|---|
| To members of the Senate | $806 97 | |
| To committees, clerks, etc. | 1,797 79 | |
| | | $2,604 76 |
| To members of the Assembly | $1,452 74 | |
| To committees, clerks, etc | 1,681 02 | |
| | | 3,133 76 |
| | | $5,738 52 |
| To reporters of both Houses | | 91 80 |
| Total | | $5,830 32 |

## RECAPITULATION.

| | |
|---|---|
| Session of 1871–2 | $16,781 67 |
| Session of 1873–4 | 9,507 69 |
| Session of 1875–6 | 5,830 32 |

It will be seen by the foregoing figures that the amount of stationery used by the present Legislature is three thousand six hundred and seventy-seven dollars and thirty-seven cents less than that of the session of eighteen hundred and seventy-three–four, and ten thousand nine hundred and fifty-one dollars and thirty-five cents less than that of the session of eighteen hundred and seventy-one–two.

## STATIONERY OBTAINED BY EACH MEMBER

| | | | |
|---|---|---|---|
| Abbott | $13 17 | Briggs | $20 61 |
| Archer | 16 20 | Broderick | 24 12 |
| Bagge | 11 25 | Burbank | 10 40 |
| Barber | 16 90 | Carter | 23 00 |
| Berry | 14 10 | Carson | 32 93 |
| Biggs | 19 80 | Chapman | 10 85 |
| Birney | 18 07 | Clark | 24 69 |
| Blackwell | 13 72 | Clarken | 22 85 |
| Blue | 16 40 | Coffey | 26 59 |
| Bradley (less $4 37 returned) | 16 00 | Collins | 14 32 |

| | | | |
|---|---|---|---|
| Cornwell | $12 00 | Murphy of San Francisco | $14 80 |
| Covington | 11 25 | Nott | 9 88 |
| Clune | 11 25 | O'Connell | 14 60 |
| Crutcher | 14 44 | Ostrom | 19 9[illegible] |
| Dixon | 25 51 | Patterson of Sacramento | 31 52 |
| Dunlap | 17 05 | Patterson of Kern and Tulare | 17 09 |
| Ferral | 16 20 | Patterson of San Joaquin | 8 50 |
| Garretson | 19 92 | Pierce | 20 7[illegible] |
| Gelwicks (less $4 97 returned) | 20 28 | Preston | 20 34 |
| Giffin | 14 75 | Pullen | 19 76 |
| Griswold | 17 87 | Quigley | 15 91 |
| Hart | 15 75 | Rankin | 19 22 |
| Harris | 20 41 | Rasch | 37 02 |
| Harding | 10 50 | Reddick | 18 32 |
| Hayne | 17 71 | Rice | 14 38 |
| Hinshaw | 10 00 | Roberts | 12 82 |
| Jamison | 17 37 | Ruggles | 15 70 |
| Jenkins | 18 17 | Sargent | 22 83 |
| Jones | 19 00 | Samuels | 10 44 |
| Jourden | 19 71 | Scrivner | 22 14 |
| Kennedy | 25 09 | Sullivan | 39 93 |
| Koutz | 18 05 | Suverkrup | 13 00 |
| Lambourn | 19 82 | Swan | 12 60 |
| Lammers | 19 46 | Watkins | 8 50 |
| Maguire | 21 55 | Wetherill | 41 78 |
| McConnell | 22 31 | Wilcox | 25 77 |
| McInerny | 18 42 | Wood | 12 17 |
| McMann | 17 48 | Young | 24 44 |
| McCarthy | 15 02 | Mr Speaker ($2 by Speaker, and $22 placed on desk at opening) | 24 00 |
| McKenna | 9 69 | | |
| Murphy of Del Norte and Klamath | 14 57 | | |

## By Mr. Hinshaw:

Mr. Speaker The Committee on Public Expenditures and Accounts, to whom was referred Senate Bill No 243—An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two—ask leave to report it back, without recommendation.

HINSHAW, Chairman.

## By Mr. Gelwicks:

Mr. Speaker: The Alameda delegation, to whom was referred Senate Bill No. 598—An Act supplementary to an Act to authorize the City of Oakland to obtain a supply of water—have had the same under consideration, and report it back without recommendation.

GELWICKS, for Delegation

## By Mr. Coffey:

Sacramento, April 3d, 1876.

Mr. Speaker The Committee on Enrollment have examined Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-four.

Also, Assembly Bill No 420—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities

Also, Assembly Concurrent Resolution No 63—Instructing the Enrolling Clerk of the Assembly to enroll Assembly Bill No. 294 out of its order.

Also, Assembly Bill No. 798—An Act to confer power on the Board of Supervisors of the City and County of San Francisco

Also, Assembly Bill No. 506—An Act to repeal section three thousand and forty-eight of the Political Code

And report the same correctly enrolled, and that at ten o'clock P. M. of this day the same were presented to the Governor for his approval.

COFFEY, Chairman.

## By Mr. Wood:

Sacramento, April 3d, 1876.

Mr. Speaker The Committee on Enrollment have examined Assembly Bill No 814—An Act for the improvement of streets and sidewalks in the City of Placerville.

Also, Assembly Bill No. 652—An Act making appropriations for benevolent purposes

Also, Assembly Concurrent Resolution No 60—In relation to requesting the Governor to return to the Assembly Assembly Bill No. 567 to correct an error.

Also, Assembly Concurrent Resolution No 56—In relation to correcting clerical error in Assembly Bill No. 775

Also, Assembly Concurrent Resolution No. 61—In relation to requesting the Governor to return Assembly Bill No 526.

Also, Assembly Joint Resolution No 58—In relation to instructing the Enrolling Clerk of the Assembly to enroll Assembly Bill No 605 out of order

And report the same correctly enrolled; and that at four o'clock and twenty minutes P. M. of this day the same were presented to the Governor for his approval.

WOOD, for Committee

Also:

SACRAMENTO, April 3d, 1876.

Mr. SPEAKER The Committee on Enrollment have examined Assembly Bill No 810—An Act to provide for the payment of certain claims for labor upon and materials for the Branch State Prison.

Also, Assembly Bill No. 371—An Act for the relief of Michael Purcell.

Also, Assembly Bill No. 804—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provisions for any deficiency in the Street Department Fund of the fiscal years eighteen hundred and seventy-five-six.

And report the same correctly enrolled; and that at twelve o'clock and thirty minutes P. M. of this day the same were presented to the Governor for his approval.

WOOD, for Committee.

Also

SACRAMENTO, April 3d, 1876.

Mr. SPEAKER The Committee on Enrollment have examined Assembly Bill No 816—An Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six.

Also, Assembly Concurrent Resolution No 62—Requesting the Governor to return Assembly Bill No. 712, to correct a clerical error.

Also, Assembly Bill No. 533—An Act for the incorporation of societies for the prevention of cruelty to children.

And report the same correctly enrolled; and that at eight o'clock P. M. the same was presented to the Governor for his approval

WOOD, for Committee.

Mr. Wilcox moved that the Speaker appoint a committee of three, to whom all resolutions introduced during the evening would be referred.

Adopted.

The Speaker appointed as such committee Messrs. Wilcox, Harding, and Broderick.

House took up for consideration Senate Bill No. 489—An Act to amend an Act entitled an Act repealing Article IV. 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 of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-four.

Amended, read third time, and passed.

## GOVERNOR'S VETO MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 3d, 1876

*To the Assembly of the State of California*

I herewith respectfully return to your honorable body Assembly Bill No. 666—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, without approval.

Section four hundred and seventy of the Civil Code confers authority on the legislative Boards of towns and cities to grant to railroad corporations the right to run cars on the streets of such towns or cities, by a two-thirds vote. This is a provision of general law which applies to all towns and cities in the State

The eighth subdivision of section one of the bill now returned, however, allows the Council of Oakland to grant railroad corporations the right to run cars on the streets of said city only by a unanimous vote, and after the owners of two-thirds of the front feet on the street shall

have signed a petition, asking the Council to grant such franchise. I know nothing in the condition or circumstances of Oakland, or touching the character of the gentlemen composing its Council, which makes it necessary or proper that a special law of this stringent character should be passed. And I may add that I regard the restriction on the power of the Council as unreasonable in its character, and much more likely to be productive of evil than good.

For these reasons, I return the bill without my signature.

WILLIAM IRWIN, Governor.

The Speaker announced the question to be, "Shall the bill pass notwithstanding the veto of the Governor?"

The roll was called and the Governor's veto sustained by a unanimous vote of the members present.

The vote was as follows:

AYES—None

NOES—Messrs. Abbott, Archer, Bagge, Barber, Berry, Birney, Blackwell, Blue, Bradley, Briceland, Broderick, Burbank, Carter, Carson, Clarken, Coffey, Collins, Cornwell, Covington, Clunie, Crutcher, Dixon, Dunlap, Gelwicks, Giffen, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jamison, Jenkins, Jones, Jourden, Kennedy, Koutz, Lambourn, Lammers, Maguire, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Raisch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Sullivan, Suverkrup, Swan, Watkins, Wetherill, Wilcox, Young, and Mr Speaker—71.

RESOLUTIONS.

By Mr. Harding:

*Resolved*, That P. K. Stockton be and he is hereby allowed the sum of forty-five dollars, for assistance as Clerk of the Committee on Land Monopoly, and for money paid out by order of said committee for assistance and telegraphic dispatches, outside of short-hand duties and transcribing, payable out of the Contingent Fund of the Assembly.

Upon the adoption of the above resolution the ayes and noes were demanded by Messrs. Rice, Ostrom, and Nott.

The roll was called, and the resolution adopted, by the following vote:

AYES—Messrs. Abbott, Archer, Barber, Biggs, Briceland, Broderick, Carson, Chapman, Clark, Clarken, Coffey, Clunie, Fernal, Garretson, Giffen, Griswold, Hart, Harding, Hayne, Jourden, Kennedy, Koutz, Maguire, McInerny, McMann, McCarthy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, O'Connell, Patterson of San Joaquin, Pierce, Pullen, Rankin, Raisch, Reddick, Sargent, Swan, Wetherill, Wilcox, and Young—41

NOES—Messrs. Bagge, Berry, Birney, Blackwell, Blue, Bradley, Burbank, Collins, Covington, Crutcher, Dixon, Dunlap, Gelwicks, Harris, Hinshaw, Jamison, Jenkins, Lambourn, Lammers, Nott, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Preston, Quigley, Rice, Roberts, Ruggles, Samuels, Scrivner, Sullivan, Suverkrup, Watkins, and Wood—34.

By Mr. Harding:

WHEREAS, The clerks at the desk have been uniformly attentive to their official duties, and courteous and accommodating to the members of this House, during the session just closing, therefore, be it

*Resolved*, That the clerks at the desk are hereby allowed one dollar each per diem from the beginning of the session for extra, evening, and over work.

*Resolved*, That the Controller of State be and is hereby authorized to draw his warrant in favor of the above clerks, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Laid on the table.

By Mr. Lambourn:

WHEREAS, Information has been received that the Secretary of the Interior has, on ex parte hearing, ruled that all State liens in grants not patented are void, therefore, be it

*Resolved by the Assembly, the Senate concurring*, That our Senators and Representatives in Congress assembled be requested to use their utmost endeavors to have an Act passed by Congress to secure to the State of California title to lands listed to it, and that our Governor, Hon Wm Irwin, be requested to forward a copy of this resolution to our Senators and Representatives at Washington

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Preston—Concurrent resolution relative to correcting an error in Assembly Bill No. 294.

Read first and second times, rules suspended, considered engrossed, read third time, and ordered to Senate without engrossment.

By Mr. Ferral:

*Resolved*, That the thanks of this Assembly be extended to the Hon. G. J. Carpenter and the Hon. James E. Murphy for the able and impartial manner with which they have discharged their duties as Speaker and Speaker pro tem. of the Assembly.

Adopted.

By Mr. Wilcox:

*Resolved by the Assembly the Senate concurring*, That joint rule of the Senate and Assembly Number Twenty shall be suspended from seven and one-half o'clock P. M. to twelve o'clock P. M. on this day.

Laid over for one day, under the rules.

## GOVERNOR'S MESSAGES.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 3d, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 488—An Act to change and modify the grade and to provide for the grading and re-grading certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco.

Also, Assembly Bill No. 752—An Act to create a Board of Public Works in and for the City of Los Angeles.

Also, Assembly Bill No. 686—An Act to authorize Quincy School District to issue bonds for building purposes.

Also, Assembly Bill No. 565—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Also, Assembly Bill No. 712—An Act to provide a supply of water for the Napa State Asylum for the Insane.

Also, Assembly Bill No. 773—An Act to provide for the payment of school moneys into the city treasury of the City of Sacramento.

Also, Assembly Bill No. 76—An Act relative to apprentices and masters.

Also, Assembly Bill No. 770—An Act to authorize the Prosecuting Attorney of the Police Judge's Court of the City and County of San Francisco to appoint a clerk.

Also, Assembly Bill No. 407—An Act to pay the claim of E. O. F. Hastings.

Also, Assembly Bill No. 802—An Act to change the name of a certain town in the County of Los Angeles.

Also, Assembly Bill No. 806—An Act supplemental to an Act concerning public roads in Lassen County.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 3d, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I herewith return to you the following bills:

Assembly Bill No. 526—An Act concerning the construction of a boom on Mad River, in Humboldt County.

And Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, and to define its powers and jurisdiction.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 3d, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, April 3d, 1876. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years.

Also, Assembly Bill No. 478—An Act prescribing the manner of counting the moneys in the hands of the County Treasurer of the County of Sacramento.

Also, Assembly Bill No. 618—An Act concerning the Justices' Courts of the City and County of San Francisco, and the service of summons issued therefrom.

Also, Assembly Bill No. 728—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code.

Also, Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for payment of the costs of the same.

Also, Assembly Bill No. 672—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Also, Assembly Bill No. 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations.

Also, Assembly Bill No. 757—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg, approved March twenty-sixth, A. D. eighteen hundred and seventy-four.

Also, Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty-eight, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Also, Assembly Bill No. 636—An Act to provide funds for road purposes in the County of San Luis Obispo.

Also, Assembly Bill No. 444—An Act amendatory of an Act supplemental to an Act amendatory of and supplemental to an Act entitled an Act to provide for the funding the outstanding indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two, approved March twenty-fifth, eighteen hundred and seventy-four.

WILLIAM IRWIN, Governor.

[Speaker pro tem. in the chair.]

RESOLUTIONS.

By Mr. Reddick:

WHEREAS, On the sixteenth of February Frank Morse was appointed Messenger of the Assembly by a resolution introduced by Mr. Harris, and, whereas, said Frank Morse has been of great assistance to the clerks at the desk during the late press of business, during the closing hours of this House, in addition to his services as Paper-folder and Messenger, therefore, be it

*Resolved*, That said Frank Morse be allowed fifty dollars for his services as Messenger and assistance rendered the clerks at the desk, and the Controller is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the Treasurer is hereby ordered to pay the same.

Laid on the table.

[Mr. Clarken in the chair.]

By Mr Scrivner—Concurrent resolution relative to authorizing the Enrolling Clerk of the Assembly to correct the title of Assembly Bill No. 816.

Read first and second times, rules suspended, considered engrossed, read third time, and ordered to the Senate without engrossment.

By Mr. Wetherill:

*Resolved*, That the Pages of this House, for meritorious and close attention to the duties imposed upon them, merit the thanks of this Assembly, and that the sum of ten dollars each is hereby appropriated out of the contingent appropriation of the Assembly as a testimonial to their fidelity, and the Controller of State is hereby ordered to draw his warrant for said amounts, and the Treasurer directed to pay the same.

Laid on the table.

At ten o'clock and fifty minutes P. M., upon motion of Mr. Biggs, the House took a recess until eleven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

House re-assembled at eleven o'clock and thirty minutes P. M.
Speaker in the chair.
Roll called, and a quorum present.
Mr. Wilcox moved that a committee of three be appointed to wait on the Governor and ascertain if he had any further communication to make to the Assembly.
Adopted.
The Speaker appointed, accordingly, as such committee, Messrs. Wilcox, McKenna, and Murphy of Del Norte.

RESOLUTION.

By Mr. Harding:

*Resolved*, That the clerks at the desk are hereby each allowed the sum of fifty dollars for extra work done by said clerks, payable out of the Contingent Fund of the Assembly.

Mr. Nott objected to the adoption of the resolution under the rules, and the resolution was laid on the table.

GOVERNOR'S MESSAGES.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 3d, 1876.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 358—An Act to regulate and govern the California State Prison.

Also, Assembly Bill No. 652—An Act making appropriations for benevolent purposes

Also, Assembly Bill No 804—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund for the fiscal year eighteen hundred and seventy-five

Also, Assembly Bill No. 768—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two

Also, Assembly Bill No. 598—An Act to confer further power upon the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 44—An Act to repeal an Act to authorize the maintenance of a public bridge across Napa River, at Napa City.

Also, Assembly Bill No 554—An Act in relation to roads and highways in the County of Butte.

Also, Assembly Bill No. 552—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four

Also, Assembly Bill No 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, April 3d, 1876.

*To the Assembly of the State of California.*

I have to inform your honorable body that I have approved Assembly Bill No. 710—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money belonging to said city for the purpose of aiding in the erection of a college building in said city.

Also, Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction.

Also Assembly Bill No. 506—An Act to repeal section three thousand four hundred and eight of the Political Code

Also, Assembly Bill No. 816—An Act supplemental to an Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District, approved April third, eighteen hundred and seventy-six.

Also, Assembly Bill No. 537—An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego to Richard C. McCormick.

Also, Assembly Bill No. 798—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish the Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 769—An Act imposing certain duties upon the Governor of the State.

Also, Assembly Bill No. 533—An Act for the incorporation of societies for the prevention of cruelty to children.

Also, Assembly Bill No. 420—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities.

Also, Assembly Bill No. 814—An Act for the improvement of streets and sidewalks in the City of Placerville.

Also, Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Assembly Bill No. 371—An Act for the relief of Michael Purcell.

WILLIAM IRWIN, Governor.

At eleven o'clock and fifty-two minutes P. M. the Secretary of the Senate appeared at the bar of the House and announced that the business of the Senate was concluded, and that the Senate had no further communication to make to the Assembly.

At eleven o'clock and fifty-four minutes P. M., Mr. Wilcox, from the special committee to wait on the Governor, appeared and reported that the Governor had no further communication for the Assembly.

Upon motion of Mr. Wilcox, the journal of to-day was considered approved.

## CLOSING REMARKS OF THE SPEAKER.

GENTLEMEN OF THE ASSEMBLY: It is now four months since we met in this chamber as the accredited representatives of hopeful constituencies. We came together with earnest resolve and unreserved consecration to the service of those who had sent us here. Almost unknown to each other, you cast upon me the powers and duties of a responsible and embarrassing office. It was made doubly embarrassing by the high opinion (fully justified by better acquaintance) entertained by me of the superior fitness in some, if not in all respects, of my truly gallant and accomplished competitors of both political parties. Thus oppressed with a fear of having contributed to a mistake upon your part, upon short acquaintance, it became my duty to preside over your daily sessions, and to name the standing committees, whose preliminary preparations of business, and whose continuous and exhaustive labors, have had an exceptionally conspicuous and controlling influence upon all our deliberations and decisions. Upon the Chairmen and members of standing and select committees, for their faithful and unselfish support, and for the marked ability with which they have so generally and thoroughly justified their appointment, I would fain heap honors not mine to confer.

To your discriminating selection of an experienced and accomplished Speaker pro tem., Chief Clerk, and Sergeant-at-Arms, it affords me pleasure to attribute much of the dispatch, regularity, and almost uninterrupted good order that have characterized your proceedings. For their accommodating and able support I avail myself of this last public opportunity to tender each of them personally my sincere and heartfelt thanks. To all the clerks, assistants, and attachés of this Assembly, to those especially who held unselfish fidelity to friends and subordinates above the positions deemed unnecessary, and therefore vacated, to the good and eloquent Chaplain who prayed so earnestly that the God whose blessing he invoked upon us would not "leave us alone," to the reporters, whose restraining presence and wonderful art have placed us spell-bound in the pillory of public notoriety and criticism, to each and all of them I tender the respectful regards and good will of this Assembly.

Gentlemen of the Assembly, for four months you have addressed yourselves earnestly and assiduously to the work set before you. A detailed or even a general review of what has been accomplished, could not be made at this time. But we do know that, although this midnight watch terminates the twenty-first session of the Legislature, it but foredates the continuing and manifold consequences of the measures, general, local, special, and experimental, that we have inaugurated and adopted. We are stopped by the barriers of the Constitution, beyond which, if we have not gone, our acts, however unjust and inexpedient, will be subject to popular condemnation and repeal. If, on the other hand, we have kept the inviolable covenant of individual right and liberties, never having descended to petty and vexatious regulation of individual conduct, we cannot have been far wrong, and people left free to choose, and judge, and govern themselves, will be very tolerant of minor mistakes and comparatively harmless blunders. But if we have abridged or endangered the natural and imprescriptible rights and freedom of the individual by the creation or perpetuation of hostile special privileges or monopolies, then we have done a wrong not to be forgiven, and have imprecated upon our own heads its blasting penalty.

A review of the financial history of this Legislature would persuade us, perhaps, that we could and should have been more watchful and guarded in the matter of expenditure and appropriation of money. But it will be found, upon close examination, that if this has

not been an excessively economical session of the Legislature, it surely has not been, by any fair comparison with those preceding it, an extravagant one. Speaking for the Assembly, it may be truly said that we have appropriated money, even to pay old debts and deficiencies, with the greatest reluctance. In some cases we have been unwillingly constrained and concluded by existing contracts, obligations, and laws. If too many of these laws have escaped repeal, we are not more conspicuously wrong than were those who entailed them upon us. In the comparative merit of this Assembly, I desire to include with the Democratic majority the small, but select, Republican minority. And I know that every member of the dominant party on this floor will cordially unite with me in expressions of high regard and respect for the good and strong men of the opposition. Friends as we all are at our parting, we can and ought to remain so during the remainder of our lives. Willing as we have been to terminate our official labors, impatient as we are to return to homes, families, and neighbors, nevertheless, the severance of all the pleasant personal relations that have characterized even our debates and legislative antagonisms, brings with it a feeling of sadness. This moment of separation is the fit occasion for mutual congratulations, that we go away from here with no rankling recollections of personal offenses committed or suffered.

Obedient to the demands of public duty, and devoted to interests confided to our keeping, no petty personal jealousies or partisan animosities have been permitted to arrest the legitimate course of proceedings nor to interrupt our deliberations. The manners and feelings of gentlemen have served a higher purpose than arbitrary rules, and the subtle spell of an ever-present and refining influence has been upon all our thoughts, and words, and acts. To every question, and every roll-call, there has come the ready and ringing response of clear-headed intelligence and honest conviction. It has come from men who leave us now, but cannot go from our gaze.

But even now, as the witching hour of midnight is stealing upon us, the logic of future events is silently shaping itself for revelation. As we know its premises in the past and the present, so shall we go forward to the manly discharge of every duty, believing in mankind and in the great future before us. And in coming years, when the people, in arms for the right, summon then tried and trusted champions back to these halls, many of you, gentlemen, whether you desire it or not, must and will return. From San Francisco, peerless city of this sunny land, expanding as if by enchantment over the hills by the sea, and from all the cities and counties and districts of the State, many will return again, to resume with yet more distinguished ability and power the service so well and honorably begun. Then from my mountain home, remembering you and loving every good cause and its champions, I shall watch with impassioned interest all your struggles and rejoice in all your triumphs.

Wherever you are or whatever your destiny, nothing shall bribe my soul to forget a single one of you, but, ever anxious for your success and prosperity, to the end of my life I shall keep you in grateful, very grateful, remembrance.

The hour of twelve o'clock having arrived, the Assembly of the twenty-first session adjourned *sine die.*

G. J. CARPENTER, Speaker.

ROBERT FERRAL, Chief Clerk.