CALIFORNIA LEGISLATURE—ASSEMBLY.

TWENTY-FOURTH SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 3, 1881.

Pursuant to the Constitution, at the hour of twelve o'clock M., the Assembly of the twenty-fourth session of the Legislature of California was called to order by the Chief Clerk of the Assembly.

The roll of counties was called.

The following members elect presented themselves, and were duly qualified by taking the following oath, which was administered by the Honorable S. C. Denson, Judge of the Superior Court of the County of Sacramento:

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 perform the duties of Assemblyman according to the best of my ability. So help me God.

Alameda County.....W. W. Cannon, L. B. Edwards, Valentine Alviso.
Amador County.....Chapman Watkins, C. B Swift.
Butte County.....Joseph C. Wertsbaugher, L. D. Freer.
Contra Costa County.....Joseph P. Jones.
Calaveras County.....J B Reddick
Del Norte County.....W B Mason
El Dorado County.....Thomas Fraser.
El Dorado and Alpine Counties.....Cyrus Coleman.
Fresno County.....C. J Griffith.
Humboldt County.....G. C. Mudgett.
Inyo and Mono Counties.....Joseph Wasson.
Los Angeles County.....J F Crank, R. F. Del Valle.
Lake County.....H. J. Crumpton.
Mariposa and Merced Counties.....J W Bost.
Marin County.....C L Estey.
Mendocino County.....Wm. Holden.
Monterey County.....Paris Kilburn.
Napa County.....Chancellor Hartson.
Nevada County.....W. D. Long, T. B. Patterson, Thomas Mein.
Placer County.....J. E Hale.
Plumas and Lassen Counties.....W. W. Kellogg.
San Francisco:
Ninth District.....Timothy O'Connor, Jno D. Siebe, Horace G Platt, T J. Pinder.
Tenth District.....W. B May, David McClure, Ira G Hoitt, Oscar Lewis.
Eleventh District.....Edward Keating, Dennis Geary, J. J. McCallion, J G. Noonan.
Twelfth District.....M Lane John Burns, W. J Gavigan, Jno H. Gilmore.
Thirteenth District.....Jno. W. McDonald, P. Garrity, Horace J. Jackson, Moses B. Howard.

Sacramento County	J. N. Young, W. C. Van Fleet.
San Diego County	E. W. Hendrick
San Bernardino County	H. M. Streeter.
Santa Barbara and Ventura Counties	Milton Wason
Santa Clara County	Jno. Reynolds, Milus H. Gay, Christian Wentz
Santa Cruz County	J. F. Cunningham
San Benito County	J. H. Matthews
San Joaquin County	R. C. Sargent, C. C. Paulk, Jno. Patterson
San Mateo County	C. N. Felton
Sierra County	Geo. Wood
Siskiyou and Modoc Counties	Jno. Daggett
Stanislaus County	L. C. Branch
Solano County	E. E. Leake, F. A. Leach
Sonoma County	E. L. Whipple, Ed. C. Hinshaw, Jas. Samuels
Sutter County	A. L. Chandler
Trinity and Shasta Counties	Jno. McMurray
Tulare and Kern Counties	R. E. Arick
Tuolumne County	T. C. Birney
Yolo County	F. E. Baker.
Yuba County	W. H. Parks, J. P. Brown.

The roll was then read over by the Clerk.
Quorum present.

RESOLUTION.

W. W. Camron, of Alameda, offered the following resolution:

Resolved, That all members returned as elected to the Secretary of State, and whose names appear upon the roll-call, be and are entitled to their seats upon the floor of this house.

Adopted.
W. P. Mathews, of Colusa and Tehama, then came forward and took the oath, administered by Judge S. C. Denson, as follows:

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 perform the duties of Assemblyman according to the best of my ability. So help me God.

MOTION

Mr. May offered the following:

I move that we do now proceed with the organization of the House, by the election of a Speaker, Chief Clerk, Sergeant-at-Arms, and Speaker pro tem

Mr. Del Valle moved to amend, by striking out the words "Speaker, Chief Clerk, Sergeant-at-Arms, and Speaker pro tem," and inserting instead, "all the officers we have to elect."
The roll was called, and the amendment was lost, by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—37

NOES—Messrs. Alviso, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Parks, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Wood, and Young—41.

The question recurred upon the original resolution, which was adopted.

ELECTION OF SPEAKER.

Nominations for Speaker being declared in order, Mr. Hoitt nominated W. H. Parks.

Mr. Platt nominated R. F. Del Valle.

Nominations being closed, the roll was called, with the following result:

For Parks—Messrs. Alviso, Brown, Cannon, Chandler, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young.

For Del Valle—Messrs. Arick, Baker of Yolo, Burney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

For Wasson—Mr Coleman.

For Holden—Mr Del Valle.

Whole number of votes cast	77
Necessary to choice	39
Mr Parks received	39
Mr. Del Valle received	36
Mr. Wasson received	1
Mr. Holden received	1

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

On motion of Mr. May, the Clerk appointed Messrs. McClure, May, and Del Valle a committee to conduct the Speaker elect to the chair.

The oath of office was administered by Judge S. C. Denson, of the Superior Court of the County of Sacramento, and Speaker Parks, after a few remarks, took his seat of office.

ELECTION OF CHIEF CLERK.

Nominations for Chief Clerk being declared in order, Mr. McClure nominated Mr. George E. McStay.

Mr. Platt nominated Mr. Jno. Paraizzo.

The roll was called, with the following result.

For McStay—Messrs. Alviso, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Parks, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young.

For Paraizzo—Messrs Arick, Baker of Yolo, Burney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple

Whole number of votes cast	77
Necessary to a choice	39
Mr. McStay received	41
Mr. Paraizzo received	36

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

ELECTION OF SERGEANT-AT-ARMS.

Nominations for Sergeant-at-Arms being declared in order, Mr. Van Fleet nominated Mr. Ezekiel Walters.

Mr. Lane nominated Mr. James T. Farrelly.

Nominations being declared closed, the roll was called, with the following result:

For Walters—Alviso, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr Speaker.

For Farrelly—Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

Whole number of votes cast	77
Necessary to choice	39
Mr. Walters received	41
Mr. Farrelly received	36

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

ELECTION OF SPEAKER PRO TEM.

Nominations for Speaker pro tem. being declared in order, Mr. Felton nominated Mr. Theodore Fraser.

Mr. Del Valle nominated Mr. John Daggett.

The roll was called, with the following result:

For Fraser—Messrs. Alviso, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker

For Daggett—Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

Whole number of votes cast	75
Necessary to a choice	38
Mr. Fraser received	39
Mr. Daggett received	36

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

Messrs Fraser, McStay, and Walters each came forward and took the oath of office, which was administered by the Speaker.

RESOLUTIONS.

By Mr. McClure:

Resolved, That the standing rules of the twenty-third session be adopted until otherwise ordered by this House

Mr. Hoitt moved to amend the resolution so as to meet, daily, at the hour of eleven o'clock A. M.

Mr. Jackson moved to postpone further consideration until eleven o'clock A. M. to-morrow.

Carried.

By Mr. May:

Resolved, That the Clerk be instructed to announce to the Senate that the Assembly has organized by the election of the following officers: Speaker, Wm. H. Parks. Chief Clerk, Geo E. McStay. Sergeant-at-Arms, Ezekiel Walters. Speaker pro tem., Thomas Fraser; and that the Assembly awaits the pleasure of the Senate in legislative business.

Adopted.

Mr. Coleman, at one o'clock and thirty minutes P. M., moved to adjourn until eleven o'clock A. M. to-morrow.

Mr. Hoitt moved to amend so as to meet at seven o'clock and thirty minutes this evening.

The roll was called, and the amendment was adopted by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Camron, Chandler, Crank, Crumpton, Cunningham, Daggett, Edwards, Felton, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mason, May, McClure, McMurray, Paulk, Platt, Reynolds, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Young, and Mr. Speaker—42.

NOES—Messrs. Arick, Birney, Bost, Branch, Brown, Burns, Coleman, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Holden, Howard, Jackson, Keating, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reddick, Samuels, Sargent, Swift, and Wood—35.

ADJOURNMENT.

The question recurred upon the motion as amended, which was then adopted, and the House declared adjourned until seven o'clock and thirty minutes P. M., this day.

EVENING SESSION.

The House met in evening session pursuant to adjournment, at seven o'clock and thirty minutes P. M.

Speaker Parks in the chair.

Roll called, and a quorum present.

MOTION.

Mr. May presented the following:

MR. SPEAKER: I move that we do now proceed to the election of the following officers, to wit: Assistant Clerk, Assistant Clerk, Journal Clerk, Engrossing Clerk, Minute Clerk, Assistant Sergeant-at-Arms, and Postmaster.

Mr. Jackson moved to amend by substituting "Postmistress" for "Postmaster."

Lost.

The original motion was then adopted.

Messrs. P. W. Murphy, of San Luis Obispo, and J. E. Baker, of Sacramento, now came forward and took the following oath, which was administered by the Speaker:

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 Assemblyman to the best of my ability. So help me God.

Nominations for Assistant Clerk were declared in order.

Mr. Siebe nominated Frank Higgins.

Mr. Howard nominated R. W. Pendegast.

Mr. Camron nominated J. G. Howell.

Mr. Garrity nominated Philip Openheimer.

Mr. Burns moved that each member vote for two Assistant Clerks at a time.

Carried.

Nominations being closed, the roll was called, with the following result:

For Higgins—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

For Howell—Messrs Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

For Pendegast—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

For Openheimer—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple

Whole number of votes cast	80
Necessary to a choice	41
Mr. Howell received	42
Mr. Higgins received	42
Mr Pendegast received	38
Mr. Openheimer received	38

Messrs. Howell and Higgins, having received a majority of the votes cast, were declared elected Assistant Clerks of the Assembly.

Nominations for Minute Clerk being in order, Mr. Gavigan nominated D. J. Gordon.

Mr. Hendrick nominated F. N. Pauly.

The roll was called, with the following result:

For Pauly—Messrs Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

For Gordon—Messrs Arick, Baker of Yolo, Birney, Bost Branch Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple.

Whole number of votes cast	80
Necessary to a choice	41
Mr. Pauly received	42
Mr. Gordon received	38

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

Nominations for Journal Clerk being in order, Mr. Leach nominated J. H. Riley.

Mr. Del Valle nominated J. J. De la Guerra.

The roll was called, with the following result:

For Riley—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach,

Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

For De la Guerra—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

Whole number of votes cast	79
Necessary to a choice	40
Mr. Riley received	42
Mr. De la Guerra received	37

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

Nominations for Engrossing Clerk being in order, Mr. Cunningham nominated Mr. Henry Thompson.

Mr. Lewis nominated Jacob Shaen.

The roll was called, with the following result:

For Shaen—Messrs. Alviso, Baker of Sacramento, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

For Thompson—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

Whole number of votes cast	80
Necessary to a choice	41
Mr. Shaen received	42
Mr. Thompson received	38

Mr. Shaen, having received a majority of the votes cast, was declared elected Engrossing Clerk of the Assembly.

Nominations for Assistant Sergeant-at-Arms being in order, Mr. McClure nominated R. M. Apgar.

Mr. Arick nominated Isaac Miller.

The roll was called, with the following result:

For Apgar—Messrs. Alviso, Baker of Sacramento, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

For Miller—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

Whole number of votes cast	79
Necessary to a choice	40
Mr. Apgar received	42
Mr. Miller received	37

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

ELECTION OF POSTMASTER.

Nominations for Postmaster being in order, Mr. May nominated D. H. Rand.

Mr. Del Valle nominated Mrs. M. M. Hotaling.
The roll was called, with the following result:

For Rand—Messrs. Alviso, Baker of Sacramento, Brown, Cameron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker.

For Mrs. Hotaling—Messrs Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.

Whole number of votes cast	79
Necessary to a choice	40
Mr Rand received	41
Mrs Hotaling received	38

Mr. Rand, having received a majority of the votes cast, was declared duly elected Postmaster of the Assembly.

RESOLUTIONS.

Mr. McClure offered the following:

Resolved, That a committee of three be appointed by the Speaker, to wait upon the Governor and inform him that the Assembly is now organized, and ready to receive any communication his Excellency has to make.

Adopted.
Mr. Kellogg offered the following:

MR SPEAKER: I move that the resident ministers, priests, clergymen, and preachers of the City of Sacramento, be invited to open the daily sessions of this Assembly with prayer; and that they be requested to so arrange among themselves as to dates, that but one of their number may be present officially, under this invitation, each day.

Mr. Young moved to amend, by offering the following substitute:

Resolved, That we do now proceed to the election of a Chaplain for the Assembly, and that he be paid five dollars per diem, out of the Assembly Contingent Fund.

The Speaker appointed Messrs. McClure, Hartson, and Bost a committee to wait upon his Excellency the Governor, and inform him of the organization of the Assembly.

The ayes and noes were demanded by Messrs. McCallion, Estey, and Burns, upon the adoption of Mr. Young's amendment.

The roll was called, and the amendment was adopted by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Bost, Branch, Brown, Cameron, Chandler, Coleman, Crank, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Holden, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—46.

NOES—Messrs. Arick, Baker of Yolo, Birney, Burns, Crumpton, Cunningham, Daggett, Freer, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Paulk, Samuels, Swift, and Whipple—32.

The question recurring upon the adoption of the resolution as amended, the ayes and noes were demanded by Messrs. Mudgett, McCallion, and Burns.

The roll was called, and the resolution adopted as amended by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Branch, Brown, Camron, Chandler, Coleman, Crank, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, McDonald, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—46.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Burns, Crumpton, Cunningham, Freer, Gavigan, Geary, Gilmore, Griffith, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Mudgett, Paulk, Samuels, Swift, and Whipple—29.

ELECTION OF CHAPLAIN.

Nominations for Chaplain being in order, Mr. Young nominated the Rev. Dr. Deal

Mr. Baker, of Yolo, nominated the Rev. T. H. B. Anderson.

The roll was called, with the following result:

For Deal—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, McDonald, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young and Mr. Speaker.

For Anderson—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift and Whipple.

Scattering—Messrs. McCallion and Mudgett.

Whole number of votes cast	79
Necessary to a choice	40
Rev. Dr. Deal received	42
Rev. T. H. B. Anderson received	35
Scattering	2

Rev. Mr. Deal, having received a majority of the votes cast, was declared elected Chaplain of the Assembly.

RESOLUTIONS.

By Mr. Mathews:

WHEREAS, The chairs now in use in the Assembly Chamber are inconvenient, uncomfortable, and fundamentally bad; therefore,

Resolved, That the Secretary of State be and he is hereby directed to substitute cane-bottom, rotary chairs for those now in use by members.

Lost.

Mr. Jackson moved to adjourn until 11 o'clock A. M., to-morrow.

Lost.

By Mr. Streeter:

Resolved, That the Journal Clerk be requested to have the Journal printed and placed on the desks of the members.

Adopted.

NOTICES.

By Mr. Young:

MR. SPEAKER: I hereby give notice that I shall to-morrow introduce a bill relating to Contempts.

Also, a bill relating to religious, social, and benevolent corporations.
Also, a bill relating to Justices of the Peace and Justices' Courts.
Also, a bill relating to the civil jurisdiction of Justices of the Peace.
Also, a bill to prevent the accumulation of large landed estates.
Also, a bill relating to homesteads.
Also, a bill relating to chattel mortgages.
Also, a bill relating to time of commencing actions for real property.
Also, a bill relating to causes of actions that may be joined.
Also, a bill relating to sale and redemption of real property.
Also, an Act relating to a State detective force
Also, a bill relating to fire insurance companies.
Also, a bill relating to revenue.

RESOLUTIONS.

By Mr. McClure:

Resolved, That a committee of three be appointed by the Speaker, to ascertain and report the amount due on 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. Van Fleet:

Resolved, That the assistant clerks at the last session be retained as extra assistants at the desk for one week, at the usual per diem.

Lost.

Messrs. J. G. Howell, Frank Higgins, F. N. Pauly, J. H. Riley, R. M. Apgar, D. H. Rand, and J. Shaen, now came forward and took the oath of office, which was administered by the Speaker.

NOTICE.

By Mr. Freer:

I hereby give notice that I will, on to-morrow, introduce a proposed amendment to the Constitution, giving to the State Board of Equalization enlarged powers

ADJOURNMENT.

At nine o'clock and ten minutes P. M., Mr. McDonald moved to adjourn until eleven o'clock A. M. to-morrow.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 4, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Reading of the Journal.

Mr. May moved that the reading of the Journal be dispensed with.

So ordered.

RESOLUTION.

By Mr. Camron:

Resolved, That the Speaker is hereby authorized to appoint two additional Pages, two Gate Keepers, at a per diem of three dollars each; one Day Watchman, at a per diem of three dollars; a Night Watchman, at a per diem of four dollars. All payable out of the contingent fund of the Assembly.

Adopted.

Also:

Resolved, That the Sergeant-at-Arms is hereby authorized to appoint one Porter, at a per diem of three dollars, one Clerk, at the same per diem as the Clerks at the desk; one Rear Porter, at a per diem of two dollars and fifty cents All payable out of the contingent fund of the Assembly.

Mr. McCallion moved to amend, by substituting three dollars for two dollars and fifty cents.

Carried.

The resolution was then adopted as amended.

By Mr. Camron:

Resolved, That the Postmaster of the Assembly is hereby authorized to appoint one Post Office Page, at the per diem of three dollars, one Mail Carrier, at a per diem of three dollars, payable out of the contingent fund of the Assembly.

Adopted.

By Mr. Baker, of Yolo:

Resolved, That the Secretary of State be instructed to furnish each member of the Assembly with a copy of the statutes and amendments to the Codes passed at the twenty-third session.

Adopted.

CONCURRENT RESOLUTION.

By Mr. May:

Resolved by the Assembly, the Senate concurring, That a special joint committee of ten, five from the Senate and five from the Assembly, be appointed by the presiding officers of the two Houses respectively, whose duty it shall be to consider the proper apportionment of the State, according to law, and report suitable bills therefor.

Mr. Jackson moved the resolution be made the special order for one week from to-morrow, at eleven o'clock and thirty minutes A. M.

So ordered.

By Mr. Leach:

Resolved, That the Journal Clerk is hereby authorized to appoint an Assistant, at the same per diem allowed the Clerks at the desk, payable out of the Contingent Fund of the Assembly.

Mr. May moved to amend, by striking out eight dollars, and inserting six dollars.

Carried.

The resolution was then adopted as amended.

SPECIAL ORDER.

The special order for this hour was then taken up, on motion of Mr. McClure, as follows:

Resolved, That the Standing Rules of the twenty-third session, except Rule One and Rule Sixty-nine, be adopted until otherwise ordered by this house

Adopted.

The Speaker announced the following appointments:

Committee on Rules—Messrs. Fraser Holden, McClure, Daggett, and Sargent.
Committee on Mileage—Messrs Mason Branch and Main.

The resolution introduced by Mr McClure, yesterday, relative to the amount of per diem and mileage due the officers and attachés of the last session for services rendered in the organization of the present House, ordered referred to the above committee.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was read:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, SACRAMENTO, January 4 1881.

To the Assembly of the State of California:

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

GEORGE C. PERKINS, Governor

Mr. Fraser moved to dispense with the reading of the message.

So ordered.

INTRODUCTION OF BILLS.

The following bills were introduced

By Mr. Del Valle: An Act to amend section ninety-one of the Civil Code, relating to the dissolution of marriage.

Also, an Act to add a new section to the Civil Code, to be known as section one hundred and forty-nine, relating to the dissolution of marriage.

Also, an Act to establish a branch Normal School

By Mr. Murphy: An Act to repeal an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty.

By Mr. Cunningham: An Act to repeal an Act, approved April twenty-third, eighteen hundred and eighty, entitled an Act to promote drainage.

By Mr. Reynolds: An Act to provide for improving and ornamenting the grounds of the Normal School.

By Mr. Jackson: An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county municipality, or other political subdivision of this State, is a party.

Also, an Act to prohibit public officials from entering into any contract on the part of the public covering a longer period of time than their term of office.

Also, an Act to prevent a monopoly on railroads, steamships, steamboats, and other common carriers.

By Mr. Young: An Act to amend section one hundred and six of the Code of Civil Procedure of California, relating to the civil jurisprudence of Justices of the Peace.

Also, an Act to prevent the accumulation of large landed estates.

Also, an Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Also, an Act to repeal section one thousand two hundred and

twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt.

Also, an Act to amend section one hundred and three of the Code of Civil Procedure of California, relating to Justices' Courts.

Also, an Act to amend section one thousand two hundred and sixty-one of the Civil Code of California, relating to homesteads.

Also, an Act to amend section two thousand nine hundred and fifty-five of the Civil Code of California, relating to mortgages of personal property.

Also, an Act to repeal sections three hundred and fifteen and three hundred and sixteen of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Also, an Act to amend section four hundred and twenty-seven of the Code of Civil Procedure of California, relating to causes of action which may be united in the same complaint.

Also, an Act to amend sections seven hundred, seven hundred and one, seven hundred and two, seven hundred and three, seven hundred and four, and seven hundred and five, of the Code of Civil Procedure of California, relating to the sale and redemption of real property.

Also, an Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties.

Also, an Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and fifty-nine, three thousand seven hundred and sixty-one, three thousand seven hundred and sixty-two, three thousand seven hundred and sixty-three, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight, and three thousand seven hundred and ninety-nine of the Political Code of California, relating to revenue.

By Mr. Platt: An Act to establish a uniform system of county governments.

Also, an Act to amend section six hundred and eight of the Code of Civil Procedure, relating to the charge of the Court to the jury, and exceptions thereto.

Also, an Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.

By Mr. McCallion: An act to amend section one thousand and ninety-seven of the Political Code, approved April sixteenth, eighteen hundred and eighty, relating to elections.

Also, an Act to amend sections one hundred and seventy-eight and one hundred and seventy-nine of the Penal Code, in relation to the employment of persons by corporations in the State of California.

Also, an Act to provide for the use of a brand, stamp, stencil, or trade mark on manufactured commodities.

Also, an Act to compel banks, savings and loan societies, and all and every kind of person or persons, or corporations receiving moneys or other valuable property on deposit or for safe keeping, to publish a sworn statement in certain cases.

Also, an Act to add a new section to the Political Code, to be known as section two thousand nine hundred and fifty-three, relative to police power in the State of California.

Also, an Act to provide for the keeping of accounts in the English language.

By Mr. Edwards: An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations.

Also, an Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, and nine hundred and two of the Code of Civil Procedure, concerning proceedings in Justices' Courts.

By Mr. Van Fleet: An Act to amend section one hundred and three of the Code of Civil Procedure of the State of California, relating to Justices of the Peace in the townships and incorporated cities and towns.

Also, an Act in relation to the trespassing of live stock upon inclosed private lands.

Also, an Act to amend section one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

By Mr. Gavigan: An Act to amend section three thousand three hundred and eighty-two of the Political Code, relating to merchants' licenses.

By Mr. Gilmore: An Act to reduce the cost of school text-books.

Also, an Act to create a Bureau of Labor and Statistics of Labor. in the State of California.

Also, an Act to create and maintain a public intelligence office in the State of California, for the procuring, free of charge, of situations for the working classes.

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

Also, an Act to amend section five hundred and ninety-seven of the Civil Code.

Also, an Act to repeal section one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses.

Also, an Act to be known as section ——, relating to the duties of ex officio Treasurers of companies belonging to the State militia.

Mr. Freer, pursuant to notice, introduced a proposed amendment to the Constitution of the State of California.

INTRODUCTION OF BILLS RESUMED

By Mr. Gilman: An Act to amend section one thousand and ninety-seven of the Political Code, relating to the qualifications of an elector.

By Mr. Lane: An Act to amend an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco, known as the New City Hall," approved March twenty-fourth, eighteen hundred and seventy-six.

By Mr. Jones: An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to Judges holding Superior Court at request of Governor or Superior Judges.

By Mr. Baker, of Yolo: An Act to provide for the classification of municipal corporations.

Also, an Act to provide for the incorporation of municipal incorporations.

Also, an Act to provide for the government of municipal corporations of the fifth class.

PETITIONS.

By Mr. Baker, of Yolo: A memorial from a convention of citizens held in San Francisco on November seventeenth, eighteen hundred and eighty, asking for the passage of above bills.

SENATE MESSAGE.

The following message from the Senate was read:

SENATE CHAMBER, January 3, 1881.

MR SPEAKER I have been directed to inform your honorable body, that the Senate has completed its organization by the election of the following officers, viz President pro tem., Hon Wm Johnston: Secretary of the Senate, M. D. Boruck Assistant Secretaries, Jas. A Ott, and C. T. Johns, Sergeant-at-Arms, A. Wasson; Assistant Sergeant-at-Arms, D B. Kingery, Minute Clerk, Bert McNulty, Journal Clerk, J. R Bierly: Engrossing Clerk, E. C. Humphries. Postmistress, Mrs. Whittingham, and awaits the pleasure of the Assembly in legislative business.

MARCUS D. BORUCK, Secretary of the Senate.

RESOLUTIONS.

By Mr. Reynolds:

Resolved, That a special committee of five be appointed by the Speaker, to whom shall be referred that portion of the Governor's message which relates to "Reform School or Home of Refuge," with instructions to report by bill or otherwise.

Mr. Hale moved to lay on the table.
So ordered.
By Mr. Van Fleet:

Resolved, That the Chief Clerk be and he is hereby authorized to make requisitions on the Superintendent of Printing for all blanks or printing needed for the use of this Assembly.

Adopted.
By Mr. Chandler:

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 the members, except Mr. Young, and deliver the same, at the Assembly Chamber, to the Postmaster of the Assembly

Adopted.
Also:

Resolved, That the Sergeant-at-Arms be empowered to procure a box at the Post Office for the use of the Assembly, the expense of which is to be paid out of the Contingent Fund of the Assembly

Adopted.
By Mr. Felton:

Resolved, That the sum of five hundred dollars be and is hereby appropriated in favor of D. M. Burns, Secretary of State, for the purchase of postage stamps, for the use of members of the Assembly; said sum to be paid out of the appropriation for the contingent expenses of the Assembly The Secretary of State is hereby directed to keep an account of the postage furnished each member, and report the same before the close of the session

Adopted.

NOTICE—BY PERMISSION.

By Mr. Freer:

I hereby give notice that I will, on to-morrow, introduce a bill entitled an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners

ADJOURNMENT.

At twelve o'clock and ten minutes, Mr. Camron moved to adjourn until eleven A. M. to-morrow.
Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 5, 1881.

The House met pursuant to adjournment, at eleven o'clock A. M.
Speaker Parks in the chair.
Roll called. Quorum present.
Prayer by the Chaplain.
Reading of the Journal.
Pending the reading, Mr. Del Valle moved that the reading of the members' names in the roll calls be dispensed with.
So ordered.
The Journal for Monday, January third, was then read, corrected, and approved as corrected.

The Journal of yesterday read, corrected, and approved.

REPORT OF STANDING COMMITTEE.

By Mr. Fraser:

MR SPEAKER: The Committee on Rules respectfully report the following as the Standing Rules for the government of this House, and recommend their adoption

STANDING RULES OF THE ASSEMBLY

1.

Hour of Meeting

The sessions of this House shall begin at eleven o'clock A. M., unless otherwise ordered by vote of the House.

2.

Order of Business.

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. Introduction of Bills.
9. Special Orders of the Day.
10. Messages from the Senate.
11. First Reading of Bills
12. Second Reading of Bills
13. Motions and Resolutions
14. Business on General File and Third Reading of Bills.
15. Unfinished Business of the Preceding Day.

3

Reports of Committees on Engrossed and Enrolled Bills.

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

4.

Messages from the Governor and Senate.

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

5.

Petitions to be Presented, with a Brief Statement of Contents.

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

6.

Introduction and Reading of Bills.

Any member desiring to introduce a bill, shall rise in his place and address the Speaker, and upon being recognized, shall present the same, and the title shall be announced from the Clerk's desk, when it shall be referred to a standing committee, and be printed, and a copy be placed on each member's desk. Every bill shall be read on three several days previous to its passage, unless in case of urgency, two thirds of the House shall by vote of yeas and nays dispense with this provision, and the last reading shall be at length. The Speaker shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the House has so determined by a vote.

7.

Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.

All bills making 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.

8.

Reference of Bills.

No debate shall be allowed on any motion to refer a bill to a committee. The Speaker shall first indicate to what committee a bill ought to be referred, and it shall be so referred, unless, upon a motion, without debate, the House by a majority vote refer it to some other committee.

9.

Referring, with Special Instructions.

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

DUTIES OF SPEAKER.

10.

To Call House to Order.

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, and shall immediately call the House to order.

11.

To Preserve Order, to Decide Points of Order, and May Speak to Same.

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.

12.

To have Direction of the Hall, May Call any Member to the Chair.

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.

13.

To Sign Resolutions, etc., Attested by the Clerk.

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.

14.

May Order the Galleries and Lobby Cleared.

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.

DUTIES OF SERGEANT-AT-ARMS

15.

To Attend Sittings of House. Serve Processes.

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker or 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.

16.

Fees of Sergeant-at-Arms.

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.

17.

Assistant Sergeant-at-Arms to be Doorkeeper.

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

18.

Standing Committees.

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Agriculture, Mining, and Mechanic Arts College, to consist of seven members.
3. A Committee on Attaches and Employés, to consist of five members.
4. A Committee on Chinese Immigration and Emigration, to consist of nine members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of five members.
7. A Committee on Corporations, to consist of nine members.
8. A Committee on Counties and County Boundaries, to consist of nine members.
9. A Committee on County Governments, to consist of nine members.
10. A Committee on Municipal Corporations, to consist of nine members.
11. A Committee on the Culture and Improvement of the Grapevine, to consist of seven members.
12. A Committee on Education, to consist of seven members.
13. A Committee on Elections, to consist of seven members.
14. A Committee on Engrossment, to consist of five members.
15. A Committee on Enrollment, to consist of five members.
16. A Committee on Fish and Game, to consist of seven members.
17. A Committee on Federal Relations, to consist of seven members.
18. A Committee on Yosemite Valley and Mariposa Grove of Big Trees, and Forestry, to consist of five members.
19. A Committee on Homestead and Land Monopoly, to consist of seven members.
20. A Committee on Indian Affairs, to consist of five members.
21. A Committee on Internal Improvements, to consist of five members.

22. A Committee on Irrigation, to consist of nine members.
23. A Committee on Judiciary, to consist of thirteen members.
24. A Committee on Labor and Capital, to consist of nine members.
25. A Committee on Mileage, to consist of three members.
26. A Committee on Military Affairs, to consist of five members.
27. A Committee on Mines and Mining Interests, to consist of seven members.
28. A Committee on Public Buildings and Grounds, to consist of seven members.
29. A Committee on Public Expenditures and Accounts, to consist of five members.
30. A Committee on Public Lands, to consist of nine members.
31. A Committee on Public Morals, to consist of five members.
32. A Committee on Public Printing, to consist of seven members.
33. A Committee on Retrenchment, to consist of five members.
34. A Committee on Roads and Highways, to consist of five members.
35. A Committee on Rules and Regulations, to consist of five members.
36. A Committee on State Hospital, to consist of five members.
37. A Committee on State Library, to consist of three members.
38. A Committee on State Prison, to consist of seven members.
39. A Committee on Swamp and Overflowed Lands to consist of nine members.
40. A Committee on Ways and Means, to consist of nine members.
41. A Committee on Water Rights and Drainage, to consist of nine members.
42. A Committee on Apportionment, to consist of nine members.

19.

Committees to be appointed by Speaker.

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

DUTIES OF COMMITTEES.

20.

On Elections.

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.

21.

On Ways and Means.

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.

22.

On Claims.

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.

23.

On Commerce and Navigation.

It shall be the duty of the Committee on Commerce and Navigation 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.

24.

On Public Lands.

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.

25.

On Public Expenditures and Accounts.

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.

26.

On Military Affairs.

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.

27.

On Internal Improvements.

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.

28.

On Public Buildings.

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.

29.

On Mileage.

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

30.

On Culture and Improvement of the Grapevine.

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.

31

On Engrossment.

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 such amendments as may have been made thereto.

32.

On Education.

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 Mechanic Arts College, and State University, and such other matters pertaining to education as may come before them.

33

On Chinese Immigration and Emigration.

It shall be the duty of the Committee on Chinese Immigration and Emigration to take into consideration all propositions relative to the tendencies of Chinese labor upon the political, social, physical, and moral condition and affairs of the State, as may be referred to them by the House.

34

On Apportionment.

It shall be the duty of the Committee on Apportionment to take into consideration all matters relating to a reapportionment of the State, which may be referred to them, and report their opinion thereon

35

Employment of Committee Clerks

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.

36.

Reference of Bills.

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.

COMMITTEE OF THE WHOLE HOUSE.

37

First Reading of Bills.

All bills shall be read by sections and considered in Committee of the Whole House, unless otherwise ordered.

38.

Rules in Committee of the Whole.

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

39.

Motion to Rise Decided Without Debate.

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

40

Calling Members to Order when Transgressing Rules.

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.

41.

Speaker to Decide Who is Entitled to the Floor.

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

42.

Order in Speaking to Questions.

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.

43.

Called to Order for Offensive Words in Debate.

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.

44.

Personal Explanation.

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.

45.

Motions to be Stated by Speaker Shall be Reduced to Writing, or May be Withdrawn.

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, by leave of the House, at any time before amendment or decision.

46.

Motions to Adjourn.

A motion to adjourn shall always be in order, except during roll call. 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.

Precedence of Motions During Debate.

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.

Previous Question.

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.

Questions of Order after Previous Question is Ordered.

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.

Previous Question Demanded.

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

51.

Question Indefinitely Postponed.

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

52

Division of Questions.

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

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such, except it may be amended after its adoption.

54.

Subjects Different from the One Under Consideration.

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

55.

Printing Extra Number of Bills, etc.

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.

56.

Printing of Bills.

Two hundred and sixty copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter and the quantity thereof.

57

Printing of Maps.

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

58.

Filling Blanks

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

59.

Priority of Business.

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

60.

Reading of Papers.

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.

61

Notice of Reconsideration.

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.

62.

Elections by House.

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

63

Calling Ayes and Noes.

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, 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.

64

Members at Clerk's Desk.

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

65

Voting on Question when Interested.

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

66.

Division and Count of House.

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

67.

Explaining or Changing Vote.

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.

68.

Call of the House

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

MISCELLANEOUS.

69.

Suspending and Changing Rules.

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 A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

70.

Members Absenting Themselves.

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.

71.

Persons Admitted to Floor.

No persons, except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior 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

72.

Smoking in Hall.

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

73.

Parliamentary Rules.

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.

74.

Use of Hall.

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

75.

Fees of Witnesses.

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.

76.

Protest of Members.

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.

77.

Order of Making File.

All bills reported to the House by either Standing or Special Committees 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

78.

Taking Up Bills Out of Order

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.

Extra Pay

No increase of pay nor any extra pay shall be allowed any officer or attaché of the House.

80.

Engrossing and Enrolling Bills.

The Engrossing 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.

Duty of Committee on Attaches and Employés.

It shall be the duty of the Committee on Attaches and Employés, whenever there is a resolution offered for additional help in any of the various departments of clerical or other assistants 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.

82.

Author to Speak Last

The author of a bill, motion, or resolution, shall have the privilege of closing the debate, unless the previous question has been sustained.

CONSIDERATION OF THE ABOVE REPORT.

Mr. Del Valle moved that the rules be read and passed upon seriatim.

So ordered.

Rule number one read.

Mr. Del Valle moved to amend so as to make the time of meeting ten o'clock.

Lost.

Rule No. One adopted

Rule No. Two read and adopted.

Rule No. Three read and adopted.

Rules Nos. Four, Five, Six, Seven, Eight, Nine, Ten, and Eleven, read and adopted.

Mr. Young moved to amend Rule Six by striking out "but" and inserting "and."

So ordered.

Rules Twelve, Thirteen, Fourteen, Fifteen, and Sixteen read and adopted.

Rule Eighteen read.

Mr. Van Fleet moved to amend subdivision nine by striking out the words "and municipal corporations."

Adopted.

Mr. Van Fleet moved to amend again by inserting between subdivisions ten and eleven a new subdivision to read, "A committee on Municipal Corporations to consist of —— members."

Adopted.

Mr. Jackson moved to amend so that the Committee on County Governments should consist of eleven members instead of nine.

Lost

Mr. Van Fleet moved to amend subdivision twenty-five so as to consist of seven instead of five members.

Lost.

Mr. O'Connor moved to amend by offering the following, to be known as Rule Four:

Resolved, That there be added to the list of Standing Committees a committee to be styled the Committee on Cities and Counties of the First Class, to consist of the delegations from such cities and counties as contain one hundred thousand inhabitants, or more, according to the census of eighteen hundred and seventy.

Mr. McClure moved to amend the amendment by the following substitute:

27. A Committee on Municipal Corporations, to consist of nine members

RECESS.

Pending discussion the House took a recess until two o'clock P. M., on motion of Mr. Camron.

REASSEMBLED.

The House reconvened at two o'clock P. M.
Speaker Parks in the chair.
Roll called. Quorum present.

APPOINTMENT OF EMPLOYES AND ATTACHES.

The Speaker announced the following appointments:

Porters—Richard Hall, A. K. Hachnlen, George Dresser, H. O. Johnson.
Night Watchman—N. W. Proctor.
Day Watchman—J. L. O'Brien
Pages—Willie Campbell, Samuel Redmond, Eddie Johnson, August Rose, John McGraw, George Ingalls
Gate Keepers—John Williams, Robert Farrell.

The consideration of the amendment offered by Mr. O'Connor to Rule Nineteen, was resumed.

The question being upon the adoption of the substitute offered by Mr. McClure, the previous question was demanded by Messrs. Baker, of Yolo, Daggett, and Fraser.

The House so ordered.

The ayes and noes being demanded by Messrs. Jackson, Gavigan, and Noonan, the roll was called, and the substitute adopted by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—40.

NOES—Messrs. Anick, Baker of Yolo, Barney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, McCallon, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Siebe, Swift, and Whipple—38

The amendment as amended was then adopted.

Rule Eighteen as amended was then adopted.

Rules Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, Forty and Forty-one, read and adopted.

Rule Forty-two read.

Mr. McCallion moved to amend so that members should not be allowed to speak for more than ten minutes at a time.

Mr. Mudgett moved to amend the amendment by striking out "five" and inserting instead "thirty."

Lost.

The question recurring upon the amendment, it was rejected.

Rule Forty-two was then adopted.

Rules Forty-three, Forty-four, Forty-five, and Forty-six, read and adopted.

Rule Forty-seven read..

Mr. Young moved to amend as follows:

MR. SPEAKER I move to amend Rule Forty-seven, as follows. When a question is under debate or before the House, no motion shall be received but to adjourn, to lay on the table, to postpone to a day certain, to commit or amend, for the previous question, to postpone indefinitely: which several motions shall have precedence in the order in which they are named, but the first two, and the previous question, shall be decided without debate, except when the measure under consideration has been reported from a committee, the member reporting the measure shall be allowed to close the debate, notwithstanding the pendency of the previous question, and no motion to postpone to a day certain, to commit, or postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the proceedings.

Lost.

Rule Forty-seven adopted.

Rule Forty-eight read and adopted.

Rule Forty-nine read and adopted.

Rule Fifty read.

Mr. Del Valle moved to amend so that the previous question could not be ordered unless demanded by a majority.

Lost.

Rule Fifty was then adopted.

Rules Fifty-one, Fifty-two, Fifty-three, Fifty-four, and Fifty-five read and adopted.

Rule Fifty-six read.

Mr. Young moved to amend so as to make the number to be printed three hundred and sixty.

Carried.

Rule then adopted as amended.

Rules Fifty-seven, Fifty-eight, Fifty-nine, Sixty, Sixty-one, Sixty-two, Sixty-three, Sixty-four, Sixty-five, and Sixty-six read and adopted.

Rules Sixty-seven, Sixty-eight, Sixty-nine, Seventy, Seventy-one Seventy-two, and Seventy-three read and adopted.

Rule Seventy-four read.

Mr. McCallion moved to amend by inserting the words, "a majority."

Adopted.

Rule Seventy-four, as amended, was then adopted.

Rules Seventy-five, Seventy-six, Seventy-seven, Seventy-eight, Seventy-nine, Eighty, Eighty-one, and Eighty-two, read and adopted.

Mr. Fraser moved that two hundred and sixty copies of the Rules be ordered printed. Carried.

ADJOURNMENT.

At four o'clock and fifteen minutes Mr. Murphy moved to adjourn. Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 6, 1881.

The House met pursuant to adjournment, at eleven o'clock A. M.
Speaker Parks in the chair.
Roll called. Quorum present.
Prayer by the Chaplain.
Reading of the Journal.
Mr. Camron moved that the reading of the Journal be dispensed with.
Carried.

ORDER OF BUSINESS.

The order of business was then taken up.

COMMUNICATION.

The following communication from the Secretary of State was then read:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, January 5, 1881.

To the Assembly of the State of California:

I have the honor to submit herewith a copy of the census of the State of California for the year eighteen hundred and eighty, which excludes Japanese and Chinese, but includes Indians not on reservations.

D. M. BURNS, Secretary of State.

REPORTS OF STANDING COMMITTEES.

By Mr. Mason: A report from the Committee on Mileage was read.
Messrs. Mathews and Griffith asked for corrections in their respective mileages.
Mr. Chandler moved the report be recommitted for corrections.
So ordered.

INTRODUCTION OF BILLS.

The following bills were introduced:
By Mr. Baker of Yolo: An Act to add a new section to the Code of Civil Procedure, to be numbered nine hundred and twenty-seven, and relating to proceedings in Justices' Courts in actions to foreclose liens on personal property.
Also, an Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property.
By Mr. McDonald: An Act to repeal sections five, six, and seven of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco, approved March twenty-third, eighteen hundred and seventy-eight."
By Mr. Long: An Act to create a fund in the several counties in this State, for the payment of the salary of Superior Judges.
By Mr. Jackson: An Act to provide for work upon the public works and buildings within this State, to be done by day labor, and

under the supervision of a Superintendent or officer having charge of the same.

By Mr. Estey: An Act to amend an Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

By Mr Holden: An Act to amend an Act entitled an Act to amend sections three thousand one hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, three thousand five hundred and forty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State, approved April twenty-eighth, eighteen hundred and eighty.

Also, an Act to add two new sections to the Political Code of the State of California, in relation to the erection of bridges between adjoining counties.

Also, an Act to amend an Act entitled an Act for the protection of settlers on public lands claimed by this State, approved March tenth, eighteen hundred and seventy-four.

By Mr. Branch: An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor, and providing for the pay thereof.

Also, an Act to amend section seventy-one of the Code of Civil Procedure in relation to authorizing Judges of Superior Courts to hold Courts in any county, when requested by the Judge thereof, or the Governor.

By Mr. Lane: An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Also, an Act to appropriate funds for the erection of an elevator in the State Capitol building.

Also, an Act to amend section four of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco," approved March twenty-third, eighteen hundred and seventy-nine.

Also, an Act to amend an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

By Mr. Freer: An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

Also, an Act to allow unincorporated towns and villages to equip and maintain a Fire Department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners.

By Mr. Van Fleet: An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure relating to escheated estates, and to provide for the sale thereof.

Also, an Act to amend section two thousand two hundred and ninety-two of the Political Code relating to the Board of Trustees of the State Library.

By Mr. Griffith: An Act to amend section three hundred and thirty of the Penal Code, relating to gaming.

Also, an Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

By Mr. Burns: An Act to provide for the establishment of a uniform series of text-books for use in public schools of this State.

By Mr. Gilmore: An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same.

Also, an Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April third, eighteen hundred and seventy-six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Also, an Act to define the location and existence of laundries within the limits of incorporated cities.

By Mr. McClure: An Act to authorize the several counties, cities and counties, cities and towns of this State, and the officers, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property and the income and increase thereof.

By Mr. Howard: An Act to amend section six hundred and twenty-two of the Political Code, relating to taxes, fines, penalties, licenses, fees, deposit of money, or of securities or other obligations, or prohibitions imposed upon insurance companies doing business in this State, and organized under the laws of any other State or country.

By Mr. O'Connor: An Act to provide for the classification of corporations for municipal purposes, and for the organization, incorporation, and government of consolidated cities and counties of the first class.

Also, an Act to preserve and perpetuate a faithful public transcript of legislative proceedings

By Mr. Young: An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure of California, relating to guardian and ward.

Also, an Act to establish a State detective force, for the better enforcement of the laws.

By Mr. McCallion: An Act to prohibit the naturalization of Chinese or Mongolians in the State of California.

By Mr. Mathews of Tehama: An Act to create a fund in the several counties of this State for the payment of the salaries of Superior Judges.

By Mr. May: An Act making appropriations to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Also, an Act to amend an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty.

Also, an Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hundred and seventy-eight.

Also, an Act to appropriate money for the purchase of a steam launch for the quarantine officers of the Port of San Francisco.

By Mr. Leake: An Act to prevent Boards of Education, School Directors, and Trustees of public schools from discriminating against married women in the selection of teachers and employés.

By Mr. Arick: An act to amend section four hundred and twelve of the Code of Civil Procedure of California, relating to the publication of the summons in civil actions

Also, an Act to amend section one thousand and eighty-five of the Code of Civil Procedure of California, and to add a new section to the Code of Civil Procedure of California, to be known as section one thousand and ninety-eight of the Code of Civil Procedure of California, relating to the writ of mandate.

By Mr. Pinder: An Act to prevent a monopoly of common carriers.

By Mr. Whipple: An Act to amend section three hundred and one of the Penal Code of California, relating to keeping open certain places of business on Sundays.

By Mr. Platt: An Act to provide for the publication of notices.

MESSAGES FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, January 4, 1881.

MR. SPEAKER I am directed to inform your honorable body, that the Senate, on this day, adopted Senate Concurrent Resolution No. 4, relative to the appointment of a Joint Committee on Rules.

JAS. A. ORR, Assistant Secretary Senate.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 4, relative to the appointment of a Joint Committee on Rules, read and adopted.

RESOLUTIONS.

By Mr. Burns:

Resolved, That the Sergeant-at-Arms be instructed to procure two water-filters for the use of the Assembly, to be paid for out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Felton:

Resolved, That no member of this House shall draw more than twenty-five dollars for contingent expenses during the present session, and in no event shall he draw any more than his actual expenses in case they amount to less than that sum, and that in the opinion of this House stationery and stamps are a part of the contingent expenses.

Mr. Jackson moved to lay on the table.

Lost.

Mr. Fraser offered the following amendment, and moved its adoption:

Resolved, That each member be allowed the sum of twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Assembly.

Mr. Baker, of Sacramento, moved the indefinite postponement of the whole matter.

Mr. Jackson moved to amend the amendment by substituting the following:

Resolved, That each member of the Assembly be allowed twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Assembly, and that the aggregate amount of stamps drawn by each member shall be charged to his account as a part of such allowance, and that no member be allowed to draw any more stationery than he actually uses at his desk, and that he return to the Secretary of State all unused stationery at the end of the session.

The previous question was demanded by Messrs. Long, Jones, and Murphy, and the House so ordered.

The question being taken upon the amendment to the amendment, it was lost.

The amendment was then adopted.

The question now recurring upon the original resolution, as amended, it was adopted.

CONCURRENT RESOLUTION.

The following concurrent resolution was introduced by Mr. Matthews, of San Benito:

Assembly concurrent resolution, relative to reopening to private settlement and preemption, certain railroad lands.

Read.

RESOLUTIONS RESUMED.

By Mr. McClure:

Resolved, That the Secretary of State be directed to purchase sixty copies of Hittell's Codes, compiled in two volumes, and that the same be paid for out of the contingent fund of the Assembly, that the Secretary of State furnish to each member of the Assembly one copy, taking the member's receipt that the same shall be returned to him at the close of the session.

Mr. Young offered the following substitute:

Resolved That the Secretary of State be requested to furnish to each member of the Assembly Hittell's Codes, and he is hereby authorized to make up any deficiency by purchase.

Lost.

The original resolution was then adopted.

Mr. Mathews moved that hereafter, when the hour of one o'clock P. M. arrived, the Speaker should declare a recess until two o'clock P. M.

Carried.

CONCURRENT RESOLUTION.

By Mr. Streeter, by permission; A concurrent resolution, relative to withdrawing from sale, for twenty-five years, timber lands on the headwaters of streams in the Sierras in San Diego, San Bernardino, Los Angeles, San Buenaventura, Santa Barbara, Kern, Tulare, Merced, Mariposa, Fresno, and Stanislaus Counties, which was read.

RESOLUTION.

By Mr. Hartson:

Resolved, That the Minute Clerk is hereby authorized to appoint an assistant, at the same per diem allowed the Clerks at the desk, payable out of the Contingent Fund of the Assembly.

Pending discussion, at one o'clock and five minutes Mr. Estey moved the House take a recess until two o'clock P. M.

Carried.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Roll called. Quorum present.

Consideration of the resolution introduced by Mr. Hartson, resumed.

Resolution referred to Committee on Attachés and Employés.

RESOLUTIONS RESUMED.

By Mr. Young:

Resolved, That the Speaker is hereby authorized to appoint one Porter for the gallery of this Assembly, at a per diem of three dollars. Also, one Doorkeeper to take charge of the doors entering to the gallery, at a per diem of three dollars. Also, one Doorkeeper to act also as Janitor at the door to the front entrance to the Capitol building, at a per diem of three dollars. Also, one additional Page for the Assembly.

Mr. Fraser moved to lay on the table, upon which the ayes and noes were demanded by Messrs. Matthews, Jackson, and Camron. The roll was called, and the motion lost by the following vote:

AYES—Alviso, Birney, Bost, Burns, Coleman, Cunningham, Felton, Fraser, Gay, Griffith, Hendrick, Hinshaw, Holden, Jackson, Jones, Kilburn, Leach, Leake, Long, Matthews of San Benito, Mein, Murphy, Patterson of Nevada, Reddick, Samuels, Siebe, Streeter, Swift, Whipple, and Wood.

NOES—Anick, Baker of Sacramento, Brown, Camron, Chandler, Crumpton, Daggett, Del Valle, Edwards, Freer, Garrity, Gavigan, Geary, Gilmore, Hartson, Hoitt, Howard, Keating, Kellogg, Lane, Lewis, Mason, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Noonan, O'Connor, Paulk, Pinder, Platt, Reynolds, Sargent, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, and Young.

STANDING COMMITTEES.

Pending discussion the Speaker announced the appointment of the Standing Committees, as follows:

On Agriculture—Messrs. Chandler, Alviso, McMurray, Camron, Hinshaw, Kilburn, and Swift.

On Agriculture, Mining, and Mechanic Arts—Messrs. Kilburn, Wasson, Branch, Baker of Sacramento, McDonald, Wood, and Lewis.

On Attachés and Employés—Messrs. Patterson of Nevada, Paulk, Baker of Yolo, Alviso, and Howard.

On Chinese Immigration and Emigration—Messrs Coleman, Patterson of San Joaquin, Platt, Long, Estey, Wentz, McCallion, Lane, and Pinder.

On Claims—Messrs. Patterson of San Joaquin, Siebe, Gilmore, Young, Cunningham, Sargent, and Lane.

On Corporations—Messrs. Felton, Brown, Anick, Kilburn, Bost, Young, Garrity, Edwards, and Keating.

On Commerce and Navigation—Messrs Siebe, Wentz, O'Connor, Edwards, McCallion.

On Counties and County Boundaries—Messrs. Hendrick, Fraser, Mudgett, Baker of Sacramento, Hinshaw, Lewis, Matthews of San Benito, Gay, Swift.

On County Governments—Messrs. Young, Felton, Jackson, Camron, Gavigan, Baker of Yolo, Cunningham, Wood, and Wertsbaugher.

On Culture and Improvement of Grapevine—Messrs. Wentz, Fraser, Leake, Hartson, Hinshaw, Crank, and Garrity.

On Education—Messrs. Hoitt, Wason of Ventura, Griffith, Reynolds, Platt, Hendrick, and Geary.

On Elections—Messrs. Reddick, Patterson of San Joaquin, Holden, Streeter, Gilmore, Mein, and Geary.

On Engrossment—Messrs. Mein, Jones, Leake, Edwards, and Keating.

On Enrollment—Messrs Watkins, Coleman, Burns, Estey, and Mathews of Tehama.

On Fish and Game—Messrs. Estey, Streeter, Leake, Patterson of Nevada, Mudgett, Watkins, and Crumpton.

On Federal Relations—Messrs. Jones, Hartson, McMurray, Wasson of Mono, Murphy, Hendrick, and Jackson.

On Yosemite Big Trees and Forestry—Messrs Van Fleet, Reddick, Birney, Wason of Ventura, and Griffith.

On Homestead and Land Monopoly—Messrs. Alviso, Baker of Sacramento, Mathews of Tehama, Wertsbaugher, McCallion, Birney, and Coleman.

On Indian Affairs—Messrs. Wood, Coleman, Mudgett, Wason of Ventura, and Keating.

On Internal Improvements—Messrs. Wertsbaugher, Kilburn, Matthews of San Benito, Crank, and Samuels

On Irrigation—Messrs. Streeter, Felton, Arick, Patterson of San Joaquin, Murphy, Crank, Branch, Hendrick, and Griffith

On Judiciary—Messrs McClure, Van Fleet, Del Valle, Hale, Baker of Yolo, Reddick, Freer, Long, Arick, Reynolds, Platt, Jones, and Kellogg

On Labor and Capital—Messrs. Paulk, Siebe, Lane, Patterson of Nevada, Noonan, Jones, O'Connor, Wentz, and Swift.

On Military Affairs—Messrs. Van Fleet, Leach, Howard, Brown, and Noonan.

On Mines and Mining Interests—Messrs. Wasson of Mono, Mein, Daggett, Warkins, McMurray, Wood, and Kellogg.

On Public Expenditures and Accounts—Messrs. Crank, Fraser, Burns, Patterson of San Joaquin, and Mathews of Tehama.

On Public Buildings and Grounds—Messrs. Gay, Chandler, Samuels, Brown, Pinder, Wertsbaugher, and McDonald.

On Public Lands—Messrs. Sargent, Gay, Bost, Paulk, Holden, Leach, Jackson, Estey, and Cunningham.

On Public Morals—Messrs Reynolds, Hale, Matthews of San Benito, Hoitt, and Crumpton.

On Public Printing—Messrs. Leach, Mason, Gavigan, Gay, Burney, Cannon, and Pinder.

On Retrenchment—Messrs Wason of Ventura, Mason, Whipple, Reddick, and Del Valle.

On Roads and Highways—Messrs. Long, Wasson of Mono, Samuels, Warkins, and Geary.

On State Hospitals—Messrs. Lewis, May, Crumpton, Mathews of Tehama, and Leach.

On State Library—Messrs. Hale, Hoitt, and Freer.

On State Prisons—Messrs. Hartson, May, Freer, Siebe, Branch, Fraser, and Howard.

On Swamp and Overflowed Lands—Messrs. Baker of Sacramento, Sargent, Bost, Van Fleet, Baker of Yolo, Chandler, May, Arick, and Gavigan.

On Ways and Means—Messrs. May, Hartson, Daggett, Felton, Murphy, Brown, Noonan, Hoitt, and Howard.

On Water Rights and Drainage—Messrs Brown, Chandler, O'Connor, Hale, Kellogg, Felton, Burns Young, and Long.

On Apportionment—Messrs. Cannon, McClure, Whipple, Paulk, Gilmore, May, Daggett, Streeter, and Bost.

On Municipal Corporations—Messrs. Edwards, Van Fleet, Del Valle, McClure, Whipple, Mason, McDonald, Garrity, and Lewis.

The resolution was then referred to the Committee on Attachés and Employés.

By Mr. Hoitt:

Resolved, That the Judiciary Committee be and they are hereby instructed to report to the House such amendments as in their opinion should be proposed to the Constitution.

Adopted.

By Mr. Reynolds:

Resolved, That the Superintendent of State Printing be and he is hereby directed to furnish each member of this House with twenty-five copies of the Governor's Message.

Lost.

Mr. Streeter moved that five thousand copies of the Governor's Message be ordered printed.

Carried.

ADJOURNMENT.

At two o'clock and forty minutes, Mr. Kellogg moved to adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 7, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Roll called. Quorum present.
Prayer by the Chaplain.
Reading of the Journal.
The Clerk began reading the Journal of Wednesday, January fifth.
Mr. Lane moved that the roll call of members be inserted in each day's Journal.
So ordered.
Mr. Fraser moved that further reading of the Journal be dispensed with.
Carried.
The Journal corrected, and approved.
Mr. Young moved that each morning the House consider and correct the Journal of the day but one preceding.
So ordered.
By unanimous consent, the Speaker was authorized to add two members to each of the following committees: Judiciary, and State Prison, and one each to the Committee on Yosemite, Big Trees and Forestry, and Roads and Highways.
The Speaker then announced the following appointments:

On Judiciary—Messrs Young and Whipple.
On State Prisons—Messrs Van Fleet and Estey.
On Yosemite, Big Trees, and Forestry—Mr Bost.
On Roads and Highways—Mr Mudgett
Mr Jackson to be Chairman of the Committee on Chinese Immigration and Emigration, instead of Mr. Coleman, declined.

The Speaker referred the following bills to committees as specified below:
To Judiciary Committee:
Assembly Bill No. 1—An Act to amend section ninety-one of the Civil Code, relating to the dissolution of marriage.
Assembly Bill No. 29—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and fifty-three, relative to police power in the State of California.
Assembly Bill No. 26—An Act to amend sections one hundred and seventy-eight and one hundred and seventy-nine of the Penal Code, in relation to the employment of persons by corporations in the State of California.
Assembly Bill No. 25—An Act to amend section one thousand and ninety-seven of the Political Code, approved April sixteenth, eighteen hundred and eighty, relating to elections.
Assembly Bill No 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.
Assembly Bill No 23—An Act to amend section six hundred and eight of the Code of Civil Procedure, relative to the charge of the Court to the jury and exceptions thereto.
Assembly Bill No. 21—An Act to amend sections three thousand

seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and fifty-nine, three thousand seven hundred and sixty-one, three thousand seven hundred and sixty-two, three thousand seven hundred and sixty-three, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight, and three thousand seven hundred and ninety-nine of the Political Code of California, relating to revenue.

Assembly Bill No. 19—An Act to amend sections seven hundred, seven hundred and one, seven hundred and two, seven hundred and three, seven hundred and four, and seven hundred and five of the Code of Civil Procedure of California, relating to the sale and redemption of real property.

Assembly Bill No. 18—An Act to amend section four hundred and twenty-seven of the Code of Civil Procedure of California, relating to causes of actions which may be united in the same complaint.

Assembly Bill No. 2—An Act to add a new section to the Civil Code, to be known as section one hundred and forty-nine, relating to the dissolution of marriage.

Assembly Bill No. 10—An Act to amend section one hundred and six of the Code of Civil Procedure of California, relating to the civil jurisprudence of Justices of the Peace.

Assembly Bill No. 11—An Act to prevent the accumulation of large landed estates.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Assembly Bill No. 13—An Act to repeal section one thousand two hundred and twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt.

Assembly Bill No. 14—An Act to amend section one hundred and three of the Code of Civil Procedure of California, relating to Justices' Courts

Assembly Bill No. 15—An Act to amend section one thousand two hundred and sixty-one of the Civil Code of California, relating to homesteads.

Assembly Bill No. 16—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code of California, relating to mortgages of personal property

Assembly Bill No. 17—An Act to repeal sections three hundred and fifteen and three hundred and sixteen of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Assembly Bill No. 20—An Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties.

Assembly Bill No. 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations.

Assembly Bill No. 32—An Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, and nine hundred and two of the Code of Civil Procedure, concerning proceedings in Justices' Courts.

Assembly Bill No. 33—An Act to amend section one hundred and three of the Code of Civil Procedure of the State of California, relating to Justices of the Peace in the townships and incorporated cities and towns.

Assembly Bill No. 35—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Assembly Bill No. 36—An Act to amend section three thousand three hundred and eighty-two of the Political Code, relating to merchants' licenses.

Assembly Bill No. 40—An Act to amend section one thousand nine hundred and sixty-five of the Civil Code.

Assembly Bill No. 41—An Act to amend section five hundred and ninety-seven of the Civil Code.

Assembly Bill No. 42—An Act to repeal section one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses.

Assembly Bill No. 45—An Act to amend section one thousand and ninety-seven of the Political Code, relating to the qualifications of an elector.

Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to Judges holding Superior Court at request of Governor or Superior Judges.

Assembly Bill No. 44—Proposed amendment to the Constitution of the State of California.

Assembly Bill No. 51—An Act to add a new section to the Code of Civil Procedure, to be numbered nine hundred and twenty-seven, and relating to proceedings in Justices Courts in actions to foreclose liens on personal property.

Assembly Bill No. 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property.

Assembly Bill No. 58—An Act to add two new sections to the Political Code of the State of California, in relation to the erection of bridges between adjoining counties.

Assembly Bill No. 60—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor, and providing for the pay thereof.

Assembly Bill No. 61—An Act to amend section seventy-one of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or the Governor.

Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure relating to escheated estates, and to provide for the sale thereof.

Assembly Bill No. 69—An Act to amend section two thousand two hundred and ninety-two of the Political Code, relating to the Board of Trustees of the State Library.

Assembly Bill No. 70—An Act to amend section three hundred and thirty of the Penal Code, relating to gaming.

Assembly Bill No. 82—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same.

Assembly Bill No. 83—An Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April third, eighteen hundred and seventy-six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Assembly Bill No. 86—An Act to amend section six hundred and twenty-two of the Political Code, relating to taxes, fines, penalties, licenses, fees, deposit of money, or of securities or other obligations or prohibitions imposed upon Insurance Companies doing business in this State, and organized under the laws of any other State or country.

Assembly Bill No. 90—An Act to establish a State detective force, for the better enforcement of the laws.

Assembly Bill No 97—An Act to amend section four hundred and twelve of the Code of Civil Procedure of California, relating to the publication of summons in civil actions.

Assembly Bill No. 98—An Act to amend section one thousand and eighty-five of the Code of Civil Procedure of California, and to add a new section to the Code of Civil Procedure of California, to be known as section one thousand and ninety-eight of the Code of Civil Procedure of California, relating to the writ of mandate.

Assembly Bill No. 101—An Act to amend section three hundred and one of the Penal Code of California, relating to keeping open certain places of business on Sundays.

Assembly Bill No. 102—An Act to provide for the publication of notices.

Assembly Bill No. 103—An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure of California, relating to guardian and ward.

The following bills were referred to the Committee on Municipal Corporations:

Assembly Bill No. 8—An Act to prohibit public officials from entering into any contract on the part of the public covering a longer period of time than their term of office.

Assembly Bill No. 9—An Act to prevent a monopoly in railroads and other common carriers.

Assembly Bill No. 20—An Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties.

Assembly Bill No. 27—An Act to provide for the use of a brand, stamp, stencil, or trademark on manufactured commodities.

Assembly Bill No. 28—An Act to compel banks, savings and loan societies, and all and every kind of person or persons or corporations receiving moneys or other valuable property on deposit or for safe keeping, to publish a sworn statement in certain cases.

Assembly Bill No. 30—An Act to provide for the keeping of accounts in the English language.

The following bills were referred to the Committee on Labor and Capital:

Assembly Bill No 38—An Act to create a Bureau of Labor and Statistics of Labor in the State of California.

Assembly Bill No. 39—An Act to create and maintain a public intelligence office in the State of California, for the procuring, free of charge, of situations for the working classes.

The following bills were referred to the Committee on Education:

Assembly Bill No. 37—An Act to reduce the cost of school text books.

Assembly Bill No. 3—An Act to establish a Branch Normal School.

The following were referred to the Committee on Water Rights and Drainage:

Assembly Bill No. 4—An Act to repeal an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty.

Assembly Bill No. 5—An Act to repeal an Act approved April twenty-third, eighteen hundred and eighty, entitled an Act to promote drainage

Assembly Bill No. 6—An Act to provide for improving and ornamenting the grounds of the Normal School.

Referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 7—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, and county, city and county municipality, or other political subdivision of this State, is a party.

Referred to Committee on Claims.

The following were referred to the Committee on Municipal Corporations:

Assembly Bill No. 8—An Act to prohibit public officials from entering into any contracts on the part of the public, covering a longer period of time than their term of office.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco, known as the New City Hall," approved March twenty-fourth, eighteen hundred and seventy-six.

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Assembly Bill No. 49—An Act to provide for the incorporation of municipal incorporations.

Assembly Bill No. 50—An Act to provide for the government of municipal corporations of the fifth class.

Assembly Bill No. 64—An Act to amend section four of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco," approved March twenty-third, eighteen hundred and seventy-nine.

Assembly Bill No. 65—An Act to amend an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a Fire Department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners.

Assembly Bill No. 53—An Act to repeal sections five, six, and seven of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco, approved March twenty-third, A. D., eighteen hundred and seventy-eight."

Assembly Bill No. 74—An Act to define the location and existence of laundries within the limits of incorporated cities.

Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities and towns of this State, and the officers and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

Assembly Bill No. 87—An Act to provide for the classification of corporations for municipal purposes, and for the organization, incorporation, and government of consolidated cities and counties of the first class.

Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the quarantine officer of the Port of San Francisco.

Referred to the Committee on Commerce and Navigation.

The following two bills were referred to the Committee on Public Printing:

Assembly Bill No. 77—An Act to preserve and perpetuate a faithful public transcript of legislative proceedings.

Assembly Bill No 56—An Act to amend an Act entitled an Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

The following two bills were referred to the Committee on Corporations:

Assembly Bill No. 62—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Assembly Bill No. 84—An Act to amend an Act creating a Board of Bank Commissioners, and prescribe their duties and power, approved March thirteenth, eighteen hundred and seventy-eight.

The following three bills were referred to the Committee on Ways and Means:

Assembly Bill No. 54—An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Assembly Bill No. 81—An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Assembly Bill No. 80—An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

The following two bills were referred to the Committee on Public Lands:

Assembly Bill No. 59—An Act to amend an Act entitled "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four.

Assembly Bill No 57—An Act to amend an Act entitled "An Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, and three thousand five hundred and forty-eight of an Act entitled 'An Act to establish a Political Code,' approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State," approved April twenty-eighth, eighteen hundred and eighty.

Assembly Bill No. 83—An Act to amend an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty.

Referred to Committee on Mines and Mining.

The following two bills were referred to Committee on Claims:

Assembly Bill No. 82—An Act making an appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due him for the twenty-ninth and thirtieth fiscal years.

Assembly Bill No. 79—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California.

The following two bills were referred to the Committee on Education:

Assembly Bill No. 86—An Act to prevent Boards of Education, School Directors, and Trustees of public schools, from discriminating against married women in the selection of teachers and employés.

Assembly Bill No. 71—An Act to provide for the establishment of a uniform series of text-books for use in public schools of this State.

Assembly Bill No. 63—An Act to appropriate funds for the erection of an elevator in the State Capitol building.

Referred to the Committee on Public Buildings and Grounds.

The following two bills were referred to the Committee on Homestead and Land Monopoly:

Assembly Bill No. 11—An Act to prevent the accumulation of large landed estates.

Assembly Bill No. 89—An Act to prevent a monopoly on common carriers.

Assembly Bill No. 55—An Act to provide for work upon the public works and buildings within this State, to be done by day labor and under the supervision of a superintendent or officer having charge of the same.

Referred to Committee on Labor and Capital.

Assembly Bill No. 43—An Act to be known as section ———, relative to the duties of ex officio treasurers of companies belonging to the State militia.

Referred to Committee on Military Affairs.

Assembly Bill No. 34—An Act in relation to the trespassing of live stock upon uninclosed lands.

Referred to Committee on Agriculture.

Assembly Bill No. 22—An Act to establish a uniform system of county governments.

Referred to Committee on County Governments.

REPORTS OF STANDING COMMITTEES.

By Mr. Mason: Report of Committee on Mileage of members, and mileage and per diem of old officers and attachés for services rendered in organization of present House:

MR SPEAKER: Your committee appointed to ascertain amounts due the members of this House for mileage, beg leave to report that the following amounts are due members of this House for mileage to and from their residences to the Capitol at Sacramento, for the twenty-fourth session of the California Legislature. We have taken the legal distances as established by part two, title three, of the Political Code, as amended, as a basis, and have calculated the mileage and amounts in accordance with the provisions of the statutes:

Name	County	Miles	Amount
Alviso, Valentine	Alameda	182	$18 20
Anick, R. E.	Kern	556	55 60
Baker, J. E.	Sacramento	120	12 00
Baker, F. E.	Yolo	40	4 00
Burney, T. C.	Tuolumne	200	20 00
Bost, J. W.	Merced	228	22 80
Branch, L. C.	Stanislaus	154	15 40
Brown, J. P.	Yuba	194	19 40
Burns, Jno.	San Francisco	168	16 80
Camron, W. W.	Alameda	182	18 20
Chandler, A. L.	Sutter	76	7 60
Coleman, C.	Alpine	450	45 00
Crank, J. F.	Los Angeles	980	98 00
Crumpton, H. J.	Lake	408	40 80
Cunningham, J. F.	Santa Cruz	410	41 10
Daggett, Jno.	Siskiyou	570	57 00
Del Valle, R. F.	Los Angeles	956	95 60
Edwards, L. B.	Alameda	182	18 20
Estey, G. L.	Marin	216	21 60
Felton, C. N.	San Mateo	210	21 00
Fraser, Thos.	El Dorado	122	12 20
Freer, L. D.	Butte	156	15 60
Garrity, P.	San Francisco	168	16 80
Gavigan, W. J.	San Francisco	168	16 80
Gay, M. H.	Santa Clara	256	25 60
Geary, D.	San Francisco	168	16 80
Gilmore, J. H.	San Francisco	168	16 80
Griffith, E. J.	Fresno	338	33 80
Hale, J. E.	Placer	74	7 40
Hartson, C.	Napa	122	12 20
Hendrick, E. W.	San Diego	1132	113 20
Hinshaw, E. C.	Sonoma	314	31 40
Hoitt, J. G.	San Francisco	168	16 80
Holden, Wm.	Mendocino	410	41 00
Howard M. B.	San Francisco	168	16 80
Jackson, H. J.	San Francisco	168	16 80
Jones, J. P.	Contra Costa	178	17 80
Keating, Ed.	San Francisco	168	16 80
Kellogg, W. W.	Plumas	272	27 20
Kilburn, P.	Monterey	392	39 20
Lane, M.	San Francisco	168	16 80
Leach, F. E.	Solano	120	12 00
Leake, E. E.	Solano	40	4 00
Lewis, Oscar	San Francisco	168	16 80
Long, W. D.	Nevada	142	14 20
Mason, W. B.	Del Norte	728	72 80
Mathews, W. P.	Tehama	246	24 60
Matthews, J. H.	San Benito	346	34 60
May, W. B.	San Francisco	168	16 80
McCallion, J. J.	San Francisco	168	16 80
McClure, David	San Francisco	168	16 80
McDonald, J. W.	San Francisco	168	16 80
McMurray, J. N.	Trinity	434	43 40
Mein, Thos.	Nevada	142	14 20
Mudgett, G. C.	Humboldt	652	65 20
Murphy, P. W.	San Luis Obispo	566	56 60
Noonan, J. G.	San Francisco	168	16 80
O'Connor, T.	San Francisco	168	16 80
Parks, W. H.	Yuba	104	10 40
Patterson, J. B.	Nevada	162	16 20
Patterson, John	San Joaquin	120	12 00
Paulk, C. C.	San Joaquin	96	9 60
Pinder, T. J.	San Francisco	168	16 80
Platt, H. G.	San Francisco	168	16 80
Reddick, J. B.	Calaveras	146	14 60
Reynolds, John	Santa Clara	256	25 60
Samuels, James	Sonoma	370	37 00
Sargent, R. C.	San Joaquin	96	9 60

NAME	County	Miles	Amount
Siebe, J. D.	San Francisco	168	$16 80
Streeter, H. M.	San Bernardino	1196	119 60
Swift, C. B.	Amador	94	9 40
Van Fleet, W. C.	Sacramento		
Watkins, C	Amador	118	11 80
Wason, M	Ventura	802	80 20
Wasson, Jos.	Mono	632	63 20
Wentz, C.	Santa Clara	322	32 20
Wertshaugher, J. C.	Butte	206	20 60
Whipple, E. L.	Sonoma	282	28 20
Wood, George	Sierra	308	30 80
Young, J N.	Sacramento		

We recommend the adoption of the following resolution:

Resolved, That the Controller be ordered to draw warrants in favor of the above named persons for the amount set opposite each of their names respectively, and that the Treasurer pay the same from the moneys appropriated to the General Fund for the per diem and mileage of Assemblymen for the thirty-second fiscal year.

Your committee find further, under the resolution passed by the House requiring us to ascertain and report the amounts due on mileage and per diem to the officers and attaches of the last session, for services rendered in the organization of the present House, the following as the amounts due therefor:

To C. E. Gunn, Chief Clerk, three days' services, at a per diem of eight dollars	$24 00	
To C. E Gunn, Chief Clerk, mileage from residence, two hundred and fifty-six miles	25 60	
		$49 60
To J. M Wright, Assistant Clerk, three days' services at a per diem of eight dollars		24 00
To R. W. Parker, Sergeant-at-Arms, three days' services, at a per diem of eight dollars		24 00
To A. F. Jewett, Assistant Sergeant-at-Arms, two days' services, at a per diem of six dollars		12 00
To F N. Pauly, Minute Clerk, mileage from residence, one thousand one hundred and thirty-two miles		113 20
To Theodore Gray, Journal Clerk, for two days' services, at a per diem of eight dollars		16 00
To Mrs. M A. Houghtaling, for services as Postmistress, three days, at three dollars		9 00
To J. D Boop, for services as Porter, four days, at four dollars		16 00
To F. Longabaugh, for services as Porter, four days, at four dollars		16 00
To R A Hall, for services as Porter, two days, at four dollars		8 00
To H. O. Johnson, for services as Porter, two days, at four dollars		8 00
To Murray Callan, for services as Page, two days, at three dollars		6 00
To Charles Marple, for services as Page, two days, at three dollars		6 00
To J. H. Williams, for services as Page, one day, at three dollars		3 00
To Daniel Cooper, for services as Page, two days at three dollars		6 00
To Charles Williams, for services as Page, three days, at three dollars		9 00
To Willie Campbell, for services as Page, two days at three dollars		6 00
To Newton Pyburn, for services as Page three days, at three dollars		9 00
To Orrin Freese, for services as Porter to Sergeant-at-Arms, one day, at three dollars		3 00
To J. H. Culver, for services as Clerk to Sergeant-at-Arms, one day, at eight dollars		8 00
To George R Cornwell, for services as Gate-keeper, two days, at three dollars		6 00
To William Beveridge, for services as Gate-keeper, three days, at three dollars		9 00
To Lowell Howe, for services as Day Watchman three days, at three dollars		9 00
To William Sheridan, for services as Night Watchman, three days, at four dollars		12 00
To J. J. Ireland, for services as extra Porter for committee rooms, three days, at three dollars		9 00
To Robert Farrell, for two days services as Mail Carrier, at three dollars		6 00
To Henry Houghtaling, for services as Post Office Page, three days, at three dollars		9 00
To Daniel Blue, for services as Rear Porter, two days, at three dollars		6 00

Your committee recommend the passage of the following resolution:

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

W. B. MASON,
THOMAS MEIN,
L. C. BRANCH,
} Committee.

The report was accepted, concurred in, and the resolutions adopted.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as follows:

By Mr. Van Fleet: An Act to amend title two, of part four, of the Political Code, and each and every chapter, article, and section of said title two, and substituting a new title two, to take the place thereof in said Codes, to establish a system of county governments which shall be uniform throughout the State, to classify the counties according to population, to provide for the election and appointment of officers therein, and to designate the title, fix the number, and regulate the compensation of such officers.

Referred to the Committee on County and Township Governments.

By Mr. Chandler: An Act to provide a system of drainage for agricultural lands.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Mathews: An Act to amend an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Referred to Committee on Water Rights and Drainage.

By Mr. McCallion: An Act to regulate the admission into this State of fire, marine, inland, and guarantee insurance companies, or associations not incorporated under the laws of the State of California.

Referred to the Committee on Judiciary.

By Mr. Fraser: An Act to pay the claim of J. W. Marshall.

Referred to Committee on Claims.

Also, an Act to amend section four hundred and thirteen of the Political Code.

Referred to Judiciary Committee.

By Mr. Reddick: An Act to prevent hogs from running at large within the limits of town sites in this State.

Referred to Judiciary Committee.

By Mr. Hendrick: An Act to provide the mode of electing judicial and educational officers.

Referred to Committee on Elections.

Also, an Act to amend section thirty-one of an Act entitled an Act to regulate fees of officers and to repeal certain other Acts in relation thereto.

Referred to Committee on County Governments.

By Mr. Bost: An Act for the relief of purchasers of State lands, and to regulate the foreclosure of titles to State lands for the non-payment of interest.

Referred to Committee on Public Lands.

By Mr. Gilmore: An Act to amend section one thousand three hundred and fifty-seven of the Political Code, relating to primary elections.

Referred to Committee on Elections.

Also, an Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Referred to Committee on Municipal Corporations.

By Mr. Felton: An Act to repeal sections two, three, four, five, and six of an Act entitled an Act to confer certain powers upon the

Board of Supervisors of the County of San Mateo, approved March twenty-ninth, eighteen hundred and seventy-eight.

Referred to the Committee on Judiciary.

By Mr. Griffith: An Act to amend section fourteen hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors.

Referred to the Committee on Irrigation.

By Mr. Kilburn: An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of title three, chapter one, articles three and four, and section two hundred and forty-one of article —— of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State.

Referred to Judiciary Committee.

By Mr. Hendrick: An Act to allow women to vote in all matters relating to the control, management, and support of public schools.

Referred to the Committee on Elections.

By Mr. Jones: An Act to amend section eight hundred and nine of the Penal Code, providing for filing information after examination and commitment, provided the District Attorney deem the testimony sufficient for a probable conviction.

Referred to Judiciary Committee.

By Mr. O'Connor: An Act to relieve the estates of deceased persons from costs of Court when below the value of one thousand five hundred dollars.

Referred to Judiciary Committee.

By Mr. Pinder: An Act for the protection of patients from extortion by dishonest physicians and druggists.

Referred to Committee on State Hospitals.

Also, an Act to authorize the Sheriff, or other officer of any County Jail or City Prison, to cut the hair of prisoners within one inch of the scalp.

Referred to Judiciary Committee.

MOTIONS AND RESOLUTIONS.

By Mr. Burns:

Resolved, That the Sergeant-at-Arms be instructed to receive and receipt to the Controller of State for all warrants due members for their per diem and mileage.

Adopted.

By Mr. McClure:

Resolved, That the Judiciary Committee be and they are hereby authorized to appoint a clerk, at the same per diem as that allowed to clerks at the desk, the same to be paid out of the fund for the contingent expenses of the Assembly.

Adopted.

By Mr. Del Valle:

Resolved, That Mrs. M. A. Houghtaling be and she is hereby allowed the sum of forty dollars and eighty cents ($40 80), for four hundred and eight miles traveled from place of residence to the Capitol to assist in the organization of the present House as Postmistress, to be paid out of the Contingent Fund of the Assembly.

Adopted.
By Mr. McCallion:

Resolved, That the Secretary of State be requested to furnish to this House a list of the names of members of the last session, who returned to him at the end of the session copies of Hittell's Codes.

Adopted.
By Mr. Van Fleet:

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms, on the Contingent Fund of the Assembly, for the sum of ten dollars ($10), to be applied to the payment of Post Office box rent for the use of the Assembly.

Adopted.
By Mr. Young:

Resolved, That hereafter we dispense with calling the roll after the noon recess, unless it be apparent there is not a quorum present.

Adopted.
Also:

Resolved, That the Committee on County Governments and Township Governments be authorized to employ a clerk, at the same per diem as clerks at the desk, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.
By Mr. Van Fleet:

Resolved, That the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of twenty-five ($25) dollars, the same to be applied to the payment of a locksmith to repair the locks on the desks and drawers in this chamber and in the office of the Sergeant-at-Arms, and for postage stamps and stationery for the use of the office of the Sergeant-at-Arms during the present session, payable out of the Contingent Fund of the Assembly.

Adopted.
By Mr. Mason:

Resolved, That the Secretary of State be required to furnish each of the members of the Assembly with a copy of the official county map of the State of California.

Referred to the Committee on Public Expense and Accounts.
By Mr. Mathews of Tehama:

Resolved, That the Governor is hereby requested to transmit to the Assembly any reports or other information he may have of the proceedings and official acts of the Drainage Commissioners, under the Act known as an Act to promote drainage.

Adopted.
By Mr. Young:

Resolved, That three hundred and sixty copies of a list of the Standing Committees of this House be printed on proper cards.

Adopted.
By Mr. Leach:

Resolved, That the State Printer be informed of the action of the House in relation to the number of bills to be printed.

Adopted.

INTRODUCTION OF BILLS BY PERMISSION.

By Mr Freer: An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases.

Referred to Judiciary Committee.

Also, Assembly Concurrent Resolution, relative to pensioning the soldiers of the Mexican War.

Referred to Committee on Federal Relations.

Also, an Act to repeal an Act entitled an Act to provide a new Great Register for the County of Fresno and other counties, and reregister the votes thereof, approved March twenty-ninth, eighteen hundred and seventy-eight.

Referred to Committee on Elections.

By Mr. McClure: An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for money expended by him in his office.

Referred to Committee on Claims.

ADJOURNMENT.

At twelve o'clock M, Mr. Camron moved to adjourn until two o'clock P. M. Monday, January tenth, eighteen hundred and eighty-one.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 10, 1881

The House met pursuant to adjournment at two o'clock P. M.

Speaker Parks in the chair.

Roll called.

All present, as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Martin, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

The Journal of Thursday, January sixth, read, corrected, and approved.

The Journal of Friday, January seventh, taken up. Pending the

reading thereof, Mr. Fraser moved that further reading be dispensed with.

So ordered.

The Journal was then approved.

PETITIONS.

By Mr. Camron: A memorial from the Regents of the State University, asking for appropriations to the amount of forty-five thousand dollars, for the support of different colleges in the State University.

Read, and referred to the Committee on Ways and Means.

By Mr. Streeter: A petition from settlers in the northern portion of San Diego County, asking to be set off from San Diego County, and to be included within the boundaries of San Bernardino County.

Referred to the Committee on Counties and County Boundaries.

CONCURRENT RESOLUTION.

By Mr. Siebe: A resolution relative to protecting adopted citizens, who are natives of Costa Rica, from mistreatment by the Government of Costa Rica.

Referred to Committee on Federal Relations.

MESSAGE FROM THE GOVERNOR.

The following message was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
January 10, 1881.

To the Assembly of the State of California.

In response to your resolution of the seventh instant, I have the honor to transmit to your honorable body the report of the Board of Directors of Drainage District No. 1.

GEORGE C. PERKINS, Governor.

The above report referred to the Committee on Water Rights and Drainage.

INTRODUCTION OF BILLS.

By Mr. Lane: An Act to regulate the erection and construction of public buildings.

Referred to the Committee on Public Buildings.

Also, an Act to protect the agricultural interests of the State of California.

Referred to the Committee on Agriculture.

Also, an Act to provide for the election of county, and city and county officers, and to fix their term of office.

Referred to the Committee on County and Township Governments.

Also, an Act to amend sections one and two of an Act entitled "An Act to provide for reorganizing and better regulating the Paid Fire Department of the City and County of San Francisco," approved March twenty-eighth, eighteen hundred and seventy-eight.

Also, an Act supplementary and amendatory of an Act entitled "An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county,

and provide for the appointment, regulation, and payment thereof," approved April first, eighteen hundred and seventy-eight.

Each of the above two bills referred to the Committee on Municipal Corporations.

By Mr. Gavigan: An Act to appropriate money for the construction and equipment of an Astronomical and Physical Observatory, to be situated at the State University.

Referred to the Committee on Education.

By Mr. Birney: An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Referred to the Committee on Agriculture.

By Mr. Mathews, of Tehama: An Act to amend an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April twenty-sixth, eighteen hundred and eighty.

Referred to the Committee on Corporations.

By Mr Gilmore: An Act to compel fire insurance companies to pay the full amount of insurance on property insured.

Referred to Committee on Corporations.

By Mr. McDonald: An Act for the government, appointment, and regulation of a police force in the several counties, cities and counties, when city and county governments are consolidated in one government, in this State, and for the appointment and election of Chief of Police, and Board of Police Commissioners.

Referred to Committee on County Governments.

By Mr. Cunningham: An Act amendatory of an Act to declare Islais Creek, in the City and County of San Francisco, a navigable stream, approved March twenty-sixth, eighteen hundred and sixty-eight.

Referred to Committee on Commerce and Navigation.

By Mr. Van Fleet: An Act to amend section one thousand three hundred and sixty-five and one thousand three hundred and sixty-nine of the Code of Civil Procedure, relating to the granting of letters of administration on estates of deceased persons.

Also, an Act to repeal sections one thousand three hundred and fifty-two and one thousand three hundred and seventy of the Code of Civil Procedure.

Also, an Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same.

Each of the above three bills referred to the Committee on Judiciary.

By Mr. Jackson: An Act to impose an income tax in certain cases.

Referred to Committee on Ways and Means.

By Mr. Fraser: An Act relative to the taking of books from the State Library.

Referred to the Committee on State Library.

By Mr Whipple: An Act to amend sections three thousand eight hundred and four and three thousand eight hundred and seventy-one of the Political Code of California, relating to the refunding of taxes improperly assessed and collected.

Referred to the Committee on Claims.

By Mr. Wasson, of Mono: An Act to provide for a practical exposition of the resources of the State of California.

Referred to the Committee on Agriculture.

Also, an Act to provide for the deficiency in the appropriation for the State portion of salaries of Superior Court Judges during the thirty-first fiscal year.

Referred to the Committee on Ways and Means.

By Mr. Wertsbaugher: An Act to amend section two hundred and eleven of the Civil Code.

Also, an Act to add section eight hundred and eighty-eight to the Code of Civil Procedure.

Each of the above two bills referred to the Judiciary Committee.

By Mr. O'Connor: An Act to amend section eleven hundred and ninety-two of the Political Code, in relation to the distribution of election tickets.

Referred to Committee on Elections.

NOTICE.

By Mr. Leake:

MR SPEAKER I hereby give notice that I will, on Tuesday, January eleventh, move to amend Rule Number One, to make the hour of meeting ten o'clock, instead of eleven o'clock as it now reads.

ADJOURNMENT.

At two o'clock and fifty minutes P. M., Mr. Griffith moved that this House do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 11, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freet, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Steeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr. Jackson moved to suspend the rules, in order to introduce a resolution.

Lost.

The Assembly, at eleven o'clock and ten minutes, proceeded to the

election of one United States Senator, to succeed the Hon. Newton Booth, in accordance with the following Act of Congress:

TITLE II, CHAPTER I, Revised Statutes United States—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled

SEC. 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, as prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

NOMINATIONS FOR UNITED STATES SENATOR TO SUCCEED THE HON. NEWTON BOOTH.

Mr. Hartson nominated Hon. John F. Miller.

Mr. Platt nominated Hon. Wm. T. Wallace.

Mr. Jackson offered a resolution which the Speaker ruled out of order.

Mr. Jackson appealed from the decision of the Chair.

Mr. McClure moved to lay the appeal on the table, upon which the ayes and noes were demanded by Messrs. Gilmore, Jackson, and Gavigan.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Garrity, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker—45.

NOES—Messrs. Baker of Yolo, Barney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—35.

NOMINATION FOR UNITED STATES SENATOR RESUMED.

Mr. Mudgett nominated Hon. C. P. Berry.
The roll was called, with the following result:

For Miller—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hatfson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

For Wallace—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple.
For Berry—Messrs. Matthews of San Benito, and Mudgett.
For Ryland—Mr. McCallion.

Whole number of votes cast	79
Necessary to a choice	41
Mr. John F. Miller received	42
Mr Wm. T. Wallace received	34
Mr. C. P. Berry received	2
Mr. C. T. Ryland received	1

The Speaker announced the vote, and declared that the Hon. John F. Miller, having received a majority of the votes of the whole House, is the choice of the Assembly of the State of California for United States Senator, for the term commencing the fourth day of March next.

RESOLUTION.

By Mr. May:

Resolved, That the Clerk forthwith inform the Senate of the vote for United States Senator in this House, and that the Senate be requested to meet in the Assembly Chamber to-morrow, January twelfth, eighteen hundred and eighty-one, in Joint Assembly, for the purpose of electing, or declaring the election of, a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July twenty-fifth, eighteen hundred and sixty-six.

Adopted.
By Mr. Long:

Resolved, That the Committee on Water Rights and Drainage and Debris are hereby authorized to send for persons and papers.

Adopted.

PETITIONS.

By Mr. Jones: A petition from the citizens of Contra Costa County, asking the Legislature to so amend the Constitution in such a manner that the State Board of Equalization may have power to hear and determine complaints as to individual assessments, and to raise or lower the same.

Also, a petition from the citizens of Contra Costa County, asking for a law fixing the salaries of county officers.

Both of the above petitions referred to the Committee on County and Township Governments.

At request of Mr. Matthews of San Benito, Assembly Concurrent Resolution introduced by himself, was recalled from the Committee on Corporations, and referred to the Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1881.

MR SPEAKER The Committee on Judiciary, to whom was referred Assembly Bill No. 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance companies—have had the same under consideration, and report the same back, and recommend that it be referred to the Committee on Corporations

Also, Assembly Bill No. 24—An Act to amend section one thousand and fifty-nine of the Code of Civil Procedure, relating to the justification of sureties—and recommend its passage

Also, Assembly Bill No. 13—An Act to repeal section one thousand two hundred and twenty-two of the Code of Civil Procedure, relating to judgments and orders in cases of contempt—and recommend that it do not pass

Also, Assembly Bill No. 35—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—and recommend that it do pass.

Also, Assembly Bill No 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations—and recommend that it do pass.

Also, Assembly Bill No. 16—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code of California, relating to mortgages of personal property—and recommend that it do not pass.

Also, Assembly Bill No. 2—An Act to add a new section to the Civil Code, to be known as section one hundred and forty-nine, relating to the dissolution of marriage—and recommend that it do not pass.

Also, Assembly Bill No. 1—An Act to amend section ninety-one of the Civil Code, relating to the dissolution of marriage—and recommend that it do not pass.

Also, Assembly Bill No. 32—An Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, and nine hundred and two, of the Code of Civil Procedure, concerning proceedings in Justices' Courts—and recommend that it do not pass.

Also, Assembly Bill No. 18—An Act to amend section four hundred and twenty-seven of the Code of Civil Procedure, relating to causes of action which may be united in the same complaint—and recommend that it do not pass

Also, Assembly Bill No. 21—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six three thousand seven hundred and fifty-eight, three thousand seven hundred and fifty-nine, three thousand seven hundred and sixty-one, three thousand seven hundred and sixty-two, three thousand seven hundred and sixty-three, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight, and three thousand seven hundred and ninety-nine, of the Political Code of California, relating to revenue—and recommend that it be referred to the Committee on Ways and Means

Also, Assembly Bill No 25—An Act to amend section one thousand and ninety-seven of the Political Code, approved April sixteenth, eighteen hundred and eighty, relating to elections—and recommend that it be referred to the Committee on Elections

McCLURE, Chairman.

Each of the bills above reported was ordered referred as recommended in the report.

INTRODUCTION AND REFERENCE OF BILLS.

By Mr. Hartson: An Act to provide for the future management of the Insane Asylums of the State, and to amend sections two thousand one hundred and thirty-six, two thousand one hundred and thirty-seven, two thousand one hundred and thirty-eight, two thousand one hundred and thirty-nine, two thousand one hundred and forty, two thousand one hundred and fifty, two thousand one hundred and fifty-two, two thousand one hundred and fifty-four, two thousand one hundred and sixty-eight, two thousand one hundred and sixty-nine, two thousand one hundred and eighty-three, two thousand one hundred and ninety-three, two thousand one hundred and ninety-seven, two thousand one hundred and ninety-eight, two thousand one hundred and ninety-nine, two thousand two hundred, and two thousand two hundred and twenty of the Political Code, relating to the Insane Asylums of the State, and to add a new sec-

tion thereto, to be known as section two thousand one hundred and fifty-six.

Referred to the Committee on State Hospitals.

By Mr. Daggett: An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Referred to Judiciary Committee.

By Mr. Platt. An Act to add a new section to the Penal Code, to be known as section two hundred of the Penal Code, relating to homicide under violent provocation.

Referred to Judiciary Committee.

By Mr. Griffith: An Act to amend section one thousand four hundred and fourteen of the Civil Code, relating to water rights.

Referred to the Committee on Irrigation.

By Mr. McCallion: An Act to amend section three thousand six hundred and forty of the Political Code, concerning the assessment of corporations, associations, and joint stock companies, approved March twenty-second, eighteen hundred and eighty.

Referred to the Committee on Corporations.

By Mr. Sargent: An Act to amend section three thousand four hundred and sixty-six of the Political Code, relative to the assessment and collection of charges upon swamp and overflowed lands, for the purposes of reclamation.

Referred to the Committee on Swamp and Overflowed Lands.

By Mr. Leach: An Act concerning road poll taxes.

Referred to Committee on Ways and Means.

By Mr. Samuels: An Act to amend subdivision eight of section two thousand six hundred and forty-seven, and to amend section two thousand seven hundred and forty-eight of the Political Code.

Referred to Committee on Roads and Highways.

By Mr. Crank: An Act to amend section forty-seven of the Code of Civil Procedure, relative to traveling expenses of the Supreme Court.

Referred to the Committee on Judiciary.

By Mr. Lane: An Act to restrict gaming.

Referred to Committee on Judiciary.

By Mr. Baker, of Sacramento: An Act to add a new section to chapter one, of title nine, of the Penal Code, relating to fraudulent marriages, to be known as section two hundred and sixty-eight.

Referred to Committee on Judiciary.

By Mr. Siebe: An Act to amend section six hundred and thirty-six of the Penal Code.

Referred to Committee on Fish and Game.

By Mr. Leake: An Act to prevent summary dismissal of public officials and employés without just cause and public trial.

Referred to Committee on Judiciary.

By Mr. Hartson: An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

Referred to Committee on County and Township Governments.

By Mr. Hinshaw: An Act to amend an Act in relation to mutual, beneficial, and relief associations

Referred to Committee on Corporations.

By Mr. Freer: An Act to repeal an Act entitled "An Act to amend

an Act entitled 'An Act to provide for the payment of certain fees in the County of Butte,'" approved March fourth, eighteen hundred and seventy-two.

Referred to the delegation from Butte.

By Mr. Jackson: An Act for the better protection of insurers.

Referred to the Committee on Corporations.

By Mr. Wertsbaugher: An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, nine hundred and seventy-four, and nine hundred and eighty of the Code of Civil Procedure.

Also, an Act to amend section three hundred and fifteen of the Penal Code.

Each of the above two bills referred to the Judiciary Committee.

At twelve o'clock M., Mr Jackson moved the House take a recess of one hour.

Lost.

SPECIAL ORDER.

The special order set for this day, Assembly Concurrent Resolution No. 1, relative to appointment of joint committee upon apportionment of members of the Legislature.

Taken up, read, and withdrawn.

MOTIONS AND RESOLUTIONS.

By Mr. McClure:

A resolution authorizing the Judiciary Committee to appoint an assistant clerk, at six dollars per day, and the following committees each to appoint one clerk, viz.: Committee on Corporations, Committee on State Prisons, Committee on State Hospitals, Committee on Ways and Means, Committee on Apportionment, Committee on Municipal Corporations, Committee on Irrigation, Committee on Water Rights and Drainage, at a per diem of five dollars, and that the Committees on Claims, Elections, Federal Relations, and Labor and Capital, be authorized to appoint one clerk at five dollars; and that the Committees on Education, Agriculture, Mining and Mechanic Arts, be authorized to appoint one clerk at five dollars a day, and the Committees on Public Buildings and Grounds, and Enrollment, be authorized to appoint one clerk at five dollars per day, and the Committees on Swamp and Overflowed Lands, Agriculture, and Fish and Game, be authorized to appoint one clerk at five dollars per day; and that the Committees on County Governments, and Counties and County Boundaries, be authorized to appoint one clerk at five dollars per day, and that the Committees on Library, Public Morals, and Cultivation and Improvement of the Grapevine, be authorized to appoint one clerk at five dollars per day; and that the Committees on Mines and Mining Interests, Public Land, and Military Affairs, be authorized to appoint one clerk at five dollars per day, and that the Committees on Roads and Highways, Chinese Immigration and Emigration, Yosemite, Big Trees, and Forestry, be authorized to appoint one clerk at five dollars per day, and that the Speaker be authorized to appoint four committee-room porters at three dollars a day each, and that said clerks and porters be paid out of the Contingent Fund of the Assembly.

Mr. Gavigan moved to amend by including the following:

Resolved, That the San Francisco delegation be and are hereby authorized to employ a clerk at a per diem not to exceed five dollars, the compensation to be paid out of the Contingent Fund of the Assembly.

Mr Felton moved to amend the amendment, so as to give one clerk to the San Mateo delegation.

Lost.

The question recurring upon the amendment, the ayes and noes were demanded by Messrs. Gilmore, Gavigan, and McCallion.

The roll was called, and the amendment lost by the following tie vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Siebe, Swift, and Whipple.

NOES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

Mr. Coleman moved the reference of the resolution to the Committee on Attachés and Employés.

Mr. Fraser moved to amend by striking out the appointment of the four porters.

Upon the motion to refer, the ayes and noes were demanded by Messrs. Coleman, McDonald, and Jackson.

The roll was called, and the motion to refer prevailed by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Camron, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Reddick, Sargent, Siebe, Swift, and Whipple—40.

NOES—Messrs. Alviso, Baker of Sacramento, Brown, Chandler, Edwards, Estey, Felton, Freer, Gay, Hale, Hartson, Hendrick, Hoitt, Kilburn, Lewis, Long, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36.

RESOLUTIONS.

By Mr. Hoitt:

Resolved, That the usual number of copies of the report of the State Board of Examiners be printed.

Adopted.

By Mr. Leake:

I move to amend Standing Rule Number One, to read ten o'clock instead of eleven.

Upon which the ayes and noes were demanded by Messrs. Leake, Birney, and Platt.

The roll was called, and the resolution was lost by the following vote:

AYES—Messrs. Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Burns, Chandler, Crumpton, Daggett, Del Valle, Edwards, Gavigan, Griffith, Hale, Hendrick, Hinshaw, Holden, Jones, Kellogg, Leach, Leake, Long, Mathews of Tehama, Matthews of San Benito, McDonald, Mudgett, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Whipple, Wood, and Young—43.

NOES—Messrs. Alviso, Arick, Brown, Camron, Coleman, Crank, Cunningham, Estey, Felton, Fraser, Freer, Garrity, Gay, Geary, Gilmore, Hartson, Hoitt, Howard, Jackson, Keating, Kilburn, Lane, Lewis, Mason, May, McCallion, McClure, Mein, Murphy, Noonan, Patterson of Nevada, Reddick, Reynolds, Wasson of Mono, Wertsbaugher, and Mr. Speaker—35.

By Mr. Freer: Assembly Concurrent Resolution, relative to increased mail facilities between Oroville and Mooretown, in Butte County.

Referred to Committee on Federal Relations.

By Mr. Streeter:

Resolved, That the Committee on Attachés be known as the Committee on Attachés and Contingent Expenses, and that all motions or resolutions relating to the payment of moneys from the Contingent Fund, be referred to that committee.

The above laid over one day.

By Mr. Fraser:

Resolved, That the Speaker be authorized to appoint an additional member on the Committee on State Hospitals.

Laid over one day under the rule.

At twelve o'clock and thirty-five minutes P. M., Mr. Long moved that the House take a recess until two o'clock P. M.

So ordered.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Quorum present.

At two o'clock and three minutes P. M., Mr. Burns moved to adjourn.

Lost.

RESOLUTION.

By Mr. Garrity:

Resolved, That the Secretary of State be instructed to purchase cane bottom rotary chairs, for the use of members of the Assembly, and that the same shall be furnished members upon their requisition.

Adopted.

Mr. Coleman moved that the House proceed to the first reading of bills, in the order in which they were reported.

Adopted.

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties—taken up, and, by vote of the House, ordered read first time.

The bill read first time.

Assembly Bill No. 13—An Act to repeal section one thousand two hundred and twenty-two of the Code of Civil Procedure, relating to judgment and orders in cases of contempt—taken up, and refused first reading.

Assembly Bill No. 35—An Act to amend sections one thousand eight hundred and eleven, and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—taken up, and ordered read.

The bill read the first time.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

The bill taken up, and ordered read first time.

The bill read first time.

Assembly Bill No. 16—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code of California, relating to mortgages of personal property.

Taken up and refused first reading.

Assembly Bill No. 1—An Act to amend section ninety-one of the Civil Code, relating to dissolution of marriage.

Taken up, and refused first reading.

Assembly Bill No. 2—An Act to add a new section to the Civil Code, to be known as section one hundred and forty-nine, relating to the dissolution of marriage.

Taken up, and refused first reading.

Assembly Bill No. 32—An Act to amend sections eight hundred and forty-nine, eight hundred and sixty-eight, and nine hundred and two of the Code of Civil Procedure, concerning proceedings in Justices' Courts.

Taken up, and first reading refused.

Assembly Bill No. 12—An Act to amend section four hundred and twenty-seven of the Code of Civil Procedure of California, relative to causes of action which may be united in the same complaint.

Taken up, and refused first reading.

RESOLUTION.

By Mr. Kellogg:

Resolved, That the payment for the rotary chairs, this day ordered to be furnished by the Secretary of State, be paid for from the Contingent Fund of the Assembly.

Lost.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., Mr. Camron moved that the House do now adjourn.

So ordered.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 12, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Monday, January tenth, Mr. Coleman moved that further reading be dispensed with, and the Journal approved.

So ordered.

Pending the reading of the Journal of Tuesday, January eleventh, eighteen hundred and eighty-one, Mr. Camron moved that further reading be dispensed with.

So ordered.

The Journal ordered corrected by striking out the words "lost" and "tie," page seven, line one, of the printed minutes, and inserting instead of the word "lost," the word "carried;" and the Journal approved as corrected.

At eleven o'clock and thirty minutes, the House took a recess for twenty minutes.

REASSEMBLED.

The House reassembled at eleven o'clock and fifty minutes.

Speaker in the chair.

Quorum present.

IN JOINT ASSEMBLY.

Wednesday, January 12, 1881.

The hour of twelve o'clock, meridian, having arrived, the Assistant Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and Assembly then went into joint session, for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July twenty-fifth, eighteen hundred and sixty-six.

Lieutenant-Governor Jno. Mansfield, President of the Senate, and Hon. Wm. H. Parks, Speaker of the Assembly, presiding.

The roll of the Senate was called, and the following Senators answered to their names:

Messrs. Anderson, Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Rowell, Ryan, Sears, Traylor, Watson, Wendell, West, and Zuck.

The roll of the Assembly was called, and the following members of the Assembly answered to their names:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Eighty members present.

The President of the Senate directed the Secretary of the Senate to read the Act of Congress requiring the Joint Assembly to be held this day. From the official publication it was read as follows:

TITLE II, CHAPTER I, Revised Statutes United States—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:

SEC. 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof; or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, as prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

The Secretary of the Senate then read from the Journal of the Senate so much of the proceedings of yesterday, which was the second Tuesday after organization, as relates to the election of a United States Senator to succeed the Honorable Newton Booth, whereby it appeared that thirty-nine Senators were present, and voted, each for his choice, and that the Honorable John F. Miller had received twenty-seven votes, and that William T. Wallace had received ten votes, and Henry George two votes.

The President of the Senate then announced the vote cast in the Senate yesterday, and that John F. Miller had received a majority of all the votes of all the members of the Senate for the office of United States Senator.

The Chief Clerk of the Assembly then read as much of the Journal of the Assembly of yesterday as relates to the proceedings of that body in reference to the election of a United States Senator, held in accordance with the Act of Congress above recited, whereby it appeared that seventy-nine members of the House were present, and voted each for his choice, John F. Miller receiving forty-two votes, William T. Wallace receiving thirty-four votes, C. P. Berry receiving two votes, and Mr. C. T. Ryland receiving one vote.

The Speaker then announced that John F. Miller had received a majority of the votes of the whole House, and declared him the choice of the Assembly for United States Senator for the term commencing the fourth day of March, A. D. eighteen hundred and eighty-one.

The President of the Senate announced that the Hon. John F. Miller had received a majority of the votes of the members of each House of the Legislature yesterday, and therefore declared said John F. Miller to be duly elected United States Senator for the State of

California for six years, beginning on the fourth day of March, A. D. eighteen hundred and eighty-one

The minutes of the Joint Assembly were then read.

Senator Davis moved that the minutes of the Joint Assembly be approved as read.

There being no objection, the minutes were so approved.

The members of the Senate then retired.

IN ASSEMBLY.

Speaker in the chair.

Mr. Wason, of Ventura, moved that the House take a recess until two o'clock P. M.

So ordered.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Quorum present.

REPORTS OF STANDING COMMITTEES.

By Mr. *Patterson, of Nevada:*

REPORT OF THE COMMITTEE ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1881.

MR. PRESIDENT: The above committee has considered the resolution in relation to appointment of one Porter for gallery one Porter to take charge of doors at entrance of gallery; one Doorkeeper to take charge of the doors at entrance to Capitol building, and one additional Page for the Assembly, referred to said committee January sixth, eighteen hundred and eighty-one, and recommend the adoption of the following substitute therefor

Resolved, That the Speaker is hereby authorized to appoint one Porter to take charge of the doors at the entrance leading into the gallery, and perform such duties in and about the gallery as may be required, under the direction of the Sergeant-at-Arms, at a per diem of three dollars, also, one additional Page for the Assembly, to carry messages to individual Senators, attend to filing requisitions, and to other errands outside of the Assembly Chamber, at a per diem of three dollars, the compensation of each of said employés payable out of the Contingent Fund of the Assembly.

Committee has also considered the resolution referred to it January eleventh, eighteen hundred and eighty-one, relative to the appointment of Committee Clerks and Committee-room Porters, and recommend its amendment so as to provide for the appointment of two Committee-room Porters, and further recommend the adoption of the resolution as thus amended.

Your committee has also considered the resolution authorizing the Minute Clerk to appoint an assistant, and as a substitute for said resolution your committee recommend that the Speaker be authorized to appoint a general Assistant Clerk at the desk, to receive the same per diem as the other Clerks at the desk, payable out of the Contingent Fund of the Assembly

PATTERSON, Chairman.

The resolutions above reported amended, and adopted as recommended by the committee.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1881.

MR. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 23—An Act to amend section six hundred and eight of the Code of Civil Procedure, relating to the charge of the Court to the jury, and exceptions thereto, have had the same under consideration, and report the same back with a substitute therefor, and recommend the passage of the substitute

Also, Assembly Bill No. 29—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and fifty-three, relative to police power in the State of California—and recommend that it do not pass.

Also, Assembly Bill No 45—An Act to amend section one thousand and ninety-seven of the Political Code, relative to the qualifications of an elector—and recommend that it be referred to Committee on Elections.

Also, Assembly Bill No. 26—An Act to amend sections one hundred and seventy-eight and one hundred and seventy-nine of the Penal Code, in relation to the employment by corporations in the State of California—and recommend that it do not pass.

Also, Assembly Bill No. 42—An Act to repeal section one thousand three hundred and thirteen of the Civil Code concerning devises to charitable uses—and recommend that it do not pass.

Also, Assembly Bill No. 41—An Act to amend section five hundred and ninety-seven of the Civil Code—and recommend that it do not pass.

Also, Assembly Bill No. 40—An Act to amend section one thousand nine hundred and sixty-five of the Civil Code—and recommend that it do not pass.

Also, Assembly Bill No. 36—An Act entitled "An Act to amend section three thousand three hundred and eighty-two of the Political Code relating to merchants license"—and recommend that it be referred to the Committee on Ways and Means.

Also, Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court, with amendments—and recommend its passage as amended.

Also, Assembly Bill No. 15—An Act to amend section one thousand two hundred and sixty-one of the Civil Code of California relating to home-steads—and recommend that it do not pass.

McCLURE, Chairman.

Assembly Bill No. 45—An Act to amend section one thousand and ninety-seven of the Political Code, relating to the qualifications of an elector.

Referred to Committee on Elections, as recommended by the committee.

Assembly Bill No. 36—An Act entitled "An Act to amend section three thousand three hundred and eighty-two of the Political Code relating to merchants license."

Referred to Committee on Ways and Means, in accordance with recommendation of committee.

INTRODUCTION OF BILLS.

By Mr. Bost: An Act to enable the Supervisors of the several counties of the State to allow active members of regularly organized fire companies certain compensation.

Referred to Committee on Ways and Means.

By Mr. Reddick: An Act to amend section one thousand six hundred and sixty-six of the Code of Civil Procedure relative to settlement of estates of deceased persons.

Referred to the Judiciary Committee.

By Mr. Gilmore: An Act regulating the duties of Treasurers of companies belonging to the State militia.

Referred to the Committee on Military Affairs.

Also, an Act to compel persons, companies, associations, or corporations whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense.

Referred to the Committee on Corporations.

Also, an Act to authorize a more strict supervision of the business of pawnbrokers.

Referred to the Judiciary Committee.

Also, an Act to prohibit gas and water companies from charging consumers for pipes communicating with supply pipes or street mains, and the line of the street or sidewalk curb fronting the premises to be supplied, and there making connection with the pipe of the consumers.

Referred to the Committee on Corporations.

By Mr. Fraser: An Act to amend section one thousand one hundred and ninety of the Code of Civil Procedure, in relation to liens.

Referred to Judiciary Committee.

By Mr. McMurray: An Act to establish a branch Normal School.

Referred to Committee on Education.

By Mr. Hoitt: Proposed amendment to the Constitution of the State of California.

Referred to Judiciary Committee.

By Mr. Baker, of Yolo: An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty-nine of the Code of Civil Procedure, and to add three new sections to said Code, to be numbered respectively eight hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non-resident defendants.

Referred to Judiciary Committee.

By Mr. Wasson, of Mono: An Act to transfer the cabinet of minerals in the State Library, and all surveying and other instruments and material belonging to the State Geological Survey, now stored at the University of California, to the State Mineralogist.

Referred to the Committee on Mines and Mining Interests.

By Mr. Hendrick: An Act to provide the time for demanding a jury, and for the payment of the fees thereof.

Referred to the Judiciary Committee.

By Mr. Baker of Sacramento: An Act to amend sections three thousand four hundred and forty-six, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, and three thousand four hundred and seventy-two of the Political Code, and to add new sections thereto, to be known as sections three thousand four hundred and ninety-one, three thousand four hundred and ninety-two, and three thousand four hundred and ninety-three.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Young: An Act relating to the codling moth, scale insect, phylloxera, and other noxious insects, destructive of fruit trees and vines.

Referred to the Committee on Agriculture.

Also, an Act in relation to claims of the Secretaries of the Supreme Court.

Referred to the Judiciary Committee.

By Mr. Kellogg: An Act to amend section two hundred and twenty-six of the Civil Code in regard to proceeding in Court on the adoption of a child.

Referred to Committee on Judiciary

By Mr. Van Fleet: An Act to provide for the formation of reclamation districts out of territory already embraced in any reclamation or swamp land district, and to apportion the indebtedness thereof.

Referred to the Committee on Swamp and Overflowed Lands.

MESSAGES FROM THE SENATE.

The following message from the Senate was read:

SENATE CHAMBER, Monday, January 10, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on January seventh, passed Senate Concurrent Resolution No. 3, relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks.

JAMES A. ORR, Assistant Secretary.

Senate Concurrent Resolution No. 3, above referred to, was read first time, and referred to the Judiciary Committee.

The following Senate message was read:

SENATE CHAMBER, Tuesday, January 11, 1881

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the following resolution

Resolved, That the Secretary of the Senate be instructed to inform the Assembly that the Senate, on this day, elected Hon. John F. Miller United States Senator, to succeed Hon. Newton Booth in the Senate of the United States, from California, by the following vote: Senators Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Lampson Neumann, Nye, Pardee, Rowell, Sears, Traylor, Watson, Wendell, West, and Zuck—total, 27 Hon Wm. T. Wallace received the following vote Senators Anderson, Enos, Glascock, Harlan, Kelly Langford, Moreland, Nelson, Pool, and Ryan—total, 10. Hon. Henry George receiving the following vote Senators Chase and Gorman—total, 2.

And further instructed to inform your honorable body that the Senate will meet the Assembly in Joint Convention, Wednesday, January twelfth, eighteen hundred and eighty-one, at twelve o'clock M., to canvass the vote for United States Senator of California.

M. D BORUCK, Secretary of Senate.

Three days' leave of absence was granted to the Committee on Public Buildings and Grounds, and five days' leave of absence was granted to the Committee on State Hospitals.

FIRST READING OF BILLS.

Assembly Bill No. 42—An Act to repeal section one thousand three hundred and thirteen of the Civil Code, concerning devises to charitable uses.

Taken up, and first reading refused.

Assembly Bill No. 26—An Act to amend sections one hundred and seventy-eight, and one hundred and seventy-nine of the Penal Code, in relation to the employment of persons by corporations in the State of California.

Refused first reading.

Assembly Bill No. 41—An Act to amend section five hundred and ninety-seven of the Civil Code.

Refused first reading.

Assembly Bill No. 40—An Act to amend section one thousand nine hundred and sixty-five of the Civil Code.

Refused first reading.

Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of the Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherever such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court.

Ordered read.

The bill read first time.

Assembly Bill No. 23—An Act to amend section six hundred and eight of the Code of Civil Procedure, relating to the charge of the Court to the jury, and exceptions thereto.

Ordered read.

The bill read first time.

Assembly Bill No. 15—An Act to amend section one thousand two hundred and sixty-one of the Civil Code of California, relating to homesteads.

Refused first reading.

Assembly Bill No. 29—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and fifty-three, relative to police powers in the State of California.

Refused first reading.

The Chair appointed the following additional officers and attachés of the Assembly, as authorized by report of Committee on Attachés adopted this day: Assistant Clerk, J. M Wright; Porter of Gallery, W. B. Cline; Committee-room Porters, John Hanley, and E. A. McClurer; extra Page, Charley Marple.

SECOND READING OF BILLS.

Mr. McClure moved the following bills be considered in the House.

Carried.

Assembly Bill No. 35—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Ordered read second time.

Mr. Gilmore moved to amend section two, to add as follows: "For four successive weeks daily."

Mr. Young moved to amend the amendment as follows: On line six, after the word "county," and before the word "four," insert the words "once a week."

Adopted.

The amendment as amended adopted.

Mr. McClure moved to amend the second section by striking out the words, "session and the," on line seven of the printed bill.

Adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.

Ordered read second time, and considered in the House.

Mr. Gilmore moved to amend section one, in line sixteen, by striking out the word "may," and inserting instead "shall."

Adopted.

The bill read second time and ordered engrossed, and to be read third time.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Ordered read second time, and to be considered in the House.

Mr. McCallion moved to amend section one, all of the section after and including the word "providing."

Lost.

The bill read second time, and ordered engrossed, and to be read third time.

Mr. J. M. Wright, elected general Assistant Clerk, made his appearance, and took the oath of office, which was administered by the Speaker.

ADJOURNMENT.

At four o'clock P. M., Mr. Hoitt moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 13, 1881.

The House met, pursuant to adjournment, at eleven o'clock A. M.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Long, Mason, Matthews of San Benito, McCallion, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr Speaker.

Quorum present.

Prayer by the Chaplain.

PETITIONS.

By Mr. McClure: A memorial from the Pacific Social Science Association of San Francisco, relating to revenue and taxation, and asking an amendment to the Constitution, to correct the abuses complained of.

Referred to Committee on Ways and Means.

REPORT OF COMMITTEE.

By Mr. Mein:

ASSEMBLY CHAMBER, Sacramento, January 13, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined, and found correctly engrossed, the following Assembly bills

Assembly Bill No. 35—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justifications of sureties

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

MEIN, Chairman.

By Mr. McClure: An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

Referred to Committee on Public Buildings and Grounds.

By Mr. Platt: An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on, and the action of interpleader

Referred to Committee on Judiciary.

By Mr Del Valle: An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness.

Referred to Committee on Judiciary.

Also, an Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness.

Referred to Committee on Judiciary.

By Mr. McCallion: An Act to amend sections two thousand four hundred and thirty, 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-six, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-eight of the Political Code, in relation to pilots and pilot regulations

Referred to Committee on Commerce and Navigation.

By Mr Reddick: An Act to amend an Act entitled an Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substitute a new part one to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith, approved April first, eighteen hundred and eighty, and to prohibit Justices, Judges, or Justices of the Peace from practicing law, or from acting as attorneys, or agents, in certain cases.

Referred to Committee on Judiciary.

By Mr. Gilmore: An Act to provide for fixing the rates of compensation for water supplied for domestic and other uses, within the corporate limits of cities and counties, cities, or towns, in the State of California.

Referred to Committee on Corporations.

Also, an Act to encourage and protect legitimate mining enterprises and to suppress stock gambling.

Referred to Committee on Corporations

By Mr. Whipple: An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts

Referred to Committee on Judiciary.

By Mr. Wood: An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities now in the "War Bond Fund" in the State treasury, and not otherwise appropriated.

Referred to Committee on Claims.

By Mr. Holden: An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court.

Referred to Committee on Judiciary.

Also, an Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts," approved April sixteenth, eighteen hundred and eighty.

Referred to Committee on Judiciary.

By Mr. Van Fleet: An Act to repeal sections three thousand four hundred and seventy-five, three thousand four hundred and seventy-eight, three thousand four hundred and seventy-nine, three thousand four hundred and eighty, three thousand four hundred and eighty-one, and three thousand four hundred and eighty-two of the Political Code.

Referred to Committee on Swamp and Overflowed Lands.

By Mr Baker, of Sacramento: An Act concerning roads and highways in this State.

Referred to Committee on Roads and Highways.

By Mr Swift. An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny.

Referred to the Committee on Judiciary.

By Mr. Paulk: An Act to prevent hunting and shooting on private inclosed grounds in the State of California.

Referred to the Committee on Agriculture.

RESOLUTIONS.

By Mr. Hoitt: Assembly Concurrent Resolution, relative to a representation in the Cabinet of the incoming administration.

Referred to Committee on Federal Relations.

By Mr. Estey:

WHEREAS, The report of the Committee on Attachés allot but one clerk to Committees on Agriculture, Fish and Game, and Swamp and Overflowed Lands; and, whereas, in the opinion of members of this House, one clerk will be required exclusively to perform the work of the Committee on Swamp and Overflowed Lands therefore, be it

Resolved, That the Committees on Fish and Game, Public Printing, and Agriculture be and are hereby authorized to appoint one clerk at a per diem of five dollars per day, payable out of the Contingent Fund of the Assembly.

Mr. Coleman moved to refer the resolution to the Committee on Attachés and Employés.

Lost.

Resolution adopted.

By Mr. Young.

Resolved, That the Secretary of State is hereby authorized to purchase sixty copies of volume three (3) of Hittell's Codes, at three dollars per volume, and the sum of one hundred and eighty dollars is hereby appropriated out of the Assembly Contingent Fund to pay for said volumes

Mr. Lane moved to amend the resolution by striking out the word "sixty," and inserting instead the word "eighty."

Mr. Camron moved to refer the whole matter to the Committee on Attachés and Employés.

Lost.

The amendment was then adopted.

The question recurred upon the adoption of the resolution as amended, upon which the ayes and noes were demanded by Messrs. Jackson, Howard, and McMurray.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Coleman, Cunningham, Daggett, Del Valle, Estey, Freet, Gavigan, Geary, Griffith, Hale, Hendricks, Hinshaw, Hoitt, Holden, Jackson Jones, Keating, Kellogg, Lane, Leake, Long, McClure, McMurray, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reddick, Sargent, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wood, Young, and Mr Speaker—46

NOES—Messrs. Burns, Cannon, Clark Edwards, Felton, Fraser, Garrity, Gilmore, Hartson, Howard, Kilburn, Mason, Mathews of Tehama, McCallion, Mein, Noonan, Paulk, Platt, Reynolds, Siebe, Streeter, Wason of Mono, and Whipple—23.

Resolution amended by striking out "one hundred and eighty dollars," and inserting instead "two hundred and forty dollars."

Mr. Coleman called for Mr. Streeter's resolution, introduced two days ago, as follows:

Resolved, That the Committee on Attachés be known as the Committee on Attachés and Contingent Expenses, and that all motions and resolutions relating to the payment of moneys from the Contingent Fund be referred to that committee.

The resolution was referred to the Committee on Rules.

By Mr. Kellogg:

Resolved, That the State Controller be requested to furnish this Assembly with a complete list of all of the clerks and employés of the Assembly, including the clerks of committees, and the per diem paid each.

Lost.

By Mr. Whipple:

Resolved, That this hall be kept closed to all persons except members, State officers, Senators, accredited reporters, and officers and attaches of the House, until eleven o'clock A. M each day, and the Sergeant-at-Arms is instructed to keep this hall clear of all persons except members, attachés and officers of the House, accredited reporters, Senators, and State officers.

Mr. Baker of Yolo moved to amend so as to admit such persons as are invited by members.

Mr. Baker of Sacramento moved the resolution be referred to its author for correction.

Lost.

Amendment adopted.

The resolution as amended was then adopted

NOTICE.

By Mr. Baker of Sacramento:

MR SPEAKER I hereby give notice that I will, on to-morrow, move to amend Rule Number Fifty-six of the Standing Rules of the House, by striking out "three hundred and sixty" and in their stead insert "four hundred and sixty."

RESOLUTIONS.

By Mr. Reynolds:

Resolved, That the title of the Committee on Culture and Improvement of the Grapevine, be so amended as to include fruit trees.

Laid over one day and referred to Committee on Rules.

By Mr. Leake:

WHEREAS, The *Record-Union*, a daily paper published in the City and County of Sacramento, in its issue of January eleventh, eighteen hundred and eighty-one, published editorially charges of a grave nature against Hon. D M. Kenfield, State Controller; therefore, be it

Resolved, That the Committee on Public Expenditures and Accounts are hereby instructed to investigate such charges at the earliest practicable moment, and report the findings to the House, and said committee are hereby authorized to send for persons and papers.

Adopted.

SECOND READING OF BILLS.

Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court—ordered read second time.

The bill read second time, and amended as recommended by the Judiciary Committee, and ordered engrossed, and to be read third time.

Assembly Bill No. 23—An Act to amend section six hundred and eight of the Code of Civil Procedure, relating to the charge of the Court to the jury, and exceptions thereto—ordered read second time.

The bill read second time.

Substitute recommended by the Committee on Judiciary adopted.

The bill ordered engrossed, and to be read third time.

THIRD READING OF BILLS.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Read third time, and, on motion of Mr. Griffith, rereferred to the Committee on Engrossment, for correction.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes, Mr. Lane moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 14, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Brown, Burns, Camron, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Jackson, Jones, Keating,

Kellogg, Kilburn, Lane, Leake, Long, Mason, Matthews of San Benito, McCallion, McClure, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain

Reading and approval of the Journal

Pending the reading of the Journal of Wednesday, January twelfth, Mr. Coleman moved that further reading of the Journal be dispensed with.

So ordered.

Journal approved.

Two days leave of absence granted to Mr. Hale.

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1881.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 60—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor, and providing for the pay thereof—have had the same under consideration, and report the same back with the recommendation that it do not pass.

Also, Assembly Bill No. 61—An Act to amend section seventy-one of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or the Governor—and recommend that the same do not pass

Also, Assembly Bill No. 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 58—An Act to add two new sections to the Political Code of the State of California, in relation to the erection of bridges between adjoining counties—and recommend that it do not pass

Also, Assembly Bill No. 70—An Act to amend section three hundred and thirty of the Penal Code, relating to gaming—and recommend that it do not pass

Also, Assembly Bill No. 69—An Act to amend section two thousand two hundred and ninety-two of the Political Code, relating to the Board of Trustees of the State Library—and recommend that the same be referred to the State Library Committee.

Also, Assembly Bill No. 51—An Act to add a new section to the Code of Civil Procedure, to be numbered nine hundred and twenty-seven, relating to proceedings in Justices Courts in actions to foreclose liens on personal property—and recommend that it do not pass.

Also, Assembly Bill No. 78—An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure, relating to guardian and ward—and recommend that it do not pass.

Also, Assembly Bill No. 91—An Act to amend section three hundred and one of the Penal Code of California, relating to the keeping open certain places of business on Sunday—and recommend that it do pass

Also Assembly Bill No. 92—An Act to provide for the publication of notices—and recommend that it do not pass.

Also, Assembly Bill No 76—An Act to amend section six hundred and twenty-two of the Political Code, relating to taxes, fines, penalties licenses, fees, deposits of money, or of securities, or other obligations or prohibitions imposed upon insurance companies doing business in this State and organized under the laws of any other State or country—and recommend that the same be referred to Committee on Corporations.

Also, Assembly Bill No 73—An Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April third, eighteen hundred and seventy-six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities—report a substitute therefor, and recommend the passage of the substitute.

McCLURE, Chairman.

By Mr. Alviso: A verbal report, returning Assembly Bill No. 89—An Act to prevent a monopoly on common carriers—and requesting its reference to the Committee on Corporations.

The bill so referred.

By Mr. Fraser:

MR. SPEAKER: The Committee on Rules and Regulations, to whom was referred the following resolution, respectfully report the same back and recommend its adoption:

Resolved, That the Committee on Attachés be known as the Committee on Attachés and Contingent Expenses, and that all motions or resolutions relating to the payment of moneys from the Contingent Fund, be referred to that committee.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 47—Entitled "An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases of the actual expenses of such Judge for traveling to and from, and while holding such Court."

Also, Substitute for Assembly Bill No. 23—Entitled "An Act to amend section six hundred and eight of the Code of Civil Procedure, relating to the charge of the Court to the jury, and exceptions thereto."

Also, Assembly Bill No. 12—Entitled "An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations."

MEIN, Chairman.

INTRODUCTION OF BILLS.

By Mr. Baker, of Yolo: An Act to amend section three of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Referred to Committee on Water Rights and Drainage.

Also, an Act to provide for greater security in the transmission of election returns.

Referred to Committee on Elections.

Also, an Act concerning the time of canvassing the returns of elections for Governor and Lieutenant-Governor.

Referred to Committee on Elections.

By Mr. Platt: An Act to provide for the publication of notices.

Referred to Committee on Judiciary.

By Mr. Watkins: An Act to amend an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four, approved April twenty-third, eighteen hundred and eighty.

Referred to Committee on Corporations.

By Mr. Streeter: An Act to provide for the better government of corporations engaged in the sale and distribution of water for purposes of irrigation.

Referred to Committee on Irrigation.

By Mr. Griffith: An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity.

Referred to Committee on Irrigation.

By Mr. Hendrick: An Act to amend section two thousand six hundred and fifty-three of the Political Code, relating to the road fund.

Referred to the Committee on Judiciary.

By Mr. McClure: An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

Referred to Committee on Judiciary.

Also, an Act to amend section one thousand and forty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury.

Referred to Committee on Judiciary.

By Mr. Wason, of Ventura: An Act to amend section one thousand two hundred and seven of the Civil Code, relating to record of instruments affecting real property.

Referred to Committee on Judiciary.

By Mr. Wasson, of Mono: An Act to provide a State hospital and asylum for miners.

Referred to Committee on Mines and Mining.

By Mr. O'Connor: An Act prohibiting judicial officers from accepting other employment.

Referred to Committee on Judiciary.

By Mr. Young: An Act to amend section one thousand three hundred and twenty-two of the Penal Code of California, relating to witnesses in criminal actions.

Referred to Committee on Judiciary.

Also, an Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of California, relating to witnesses.

Referred to Committee on Judiciary.

By Mr. Holden: An Act amendatory of an Act supplemental to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, approved April fifteenth, eighteen hundred and eighty," providing for the establishment of a new agricultural district composed of the Counties of Mendocino and Lake.

Referred to Committee on Agriculture.

By Mr. Jones: An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, in relation to the transfer of causes of action when the Judge or Justice is disqualified.

Referred to Committee on Judiciary.

By Mr. Whipple: An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to trusts.

Referred to Committee on Judiciary.

By Mr. Arick: An Act to provide for payment for surveys and segregations of swamp and overflowed lands within the State.

Referred to Committee on Swamp and Overflowed Lands.

NOTICE.

By Mr. Del Valle:

MR SPEAKER I hereby give notice that I will, on to-morrow, move to change Rule Thirty-Six of the Standing Rules of this House, in relation to the reference of bills

GENERAL FILE.

Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Birney, Bost, Brown, Camron, Coleman, Crank, Del Valle, Edwards, Felton, Garrity, Gavigan, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Kilburn, Leake, Long, Mason, Matthews of San Benito, McCallion, McClure, McMurray, Noonan, Patterson of Nevada, Platt, Reynolds, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—43

NOES—Messrs. Arick, Burns, Gilmore, Griffith, Mudgett, Murphy, O'Connor, Paulk, and Pinder—9

Title approved.

MOTIONS AND RESOLUTIONS.

By Mr. Murphy:

Resolved, That the Committee on Water Rights and Drainage be instructed to report back to this House, with or without recommendation, Assembly Bill No. 4, on or before Tuesday next, January eighteenth, eighteen hundred and eighty-one.

Mr. Lane moved to amend by striking out the word "Tuesday," and inserting instead the word "Thursday."

Mr. Hoitt moved the indefinite postponement of the resolution.

Carried.

By Mr. Jackson:

Resolved, That the Committee on Labor and Capital be instructed to report back Assembly Bill No. 55, with or without recommendation, on Monday, January sixteenth, at twelve o'clock M

Lost.

By Mr. Camron:

Resolved, That the Committee on Water Rights and Drainage be required to report back Assembly Bill No. 4 to the House, on the first Tuesday of February, eighteen hundred and eighty-one.

Upon which the ayes and noes were demanded by Messrs. Camron, Wason of Ventura, and Edwards.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Camron, Coleman, Daggett, Edwards, Hendrick, Hinshaw, Jones, Mason, Matthews of San Benito, McCallion, McMurray, Mudgett, Murphy, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Watkins, Wason of Ventura, Wentz, and Whipple—24

NOES—Messrs. Arick, Baker of Sacramento, Bost, Brown, Burns, Crank, Cunningham, Del Valle, Felton, Garrity, Gavigan, Geary, Gilmore, Griffith, Hoitt, Holden, Jackson, Keating, Kellogg, Kilburn, Lane, Leake, Long, McClure, Mein, Noonan, O'Connor, Patterson of Nevada, Pinder, Platt, Reddick, Streeter, Swift, Wasson of Mono, Wood, Young, and Mr. Speaker—38.

By Mr. Pinder:

Resolved, That all committees of this House shall report their action on all bills or motions referred to them within ten days after reference, unless otherwise specially ordered.

Laid over one day and referred to the Committee on Rules.

The resolution introduced by Mr. Baker of Sacramento, yesterday, relative to change of Rule Number Fifty-six, referred to Committee on Rules.

Leave of absence was granted until Monday next to Mr. Arick.

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON RULES.

The resolution reported above by the Committee on Rules taken up.

Mr. Camron moved to amend by inserting the word "shall" before the word "be."

The amendment accepted, and the resolution adopted as amended.

RECESS.

At twelve o'clock and thirty minutes, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

ADJOURNMENT.

At two o'clock and five minutes P. M., Mr. McClure moved that we do now adjourn until Monday, at two o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Wason of Ventura, Coleman, and Paulk.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Arick, Burney, Bost, Brown, Burns, Camron, Daggett, Garrity, Geary, Gilmore, Hoitt, Jackson, Jones, Lane, Long, Mason, McCallhon McClure, Mem, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Sargent, Streeter, Wasson of Mono, Whipple, Wood and Mr Speaker—31

NOES—Messrs. Alviso, Baker of Sacramento, Coleman, Crank, Del Valle, Edwards, Felton, Griffith, Hendrick, Hinshaw, Holden Keating, Kellogg Kilburn, Leake Matthews of San Benito, McMurray, Murphy, Paulk, Pinder, Reynolds, Swift, Watkins, Wason of Ventura, Wentz, and Young—27.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 17, 1881.

The House met pursuant to adjournment at two o'clock P. M.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Baker of Sacramento, Burney Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Matthews of San Benito May McCallhon, McClure, McDonald, McMurray, Mem, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal of Thursday, January thirteenth, eighteen hundred and eighty-one.

Pending the reading of the Journal, Mr. Griffith moved that the further reading of the Journal be dispensed with.

So ordered.

Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Jackson.

MR SPEAKER Your Committee on Chinese Immigration and Emigration, to whom was referred Assembly Bills Nos. 7 and 79, beg leave to submit herewith the following report Your committee has met and considered Assembly Bill No 7—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State is a party—and would report it back without recommendation.

Assembly Bill No 79—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California—has also been considered by your committee, who would report it back with amendments, with the recommendation that it do pass as amended.

JACKSON, Chairman.

By Mr. Felton:

ASSEMBLY CHAMBER, January 17, 1881

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No 27—An Act to provide for the use of a stamp, brand stencil, or trademark on manufactured commodities—have had the same under consideration, and now report the same back, and recommend that it do not pass

Also, Assembly Bill No. 9—An Act to prevent a monopoly on railroads, steamboats, steamships, and other common carriers—have had the same under consideration, and now report the same back to the Assembly, and recommend that it do not pass.

Also, Assembly Bill No. 28—An Act to compel banks, savings and loan societies, and all and every kind of person or persons, or corporations, receiving moneys or other valuable property on deposit, or for safe keeping, to publish a sworn statement in certain cases—have had the same under consideration, and now report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Concurrent Resolution No. 2—Relative to donations to railroad corporations—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Federal Relations.

Also, Assembly Bill No. 89—An Act to prevent a monopoly on common carriers—have had the same under consideration, and now report the same back, and recommend that it do not pass

Also, Assembly Bill No 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Assembly Bill No. 50—An Act to provide for the keeping of accounts in the English language—have had the same under consideration, and now report the same back, and recommend that it do not pass

FELTON, Chairman.

Assembly Concurrent Resolution No 2—Relative to donations to railroad corporations—was referred to the Committee on Federal Relations, in accordance with the recommendation of the committee above.

By Mr. Edwards:

ASSEMBLY CHAMBER, January 17, 1881

MR SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 62—An Act to regulate fire marine, and inland insurance companies transacting business in this State, have had the same under consideration, and now report the same back with the recommendation that it be referred to the Committee on Corporations

EDWARDS, Chairman

The bill above reported was referred to the Committee on Corporations.

Also.

ASSEMBLY CHAMBER, January 17, 1881.

MR SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire

department, and to assess and collect taxes from time to time, for such purpose, and to create a Board of Fire Commissioners—have had the same under consideration, and now report back the same, with the recommendation that it be referred to the printer with instructions to erase the word "incorporated" in line one of the title, and again in line one, section one (printed copy), and in place thereof insert the word "unincorporated."

EDWARDS, Chairman.

The bill above reported referred to the Committee on Printing.

INTRODUCTION OF BILLS.

By Mr. Estey: An Act to amend an Act entitled "An Act to amend sections six hundred and twenty-six and six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game, approved April sixteenth, eighteen hundred and eighty.

Referred to Committee on Judiciary.

By Mr. Geary: An Act relative to apprentices, and minors, and masters.

Referred to Committee on Judiciary.

By Mr. McMurray: An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto relating to actions against the State.

Referred to Committee on Judiciary.

By Mr. Del Valle: An Act in relation to medical expert testimony.

Referred to Committee on Judiciary.

By Mr. Long. An Act entitled an Act to amend section two hundred and thirteen of the Penal Code, relating to the punishment of robbery, and to fully define the punishment of robbery.

Referred to Committee on Judiciary.

By Mr. McClure: An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the plan of trial of civil actions.

Referred to Committee on Judiciary.

By Mr. Birney: An Act to encourage the different County Assessors of the State to collect and return, in their annual report to the Board of Supervisors of their respective counties, the statistics of the total amount of valuation of grain, fruit, wine, stock, and produce of all kinds, raised or made in the agricultural counties, and the total amount or valuation of grain, fruit, stock, and wine raised and produced, and the amount of gold and silver extracted and taken out in the mining counties of the State.

Referred to Committee on Agriculture.

By Mr. Platt: An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to obtaining money by false pretenses, and by false reports of wealth, etc.

Referred to Committee on Judiciary

Also, an Act to amend section two hundred and forty-three of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of battery, and to battery on a wife.

Referred to Committee on Judiciary.

Also, an Act to amend section two hundred and forty-five of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of an assault with deadly weapon.

Referred to Committee on Judiciary.

By Mr. Gilmore: An Act to authorize the Board of Supervisors of the various counties of this State to pay active members of the State militia a certain annual sum.

Referred to Committee on Military Affairs.

Also, an Act to govern and control Chinese and Mongolians residing within this State.

Referred to Committee on Chinese Immigration and Emigration.

By Mr. Siebe: An Act for the relief of John C. Edgar, ex-Sheriff of the County of San Mateo.

Referred to Committee on Claims.

By Mr. McCallion: An Act to amend section three hundred and fifty-four of the Civil Code, relating to corporations.

Referred to Committee on Judiciary.

By Mr. Mathews, of San Benito: An Act regulating the taking up of estray animals and posting the same.

Referred to Committee on Agriculture.

By Mr. Kellogg: An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence, on conviction of a misdemeanor.

Referred to Committee on Judiciary.

Also, an Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property.

Referred to Committee on Judiciary.

Also, an Act to amend section eight hundred and ninety of the Code of Civil Procedure, relating to judgments in Justices' Courts.

Referred to Committee on Judiciary.

By Mr. Streeter: An Act to provide for the care of indigent sick persons in certain cases.

Referred to Committee on Judiciary.

By Mr. Holden: An Act to amend sections three thousand four hundred and forty, three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Civil Code, providing for the sale of the swamp and overflowed lands, and the salt marsh lands, belonging to the State of California.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Gay: An Act to add a new section to an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, to be known as section three hundred and nine *a*, relating to suits by stockholders of corporations.

Referred to Committee on Judiciary.

Also, an Act to amend section three hundred and nine of the Civil Code, in relation to dividends to be made from surplus profits.

Referred to Committee on Judiciary.

By Mr. Whipple: An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such claim or demand has been previously left for collection, or who has been consulted thereon.

Referred to Committee on Judiciary.

By Mr. Wasson, of Mono: An Act to amend section two hundred and five of the Code of Civil Procedure of California, relating to selecting and returning jurors for Courts of record.

Referred to Committee on Judiciary.

By Mr. Reynolds: An Act to amend section one hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to Justices' Courts.

Referred to Committee on Judiciary.

By Mr. Hinshaw: An Act to submit to the people of the State a proposed amendment to the Constitution.

Referred to Committee on Judiciary.

By Mr. O'Connor: An Act to amend an Act entitled "An Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco," approved April fourth, eighteen hundred and seventy.

Referred to Committee on Claims.

Also, an Act concerning the appointment of interpreters for the Criminal Courts of the State of California.

Referred to Committee on Judiciary.

By Mr. Pinder. An Act to enforce the twenty-sixth section of article fourth of the Constitution, relating to contracts for the sale of shares of the capital stock of corporations or associations on margin.

Referred to Committee on Corporations.

By Mr. Noonan: An Act to amend section one thousand nine hundred and thirty-six of the Political Code, relative to exemptions of militiamen.

Referred to Committee on Military Affairs.

By Mr. McDonald: An Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco.

Referred to San Francisco delegation.

MESSAGES FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, January 14, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate has received the report of the Board of Examiners. It is now in the hands of the State Printer. Also, to transmit the history of the operations of the State Engineer. Also, to inform your honorable body that the Senate, on January thirteenth, eighteen hundred and eighty-one, passed the following bills

Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix

Also, Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official civil duties

Also, Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Also, Senate Bill No. 25—An Act releasing to William Scholle, and his assigns, certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Also, Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code.

Also, Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraphic messages are refused or postponed

Also, Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Also, Senate Bill No. 29—An Act making an appropriation for the payment of mileage of Senators.

Also, Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers.

Also, Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

Also, Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to operation of statutes.

Also, Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration

Also, Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code.

I am also directed to inform your honorable body that the Senate has received a communication from the Governor, embodying his views on the debris question, now in the hands of the printer.

J. A. ORR, Assistant Secretary.

The following four bills were referred to the Judiciary Committee:

Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official civil duties.

Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraphic messages are refused or postponed.

Referred to Committee on Corporations.

Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code.

Referred to Judiciary Committee.

Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Referred to Committee on Municipal Corporations.

Senate Bill No. 29—An Act making an appropriation for the payment of mileage of Senators.

Referred to Committee on Mileage.

Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers.

Referred to Committee on Corporations.

Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

Referred to Judiciary Committee.

Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to operation of statutes.

Referred to Judiciary Committee.

Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

Referred to Judiciary Committee.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code.

Referred to Judiciary Committee.

Mr. Streeter moved that two thousand copies of the history of the State Engineer's report be ordered printed.

Carried.

Mr. Fraser moved that two thousand copies of the Governor's Message on debris be ordered printed.

Carried.

RESOLUTION.

By Mr. Del Valle (*pursuant to notice*):

Resolved, That Rule Thirty-Six of the Standing Rules of the House is hereby amended so as to read as follows:

"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 ten days from the time the bill is received by the Chairman of the committee, unless further time to report be granted."

Referred to the Committee on Rules.

APPOINTMENT.

The Speaker announced the appointment of W. D. Haley, as Porter, vice W. D. McClure, declined.

GENERAL FILE.

Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Burns, Cannon, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holt, Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker—70.

NOES—Mr. McMurray.

The title was amended, on motion of Mr. McClure, and approved as amended.

Assembly Bill No. 23—An Act to amend section six hundred and eight of the Code of Civil Procedure, relating to the charge of the Court to the jury, and exceptions thereto.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holt, Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of San Benito, May,

McCallion, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—67.

Noes—Messrs Gilmore and Keating—2.

The title was amended, on motion of Mr. McClure, and approved as amended.

Assembly Bill No. 35—An Act to amend sections eighteen hundred and eleven and eighteen hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Mr. McCallion moved the bill be passed on file until it should be printed on the General File.

Upon which the ayes and noes were demanded by Messrs. McCallion, Jackson, and Gilmore.

The roll was called, and the motion was carried by the following vote.

Ayes—Messrs Alviso, Baker of Yolo, Branch, Burns, Cannon, Chandler, Coleman, Del Valle, Edwards, Estey, Felton, Fraser, Fleet, Garrity, Gavigan, Gay, Geary, Gilmore Hartson, Hoitt, Holden, Howard Jackson, Keating, Kellogg, Kilburn, Lane, Leake Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Reddick, Siebe, Swift, Wason of Ventura, and Wertsbaugher—45

Noes—Messrs Baker of Sacramento, Bost, Brown, Crumpton, Cunningham, Daggett, Griffith, Hale, Hendrick, Hinshaw, Jones, Long, May, McClure, Mudgett, Murphy, Patterson of Nevada, Platt, Reynolds, Samuels, Van Fleet, Watkins, Wentz Whipple, Wood, Young, and Mr. Speaker—27.

Mr. Fraser moved that all bills omitted from the printed file be passed on file until they should appear printed in the General File.

Lost.

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.

Mr. Jackson moved the bill be indefinitely postponed.

Lost.

The bill read third time.

Mr. Baker, of Yolo, moved the bill be made the special order for two o'clock P. M. to-morrow.

Carried.

Assembly Bill No. 92—An Act to provide for the publication of notices.

Refused first reading

Assembly Bill No. 76—An Act to amend section six hundred and twenty-two of the Political Code, relating to taxes, fines, penalties, licenses, fees, deposit of money, or of securities or other obligations, or prohibitions imposed upon insurance companies doing business in this State, and organized under the laws of any other State or country.

Ordered referred to the Committee on Corporations.

Assembly Bill No. 73—An Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April third, eighteen hundred and seventy-six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities—ordered read first time.

The bill read first time.

Assembly Bill No 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property—ordered read first time.

The bill read first time.

Assembly Bill No. 58—An Act to add two new sections to the Political Code of the State of California, in relation to the erection of bridges between adjoining counties—taken up.

Mr. Fraser moved the bill be indefinitely postponed.

Carried.

Assembly Bill No. 70—An Act to amend section three hundred and thirty of the Penal Code, relating to gaming.

Refused first reading

Assembly Bill No. 69—An Act to amend section two thousand two hundred and ninety-two of the Political Code, relating to the Board of Trustees of the State Library.

Referred to Committee on State Library.

Assembly Bill No. 51—An Act to add a new section to the Code of Civil Procedure, to be numbered nine hundred and twenty-seven, and relating to proceedings in Justices' Courts in actions to foreclose liens on personal property.

Refused first reading.

Assembly Bill No. 78—An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure of California, relating to guardian and ward.

Refused first reading.

Assembly Bill No 91—An Act to amend section three hundred and one of the Penal Code of California, relating to the keeping open certain places of business on Sunday—ordered read first time.

Pending the reading, Mr. Leach had one day's leave of absence.

The bill read first time.

MOTIONS AND RESOLUTIONS.

By Mr. O'Connor: A resolution entitled "Resolutions of sympathy for the people of Ireland."

Read, and referred to the Committee on Federal Relations.

By Mr. Baker, of Sacramento.

Resolved, That the Sergeant-at-Arms be and is hereby instructed to distribute three copies of all bills printed, daily, to the members of the Assembly.

Adopted.

By Mr. Long: Assembly Concurrent Resolution, relative to the immigration of Mongolian laborers.

Read, and referred to the Committee on Chinese Immigration and Emigration.

PETITION.

By Mr. Hale: A petition from the citizens and residents of Iowa Hill, calling attention to the frequent highway robberies committed in Placer County, and asking such legislation as will best meet the emergency.

Referred to the Committee on Judiciary.

ADJOURNMENT.

At four o'clock and twenty minutes, Mr. Van Fleet moved we do now adjourn.
Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 18, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Cunningham, Piggott, Del Valle, Edwards, Estey, Felton, Fraser, Freet, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.
Reading and approval of the Journal
Mr. Griffith moved that the reading of the Journal be dispensed with.
Carried.
The Journal approved.
The Journal of Tuesday, January thirteenth, ordered corrected so as to show that the Committee on State Prison had two days leave of absence.
Two days leave of absence granted to Mr. Sargent.

PETITION.

By Mr. Mathews, of Tehama: A petition from the Teachers' Institute of Colusa County, asking for changes in school law.
Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, January 18, 1881.

MR SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight—have had the same under consideration, and report the same back with the recommendation that it do pass.

Also, Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, and to provide for the sale thereof—with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No. 97—An Act to regulate the admission into this State of fire, marine, inland, and guarantee insurance companies or associations not incorporated under the laws of the State of California—and recommend that same be referred to Committee on Corporations.

Also, Assembly Bill No. 99—An Act to amend section four hundred and thirteen of the Political Code—and recommend that it do not pass.

Also, Assembly Bill No. 111—An Act to relieve the estates of deceased persons from costs of Court when below the value of fifteen hundred dollars—and recommend that it do not pass.

Also, Assembly Bill No. 114—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases—and recommend that it do pass.

Also, Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham C. Harrison, deceased, against the State, and to appropriate money to pay the same—with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same—and recommend that it be referred to Committee on Claims.

Also, Assembly Bill No. 19—An Act to amend sections seven hundred, seven hundred and one, seven hundred and two, seven hundred and three, seven hundred and four, and seven hundred and five of the Code of Civil Procedure, relating to the sale and redemption of real property—and recommend that the author of said bill be allowed to withdraw the same.

Also, Senate Concurrent Resolution No. 3—Relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks—and recommend that it do pass.

McCLURE, Chairman.

Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same.

Referred to Committee on Claims.

Assembly Bill No. 97—An Act to regulate the admission into this State of fire, marine, inland, and guarantee insurance companies, or associations not incorporated under the laws of the State of California.

Referred to the Committee on Corporations.

REPORTS OF COMMITTEES.

By Mr. Jones:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred the accompanying Assembly Concurrent Resolution, No. 7, beg leave to report that they have considered the same, and recommend the adoption thereof.

By Mr. Chandler:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1881.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 190—An Act to prevent hunting and shooting on private inclosed grounds in the State of California—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 34—An Act in relation to the trespassing of live stock upon unfenced private lands—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 118—An Act to protect the agricultural interests of the State of California—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Assembly Bill No. 134—An Act to provide for a practical exposition of the resources of the State of California—have had the same under consideration, and now report the same back, and recommend that it do not pass.

CHANDLER, Chairman.

By Mr. Fraser:

MR. SPEAKER: The Committee on Rules, to whom was referred the resolution below, respectfully report the same back, and recommend its passage.

Resolved, That Rule Thirty-Six of the Standing Rules of the House is hereby amended to read as follows:

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 ten days from the time the bill is received by the Chairman of the committee, unless further time to report be granted.

Also:

MR SPEAKER The Committee on Rules, to whom was referred the resolution below, respectfully report the same back, and recommend its adoption, and that Rule Thirty be amended by adding thereto the following "And also as to all matters relating to the culture and production of fruit trees."

Resolved, That the title of the Committee on the Culture and Improvement of the Grapevine be so amended as to include fruit trees

Also:

MR. SPEAKER The Committee on Rules and Regulations, to whom was referred the following resolution, respectfully report the same back, with a recommendation that it do not pass

Resolved, That the Speaker be authorized to appoint one additional member on the Committee on State Hospitals

By Mr. Edwards:

ASSEMBLY CHAMBER, January 18, 1881.

MR SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 8—An Act to prohibit public officials from entering into any contract on the part of the public, covering a longer period of time than their term of office—have had the same under consideration, and report it back with the recommendation that it be referred to the Judiciary Committee

Also, Assembly Bill No 46—An Act to amend an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall"—have had the same under consideration, and report it back with recommendation that it do not pass

Also, Assembly Bill No 48—An Act to provide for the classification of municipal corporations—have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended We further recommend that said bill be considered a case of urgency and passed immediately.

Also, Assembly Bill No. 53—An Act to repeal sections six and seven of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco"—have had the same under consideration, and report it back with the recommendation that it do not pass and that the author may have leave to withdraw the same.

Also, Assembly Bill No 64—An Act to amend section four of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco"—have had the same under consideration, and report it back with the recommendation that it do not pass.

Also, Assembly Bill No 65—An Act to amend an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities"—have had the same under consideration, and report it back with the recommendation that it do not pass.

Also, Assembly Bill No. 74—An Act to define the location and existence of laundries within the limits of incorporated cities—have had the same under consideration, and report it back with the recommendation that it do not pass

Also, Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities and towns of this State, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof—have had the same under consideration, and report it back, and recommend its passage

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1881.

MR SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No 161—An Act to compel persons, companies, associations, or corporations whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense—have had the same under consideration and now report the same back, and recommend that it do pass.

By Mr. Streeter:

ASSEMBLY CHAMBER, January 18, 1881.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in time of scarcity—have had the same under consideration, and now report the same back with amendments, and recommend that it be passed as amended.

Mr. Coleman moved that the report of the Committee on Rules be taken up, and the resolution therein referred to considered.

So ordered.

The resolution amending Rule Thirty Six read and adopted.

RESOLUTION.

By Mr. Daggett:

Resolved, That the Chief Clerk keep a record in the Journal of the committee to whom each bill is referred.

Adopted.

Resolution recommending the appointment of an additional member of the Committee on State Hospitals, read and lost.

The resolution recommending a change in the title of the Committee on Culture and Improvement of the Grapevine, read, and the amendment recommended by the committee adopted, and the resolution, as amended, adopted.

Mr. Fraser moved to reconsider the vote by which the report of the Committee on Rules was declared lost.

Lost.

Mr. Baker, of Yolo, moved to suspend the rules and take up Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Upon which the ayes and noes were demanded by the requisite number.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Camron, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Fraser, Freer, Garrity, Gavigan, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, McCallon, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Pinder, Platt, Reynolds, Siebe, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Young, and Mr. Speaker—52.

NOES—Messrs. Coleman, Estey, Felton, Gilmore, Hale, Jackson, Kellogg, Long, Matthews of San Benito, May, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Samuels, Streeter, Swift, Watkins, Weitzbaugher, and Wood—21.

The bill was then read.

RESOLUTION.

By Mr. Edwards:

Resolved, That Assembly Bill No. 48 be considered a case of urgency, and read the first and second times same day.

The roll was then called, and the resolution was adopted by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Howard, Jones,

Keating, Kellogg, Kilburn, Lane, Lewis, Mason, McCallum, McClure, McDonald, McMurray, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Siebe, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young and Mr Speaker—56.

Noes—Messrs Estey, Felton, Jackson, Leach, Leake, Mathews of Tehama, Matthews of San Benito, May, Mudgett, Paulk, Streeter, Swift, and Wertshaugher—13.

The bill ordered read the second time.

The bill read second time.

The amendments to section first recommended by the committee, adopted.

Mr. Leake moved to amend as follows: by striking out the word "and," in the eighth line of section one of the printed bill, and by adding to the section the words, "and those having a population not exceeding five thousand, shall constitute the sixth class."

Mr. Whipple moved to amend the amendment as follows: by adding to the first section of the Act, "and those having a population not exceeding five thousand, and not less than two thousand, shall constitute the sixth class, and all those having a population under two thousand shall constitute the seventh class."

Mr. Hendrick moved that further consideration of the bill be postponed one week.

Mr. Felton moved that the bill be made the special order for to-morrow, at two o'clock P. M.

The amendment accepted.

The bill made the special order for to-morrow, at two o'clock P. M.

Mr. Jackson moved to take a recess until two o'clock P. M.

Lost.

INTRODUCTION OF BILLS.

By Mr. McClure: An Act to amend section six hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument.

Referred to Committee on Judiciary.

Also, an Act to divide the State of California into Assembly Districts.

Referred to Committee on Apportionment.

Also, an Act to divide the State of California into Senatorial Districts.

Referred to Committee on Apportionment.

By Mr. Wasson, of Mono: An Act to amend section thirteen thousand six hundred and forty-seven of the Penal Code of the State of California, relative to vagrants.

Referred to Committee on Public Morals.

By Mr. Hartson: An Act to amend section three thousand five hundred and seventy-one of the Political Code, in relation to the repayment of moneys for lands illegally sold by the State.

Referred to Committee on Public Lands.

By Mr. Gay: An Act to add a new section to the Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, to be known as section one thousand and two hundred, providing for liens upon monuments, headstones, coping, or other improvements in cemeteries and burial places.

Referred to Committee on Judiciary.

By Mr. Hoitt: An Act to provide a chart of geographical definitions for use in the public schools of California.

Referred to Committee on Education.

By Mr. Streeter: An Act to amend sections two thousand six hundred and fifty-seven, and two thousand six hundred and sixty-one of the Political Code, relating to road poll taxes.

Referred to Committee on Roads and Highways.

By Mr. Van Fleet: An Act to amend section four hundred and sixteen of the Political Code, relating to fees for services performed in the office of the Secretary of State.

Referred to Committee on Judiciary.

By Mr. Jones: An Act to add a new section to the Penal Code of California, to be known as section one thousand two hundred and eight, relating to and providing for the separate confinement of minors committed to county jails.

Referred to Committee on Judiciary.

By Mr. Hartson: An Act for the relief of purchasers of State lands.

Referred to Committee on Public Lands.

Also, an Act for the relief of holders of unlocated school lands.

Referred to Committee on Public Lands.

By Mr. Leach: An Act to amend section two thousand six hundred and fifty-seven of the Political Code, relating to road poll taxes.

Referred to Committee on Roads and Highways.

Mr. Camron moved that one thousand copies each of the bills introduced by Mr. McClure, proposing to apportion the State into Senatorial and Assembly Districts, be ordered printed.

Carried.

RECESS.

The House then took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Quorum present.

SPECIAL ORDER.

The special order for this hour: Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.

Mr. Baker, of Yolo, moved that the bill be recommitted with special instructions.

Mr. Platt moved to amend the motion so as to include further special instructions.

Lost.

The motion of Mr. Baker, of Yolo, was then adopted.

Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same, was recommitted to the Judiciary Committee.

GENERAL FILE.

Assembly Bill No. 35—An Act to amend sections one thousand

eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Freet, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hatson, Hendrick, Hinshaw, Hoitt, Holden Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk Pinder, Platt, Reynolds, Samuels, Siehe, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wetts-laugher, Whipple, Wood, Young, and Mr. Speaker—68.

NOES—None.

The title approved.

SECOND READING.

Assembly Bill No. 73—An Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April third, one thousand eight hundred and seventy-six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Ordered read second time.

The substitute recommended by the Judiciary Committee adopted, and ordered printed.

Assembly Bill No 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property.

Ordered read second time.

The amendment to section one recommended by the committee adopted.

Mr. Paulk moved to amend section one, by striking out in line ten the words "the greater," and inserting instead the word "any."

Adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 91—An Act to amend section three hundred and one of the Penal Code of California, relating to the keeping open certain places of business on Sunday.

The bill ordered read second time.

Mr. McCallion moved to amend, by adding, on line five of section one, after the word "stores," the words "or liquor saloons."

Lost.

The bill read second time, ordered engrossed, and to be read third time.

FIRST READING OF BILLS.

Assembly Bill No. 60—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county, when requested by the Governor, and providing for the pay thereof.

Refused first reading.

Assembly Bill No. 61—An Act to amend section seventy-one of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county, when requested by the Judge thereof, or the Governor.

Refused first reading.

Assembly Bill No. 7—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, and county, city and county, municipality, or other political subdivision of this State, is a party.

The question being, "Shall the bill be read first time?" the ayes and noes were demanded by Messrs. Jackson, McCallion, and Gilmore.

Mr. Mason moved that the bill be referred to the Judiciary Committee.

Lost.

The roll was called, and the bill was ordered read the first time by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Siebe, Swatt, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple Wood, and Young—70.

NOES—Messrs. Long, McClure, McDonald, Platt, Streeter, and Mr Speaker—6.

The bill read first time.

Assembly Bill No. 79—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California—ordered read first time.

The bill read first time.

Assembly Bill No. 27—An Act to provide for the use of a brand, stamp, stencil, or trademark on manufactured commodities.

Refused first reading.

Assembly Bill No. 9—An Act to prevent a monopoly on railroads, steamboats, steamships, and other common carriers.

Refused first reading.

Assembly Bill No. 28—An Act to compel banks, savings or loan societies, and all and every kind of person or persons, or corporations, receiving moneys or other valuable property on deposit, or for safe keeping, to publish a sworn statement in certain cases—ordered read first time.

The bill read first time.

Assembly Bill No 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations—ordered read first time.

The bill read first time.

Assembly Bill No. 30—An Act to provide for the keeping of accounts in the English language.

Refused first reading.

Assembly Bill No. 89—An Act to prevent a monopoly on common carriers.

Refused first reading.

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., Mr. Griffith moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 19, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Roll called
Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain
Reading and approval of the Journal.
Pending the reading of the Journal of Monday, January seventeenth, Mr. Coleman moved that further reading of the Journal be dispensed with.
So ordered.
Journal approved.

PETITIONS.

By Mr. Holden: A petition from citizens of Mendocino City and vicinity, asking for the passage of Young's State detective bill.
Ordered to lie on the table.
By Mr Reddick: A petition from residents and citizens of Calaveras County, asking for the passage of a bill "fixing an adequate penalty against goats and hogs trespassing upon the lands of private owners."
Referred to the Committee on Agriculture

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, January 18, 1881.

MR SPEAKER The Judiciary Committee to whom was referred Assembly Bill No 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts," approved April sixteenth, eighteen hundred and eighty—report the same back with the recommendation that it do pass

Also, Assembly Bill No 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 137—An Act to add section eight hundred and eighty-eight to the Code of Civil Procedure—with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Hans C. Harrison, deceased, against the State, and to appropriate money to pay the same—with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties—with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No. 129—An Act to repeal sections one thousand three hundred and fifty-

two and one thousand three hundred and seventy of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 113—An Act to authorize the Sheriff, or other officers, of any County Jail, or City Prison, to cut the hair of prisoners to within one inch of the scalp—and recommend that it do not pass.

Also, Assembly Bill No. 110—An Act to amend section eight hundred and nine of the Penal Code, providing for filing information after examination and commitment, provided the District Attorney deem the testimony sufficient for a probable conviction—and recommend that it do not pass

Also, Assembly Bill No. 167—An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty nine of the Code of Civil Procedure, and to add three new sections to said Code, to be numbered four hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non-resident defendants—with amendments, and recommend passage as amended

Also, Assembly Bill No. 169—An Act to provide the time for demanding a jury, and for the payment of the fees thereof—and recommend that it do not pass.

Also, Assembly Bill No. 200—An Act to amend section one thousand and forty-two of an Act entitled an Act to establish a Penal Code of the State of California, approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment—with amendments, and recommend its passage as amended

Also, Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of Title III, Chapter I, Article III, and IV, and Section 241 of Article ——, of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State—with amendments, and recommend its passage as amended

Also, Assembly Bill No. 173—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to proceedings in Court, on the adoption of a child—with amendment, and recommend its passage as amended.

Also, Assembly Bill No. 157—An Act to amend section three hundred and fifteen of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 164—An Act to amend Title IV, Chapter II, of the Code of Civil Procedure, in relation to the enforcement of liens—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 208—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to trusts—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 136—An Act to amend section two hundred and eleven of the Civil Code—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 149—An Act to add a new section to Chapter I of Title IX of the Penal Code, relating to fraudulent marriages, to be known as section two hundred and sixty-eight—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 140—An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges—and recommend that it do not pass

Also, Assembly Bill No. 159—An Act to amend section one thousand six hundred and sixty-six of the Code of Civil Procedure, relative to settlement of estates of deceased persons—and recommend that it do not pass

Also, Assembly Bill No. 147—An Act to amend section forty-seven of the Code of Civil Procedure, relative to the traveling expenses of the Supreme Court—and recommend that it do not pass.

Also, Assembly Bill No. 151—An Act to prevent summary dismissal of public officials and employés without just cause and public trial, and recommend that it do not pass.

Also, Assembly Bill No. 8—An Act to prohibit public officials from entering into any contract on the part of the public, covering a longer period of time than their term of office—and recommend that the same be referred to Committee on Municipal Corporations.

Also, Assembly Bill No. 204—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of California, relating to witnesses in criminal actions—and recommend that the author of same be allowed to withdraw it.

McCLURE, Chairman.

Assembly Bill No. 8—An Act to prohibit public officials from entering into any contract on the part of the public covering a longer period of time than their term of office.

Referred to Committee on Municipal Corporations.

MINORITY REPORT.

By Mr. Kellogg:

ASSEMBLY CHAMBER, January 19, 1881.

MR SPEAKER The undersigned, members of the Judiciary Committee, most respectfully dissent from that portion of the report of said committee relative to Assembly Bill No. 151, and recommend that it do pass.

W W KELLOGG,
R. F. DEL VALLE.

Mr. Young had permission to and did withdraw Assembly Bill No 19

Mr. Reddick had permission to and did withdraw Assembly Bill No. 59.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No 6—To provide for improving and ornamenting the grounds of the Normal School—have had the same under consideration, and now report the same back, and recommend that it do pass

GAY, Chairman.

By Mr. Estey:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR SPEAKER Your Committee on Fish and Game, to whom was referred Assembly Bill No. 150—Entitled an Act to amend section six hundred and thirty-six of the Penal Code—have had the same under consideration, and now report the same back, and recommend, unanimously, that it do not pass.

ESTEY, Chairman.

By Mr. Mason:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER Your Committee on Mileage, to whom was referred Senate Bill No 29—An Act making appropriation for the payment of mileage of Senators and Lieutenant Governor—beg leave to state that they have had the same under consideration, and now report the same back, with an amendment, and recommend that the same do pass as amended.

MASON, Chairman

By Mr. Patterson, of San Joaquin:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No. 133—An Act to amend sections three thousand eight hundred and four and three thousand eight hundred and seventy-one of the Political Code of California, relating to the refunding of taxes improperly assessed and collected—have had the same under consideration, and now report the same back, and recommend that the same be referred to the Judiciary Committee of this Assembly.

PATTERSON, Chairman

The bill above reported referred to Judiciary Committee, as recommended by the committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same—have had the same under consideration, and now report the same back, and recommend that it do pass

PATTERSON, Chairman.

By Mr. Alviso:

MR. SPEAKER. A majority of your Committee on Homestead and Land Monopoly, to whom was referred Assembly Bill No. 11—Entitled an Act to prevent the accumulation of large landed estates—have had the same under consideration, refer the same back, and recommend that it do not pass.

ALVISO, Chairman.

Minority report, by Mr. McCallion:

MR SPEAKER The undersigned, member of your Committee on Homestead and Land Monopoly, to whom was referred Assembly Bill No. 11—Entitled an Act to prevent the accumulation of large landed estates—has considered the same, and recommend that it do pass.

McCALLION.

By Mr. Young:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER Your Committee on County Governments, to whom was referred Assembly Bill No. 102—An Act to amend section thirty-one of an Act entitled "An Act to regulate fees of office, and salaries of certain officers, and to repeal certain other Acts in relation thereto"—have had the same under consideration, and now report the same back without amendment, and recommend that it do not pass.

Also, Assembly Bill No. 119—An Act to provide for the election of county, and city and county officers, and to fix their term of office—have had the same under consideration, and now report the same back with amendments, and recommend that it do not pass.

Also, Assembly Bill No 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal section four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers—have had the same under consideration, and now report the same back without amendments, and recommend that it do pass

Also, Assembly Bill No 126—An Act for the government, appointment, and regulation of a police force in the several counties, cities and counties (where city and county governments are consolidated in one government), in this State, and for the appointment and election of Chief of Police, and Boards of Police Commissioners—have had the same under consideration, and now report the same back without amendments, and recommend the same to be referred to Committee on Municipal Corporations

YOUNG, Chairman.

Assembly Bill No. 126—Reported above, referred to the Committee on Municipal Corporations.

By Mr. Leach:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881

MR. SPEAKER Your Committee on Public Printing, to whom was referred Assembly Bill No. 56—Entitled an Act to amend an Act entitled an Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California—have had the same under consideration, and now report the same back, and recommend that it do pass

Also, Assembly Bill No. 77—An Act to preserve and perpetuate a faithful public transcript of legislative proceedings—have had the same under consideration, and now report the same back and recommend unanimously that it do not pass.

LEACH, Chairman

By Mr. Baker, of Sacramento:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands—have had the same under consideration, and now report the same back, and recommend its passage

BAKER, of Sacramento, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR SPEAKER Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills

Assembly Bill No. 91—An Act to amend section three hundred and one of the Penal Code of California, relating to the keeping open of certain places of business on Sunday.

Also, Assembly Bill No. 52—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost boundaries to real property

MEIN, Chairman

INTRODUCTION OF BILLS.

By Mr. Baker, of Sacramento: An Act to add a new section to the Political Code, to be numbered three thousand three hundred and eighty-eight, relating to licenses.

Referred to Committee on Ways and Means.

By Mr. Jackson: An Act to compel the use of a hand stamp, stencil, or trademark, on all manufactured commodities.

Referred to Committee on Labor and Capital.

By Mr. Wertsbaugher: An Act to amend "An Act to authorize Chico School District to issue bonds for building purposes," approved March twenty-seventh, eighteen hundred and seventy-four.

Referred to Committee on Education.

By Mr. Reynolds: An Act to establish a Boys' Reform School, for the correction and reformation of juvenile offenders.

Referred to Committee on Public Morals.

Also, an Act to amend section nine hundred and fifty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, concerning remittiturs from the Supreme Court.

Referred to Committee on Judiciary.

By Mr. Fraser: An Act amendatory of and supplemental to 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 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.

Referred to Committee on Judiciary.

By Mr. Platt: An Act to amend an Act entitled "An Act to provide for the further extension of the water-front line of the City and County of San Francisco, and the construction of the seawall," approved April twenty-third, eighteen hundred and eighty.

Referred to Committee on Commerce and Navigation.

By Mr. Jones: An Act to provide for the payment of Francis Williams, J. R. McDonald, and Henry de Veuve, for per diem and mileage for serving as Commissioners of the West Side Irrigation District, under the Act to create an irrigation district, to be called the West Side Irrigation District, passed April third, eighteen hundred and seventy-six, and the Act supplementary thereto, passed April third, eighteen hundred and seventy-six.

Referred to Committee on Claims.

By Mr. Van Fleet: An Act to amend section one thousand two hundred and six of the Code of Civil Procedure of the State of California.

Referred to Committee on Judiciary.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, January 18, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on January seventeenth, received from the Executive Department of this State the annual report of the Fish Commissioners, and the report of the Trustees of the State Burial Grounds.

J. A. ORR, Assistant Secretary.

GENERAL FILE—SECOND READING.

Assembly Bill No. 7—An Act to prevent the use of Chinese labor

in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State, is a party—ordered read second time.

The bill read second time.

Mr. Paulk moved the bill be made the special order for Friday next, at two o'clock P. M.

Lost.

The bill ordered engrossed, and to be read third time.

Assembly Bill No. 79—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California—ordered read second time.

The substitute recommended by the committee adopted, the bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 28—An Act to compel banks, savings and loan societies, and all and every kind of person, or persons, or corporations, receiving money or other valuable property on deposit, or for safe keeping, to publish a sworn statement in certain cases—ordered read second time.

The amendment recommended by the committee adopted, the bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations—ordered read second time.

Mr. Howard moved to amend, by striking out of line six, of section one, the words "two hundred and fifty," and inserting instead "one hundred."

Adopted.

Mr. Paulk moved to amend, by striking out the word "five," in line seventeen, of section one, and inserting in place thereof the word "two."

Lost.

Mr. Felton moved the bill be indefinitely postponed.

Carried.

Mr. Young gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was ordered indefinitely postponed.

FIRST READING.

Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight—ordered read first time.

The bill read first time.

Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, and to provide for the sale thereof—ordered read first time.

The bill read first time.

Assembly Bill No. 99—An Act to amend section four hundred and thirteen of the Political Code—ordered read first time.

The bill read first time.

Mr. Edwards gave notice of a motion to reconsider the vote by which the House this morning ordered Assembly Bill No. 31 indefinitely postponed.

Assembly Bill No. 111—An Act to relieve the estates of deceased persons from costs of Court, when below the value of fifteen hundred dollars.

Refused first reading.

Assembly Bill No. 114—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases—ordered read first time.

The bill read first time.

Senate Concurrent Resolution No. 3—Relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks—ordered read first time

Laid over until to-morrow.

Assembly Concurrent Resolution No. 7—Relative to a representation in the Cabinet of the incoming administration.

Read.

Mr. Mathews, of Tehama, moved to lay the resolution on the table.

Lost.

Mr. Jackson moved to amend by naming W. W. Camron.

The House refused Mr. Hoitt permission to withdraw the resolution.

Mr. Mudgett moved the resolution be indefinitely postponed.

Mr. Jackson was refused permission to withdraw his amendment.

Mr. Hartson moved we take a recess until two o'clock P. M.

Lost.

Mr. Reynolds moved to amend the amendment, by striking out all after the word "concurring," in line two of the printed resolution, and substitute the following: "That if the President elect of the United States determine to appoint a member of his Cabinet from the Pacific Coast, we respectfully recommend Honorable Aaron A. Sargent as a suitable person for such appointment."

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

Carried.

Assembly Bill No. 190—An Act to prevent hunting and shooting on private inclosed grounds in the State of California—ordered read first time.

Bill read first time.

Assembly Bill No. 34—An Act in relation to the trespassing of live stock upon uninclosed private lands.

Refused first reading.

Assembly Bill No. 118—An Act to protect the agricultural interests of the State of California.

Pending discussion, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Quorum present.

The consideration of Assembly Bill No. 118—An Act to protect the agricultural interests of the State of California—resumed.

The question being, Shall the bill be read first time?

The ayes and noes were demanded by Messrs. Lane, McCallion, and Fraser.

The roll was called, and the bill refused a first reading by the following vote:

AYES—Messrs. Aiuck, Baker of Sacramento, Burns, Kellogg, Lane, and McCallion—6.

NOES—Messrs. Alviso, Birney, Bost, Branch, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estee, Felton, Fraser, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Harrison, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Moin, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—67.

REPORT OF STANDING COMMITTEE.

By Mr. Paulk (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1881.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 38—An Act to create a Bureau of Labor and Statistics of Labor in the State of California—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 39—An Act to create and maintain a Public Intelligence Office in the State of California, for the procuring free of charge of situations for the working class—and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 55—An Act to provide for work upon the public works or buildings within this State, to be done by day labor, and under the supervision of a Superintendent, or officer having charge of the same—and now report the same back, with a substitute, and recommend the passage of the substitute.

PAULK, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same—ordered read first time.

The bill read first time.

Assembly Bill No. 134—An Act to provide for a practical exposition of the resources of the State of California.

Refused first reading.

Assembly Bill No. 46—An Act to amend an Act entitled "An Act to provide for the completion of the building in the City and County of San Francisco, known as the New City Hall," approved March twenty-fourth, eighteen hundred and seventy-six.

Refused first reading.

Assembly Bill No. 53—An Act to repeal sections five, six, and seven of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco," approved March twenty-third, eighteen hundred and seventy-eight.

Withdrawn, by permission.

Assembly Bill No. 64—An Act to amend section four of an Act entitled "An Act to facilitate and equalize the collection of licenses in the City and County of San Francisco," approved March twenty-third, eighteen hundred and seventy-eight.

Refused first reading.

Assembly Bill No. 65—An Act to amend an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities."

Assembly Bill No. 74—An Act to define the location and existence of laundries within the limits of incorporated cities.

Refused first reading.

Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof—ordered read first time.

The bill read first time.

Assembly Bill No. 161—An Act to compel persons, companies, associations, or corporations, whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense—ordered read first time.

The bill read first time.

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity—ordered read first time.

The bill read first time.

ADJOURNMENT.

At two o'clock and fifty-five minutes, Mr. Camron moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 20, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Tuesday, January

REPORTS OF STANDING COMMITTEES.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 79—An Act to prohibit the naturalization of Chinese, or Mongolians, in the State of California.

Also, Assembly Bill No. 7—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, any county, city and county, municipality, or other political subdivision of this State, is a party.

Also, Assembly Bill No. 28—An Act to compel banks, savings and loan societies, and all and every kind of person, or persons, or corporation receiving moneys, or other valuable property on deposit, or for safe keeping, to publish a sworn statement in certain cases.

MEIN, Chairman.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 5—Relative to protecting adopted citizens who are natives of Costa Rica—have had the same under consideration, and now report the same back. It appearing that the object of the resolution is to keep the attention of the proper authorities of the Government drawn to the fact that some of our adopted citizens have suffered wrongs which require redress, and not to allow the adage "out of sight, out of mind," to obtain—recommend that it be adopted.

Also, Resolution expressing sympathy with Ireland—have had the same under consideration, and now report the same back—and believing the adoption of the same would tend in the direction of a breach of friendly relations between the two governments of which California and Ireland respectively form part, recommend that it be not adopted.

Also, Assembly Concurrent Resolution No. 4—Relative to pensioning soldiers of the Mexican war—have had the same under consideration, and now report the same back. California having been annexed to the United States as one of the direct results of the Mexican war, can afford to express the views of her people, relative to making provision for the veterans of that war, and recommend an amendment thereto, and that it do pass as amended.

JONES, Chairman.

By Mr. Jackson:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER: Your Committee on Chinese Immigration and Emigration, to whom was referred Assembly Concurrent Resolution No. 8—Relative to the restriction of Chinese immigration into the United States—have had the same under consideration, and now report the same back, and recommend its adoption.

JACKSON, Chairman.

By Mr. Chandler:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 171—An Act relating to the codling moth, scale insect, phylloxera, and other noxious insects, destructive of fruit, fruit trees and vines—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Culture and Improvement of Grapevine.

CHANDLER, Chairman.

The bill above reported, ordered referred to the Committee on Culture and Improvement of the Grapevine, as recommended by the committee.

MR. SPEAKER: The Committee on Rules, to whom was referred the following resolution, respectfully report the same back—with a recommendation that it do pass.

FRASER, Chairman.

MR. SPEAKER: I move to amend Rule Number Fifty-six, so as to read as follows:

56.

Printing of Bills.

For the use of the Legislature, copies of all bills shall be printed. The Sergeant-at-Arms shall be

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 85, beg leave to report that they have considered the same, and recommend the passage as amended.

SIEBE, Chairman.

INTRODUCTION OF BILLS.

By Mr. Reddick: An Act entitled "An Act to amend section one thousand four hundred and sixty-six and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relative to appeals to Superior Courts.

Referred to the Committee on Judiciary.

By Mr. Platt: An Act relating to the extension of the streets along the water-front of the City and County of San Francisco, and the jurisdiction of the Board of State Harbor Commissioners over said streets.

Referred to the San Francisco delegation.

By Mr. Pinder: An Act to repeal an Act entitled "An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor," approved April fourth, eighteen hundred and seventy.

Referred to San Francisco delegation.

By Mr. McClure: An Act to add a new section to an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries.

Referred to Committee on Judiciary.

Also, an Act to amend section one thousand three hundred and three of an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Referred to Committee on Judiciary.

Also, an Act to incorporate religious societies.

Referred to Committee on Corporations.

Also, an Act to amend section seven hundred and thirty-nine of the Political Code, relating to officers of the Supreme Court.

Referred to Committee on Judiciary.

Also, an Act to regulate fees of Clerks of Superior Courts in the State of California.

Referred to Committee on Judiciary.

Also, an Act to amend sections eighty-six, eighty-eight, and ninety-seven of an Act entitled "An Act to amend Part I of the Code of Civil Procedure, and each and every title, chapter, article, and section of said Part I, and substituting a new Part I to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith," approved April one, eighteen hundred and eighty.

Referred to Committee on Judiciary.

By Mr. Cunningham: An Act entitled an Act to protect the sidewalks in unincorporated towns and villages in California.

Referred to Committee on Roads and Highways.

By Mr. Leake: An Act to amend section six hundred and thirty-six of the Penal Code.

Referred to Committee on Fish and Game.

By Mr. Paulk: An Act to prevent the employment of Chinese on any public buildings or works within this State.

Referred to Committee on Chinese Immigration and Emigration.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 143—An Act to amend section three thousand six hundred and forty of the Political Code, concerning the assessment of corporations, associations, and joint stock companies, approved March twenty-second, eighteen hundred and eighty—have had the same under consideration, and now report the same back without amendments, and recommend that it be referred to Committee on Ways and Means

FELTON, Chairman

The bill above reported, ordered referred to the Committee on Ways and Means, as recommended by the committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1881

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 195—An Act to amend an Act amendatory of an Act entitled "An Act for the better protection of stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March thirteenth, eighteen hundred and seventy-four—have had the same under consideration, and report the same back, and recommend that it do not pass

Also, Assembly Bill No. 124—An Act to amend an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April twenty-sixth, eighteen hundred and eighty—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 84—An Act to amend an Act creating a Board of Bank Commissioners, and prescribing their duties and powers, approved March thirteenth, eighteen hundred and seventy-eight—have had the same under consideration, and now report the same back without recommendation.

FELTON, Chairman

Mr. Jackson moved to suspend the rules, so as to take up motions and resolutions.

Lost.

GENERAL FILE—THIRD READING.

Assembly Bill No. 91—An Act to amend section three hundred and one of the Penal Code of California, relating to the keeping open certain places of business on Sunday.

Read third time.

The roll was called, and the bill was refused passage by the following vote:

AYES—Messrs. Alviso, Cameron, Crank, Daggett, Del Valle, Estey, Felton, Fraser, Gay, Gilmore, Hinshaw, Jones, Kilburn, Long, Mason, Matthews of San Benito, Mein, Mudgett, Paulk, Reddick, Samuels, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Whipple, and Wood—28.

NOES—Messrs. Anick, Barney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Cunningham, Edwards, Garrity, Gavigan, Hartson, Hendrick, Hoitt, Howard, Jackson, Lane, Leach, Leake, Lewis, May, McCallum, McDonald, Noonan, O'Connor, Patterson of San Joaquin, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Wason of Ventura, Weitzbaugher, Young, and Mr. Speaker—39.

SECOND READING.

Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, and to provide for the sale thereof—ordered read second time.

The bill read second time.

The amendments recommended by the committee adopted.

Mr. Paulk moved to amend by inserting in line twenty-six, of section one, of the printed bill, between the words "if" and "the," "it appears to the Court that."

Lost.

The bill ordered engrossed and read third time.

Assembly Bill No. 99—An Act to amend section four hundred and thirteen of the Political Code—ordered read second time.

The bill read second time.

Mr. Fraser moved to amend section one by striking out all after the word "State" in line six of the printed bill, and insert the following: "Provided that the amount of stationery furnished each member of the Senate and Assembly, and such other contingent expenses as may be authorized by law, shall not exceed twenty-five dollars for any one session."

Adopted.

Mr. Jackson moved to amend by striking out section two.

Carried.

The bill ordered engrossed, and to be read third time.

Assembly Bill No. 114—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases—ordered read second time.

The bill read second time.

Ordered engrossed, and to be read third time.

Senate Concurrent Resolution No. 3—Relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks.

Read, and passed.

Assembly Bill No. 190—An Act to prevent hunting and shooting on private inclosed grounds in the State of California—ordered read second time.

Mr. Jackson moved to amend section one by inserting, in line four, after the word "gain," the following words: "Within one half mile of the residence of the owner or tenants of such inclosed lands."

Mr. Wertsbaugher moved the bill be referred to the Judiciary Committee.

Carried.

Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the

Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Ordered read second time.

The House took a recess for one hour.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Quorum present.

SPECIAL ORDER.

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Mr. Burns moved that the special order be postponed to permit Mr. Patterson, of Nevada, to introduce a resolution.

Mr. Jackson moved to amend, so as to permit himself to introduce two resolutions.

Adopted.

The motion adopted as amended.

RESOLUTION.

By Mr. Patterson, of Nevada (pursuant to permission as above granted): Assembly Concurrent Resolution, relative to the report of the Railroad Commissioners.

Read and adopted.

By Mr. Jackson: Assembly Concurrent Resolution, relative to the appointment of a joint committee of five to go to Washington and urge legislation to prohibit further immigration of Chinese.

Referred to Committee on Federal Relations.

On motion of Mr. Patterson, of Nevada, the vote by which Assembly Concurrent Resolution, relating to the reports of the Railroad Commissioners, was adopted, was reconsidered.

The resolution withdrawn, and a substitute therefor introduced.

The substitute amended by striking out the word "twenty" and inserting "ten."

Read and adopted.

Mr. Platt was excused from serving on the Committee on Chinese Immigration and Emigration, and Mr. Gilmore was appointed by the Speaker instead

CONSIDERATION OF SPECIAL ORDER RESUMED.

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

The question being upon the amendment to Mr. Leake's amendment to the bill, offered by Mr. Whipple. Mr. Whipple had permission to offer a substitute to the two amendments, which was accepted.

Mr. Felton moved to amend the amendment as follows: "And those having a population not exceeding one thousand two hundred shall constitute the eighth class."

Adopted.

The amendment as amended adopted.

The committee amendment, recommending that section three be stricken out, and section four be numbered section three, adopted.

Mr. Paulk moved that the vote by which the amendment to section two was adopted be rescinded.

Carried.

Mr. Paulk moved to strike out the language concerning the seventh class, and insert instead: "Those having a population of more than one thousand two hundred, and not exceeding two thousand five hundred, shall constitute the seventh class."

Adopted.

The amendment as amended adopted.

The bill read second time, and ordered engrossed, and to be read third time.

SENATE MESSAGES.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR SPEAKER: I am directed to inform your honorable body, that the Senate, on January eighteenth, passed the following Senate bills:

Senate Bill No 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three—relating to property in which deceased persons held a life estate, which terminated and expired upon the death of such persons.

Also, Senate Concurrent Resolution No. 7—Relative to appropriations by General Government for carrying out important improvements

Also, Senate Bill No. 37—An Act to amend section four thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two—relating to reports of County Auditors.

Also, Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women.

Also, Senate Bill No. 54—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the payment of the per diem and mileage of Lieutenant-Governor, members of the Legislature, officers, and clerks of the Legislature, and the contingent expenses of the Senate and Assembly.

J. A ORR, Assistant Secretary.

Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property in which deceased persons held a life estate, which terminated and expired upon the death of such person.

Referred to Judiciary Committee.

Senate Concurrent Resolution No. 7—Relative to appropriations by General Government for carrying out important improvements.

Referred to Committee on Water Rights and Drainage.

Senate Bill No. 37—An Act to amend section four thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to reports of County Auditors.

Referred to Committee on Ways and Means.

Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women.

Referred to Committee on State Hospitals.

Senate Bill No. 54—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the payment of the per diem and mileage of Lieutenant-Governor, members of the Legislature, officers, and clerks of the Legislature, and the contingent expenses of the Senate and Assembly.

Referred to Committee on Ways and Means.

The following Senate message was read.

SENATE CHAMBER, SACRAMENTO, January 19, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on January nineteenth, eighteen hundred and eighty-one, passed the following Senate bills:

Senate Bill No. 63—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged.

Also, Senate Bill No. 9—An Act to prevent the sale of adulterated milk.

Also, Senate Bill No. 48—An Act to regulate the rate of charges on telegraph lines, and to prevent extortion by owners of telegraph lines.

Also, Senate Bill No. 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code, in relation to appeals in criminal cases.

Also, Senate Bill No. 87—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

Also, Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons.

Also, Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Also, Senate Bill No. 96—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relating to corporations.

Also, Senate Bill No. 93—An Act regulating the selling or buying stock on margin, or to be delivered at a future day.

Also, Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, known as section three hundred and seven, relating to the sale and use of opium.

Also, Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José.

JAMES A. ORR, Assistant Secretary.

Senate Bill No. 63—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged.

Referred to Committee on Judiciary.

Senate Bill No. 9—An Act to prevent the sale of adulterated milk.

Referred to Committee on Judiciary.

Senate Bill No. 48—An Act to regulate the rate of charges on telegraph lines, and to prevent extortion by owners of telegraph lines.

Referred to Committee on Corporations.

Senate Bill No. 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code, in relation to appeals in criminal cases.

Referred to Committee on Judiciary.

Senate Bill No. 87—An Act to enforce the provisions of section three, of article twelve, of the Constitution.

Referred to Committee on Judiciary.

Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons.

Referred to Committee on Judiciary.

Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Referred to Committee on Judiciary.

Senate Bill No. 96—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relating to corporations.

Referred to Committee on Corporations.

Senate Bill No. 93—An Act regulating the selling or buying stock on margin, or to be delivered at a future day.

Referred to Committee on Corporations.

Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, known as section three hundred and seven, relating to the sale and use of opium.

Referred to Committee on Public Morals.

Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José.

Mr. Reynolds moved that the bill be placed on the file.

Lost.

Referred to Committee on Public Buildings and Grounds.

GENERAL FILE—SECOND READING.

Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Ordered read second time.

Mr. Paulk moved to amend, by inserting the words "each squirrel and each gopher, and each California lion."

Mr. Wason, of Ventura, moved to amend so as to include all animals destructive to agricultural and stock interests.

Adopted.

The amendment adopted as amended.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

Ordered read second time.

Mr. Paulk moved to amend, by striking out, in lines four and five, of section one, the words "bequest, devise, heretofore or."

Lost.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 161—An Act to compel persons, companies, associations, or corporations, whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity—ordered read second time.

Pending second reading, the bill ordered passed on file.

RECONSIDERATION.

Mr. Edwards moved to reconsider the vote by which the House yesterday indefinitely postponed Assembly Bill No. 31—An Act to

amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance companies.

Carried.

Mr. McClure moved to rescind the vote by which the House adopted the amendment striking out "two hundred and fifty thousand" and inserting instead "one hundred thousand"

Upon which the ayes and noes were demanded by Messrs. Howard, Jackson, and Garrity.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Cameron, Chandler, Crank, Del Valle, Edwards, Felton, Gay, Geary, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn Leach, Lewis, Long, May, McCallion, McClure, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—48.

NOES—Messrs Burns, Coleman, Crumpton, Cunningham, Daggett, Fraser, Garrity, Gavigan, Howard, Jackson, Kellogg, Lane, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Mudgett, O'Connor, Paulk, and Swift—21.

Mr. Jackson moved to amend by striking out section two.

Lost.

Mr. Baker, of Yolo, moved to amend by striking out subdivision four of section one.

Lost.

The bill read second time, ordered engrossed, and to be read third time.

Mr Fraser had one day's leave of absence.

At four o'clock and fifteen minutes P. M., Mr. Hoitt moved to adjourn.

Lost.

INTRODUCTION OF BILLS.

By Mr. Mathews, of Tehama: An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments.

Referred to Committee on Judiciary.

By Mr. McClure: An Act to amend section three hundred and forty-nine of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations.

Referred to Committee on Corporations.

By Mr. Jackson: An Act to repeal section one thousand eight hundred and sixty-one of the Civil Code of California, relating to liens of hotel, inn, boarding house, and lodging house keepers.

Referred to Committee on Judiciary.

By Mr. McDonald: An Act to prohibit members of the police force in cities, cities and counties, and towns, within the State of California, from transacting business or performing labor while a member of such force.

Referred to San Francisco delegation.

By Mr. Reynolds: An Act to amend an Act entitled "An Act authorizing the Boards of Supervisors of the counties in which water is sold for the purpose of irrigation to fix the rates at which water shall be sold," approved March twenty-sixth, eighteen hundred and eighty.

Referred to the Committee on Judiciary.

GENERAL FILE RESUMED—FIRST READING.

Assembly Bill No. 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts," approved April sixteenth, eighteen hundred and eighty—ordered read first time.

The bill read first time.

Assembly Bill No. 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny—ordered read first time.

The bill read first time.

Assembly Bill No. 137—An Act to add section eight hundred and eighty-eight to the Code of Civil Procedure—ordered read first time.

The bill read first time.

Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same.

Mr. Lane moved to refer the bill to the Committee on Claims.

Lost.

The bill ordered read first time.

Bill read first time.

Assembly Bill No. 129—An Act to repeal section one thousand three hundred and fifty-two and section one thousand three hundred and seventy of the Code of Civil Procedure.

Refused first reading.

ADJOURNMENT.

At four o'clock and forty-five minutes, Mr. Pinder moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 21, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gavigan, Gay, Geary, Gilmore, Hale, Hartson, Hendrick, Himshaw, Hoitt, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Mr. Griffith had three days' leave of absence on account of sickness.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Wednesday, January nineteenth, Mr. O'Connor moved that further reading be dispensed with.

Upon which the ayes and noes were demanded by Messrs. Camron, Leake, and Jackson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Aiuck, Brown, Camron, Chandler, Crank, Edwards, Estey, Gay, Hartson, Hendrick, Hoitt, Kilburn, Leach, Lewis, May, McCallon, McClure, Mein, O'Connor, Faulk, Reddick, Reynolds, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wood, Young, and Mr. Speaker—29

NOES—Messrs. Alviso, Baker of Sacramento, Birney, Bost, Branch, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Gavigan, Gilmore, Hale, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellegg, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Platt, Samuels, Sargent, Siebe, Swift, Warkins, Wentz, Wertsbaugher, and Whipple—46.

The Journal read and approved.

PETITIONS.

By Mr. Gavigan: A petition from students of the State of California, asking for the passage of Assembly Bill No. 122—Entitled an Act to appropriate money for the construction and equipment of an astronomical and physical observatory, to be situated at the State University.

Referred to the Committee on Education.

By Mr. Young: A petition from citizens of Sacramento, desiring the passage of Assembly Bill No. 90.

Laid on the table.

RESOLUTIONS (BY PERMISSION).

By Mr. Lane:

Resolved, That the Chairman of the Debris Commission be and he is hereby ordered to report to this House, within ten days, a detailed report of all moneys expended by said Commission up to date

Adopted.

By Mr. Siebe:

Resolved, That the Committee on Commerce and Navigation be and are hereby authorized to employ a clerk at the same per diem as is paid to clerks of other committees, the compensation to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 36—Entitled an Act to amend section thirty-three hundred and eighty-two (3382) of the Political Code, relating to the merchants' license.

Also, Assembly Bill No. 54—Entitled an Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Also, Assembly Bill No. 80—Entitled an Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges

Also, Assembly Bill No. 81—Entitled an Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Also, Assembly Bill No. 158—Entitled an Act to enable the Boards of Supervisors of the several counties of this State to allow active members of regularly organized fire companies certain compensation—beg leave to report the same back, and recommend that they do not pass.

The committee also considered Assembly Bill No. 135—Entitled an Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges, during the thirty-first fiscal year

Also, Assembly Bill No. 145—Entitled an Act concerning road poll taxes—and recommend that they do pass.

MAY, Chairman.

By Mr. McClure:

ASSEMBLY CHAMBER, January 21, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof—have had the same under consideration, and report said bill back with the recommendation that it do pass

Also, Assembly Bill No. 198—An Act to amend section two thousand six hundred and fifty-three of the Political Code, relating to the road fund—with amendment, and recommend its passage as amended.

Also, Assembly Bill No. 207—An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure in relation to the transfer of causes of action when the Judge or Justice is disqualified—with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 201—An Act to amend section twelve hundred and seven of the Civil Code, relating to record of instruments affecting real property—and recommend that it do not pass

Also, Assembly Bill No. 17—An Act to repeal sections three hundred and fifteen and three hundred and sixteen of the Code of Civil Procedure, relating to the time of commencing actions for the recovery of real property—and recommend that it do not pass

Also, Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader—with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness—with an amendment and recommend its passage as amended.

Also, Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness—with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 186—An Act to amend an Act entitled "An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one, to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith," approved April first, eighteen hundred and eighty, and to prohibit Justices, Judges, or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases—with amendments, and recommend its passage as amended

Also, Assembly Bill No. 185—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court—with amendments, and recommend its passage as amended

Also, Assembly Bill No. 183—An Act to correct the spelling of the names of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts—and recommend that the same do pass.

Also, Assembly Bill No. 172—An Act in relation to claims of the Secretaries of the Supreme Court—and recommend that same be referred to Committee on Claims.

Also, Assembly Bill No. 141—An Act to add a new section to the Penal Code, to be known as section two hundred of the Penal Code, relating to homicide under violent provocation—and recommend that it do not pass

McCLURE, Chairman.

Assembly Bill No. 172, reported above, ordered referred to the Committee on Claims, as recommended by the committee

REPORTS OF COMMITTEES.

By Mr. Streeter:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 196—Entitled an Act to provide for the better government of corporations engaged in the sale and distribution of water for the purpose of irrigation—have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended.

STREETER, Chairman.

By Mr. Sargent:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1881.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 103—An Act entitled "An Act to enable purchasers of State land to redeem the same, where their titles have been or may hereafter be foreclosed for the nonpayment of interest—have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 59—*An Act to amend an Act entitled* "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four, introduced by Assemblyman Holden—have had the same under consideration, and now report a substitute, and recommend its passage.

Also, Assembly Concurrent Resolution No. 3—Relative to sale of timber lands along the head waters of streams in the Sierras, in Assembly January sixth, eighteen hundred and eighty-one, introduced by Assemblyman Streeter—have had the same under consideration, and now report the same back and recommend that it do not pass.

SARGENT, Chairman.

By Mr. Reddick:

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 104—"An Act to amend section thirteen hundred and fifty-seven of the Political Code, relating to primary elections"—have had the same under consideration, and recommend to amend by inserting the words, "Of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to primary elections," after the words "fifty-seven," on line two of the title of said bill and recommend that it do pass as amended.

Also, Assembly Bill No. 101—An Act to provide for the mode of electing judicial and educational officers—have had the same under consideration, and report the same back, and recommend that it be not passed.

Also, Assembly Bill No. 116—An Act to repeal an Act entitled "An Act to provide a new Great Register for the County of Fresno and other counties, and reregister the votes thereof," approved March twenty-ninth, eighteen hundred and seventy-eight—have had the same under consideration, and report it back, and recommend that it do pass.

REDDICK, Chairman.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 117—*An Act to regulate the erection and construction of public buildings*—have had the same under consideration, and now report the same back, and recommend that it be referred to the Judiciary Committee.

GAY, Chairman.

The bill above reported referred to the Committee on Judiciary. Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 134, have had the same under consideration, and now report the same back, and recommend that it do pass.

GAY, Chairman.

By Mr. Wasson, of Mono:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR. SPEAKER: Your Standing Committee on Mines and Mining Interests presents the following report:

We recommend the passage of Assembly Bill No. 202—Entitled an Act to provide a State hospital and asylum for miners.

Also, Assembly Bill No. 83—An Act to amend an Act entitled "An Act to provide for the establishment and maintenance of a mining bureau," is amended, by inserting in section five, line thirteen, of the printed bill, and immediately following the words "expense of such collection," these words: "provided said deduction does not exceed the sum of ten per cent. of the amount so collected" and the bill, as so amended, is recommended for passage.

Also, Assembly Bill No. 168—Entitled an Act to transfer the cabinet of minerals in the State Library, and the surveying and other instruments and material belonging to the State Geological Survey now stored at the University of California, to the State Mineralogist, is amended, first—in section one, line six, of printed bill, as follows: After the word "surveying," the bill to read "camping and other instruments, utensils, and material not used or needed by the State University, the property of the State Geological Survey," etc: second—section two, line one, is amended so as to read as follows: "A sum not exceeding one hundred and fifty dollars is hereby appropriated." As so amended, the bill is recommended to pass.

WASSON, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, SACRAMENTO, January 21, 1881.

To the Assembly of California:

I herewith transmit to your honorable body the report of the State Harbor Commissioners on the seawall, and means for its construction.

GEORGE C PERKINS, Governor.

The report mentioned above referred to the Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

By. Mr Hale: An Act to repeal section three thousand and six of an Act entitled "An Act to establish a Civil Code," known as the Civil Code of the State of California, approved March twenty-first, eighteen hundred and seventy-two, relating to pledged property.

Referred to Committee on Judiciary.

By Mr. Cunningham: An Act entitled "An Act to better protect the highways, roads, bridges, and other public property in the State of California."

Referred to Committee on Roads and Highways.

By Mr. Hoitt: An Act to amend section two thousand and ninety-four of the Political Code, in relation to allowances to the National Guard for armory rent and expenses.

Referred to Committee on Military Affairs.

By Mr. Holden: An Act to provide for refunding to Mendocino County money improperly paid into the State Treasury.

Referred to Committee on Claims.

Also, an Act for the relief of purchasers of State lands.

Referred to Committee on Public Lands.

By Mr. Wasson, of Mono: An Act to foster and encourage the legitimate mining interests of the State.

Referred to Committee on Mines and Mining.

By Mr. O'Connor: An Act to authorize and empower cities and counties of the first class to construct and maintain sea waterworks, to protect the sanitary condition of such cities and counties.

Referred to San Francisco delegation.

By Mr. Young: An Act for the relief of James G. Davis.

Referred to Committee on Claims.

By Mr. Swift: An Act to amend section three hundred and thirty of the Penal Code.

Referred to Committee on Judiciary.

By Mr. Crank: An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization.

Referred to Committee on Judiciary.

By Mr. Paulk: An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases.

Referred to Committee on Judiciary.

Also, an Act to amend section one thousand one hundred and seventy-two of the Penal Code, and to provide for exceptions in criminal cases.

Referred to Committee on Judiciary.

GENERAL FILE—THIRD READING.

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.

Read third time.

Passed on the file temporarily.

Assembly Bill No. 52—An Act to add three new sections to an Act entitled an Act to establish a Code of Civil Procedure of the State of California, approved March eleventh, eighteen hundred and seventy-two, to be known as sections seven hundred and forty-nine, seven hundred and fifty, and seven hundred and fifty-one, concerning actions to establish lost or uncertain boundaries to real property.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Gay, Geary, Gilmore, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—68.

Title amended, and approved as amended.

Assembly Bill No. 73—An Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April three, eighteen hundred and seventy-six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Passed on file.

Assembly Bill No. 7—An Act to prevent the use of Chinese labor in the performance of contracts wherein this State, and county, city and county municipality, or other political subdivison of this State, is a party.

Read third time.

Pending discussion, the House took a recess for one hour.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Quorum present.

The Committee on Education had leave of absence until Monday next, for the purpose of visiting the State Normal School, University, and Institute for the Deaf, Dumb, and Blind.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Also, Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property and the income and increase thereof.

Also, Assembly Bill No. 114—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases.

Also, Assembly Bill No 99—An Act to amend section four hundred and thirteen of the Political Code.

Also, Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, and to provide for the sale thereof.

Also, Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight

Also, Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the Boards of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Also, Assembly Bill No 31—An Act to amend section four hundred and fifteen of the Civil Code, relating to the purchase and sale of real estate by insurance corporations

Also, Assembly Bill No. 161—An Act to compel persons, companies, associations, or corporations, whose duty it is to supply water or gas for public or domestic use, to furnish meters at their own expense.

THOMAS MEIN,
ED. KEATING.

The consideration of Assembly Bill No. 7—An Act to prevent the use of Chinese labor in the performance of contracts, wherein this State, any county, city and county municipality, or other political subdivision of this State is a party—resumed

Mr. Baker, of Yolo, moved to refer the bill to the Committee on Chinese Immigration and Emigration, with special instructions.

Mr. Hale moved to amend by offering a substitute, including further special instructions.

Upon which the ayes and noes were demanded by Messrs. Estey, Whipple, and Lane.

The roll was called, and the amendment to the amendment was lost by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Hale, Hinshaw, Jones, Keating, Kellogg, Lewis, Mein, Mudgett, Reynolds, Sargent, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertshaugher, Whipple, Wood, and Mr Speaker—20

NOES—Messrs. Anick, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Freer, Garrity, Gavigan, Geary, Gilmore, Hendrick, Holden, Howard, Jackson, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallon, McClure, McDonald, Nooman, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Siebe, Streeter, Van Fleet, and Young—47.

The question recurred upon Mr. Baker's motion to refer with special instructions.

Mr. Paulk moved to recommit with further special instructions.

Lost

Mr. Baker's motion was then lost.

The roll was then called, and the bill was passed by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallon, McDonald, Mudgett, Murphy, Nooman, O'Connor Patterson of Nevada, Patterson of San Joaquin, Pinder, Reddick, Samuels, Siebe, Swift, Wertshaugher, Wood, and Young—46.

NOES—Messrs. Alviso, Brown, Camron, Crank, Felton, Gay, Hale, Hendrick, Jones, Kilburn, Leach, Lewis, Long, McClure, Mein, Paulk, Platt, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Whipple, and Mr. Speaker—27.

Title approved.

SECOND READING.

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity.

Passed on file.

Assembly Bill No. 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts," approved April sixteenth, eighteen hundred and eighty.

Ordered read second time.

Mr. Sargent moved to amend by striking out "thirty days," and insert instead the words "ten days."

Lost.

The bill read second time, ordered engrossed, and to be read third time.

The State Prison Committee had one day's leave of absence.

Messrs. Camron, Alviso, McMurray, Lewis, and Chandler had each one day's leave of absence.

At four o'clock and forty-five minutes, Mr. McCallion moved we do now adjourn.

Lost.

Assembly Bill No. 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny.

Ordered read second time.

At four o'clock and forty-seven minutes, Mr. Camron moved we do now adjourn until Monday, at two o'clock P. M.

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

Lost.

The Committee on Public Buildings and Grounds had leave of absence until Wednesday next.

The ayes and noes were demanded by Messrs. Paulk, Lane, and Gay, upon the motion to adjourn

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Blanch, Camron, Cunningham, Estey, Garrity, Gay, Geary, Gilmore, Hendrick, Lewis, Long, May, McCallion, McClure, McDonald, Mein, O'Connor, Patterson of San Joaquin, Reynolds, Van Fleet, Watkins, and Mr. Speaker—25.

NOES—Messrs. Baker of Yolo, Barney, Bost, Burns, Crank, Daggett, Del Valle, Edwards, Felton, Fraser, Freer, Hale, Hartson, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, Mudgett, Murphy, Noonan, Patterson of Nevada, Paulk, Pinder, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Wason of Ventura, Wason of Mono, Weutz, Wertsbaugher, Whipple, Wood, and Young—46.

ADJOURNMENT.

At four o'clock and fifty minutes, Mr. Edwards moved to adjourn.

Pending the decision, Mr. Baker, of Sacramento, had one day's leave of absence.

The motion to adjourn then prevailed.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 22, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs Anick, Baker of Yolo, Birney, Bost, Brown, Burns, Crank, Crumpton, Daggett, Del Valle, Edwards, Felton, Garrity, Gavigan, Gay, Geary, Hale, Hendrick, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Streeter, Swift, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.
Reading and approval of the Journal.
Pending the reading of the Journal of Thursday, January twentieth, Mr. Reynolds moved that further reading of the Journal be dispensed with.
So ordered.
Journal approved.

PETITIONS.

By Mr. Crank: A petition from the vineyardists and people of the State, requesting the Legislature to pass the resolution accompanying, instructing our Senators and requesting our Representatives in Congress to support certain measures making changes in the internal revenue laws.

Referred, with the resolution, to the Committee on Culture and Improvement of the Gravevine and Fruit Trees.

RESOLUTIONS.

By Mr. Birney (by permission):

Resolved, That whereas, the printed report of the "Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, eighteen hundred and eighty," is entirely exhausted, and a new supply is actually needed for distribution among the people of the State, it is hereby further

Resolved, That the State Printer be hereby authorized and directed to print one thousand additional copies of said report.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills

Substitute for Assembly Bill No. 73—An Act to amend sections one and two of an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April third, eighteen hundred and seventy-six.

Also, Assembly Bill No. 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, or consolidated districts," approved April sixteenth, eighteen hundred and eighty.

THOMAS MEIN, Chairman,
ED. E. LEAKE,
JOS. P. JONES.

By Mr. Hale:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No 69—To amend section two thousand two hundred and ninety-two of the Political Code, relating to the Board of Trustees of the State Library—have had the same under consideration, and now report the same back with amendment, and recommend its passage as amended.

Also, Assembly Bill No. 132—Relative to the taking of books from the State Library—have had the same under consideration, and now report the same back, and recommend that it do not pass.

HALE, Chairman.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 2—relative to donations to railroad corporations—have had the same under consideration, and now report it back without recommendation as to its adoption, but recommend to amend by striking out the word "unauthorized" in line twenty-four of said resolution.

JONES, Chairman.

By Mr. Paulk:

MR SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 116—An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for moneys expended by him in his office—have had the same under consideration, and report it back, recommending that it do pass.

PATTERSON, Chairman.

INTRODUCTION OF BILLS

By Mr. Leach: An Act to provide for the government of municipal corporations of the seventh class.

Referred to Committee on Municipal Corporations.

Six hundred copies of above bill ordered printed.

By Mr. McClure: An Act to amend an Act entitled an Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to the City and County of San Francisco, or for a lease of such property.

Referred to the Judiciary Committee.

Also, an Act to amend sections one thousand one hundred and sixty-two, one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and sixty-seven, one thousand one hundred and seventy, one thousand one hundred and seventy-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to summary proceedings for obtaining possession of real property in certain cases.

Referred to Committee on Judiciary.

By Mr. O'Connor: An Act to provide for the speedy and efficient enforcement of liens of mechanics, material-men, artisans, and laborers, under and in pursuance of article twenty, section fifteen, Constitution of the State of California.

Referred to Committee on Labor and Capital.

By Mr. Whipple: An Act to amend section one thousand two hundred and seventy-six of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to proceedings to change the names of persons or corporations.

Referred to Committee on Judiciary.

By Mr. Matthews, of San Benito: An Act to amend sections one thousand four hundred and forty-seven and one thousand four hundred and forty-eight of the Penal Code, relating to costs.

Referred to Committee on Judiciary.

By Mr. Paulk: An Act to provide for the government of municipal corporations of the fourth class.

Referred to Committee on Municipal Corporations.

PETITION.

By Mr. Wertsbaugher: A petition from citizens, and taxpayers, and business men of Butte County, asking for the licensing of gambling.

Referred to Judiciary Committee.

REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS (BY PERMISSION).

By Mr. Edwards:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1881.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 50—have had the same under consideration, and beg leave to submit the following resolution and recommendation

WHEREAS, Separate bills have been introduced in the Assembly, providing respectively for the classification of municipal corporations, for the government of municipal corporations of the respective classes, and for the organization of municipal corporations under the same, and such bills have been referred to the Committee on Municipal Corporations, and whereas, this committee is in doubt as to the constitutionality of legislating on this matter by separate bills:

Resolved, That the Judiciary Committee be requested to give this Assembly their opinion upon this question "Must the law providing for the classification of municipal corporations, the law providing for the government of municipal corporations of the various classes respectively, and the law providing for the organization of municipal corporations under these said general laws, be incorporated in one bill, or can they be passed separately as introduced?"

And, further, that the Judiciary Committee be requested to give their opinion upon the general scope and meaning of section six article eleven, relating to Municipal Corporations.

EDWARDS, Chairman

The resolution was adopted.

MESSAGES FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, January 22, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, received from the Governor a message with a report upon the unpaid indebtedness of the several swamp land districts of the State, and the Senate was requested to inform the Assembly that said report has been received. The Senate has ordered one thousand copies of said report printed.

The Senate, on January nineteenth, passed Senate Bill No. 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Code of Civil Procedure, relating to venue in civil actions.

J. A ORR, Assistant Secretary.

Senate Bill No. 58, mentioned in above message, was referred to the Committee on Judiciary.

One day's leave of absence was granted to Mr. Sargent.

GENERAL FILE—THIRD READING.

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of the Code of Civil Procedure, relating to justification of sureties.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Barney, Bost, Brown, Burns, Crank, Crumpton, Cunningham, Del Valle, Edwards, Felton, Gavigan, Gay, Gilmore, Hale, Hinshaw, Holden, Jones, Kellogg, Kilburn, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Paulk, Pinder, Platt, Reddick, Samuels, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—50.

NOES—None

Title amended, and approved as amended.

Assembly Bill No. 106—An Act to repeal sections two, three, four, five, and six, of an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Bost, Brown, Crank, Crumpton, Cunningham, Del Valle, Edwards, Felton, Garrity, Gavigan, Gay, Gilmore, Hale, Hinshaw, Holden, Jackson, Jones, Keating, Kellogg, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Murphy, Nooman, Paulk, Pinder, Platt, Reddick, Samuels, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—48.

NOES—None.

Title approved.

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to justification of sureties.

Ordered reengrossed, before transmission to Senate.

Mr. Del Valle moved that consideration of bills on third and second reading be postponed, and that the House proceed to consider bills on first reading.

So ordered.

FIRST READING.

Assembly Bill No. 113—An Act to authorize the Sheriff, or other officer, of any county jail or city prison, to cut the hair of prisoners to within one inch of the scalp.

Withdrawn.

Assembly Bill No. 110—An Act to amend section eight hundred and nine of the Penal Code, providing for filing of information after examination and commitment, provided the District Attorney deem the testimony sufficient for a probable conviction.

Refused first reading.

Assembly Bill No. 167—An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty-nine of the Code of Civil Procedure, and to add three new sections to said Code, to be numbered respectively four hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non-resident defendants—ordered read first time.

The bill read first time.

Assembly Bill No. 169—An Act to provide the time for demanding a jury, and for the payment of the fees thereof.

Refused first reading.

Assembly Bill No. 200—An Act to amend section one thousand and forty-two of an act entitled "An Act to establish a Penal Code of the State of California," approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury—ordered read first time.

The bill read first time.

Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment—ordered read first time.

The bill read first time.

Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen, of title three, chapter one, articles three and four, and section two hundred and forty-one of article —— of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State—ordered read first time.

The bill read first time.

Assembly Bill No 173—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to proceedings in Court on the adoption of a child—ordered read first time.

The bill read first time.

Assembly Bill No. 157—An Act to amend section three hundred and fifteen of the Penal Code.

Refused first reading.

Assembly Bill No. 164—An Act to amend title four, chapter two, of the Code of Civil Procedure, in relation to the enforcement of liens—ordered read first time.

The bill read first time.

Assembly Bill No. 208—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to trusts—ordered read first time.

The bill read first time.

Assembly Bill No 136—An Act to amend section two hundred and eleven of the Civil Code—ordered read first time.

The bill read first time.

Assembly Bill No. 149—An Act to add a new section to chapter one, of title nine, of the Penal Code, relating to fraudulent marriages, to be known as section two hundred and sixty-eight—ordered read first time.

The bill read first time.

Assembly Bill No. 140—An Act to create a fund in the several counties of this State, for the payment of the salary of Superior Judges

Refused first reading.

Assembly Bill No. 147—An Act to amend section forty-seven of the Code of Civil Procedure, relative to traveling expenses of the Supreme Court.

Withdrawn.

Assembly Bill No. 151—An Act to prevent summary dismissal of public officials and employés without just cause and public trial—ordered read first time.

The bill read first time.

Assembly Bill No. 204—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of California, relating to witnesses in criminal actions.

Withdrawn.

Assembly Bill No. 6—An Act to provide for improving and ornamenting the grounds of the Normal School.

Ordered passed on file, and to take position on file next after Senate Bill 134.

Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code.

Passed on file.

Senate Bill No. 29—An Act making appropriations for the payment of mileage of Senators and Lieutenant-Governor—ordered read first time.

The bill read first time.

Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same—ordered read first time.

The bill read first time.

Assembly Bill No. 11—An Act to prevent the accumulation of large landed estates.

Made special order for next Wednesday, January twenty-sixth.

Assembly Bill No. 102—An Act to amend section thirty-one of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto.

Passed on file

Assembly Bill No. 119—An Act to provide for the election of county, and city and county officers, and to fix their term of office.

Pending the consideration of the question, Shall this bill be read first time? the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Roll called.

Members present as follows:

Messrs. Anick, Birney, Bost, Brown, Burns, Crank, Cunningham, Del Valle, Edwards, Felton, Garrity, Gavigan, Gay, Gilmore, Hinshaw, Jackson, Jones, Kellogg, Kilburn, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Murphy, O'Connor, Poulk, Pinder, Platt, Reddick, Strecter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Young, and Mr. Speaker.

Quorum present.

RESOLUTION.

By Mr. May:

Resolved, That the Speaker be and he is hereby authorized to appoint one Committee-room Porter, at a per diem of three dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés and Contingent Expenses.

The consideration of Assembly Bill No. 119—An Act to provide for the election of county, and city and county officers, and to fix their term of office—resumed.

Mr. Lane moved the bill be referred to the Judiciary Committee.
So ordered.

RESOLUTION.

By Mr. Del Valle (by permission): Assembly Joint Resolution, concerning the Alaska Commercial Company.
Referred to the Committee on Federal Relations.
Mr. Cunningham had leave of absence for Monday next.
Mr. Crank, at two o'clock and fifteen minutes, moved we do now adjourn until two o'clock P. M. Monday.
Lost.

REPORT OF COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 24—An Act to amend section one thousand and fifty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to justification of sureties.

ED. E LEAKE,
JOS P. JONES,
Of Committee.

GENERAL FILE—FIRST READING.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.
Referred to Judiciary Committee.

ADJOURNMENT.

At two o'clock and twenty minutes, Mr. Long moved that we do now adjourn until Monday next, at two o'clock P. M.
Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 24, 1881.

The House met pursuant to adjournment at two o'clock P. M.
Speaker Parks in the chair.
Members present as follows:

Messrs Anick, Baker of Yolo, Birney, Bost, Branch, Burns, Cannon, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gilmore, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Mr. Leach had one day's leave of absence

Prayer by the Chaplain.

Mr. Mein had two days' leave of absence.

Reading and approval of the Journal.

Pending the reading of the Journal of Friday, January twenty-first, Mr. Kellogg moved that further reading of the Journal be dispensed with.

So ordered.

The Journal approved.

PETITIONS.

By Mr. Birney: A petition from citizens of Tuolumne County, asking for the repeal of an Act to promote drainage, or what is known as the "Debris bill."

Referred to the Committee on Water Rights and Drainage.

By Mr. Jones: A petition from citizens of Contra Costa County, asking for an amendment to the Constitution to empower the State Board of Equalization to hear and equalize individual assessments.

Referred to Judiciary Committee.

Also, a petition from citizens of Contra Costa County, asking for the passage of a law fixing the salaries of county officers according to article eleven, section five, of the Constitution.

Referred to the Committee on County Governments.

By Mr. Streeter: A petition from citizens of San Bernardino County, asking the enactment of a law whereby the votes of any voting precinct, town, city, or county, by a majority vote may determine whether the sale of intoxicating liquors shall be prohibited within their respective limits.

Referred to Committee on Public Morals.

By Mr. Baker, of Sacramento: A petition from citizens of the State of California, being fishermen engaged in salmon fishing, asking that the present law for the close season be abolished, and the passage of a law in its stead making the punishment for the violation of its provisions a felony, instead of misdemeanor.

Referred to the Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, January 24, 1881

MR SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 210—An Act to amend an Act entitled "An Act to amend sections six hundred and twenty-six and six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game," approved April sixteenth, eighteen hundred and eighty—have had the same under consideration, and report it back, with the recommendation that the author be allowed to withdraw the same.

Also, Assembly Bill No. 241—An Act to amend section six hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument—and recommend that the same do pass.

Also, Assembly Bill No. 203—An Act prohibiting judicial officers from accepting other employment—and recommend that the author be allowed to withdraw same.

Also, *Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and* six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two—and recommend that same do pass.

Also, Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions—and recommend that same do pass.

Also, Assembly Bill No. 194—An Act to provide for the publication of notices—and recommend that same do pass.

Also, Assembly Bill No. 88—An Act to amend section one thousand and eighty-five of the Code of Civil Procedure, and to add a new section to the Code of Civil Procedure, to be known as section one thousand and ninety-eight of the Code of Civil Procedure, relating to the writ of mandate—and recommend that same do pass.

Also, Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation—and recommend that same do pass.

Also, Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to committal of insane persons—and recommend that same do pass

Also, Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery—and recommend that same do pass.

Also, Assembly Bill No. 218—An Act to amend section two hundred and forty-three of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of battery and to battery on a wife—and recommend that author of same be allowed to withdraw it

Also, Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to property set apart to the use of the family—and recommend that it do pass.

Also, Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to the operation of statutes—and recommend that same do pass

Also, Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code, in relation to preparation, presentation, and settlement of bills of exceptions in criminal cases—and recommend that it do pass

Also, Assembly Bill No. 263—An Act entitled "An Act to amend section one thousand four hundred and sixty-six, and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relative to appeals to Superior Courts—with an amendment, and recommend that it do pass as amended.

Also, Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—and recommend that it do pass.

Also, Assembly Bill No. 156—An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, eight hundred and sixty-eight, nine hundred and seventy-four, and nine hundred and eighty of the Code of Civil Procedure—with amendments, and recommend that it do pass as amended

Also, Assembly Bill No. 162—An Act to authorize a more strict supervision of the business of pawnbrokers—and recommend that it do not pass.

Also, Assembly Bill No. 211—An Act relative to apprentices, and minors and masters—with a substitute therefor and recommend the passage of the substitute.

Also, Assembly Bill No. 249—An Act to amend section four hundred and sixteen of the Political Code, relating to fees for services performed in the office of the Secretary of State—with amendments, and recommend its passage as amended

Also, Assembly Bill No. 243—An Act to amend section two hundred and five of the Code of Civil Procedure, relating to selecting and returning jurors for Courts of record—and recommend that it do not pass.

Also, Assembly Bill No. 223—An Act to amend section three hundred and fifty-four of the Civil Code, relating to corporations—and recommend that it do not pass

Also, Assembly Bill No. 212—An Act to amend the Code of Civil Procedure, by adding a new section thereto relating to actions against the State—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 217—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the obtaining money by false pretenses, and by false reports of wealth, etc.—with amendments and recommend its passage as amended.

Also, Assembly Bill No 219—An Act to amend section two hundred and forty-five of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of an assault with a deadly weapon—and recommend that it do not pass.

Also, Assembly Bill No 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor—and recommend that it do not pass

Also, Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code—with amendments, and recommend its passage as amended.

Also, Assembly Bill No 226—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property—and recommend that it do pass

Also, Assembly Bill No 227—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, relating to judgments in Justices' Courts—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh,

eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing—and recommend that same do pass.

Also, Assembly Bill No 269—An Act to amend section seven hundred and thirty-nine of the *Political Code, relating to officers of the Supreme Court—and recommend that it do pass as* amended.

Also, Assembly Bill No 266—An Act to add a new section to an Act entitled "An Act to establish a Code of Civil Procedure" approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries—and recommend that it do pass

Also, Senate Bill No 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code, in relation to appeals in criminal cases—and recommend that it do pass.

Also, Senate Bill No 63—An Act to amend the Penal Code by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged—and recommend that it do pass

Also, Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property in which deceased persons held a life estate which terminated and expired upon the death of such persons—and recommend that it do pass

Also, Senate Bill No. 9—An Act to prevent the sale of adulterated milk—and recommend that it do pass.

Also, Senate Bill No 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Code of Civil Procedure, relating to the venue in civil actions—and recommend that it do pass.

Also, Senate Bill No 87—An Act to add a new section to the Civil Code, to be known as section two hundred and twenty-eight, to enforce the provisions of section three, of article twelve, of the Constitution—and recommend its passage as amended.

Also, Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official duties—and recommend that it do pass.

Also, Assembly Bill No 237—An Act concerning the appointment of interpreters for the criminal Courts of the State of California—and recommend that it do not pass.

Also, Assembly Bill No 277—An Act to repeal section one thousand eight hundred and sixty-one of the Civil Code, relating to liens on hotel, inn, lodging house, and lodging house keepers—and recommend that it do not pass.

Also, Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments—and recommend that it do not pass.

Also, Assembly Bill No. 228—An Act to provide for the care of indigent sick persons in certain cases—and recommend that same be referred back to Committee on State Hospitals.

Also, Assembly Bill No. 262—An Act to amend section one thousand two hundred and six of the Code of Civil Procedure—and recommend that same do pass as amended.

Also, Assembly Bill No 230—An Act to add a new section to an Act entitled "An Act to establish a Civil Code," approved March twenty-first, one thousand eight hundred and seventy-two, to be known as section three hundred and nine, relating to suits by stockholders of corporations—and recommend that same be referred to Committee on Corporations

Also, Assembly Bill No. 231—An Act to amend section three hundred and nine of the Civil Code, in relation to dividends to be made from surplus profits—and recommend that same be referred to Committee on Corporations

Also, Assembly Bill No. 246—An Act to add a new section to the Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, one thousand eight hundred and seventy-two, to be known as section one thousand two hundred, providing for liens upon monuments, headstones, coping, or other improvements in cemeteries and burial places—and recommend that same do not pass.

Also, Senate Bill No 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix—and recommend that it do not pass.

Also, Senate Bill No 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration—and recommend that it do not pass.

Also, Assembly Bill No 128—An Act to amend sections one thousand three hundred and sixty-five and one thousand three hundred and sixty-nine of the Code of Civil Procedure, relating to the granting of letters of administration on estates of deceased persons—and recommend that the author of same be allowed to withdraw it

Also, Assembly Bill No. 133—An Act to amend sections three thousand eight hundred and four and three thousand eight hundred and seventy-one of the Political Code, relating to the refunding of taxes improperly assessed and collected—and recommend that same be referred to Committee on Ways and Means.

Also, Assembly Bill No 258—An Act to amend section nine hundred and fifty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen

hundred and seventy-two, concerning remittiturs from the Supreme Court—and recommend that it do pass as amended.

Also, Assembly Bill No. 205—An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure, relating to witnesses—and recommend that it do pass as amended.

McCLURE, Chairman.

MINORITY REPORT.

By Mr. Kellogg:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1881.

MR. SPEAKER: We, the undersigned, members of the Judiciary Committee, most respectfully dissent from the report presented by the Chairman of said committee, relative to Assembly Bill No. 225, and recommend its passage as amended.

W. W. KELLOGG,
L. D. FREER,
J. B. REDDICK.

The bills above reported, recommended to be referred to other committees, were ordered referred as recommended by the committee.

Assembly Bill No. 210, Assembly Bill No. 218, Assembly Bill No. 203, and Assembly Bill No. 128, withdrawn.

By Mr. Baker, of Sacramento:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1881.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 174—An Act to provide for the formation of reclamation districts out of territory already embraced in reclamation or swamp land districts, and to apportion the indebtedness thereof—have had the same under consideration, and now report the same back, and recommend it do pass.

BAKER, Chairman.

INTRODUCTION OF BILLS.

By Mr. Burns: An Act to amend section five hundred and one of the Civil Code, concerning street railroad corporations.

Referred to Committee on Corporations.

By Mr. McClure: An Act to amend section three hundred and twenty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the time of commencing actions for the recovery of real property.

Referred to Committee on Judiciary.

By Mr. Lane: An Act to amend section two hundred and forty-three of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of battery.

Referred to Committee on Judiciary.

By Mr. Leake: An Act to provide for the government of municipal corporations of the eighth class.

Referred to Committee on Municipal Corporations, and six hundred copies ordered printed.

By Mr. Mason: An Act to amend section five hundred and seventy-seven of the Civil Code, relating to reserve funds of savings and loan corporations.

Referred to Committee on Corporations.

By Mr. Howard: An Act to regulate the practice of medicine and surgery in the State of California.

Referred to Committee on State Hospitals.

By Mr. Gilmore: An Act to amend section one thousand one hun-

dred and forty-two, of chapter five, of the Political Code, concerning Boards of Election, and to repeal section one thousand one hundred and sixty-two of the same, and to amend section nineteen of an Act entitled "An Act to regulate the registration of voters and to secure the purity of elections in the City and County of San Francisco," approved March eighteenth, eighteen hundred and seventy-eight.

Referred to Committee on Elections.

By Mr. Kellogg: An Act to amend an Act entitled "An Act authorizing the Board of Supervisors of the counties in which water is sold for purposes of irrigation, to fix the rates at which water shall be sold," approved March twenty-sixth, eighteen hundred and eighty.

Referred to Committee on Irrigation.

By Mr. O'Connor: An Act to add five new sections to the Penal Code, chapter two, title nine, part one, to prevent opium smoking.

Referred to Committee on Public Morals.

By Mr. Baker, of Sacramento: An Act to discourage the monopoly of land in this State, through taxation.

Referred to Committee on Homesteads and Land Monopoly.

By Mr. Paulk: An Act to amend section one thousand three hundred and sixty of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, and relating to and specifying the property which must be resorted to for the payment of legacies.

Referred to Committee on Judiciary.

Also, an Act to amend section three thousand three hundred and eighty-two of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to licenses of merchants and keepers of livery stables.

Referred to Committee on Ways and Means.

Also, an Act to amend section one thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and prescribing the manner in which the School Library Fund must be expended.

Referred to Committee on Education.

Also, an Act to amend sections one thousand seven hundred and thirteen and one thousand seven hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the School Library Fund.

Referred to Committee on Ways and Means.

GENERAL FILE—THIRD READING.

Assembly Bill No. 114—An Act to amend section one thousand three hundred and twenty-two of the Penal Code of this State, to determine when husband and wife may testify against each other in criminal cases.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Cannon, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gilmore, Hale, Hinshaw, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallum,

McClure, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Whipple, Wood, Young, and Mr. Speaker—57.

NOES—None

Title amended, and approved as amended.

Assembly Bill No. 161—An Act to compel persons, companies, associations, or corporations, whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense.

Mr. Felton moved to refer the above bill to a committee of one, with special instructions to amend section one of said bill, by inserting between the words "needed" and "for" in line four of printed bill, the following words: "or required by such person, company, association, or corporation."

Carried.

The Speaker appointed Mr. Felton a special committee of one, pursuant to above motion.

Assembly Bill No. 73—An Act to amend section two of an Act numbered fifteen thousand six hundred and sixteen, approved April third, eighteen hundred and seventy six, relating to an Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Burns, Cameron, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gavigan, Gilmore, Hale, Hartson, Hinshaw, Holden, Howard, Jackson, Jones, Kilburn, Lane, Leake Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr Speaker—55.

NOES—Messrs. Mason and Paulk—2.

Title approved.

Assembly Bill No. 79—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California.

Read third time.

The roll was called, and the bill was passed by the following vote.

AYES—Messrs. Alviso, Baker of Yolo, Barney, Bost, Branch, Burns, Cameron, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gilmore, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mason, Matthews of San Benito, May, McCallion, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Siebe, Swift, Watkins, Wentz, Whipple, Wood, and Young—46

NOES—Messrs. Anick, Baker of Sacramento, Felton, Hale, Hartson, Jones, Kilburn, Lewis, Mathews of Tehama, McClure, Paulk, Platt, Sargent, Streeter, Van Fleet, Wasson of Mono, and Mr. Speaker—17.

Title approved.

REPORT OF SPECIAL COMMITTEE.

By Mr. Felton: A verbal report returning Assembly Bill No 161—An Act to compel persons, companies, associations, or corporations, whose business is to supply water or gas for public or domestic use, to furnish meters at their own expense, amended in accordance with the special instructions ordered by the House.

Bill ordered reengrossed, and printed as amended.

Assembly Bill No. 28—An Act to compel banks, savings and loan

societies, and all and every kind of person or persons, or corporations, receiving moneys or other valuable property on deposit, or for safe keeping, to publish a sworn statement in certain cases.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Camron, Coleman, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gilmore, Hale, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Siebe, Streeter, Swift, Van Fleet, Warkins, Wasson of Mono, Wentz, Whipple, Young, and Mr. Speaker—56.

NOES—Messrs. Crank, Paulk, Sargent, and Wood—4.

Title approved.

REPORT OF STANDING COMMITTEE.

By Mr. Baker, of Sacramento (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, of Assembly, to whom was referred Assembly Bill No 209—An Act to provide for payment for surveys and segregations of swamp and overflowed lands within this State—have had the same under consideration, and now report the same back, and recommend its passage.

BAKER, Chairman.

Assembly Bill No 99—An Act to amend section four hundred and thirteen of the Political Code.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Burns, Camron, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gilmore, Hale, Hartson, Hinshaw, Holden, Jones, Keating, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Sargent, Siebe, Streeter, Swift, Warkins, Wasson of Mono, Wentz, Whipple, Young, and Mr. Speaker—51.

NOES—Messrs. Arick, Baker of Sacramento, Daggett, and Van Fleet—4.

Title amended, and approved as amended

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Read third time.

Mr. Edwards moved the bill be passed on file.

Lost.

Mr. Edwards moved the bill be committed to a special committee of one, with special instructions to strike out, in line four, page two, the words "twenty-five hundred," and insert instead the words "two thousand"

Mr. Felton moved to amend the special instructions so that the special committee be instructed to report Friday next.

Amendment accepted, and the motion as amended lost.

Mr. Felton moved the bill be placed at the head of the file, for Friday, January twenty-eighth.

Carried.

Assembly Bill No. 123—An Act to encourage the destruction of coyotes in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Burns, Cannon, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freel, Garnity, Gavigan, Gilmore, Hale, Hartson, Hinshaw, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, May, McCallion, McClure, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Siebe, Van Fleet, Watkins, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—57.

NOES—Matthews of San Benito—1.

Title approved.

Assembly Bill No. 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Burns, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freel, Garnity, Gavigan, Hale, Hartson, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, Mudgett, Noonan, Platt, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Whipple, Wood, and Mr. Speaker—51

NOES—Messrs. Gilmore, Paulk, Siebe, and Young—4

Title approved.

Assembly Bill No. 31—An Act to amend section four hundred and fifteen of the Civil Code, in relation to the purchase and sale of real estate by insurance corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Burns, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freel, Garnity, Gavigan, Gilmore, Hale, Hartson, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, May, McCallion, McClure, Mudgett, Noonan, Patterson of Nevada, Platt, Siebe, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—54.

NOES—Messrs. Kellogg, Matthews of San Benito, and Paulk—3.

Title amended and approved as amended.

Assembly Bill No 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts," approved April sixteenth, eighteen hundred and eighty.

Read third time.

Mr. McClure moved to refer to a special committee of one, with special instructions to amend section one by striking out the word "each," in line nine, page two, of printed bill, and insert the word "the" in lieu thereof, and by inserting the words "of any county" between the words "Court" and "in," on line ten, page two, printed bill.

So ordered.

At four o'clock and fifteen minutes, Mr. May moved we do now adjourn.

Lost.

SECOND READING.

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity—ordered passed on file.

Mr. Griffith had indefinite leave of absence on account of sickness.

Mr. Whipple moved that we proceed to the order of first reading of bills.

Lost.

Assembly Bill No. 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny—ordered read second time.

The bill amended as recommended by the committee.

Mr. Swift moved to amend, by adding section four, making the bill take effect immediately.

Adopted.

RESOLUTION.

By Mr. Kellogg (by permission): Assembly Concurrent Resolution, relative to the grant of the sixteenth and thirty-sixth sections made to the State of California.

Referred to the Committee on Federal Relations.

Also:

Resolved, That the Chief Clerk of the Assembly be requested to have the weekly history of Assembly Bills and Resolutions printed on paper of the same dimensions as Assembly and Senate Bills, and that he be requested to have reprinted the "History," up to and including Saturday, January twenty-second, eighteen hundred and eighty-one, to conform to the above requirements.

Lost.

ADJOURNMENT.

At four o'clock and thirty minutes, Mr. Holden moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 25, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Anick, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle Edwards, Estey, Felton, Fraser, Freel, Garrity, Gavigan, Gay, Gilmore, Hale, Hartson, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCalhon McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr. Mein had leave of absence until Thursday next.

Reading and approval of the Journal.

Pending the reading of the Journal of Saturday, January twenty-second, Mr Estey moved that further reading of the Journal be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Jackson:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1881.

MR. SPEAKER: Your Committee on Chinese Immigration and Emigration, to whom was referred Assembly Bill No. 221—"An Act to govern and control Chinese and Mongolians residing within this State," and Assembly Bill No. 271—"An Act to prevent the employment of Chinese on any public buildings or works within this State"—have had the same under consideration, and now report the same back, and recommend that they do pass.

JACKSON, Chairman.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny.

Also, Assembly Bill No 161—An Act to compel persons, companies, associations, or corporations, whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense.

ED. E. LEAKE,
L. B. EDWARDS,
JOS. P. JONES,
Of Committee.

By Mr. Reddick:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 25—An Act to amend section one thousand and ninety-seven of the Political Code, approved April sixteenth, eighteen hundred and eighty, relative to elections—have had the same under consideration, report the same back, and recommend that it do pass

Also, Assembly Bill No 45—An Act to amend section one thousand and ninety-seven of the Political Code, relating to the qualifications of an elector—report the same back, and recommend that the author be allowed to withdraw the same.

Also, Assembly Bill No. 192—An Act to provide for greater security in the transmission of election returns—report the same back, and recommend that it do pass

Also, Assembly Bill No. 193—An Act concerning the time of canvassing the returns of elections for Governor and Lieutenant-Governor—report the same back, and recommend that it do pass.

REDDICK, Chairman.

Assembly Bill No. 45—Withdrawn.

MINORITY REPORT.

By Mr. Patterson, of Nevada:

MR SPEAKER The undersigned, members of your Committee on Elections, to whom was referred Assembly Bill No 25—"An Act to amend section one thousand and ninety-seven of the Political Code, approved April sixteenth, eighteen hundred and eighty, relative to elections," beg leave to dissent from the report of the majority of said committee, and recommend that said bill do not pass.

JOHN PATTERSON,
H. M. STREETER.

By Mr. Patterson, of Nevada:

MR. SPEAKER: The Committee on Attachés and Contingent Expenses have had under consideration the following resolutions submitted to them, to wit.

The resolution authorizing the Committee on Commerce and Navigation to employ a clerk, and recommend that the same be not adopted.

Your committee further recommend that the clerk of the following committees, viz.: Committees on *Agriculture, Fish and Game, and Public Printing, be directed to perform the duties* of Clerk of Committee on Commerce and Navigation, in addition to his other duties.

Also, the resolution requiring one thousand copies to be printed of the report of the "Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove," and recommend *that the same be not adopted*

Also, the resolution authorizing the appointment of one committee-room porter, and recommend that the same be not adopted

PATTERSON, Chairman.

CONSIDERATION OF THE ABOVE REPORT.

Resolved, That the Committee on Commerce and Navigation be and are hereby authorized to employ a clerk, at the same per diem as is paid to clerks of other committees, the compensation to be paid out of the contingent fund of the Assembly.

Adopted.

Resolved, That the Speaker be and he is hereby authorized to appoint one committee-room porter, at a per diem of three dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

Resolved, That whereas the printed report of the "Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, eighteen hundred and eighty," is entirely exhausted, *and a new supply is actually needed for distribution among the people of the State, it is* hereby further

Resolved, That the State Printer is hereby authorized and directed to print one thousand additional copies of said report.

Lost.

Mr. Baker, of Sacramento, had one day's leave of absence, on account of sickness.

By Mr. Edwards:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1881.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 8—*An Act to prohibit public officials from entering into any contract on the part of* the public, covering a longer period of time than their term of office—have had the same under consideration, and recommend that it do not pass.

Also, Senate Bill No. 52—An Act to amend section number three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest—and recommend that it pass.

Also, Assembly Bill No. 100—An Act to prevent hogs from running at large within the limits of town sites in this State—and recommend that it be referred to the Committee on County Governments.

EDWARDS, Chairman.

Assembly Bill No. 100, reported above, referred to the Committee on County Governments, as recommended by the committee.

By Mr. Van Fleet:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1881.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 43—An Act to be known as section ——, relating to the duties of ex officio Treasurers of companies belonging to the State militia—have had the same under consideration, and now report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 160—Entitled "An Act regulating the duties of Treasurers of companies belonging to the State militia"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 220—Entitled "An Act to authorize the Board of Supervisors of the various counties of the State to pay active members of the State militia a certain annual sum"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 239—Entitled "An Act to amend section one thousand nine hundred and thirty-six of the Political Code, relative to exemptions of militiamen"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

VAN FLEET, Chairman.

SPECIAL COMMITTEE.

By Mr. McClure: A verbal report, returning Assembly Bill No. 186—An Act amending an Act entitled an Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts or consolidated districts, approved April sixteenth, eighteen hundred and eighty—reporting the bill amended pursuant to instructions.

The bill ordered reengrossed and to be printed as amended.

The Speaker announced the following appointment: C. H. Hart to be Room Porter.

INTRODUCTION OF BILLS.

By Mr. Freer: An Act to amend section two hundred and seventeen of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to assault with intent to commit murder.

Referred to Committee on Judiciary.

By Mr. Holden: An Act to provide for the sale of tide lands belonging to this State by virtue of its sovereignty.

Referred to Committee on Public Lands.

By Mr. Platt: An Act to amend section one hundred and ninety-seven of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to justifiable homicide.

Referred to Committee on Judiciary.

By Mr. Lewis: An Act to amend 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, relating to the department of police of said city and county.

Referred to Committee on Judiciary.

By Mr. Young: An Act to regulate the sale of poison.

Referred to Committee on State Hospitals.

By Mr. Van Fleet: An Act to amend sections one thousand nine hundred and eighty-nine, one thousand nine hundred and ninety-one, one thousand nine hundred and ninety-three, and one thousand nine hundred and ninety-four, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to witnesses.

Referred to Committee on Judiciary.

By Mr. Streeter: An Act to amend an Act entitled "An Act for the better protection of fruit trees and vines," approved April ninth, eighteen hundred and eighty.

Referred to Committee on Judiciary.

By Mr. Paulk: An Act to amend section three thousand three hundred and sixty-four of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the issuance of licenses.

Referred to Committee on Ways and Means.

Also, an Act to amend section one thousand seven hundred and seventy-two of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the granting of teachers' certificates.

Referred to Committee on Education.

Also, an Act to amend section one thousand six hundred and sixty-five of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, prescribing the studies which must be taught in primary and grammar schools.

Referred to Committee on Education.

By Mr. Jones: An Act to fix the fees of Constables in the several counties of this State.

Referred to Committee on County and Township Governments.

By Mr. Hartson: An Act for the relief of James W. Shanklin.

Referred to Committee on Claims.

MOTION.

Mr. Freer moved that the Committee on Corporations be requested to report Assembly Bill No. 67 back to the House.

So ordered.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, January 24, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on January twenty-fourth, passed Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

J. A. ORR, Assistant Secretary.

GENERAL FILE—THIRD READING.

Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of the Code of Civil Procedure, relating to escheated estates, and to provide for the sale thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Birney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Del Valle, Edwards, Estey, Fraser, Gay, Gilmore, Hartson, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Paulk, Platt, Reddick, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Wertshaugher, Whipple, Young, and Mr. Speaker—54.

NOES—None.

Title amended and approved as amended.

FIRST AND SECOND READING.

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity.

Passed on file.

Assembly Bill No. 137—An Act to add section eight hundred and eighty-eight to the Code of Civil Procedure—ordered read second time.

The amendments recommended by the committee adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same—ordered read second time.

The amendments recommended by the committee to section two adopted.

The bill read second time, ordered engrossed, and to be read third time.

REPORT OF COMMITTEE ON CORPORATIONS.

By Mr. Felton:

ASSEMBLY CHAMBER, January 25, 1881.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners—return the same to the Assembly per order of the house made this day.

FELTON, Chairman.

The bill above reported referred to Committee on Judiciary.

GENERAL FILE RESUMED.

Assembly Bill No. 167—An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty-nine of the Code of Civil Procedure, and to add three new sections to said Code, to be numbered respectively four hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non-resident defendants—ordered read second time.

The question being upon the amendment to section one, recommended by the committee, to amend line eleven by inserting between the word "State" and the word "and" the following: "or is a municipal or other corporation within this State upon whom for any cause service of summons in the action cannot otherwise be had."

The ayes and noes were demanded by Messrs. Coleman, Sargent, and Howard.

The roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Felton, Jones, Kilburn, Lewis, McClure, O'Connor, Platt, Reddick, Van Fleet, and Whipple—12.

NOES—Messrs. Alviso, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freet, Garrity, Gavigan, Gay, Gilmore, Hartson, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Samuels, Sargent, Siebe, Swift, Watkins, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—54.

Mr. Paulk moved to amend section one, after the word "State," in line seventeen of printed bill, by inserting the following: "or is a corporation other than municipal upon whom for any cause service of summons in the action cannot otherwise be had."

Adopted.

The committee amendment to section two lost.

The committee amendment to section four lost.

Mr. Arick moved to amend by striking out section seven of the bill.

Adopted.

The bill was read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 200—An Act to amend section one thousand and forty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury—ordered read second time.

The amendment recommended by the committee to section one adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment—ordered read second time.

The amendment to section one recommended by the committee adopted.

Mr. May moved that when the House take a recess, it be until half past two o'clock P. M.

Lost.

RECESS.

Pending the further reading of above bill, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker in the chair.

Quorum present.

The consideration of Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment—resumed.

The amendments recommended by the committee to section one adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of Title III, Chapter I, Articles III and IV, and section two hundred and forty-one of Article — of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State—ordered read second time.

INTRODUCTION OF BILLS.

By Mr. Branch (by permission): An Act to amend section one hundred and ninety-seven of the Penal Code, relating to justifiable homicide.

Referred to Committee on Judiciary.

By Mr. Keating: An Act to regulate the business of pawnbrokers.

Referred to Judiciary Committee.

GENERAL FILE RESUMED.

The consideration of Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of Title III, Chapter I, Articles III and IV, and section two hundred and forty-one of Article — of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State—resumed.

The amendment recommended by the committee to section six adopted.

The amendments to section nine recommended by the committee adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 173—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to proceedings in Court on the adoption of a child—ordered read second time.

Mr. McClure moved to amend the bill by striking out section two. Adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 164—An Act to amend Title IV, Chapter II, (two) of the Code of Civil Procedure, in relation to the enforcement of liens—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 208—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to trusts—ordered read second time.

The amendments to section one recommended by the committee adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 136—An Act to amend section two hundred and eleven of the Civil Code—ordered read second time.

The amendment to section one recommended by the committee adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 149—An Act to add a new section to Chapter I, of Title IX, of the Penal Code, relating to fraudulent marriages, to be known as section two hundred and sixty-eight—ordered read second time.

The amendments to section one recommended by the committee adopted

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 151—An Act to prevent summary dismissal of public officials and employés without just cause and public trial.

The question being, Shall this bill be read second time?

The ayes and noes were demanded by Messrs. Kellogg, Lewis, and Lane.

The roll was called, and the bill ordered read second time by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Cannon, Chandler, Crumpton, Cunningham, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gilmore, Hinshaw, Howard, Jackson, Keating, Kellogg, Lane, Leach, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, McCallum, McDonald, McMurray, Mudgett, Murphy, Pinder, Platt, Samuels, Streeter, Swift, Wertshaugher, and Whipple—41.

NOES—Messrs. Edwards, Felton, Hale, Jones, Kilburn, Long, Mason, May, McClure, Noonan, Patterson of Nevada, Patterson of San Joaquin, Reddick, Sargent, Siebe, Van Fleet, Watkins, Wasson of Mono, Wentz, Wood, Young, and Mr. Speaker—23.

Mr. Paulk moved to amend by striking out section two.

Lost.

The bill read second time, ordered engrossed, and to be read third time.

Senate Bill No. 29—An Act making appropriation for the payment of mileage of Senators and Lieutenant-Governor—ordered read second time.

The amendment recommended by the committee adopted.

The bill read second time, and ordered to be read third time.

Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same—ordered read second time.

Mr. Burns moved to amend as follows: in section one, line twenty-nine, by striking out "January" and inserting instead "July;" also, in the same line, by striking out "sixty four" and inserting instead "eighty-one."

Lost.

The bill read second time, ordered engrossed, and to be read third time.

FIRST READING

Assembly Bill No. 102—An Act to amend section thirty-one of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto—refused first reading.

Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California"—ordered read first time.

The bill read first time.

Assembly Bill No. 77—An Act to preserve and perpetuate a faithful public transcript of legislative proceedings—refused first reading.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands—ordered read first time.

The bill read first time.

Assembly Bill No. 38—An Act to create a bureau of labor and statistics of labor in the State of California—refused first reading

Assembly Bill No. 39—An Act to create and maintain a public intelligence office in the State of California, for the procuring, free of charge, of situations for the working classes—refused first reading.

Assembly Bill No. 55—An Act to provide for work upon the public works and buildings within this State to be done by day labor, and under the supervision of a Superintendent, or officer having charge of the same—ordered read first time.

The bill read first time.

Assembly Concurrent Resolution No. 5—Relative to protecting adopted citizens who are natives of Costa Rica.

Read and passed.

Resolution of sympathy for the people of Ireland.

Read.

The question being upon the passage of the resolution, the ayes and noes were demanded by Messrs. O'Connor, Howard, and Matthews of San Benito.

Mr. Baker, of Yolo, moved to amend the resolution by striking out the words, "in a heroic struggle to free themselves from fetters forged by foreign tyranny imposed upon them through treachery," and inserting instead the words, "in an effort to reform the system by which the lands of that country are held and leased."

Accepted.

Mr. Sargent moved the resolution as amended be ordered printed.

Carried.

Assembly Concurrent Resolution No. 4—Relative to pensioning the soldiers of the Mexican war.

Read.

The question being upon the amendment recommended by the committee, to include the words "except those who served in the rebel army."

The previous question was demanded by Messrs. Long, Murphy, and Warkins, which the House refused to order.

Mr. Mason moved to amend the amendment offered by the committee, as follows: "Excepting such as served in the Confederate army during the war of the rebellion, and have not been since amnestied."

ADJOURNMENT.

Pending discussion, at four o'clock and forty-five minutes P. M. Mr. May moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 26, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garnty, Gavigan, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitshaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Monday, January twenty-fourth, Mr. Lewis moved that further reading be dispensed with.

So ordered.

The Journal approved.

RESOLUTION.

By Mr. Sargent (by permission): Assembly Concurrent Resolution, asking Congress to declare the lands of the Moquelumnes Grant a portion of the public domain, subject to entry under the homestead and preemption Act.

Read, ordered printed and placed on file.

By Mr. Camron (by permission):

WHEREAS, A large amount of money collected from the State at large is now being expended in the construction and repair of dams and levees for the impounding of mining debris, and questions have arisen as to the propriety of such expenditures, and the effect of such dams; therefore, be it

Resolved, That this Assembly do visit Bear River dam on Thursday, January twenty-seventh, eighteen hundred and eighty-one, to inspect the work of said dam, and its effect on said mining debris, and further be it

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to procure a train and conveyance for the accommodation of Assemblymen, reporters, engineers, and such Senators as may choose to accompany them in visiting said works, and that the expenses be paid out of the contingent fund of the Assembly.

Mr. Young moved the consideration of the resolution be postponed until Wednesday next, at two o'clock P. M.

Mr. Felton moved to amend the resolution by striking out "Thursday, January twenty-seventh," and insert instead "Saturday, January thirtieth."

The previous question was demanded by Messrs. Felton, Reddick, and Streeter, and the House so ordered.

The question being upon Mr. Young's motion to postpone the consideration of the resolution, the ayes and noes were demanded by Messrs. Estey, Camron, and Sargent.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. May, Swift, Van Fleet, and Young—4.

NOES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Camron, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wentz, Whipple, and Mr. Speaker—62.

The question recurring upon Mr. Felton's amendment, upon which the ayes and noes were demanded by Messrs. Camron, Branch, and Howard, the roll was called, and the amendment was rejected by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Bost, Brown, Felton, Freer, Geary, Gilmore, Hartson, Hendrick, Kellogg, Kilburn, Lewis, Long, Mason, Mathews of Tehama, May, McClure, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Platt, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wood, Young and Mr. Speaker—34.

NOES—Messrs. Alviso, Birney, Branch, Burns, Camron, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Griffith, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leach, Leake, Matthews of San Benito, McCallion, Murphy, Patterson of San Joaquin, Paulk, Reddick, Sargent, Streeter, Wason of Ventura, and Whipple—36.

The question recurred upon the original resolution, and the ayes and noes were demanded by Messrs. Coleman, Sargent, and Branch.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown Burns, Cannon, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Garnty, Gavigan, Gilmore, Griffith, Hendrick, Hinshaw, Howard, Jones, Keating, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siehe, Streeter, Wason of Ventura, Wasson of Mono, and Wentz—49.

NOES—Messrs Felton, Fraser, Freer, Geary, Hoitt, Jackson, Kellogg, Lewis, Long, May, McClure, Noonan, Patterson of Nevada, Swift, Van Fleet, Watkins, Wood, Young, and Mr Speaker—19

Two days' leave of absence were granted to the Committee on Public Buildings and Grounds; also to Messrs. Daggett and Hale.

PETITIONS.

By Mr. May: A petition from the members of the Board of Health of San Francisco, asking for the passage of the bill introduced by the Hon. Wm. B. May, appropriating five thousand dollars for the purchase of a steam launch for the use of said Board of Health.

Ordered sent to the Senate immediately.

By Mr. Hendrick: A petition from citizens of the State, asking for the conferring of the elective franchise on all educational propositions, upon women.

Referred to Committee on Education.

Also, a petition from citizens of the State, asking that the same rights, as to the disposition of the community property, be granted to women as are now enjoyed by men.

Referred to Judiciary Committee.

By Mr. Fraser: A petition from residents and citizens of Georgetown, asking that no reduction be made in the charges for telegraphing.

Referred to Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, January 26 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills

Assembly Bill No 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts or consolidating districts," approved April sixteenth eighteen hundred and eighty

Also, Assembly Bill No. 137—An Act to add section eight hundred and eighty-eight to the Code of Civil Procedure

Also, Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same

Also, Assembly Bill No. 167—An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, and to amend said Act by adding three new sections thereto, to be numbered respectively four hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non-resident defendants.

Also, Assembly Bill No 200—An Act to amend section one thousand and forty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury.

Also, Assembly Bill No. 173—An Act to amend section two hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, in regard to proceedings in Court on the adoption of a child.

Also, Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to proceedings in criminal actions prosecuted by indictment.

Also, Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight two hundred and nine, two hundred and eleven, and two hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing grand and trial jurors for the Courts of record in this State.

Also, Assembly Bill No 164—An Act to amend section one thousand one hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," in relation to the enforcement of liens of mechanics and others upon real property.

Also, Assembly Bill No. 149—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, relating to fraudulent marriages, to be known as section two hundred and sixty-eight.

Also, Assembly Bill No 136—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to parent and child

Also, Assembly Bill No. 208—An Act to amend section two thousand two hundred and eighty-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 151—An Act to prevent summary dismissal of public officials and employés without just cause and public trial.

Also, Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same.

L. B. EDWARDS,
ED E. LEAKE,
J. P. JONES, *of Committee.*

By Mr. Long:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1881.

MR SPEAKER Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 248—An Act to amend sections two thousand six hundred and fifty-seven and two thousand six hundred and sixty-one of the Political Code, relating to road poll-taxes

Also, Assembly Bill No. 253—An Act to amend section two thousand six hundred and fifty-seven of the Political Code, relating to road poll taxes

Have had the same under consideration, and now report the same back, and recommend that they do not pass.

LONG, Chairman.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER The Judiciary Committee, to whom was referred Assembly Bill No 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners—and recommend its passage as amended.

Also, Assembly Bill No. 213—An Act in relation to medical expert testimony—and recommend that it do not pass.

Also, Assembly Bill No 148—An Act to restrict gaming—and recommend that it do pass as amended.

Also, Assembly Bill No. 290—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases—and recommend that it do not pass.

Also, Assembly Bill No 291—An Act to amend section one thousand one hundred and seventy-two of the Penal Code, and to provide for exceptions in criminal cases—and recommend that it do pass as amended.

Also, Assembly Bill No. 274—An Act to amend section eighty-six, eighty-eight, and ninety-seven of an Act entitled an Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice, and various officers connected therewith, approved April first, eighteen hundred and eighty—and recommend that it do pass.

Also, Assembly Bill No 232—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such claim or demand has been previously left for collection, or who has been consulted thereon—and recommend its passage as amended

Also, Assembly Bill No 250—An Act to add a new section to the Penal Code, to be known as section one thousand two hundred and eight, relating to and providing for the separate confinement of minors committed to County Jails—and recommend its passage as amended

Also, Assembly Bill No. 293—An Act to amend an Act entitled "An Act to authorize the Trustees of the Associated Veterans of the Mexican War, to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property"—and recommend that it do pass.

Also, Assembly Bill No. 300—An Act to amend section two hundred and twenty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the time of commencing actions for the recovery of real property—and recommend that it do pass.

Also, Assembly Bill No. 297—An Act to amend sections one thousand four hundred and forty-seven, and one thousand four hundred and forty-eight of the Penal Code, relating to costs—and recommend that it do not pass.

Also, Assembly Bill No. 288—An Act to amend section three hundred and thirty of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 301—An Act to amend section three hundred and forty-three of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of battery—and recommend that it do not pass.

Also, Assembly Bill No. 309—An Act to amend section one thousand three hundred and sixty of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, and relating to and specifying the property which must be resorted to for the payment of legacies—and recommend that it do pass.

Also, Assembly Bill No. 296—An Act to amend section one thousand two hundred and seventy-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to proceedings to change the names of persons or corporations—and recommend that it do not pass.

Also, Assembly Bill No. 270—An Act to regulate fees of clerks of Superior Courts in the State of California—and recommend that it do pass as amended.

McCLURE, Chairman.

By Mr. Estey:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 273, entitled "An Act to amend section six hundred and thirty-six of the Penal Code"—have had the same under consideration, and now report the same back, and recommend that it do pass.

ESTEY, Chairman.

RECESS.

The House took a recess for one hour, until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.
The Speaker in the chair.
Quorum present.

APPOINTMENTS.

Messrs. Van Fleet and Platt were appointed members of the Committee on County and Township Governments.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Alviso:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 206—Entitled an Act amendatory of and supplemental to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April fifteenth, eighteen hundred and eighty, providing for the establishment of a new agricultural district, composed of the Counties of Mendocino and Lake—have had the same under consideration, and now report the same back without recommendation.

Also, Assembly Bill No. 216—Entitled an Act to encourage the different County Assessors of the State to collect and return in their annual report to the Board of Supervisors of their respective counties, the statistics of the total amount or valuation of grain, fruit, wine, stock, and produce of all kinds, raised or made in the agricultural counties, and the total amount or valuation of grain, fruit, stock, and wine raised and produced, and the amount of gold and

silver extracted and taken out in the mining counties of the State—have had the same under consideration, and now report the same back, and recommend that it do pass.

CHANDLER, Chairman.

By Mr. Lewis:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women—have had the same under consideration, and now report it back with the recommendation that it do not pass.

LEWIS, Chairman.

REPORT OF SPECIAL COMMITTEE.

By Mr. McCallion:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 278—An Act to prohibit members of the police force in cities, cities and counties, and towns, within the State of California, from transacting business or performing labor while a member of such force—have had the same under consideration, and report back with recommendation that it do pass.

McDONALD, Chairman.

The special order for two o'clock P. M., this day, being announced, Mr. Del Valle moved its temporary postponement until the House should go through the order of the introduction of bills.

So ordered.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Sargent:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1881.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 284—An Act for the relief of purchasers of State lands—introduced by Assemblyman Holden, have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Substitute for Assembly Bill No. 57—An Act to amend sections three thousand three hundred and ninety-eight, three thousand four hundred and forty, three thousand four hundred and ninety-four, three thousand four hundred and ninety-five, three thousand four hundred and ninety-nine, three thousand five hundred and nineteen, three thousand five hundred and twenty, three thousand five hundred and forty-six, three thousand five hundred and forty-seven, three thousand five hundred and forty-eight, three thousand five hundred and forty-nine, three thousand five hundred and fifty, and three thousand five hundred and fifty-one of the Political Code, and to repeal section six of an Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred and forty-eight of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to public lands of this State, approved April twenty-eighth, eighteen hundred and eighty, and to repeal sections three thousand five hundred and three thousand five hundred and fifty-five of said Code, and to add a new section, to be known as section —— of said Code—introduced by Assemblyman Holden, have had the same under consideration, and now report the substitute back, and recommend that it do pass.

Also, Assembly Bill No. 245—An Act to amend section three thousand five hundred and seventy-one of the Political Code, in relation to the repayment of moneys for lands illegally sold by the State—introduced by Assemblyman Hartson, have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 251—An Act for the relief of purchasers of State lands—introduced by Assemblyman Hartson, have had the same under consideration, and now report that it do pass.

Also, Assembly Bill No. 252—An Act for the relief of holders of unlocated school land warrants—introduced by Mr. Hartson, have had the same under consideration, and report that it do pass.

SARGENT, Chairman.

By Mr. Wasson, of Mono:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 285—Entitled an Act to foster and encourage the legitimate mining interests of this State—have had the same under consideration and now report the same back, and recommend that it do pass.

WASSON, Chairman.

By Mr. Paulk:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 255—"An Act to compel the use of a brand, stamp, stencil, or trademark on all manufactured commodities"—have had the same under consideration, and report the same back, and recommend that it do not pass.

PAULK, Chairman.

MINORITY REPORT.

By Mr. Noonan:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1881.

MR SPEAKER: We, the undersigned members of the Committee on Labor and Capital, most respectfully dissent from the report presented by the Chairman of said committee, relative to Assembly Bill No. 255—and recommend its passage.

JOHN G. NOONAN,
MICHAEL LANE,
T. O'CONNOR.

By Mr. Platt:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1881.

MR. SPEAKER: The undersigned, members of the San Francisco delegation, beg leave to submit the following minority report.

Assembly Bill No. 278—An Act to prohibit members of the police force in cities, cities and counties, and towns, within the State of California, from transacting business or performing labor while a member of such force—has been referred to our delegation, and we report the same back, and recommend that it do not pass.

H. G. PLATT,
ED. KEATING,
DAVID McCLURE,
J. D. SIEBE,
T. O'CONNOR.

RESOLUTION.

By Mr. Baker, of Yolo:

Resolved, That the hour for the departure of the excursion train which conveys the members of this House to the town of Wheatland, on to-morrow, be fixed at eight o'clock A. M.

Mr. Jackson moved to amend so as to make the time ten o'clock A. M.

Lost.

Mr. Coleman moved to make the time nine o'clock instead of eight o'clock.

Lost.

The resolution adopted.

MESSAGE FROM THE GOVERNOR.

The following message was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 24, 1881.

To the Assembly of the State of California:

I herewith transmit to your honorable body the first annual report of the Board of State Viticultural Commissioners.

GEORGE C. PERKINS, Governor.

INTRODUCTION OF BILLS.

By Mr. Arick: An Act to amend section three hundred and sixty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to assignment of things in action.

Referred to Judiciary Committee.

Also, an Act to regulate the quality and standard illuminating power and the price of gas within this State.

Referred to Committee on Corporations

By Mr. Howard: An Act to regulate the price, quality, and illuminating power of gas furnished by corporations existing within the State of California.

Referred to Committee on Corporations.

By Mr. Del Valle: An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval

Referred to Judiciary Committee

By Mr. Gavigan: An Act to amend section four hundred and ninety-eight of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to street railroad corporations

Referred to the Committee on Corporations.

By Mr. Alviso: An Act entitled "An Act to regulate fishing in the State of California"

Referred to Judiciary Committee.

Also, an Act for the incorporation of mutual fire insurance companies, and defining their powers and duties.

Referred to Committee on Corporations.

By Mr. Reddick: An Act to regulate the course of study in the common schools in the State of California.

Referred to Committee on Education

Also, an Act to regulate and limit the charges for services performed by telegraph corporations

Referred to Committee on Corporations.

By Mr. Paulk: An Act to amend section one thousand six hundred and eighteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, regulating the compensation of executors and administrators.

Referred to Ways and Means Committee

Also, an Act to amend section one thousand six hundred and twenty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the accounts of executors and administrators.

Referred to Judiciary Committee.

By Mr. McCallion: An Act to prohibit the employment of aliens by corporations.

Referred to Judiciary Committee.

Also, an Act to appropriate money to defray the expenses of the Attorney-General in certain cases.

Referred to Committee on Ways and Means.

By Mr. Van Fleet: An Act concerning division fences, and to provide for their maintenance.

Referred to Committee on Agriculture

Also, an Act to amend sections three thousand four hundred and fifty-four, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, and three thousand four hundred and sixty-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to reclamation of swamp and overflowed lands.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Fraser: An Act to amend sections four thousand and twenty-four and four thousand one hundred and nine of an Act

entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Referred to Committee on Judiciary.

By Mr. Wentz: An Act entitled "An Act to amend article eleven of the Constitution of the State of California, in relation to suffrage."

Referred to Committee on Judiciary.

By Mr Hale: An Act to amend sections three thousand six hundred and twenty-nine, three thousand six hundred and thirty-three, three thousand six hundred and forty-four, three thousand six hundred and forty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-three, three thousand six hundred and fifty-four, three thousand six hundred and fifty-five, three thousand six hundred and fifty-six, three thousand six hundred and seventy-two, three thousand six hundred and seventy-nine, three thousand six hundred and eighty-two, three thousand six hundred and ninety-three, three thousand seven hundred and four, three thousand seven hundred and twenty-seven, three thousand seven hundred and twenty-eight, three thousand seven hundred and twenty-nine, three thousand seven hundred and thirty-four, three thousand eight hundred and forty, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-eight, three thousand eight hundred and sixty, and three thousand eight hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, which amendments relate to the subject of providing revenue for the support of the government of the State.

Referred to Committee on Ways and Means.

By Mr Wood: An Act to amend section ninety-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to grounds of action for divorce.

Referred to Judiciary Committee.

Also, an Act to amend section four hundred and eleven of the Code of Civil Procedure, relating to the service of summons.

Referred to Judiciary Committee.

SPECIAL ORDER.

Assembly Bill No. 11—An Act to prevent the accumulation of large land estates.

Speaker pro tem. Fraser in the chair.

Mr Camron moved a call of the House.

Roll called.

Quorum present.

Mr. Kellogg moved that further proceedings under the call be dispensed with.

So ordered.

The question being "Shall the bill be read first time?"

The ayes and noes were demanded by Messrs. McCallion, Gilmore, and Kellogg.

The roll was called, and the bill ordered read first time by the following vote:

AYES—Messrs Anick, Baker of Sacramento, Branch, Burns, Crumpton, Estey, Garrity, Gavigan, Geary, Gilmore, Griffith, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane,

Leake, Mason, Matthews of San Benito, May, McCallion, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, and Young—36.

NOES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Cannon, Coleman, Cunningham, Del Valle, Edwards, Felton, Fraser, Freer, Hartson, Hendrick, Hinshaw, Hoitt, Leach, Lewis, Long, McClure, Mein, Murphy, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Van Fleet, Wentz Whipple, Wood, and Mr. Speaker—31.

The bill read first time.

SENATE MESSAGE.

The following Senate message was read.

SENATE CHAMBER, SACRAMENTO, January 26, 1881

MR SPEAKER: I am directed to inform your honorable body that the Senate, on January twenty-fifth, eighteen hundred and eighty-one, passed the following Senate bills

Senate Bill No. 64—An Act to amend sections three thousand seven hundred and thirty-two three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve and three thousand eight hundred and eighty-one of the Political Code, and to add a new section to said Code, to be known as section three thousand eight hundred and seventeen, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six of said Code, providing for a duplicate assessment book.

Also, Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese

Also Senate Concurrent Resolution No. 5—Relative to appropriating money for improvement of Eel River, Humboldt County, for the purpose of navigation

Also, Senate Bill No 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases.

Also, Senate Bill No 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Also, Senate Bill No 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure.

Also, Senate Bill No 78—An Act to amend sections one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure.

Also, Senate Bill No. 95—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriage may be determined and declared.

Also, Senate Bill No 97—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code relating to actions for proving instruments, and correcting defective certificates of acknowledgments.

Also, Senate Bill No 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession.

Also, Senate Bill No 99—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a trustee may be discharged from his trust

Also, Senate Bill No 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code relating to assignments for the benefit of creditors.

Also, Senate Bill No 116—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Also, Senate Bill No 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Also, Senate Bill No 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Also, Senate Bill No 81—An Act to add to part two, division second, of the Civil Code, a new title, to be known as title five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws, and forming mining districts

Also, Senate Concurrent Resolution No. 10—Concerning the transfer of mineralogical specimens to the Mining Bureau.

Also, Senate Bill No. 144—An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots.

Also, Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code.

Also, Senate Concurrent Resolution No. 1—Relating to sales of public lands.

JAS. A. ORR, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 64—An Act to amend sections three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred and twelve, and three thousand eight hundred and eighty-one of the Political Code, and to add a new section to said Code, to be known as section three thousand eight hundred and seventeen, and to repeal sections three thousand seven hundred and thirty-three, three thousand seven hundred and thirty-eight, three thousand eight hundred and ninety-three, and three thousand eight hundred and ninety-six of said Code, providing for a duplicate assessment book.

Referred to Committee on Ways and Means.

Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Referred to Committee on Agriculture.

Senate Concurrent Resolution No. 5—Relative to instructing Senators and Congressmen to procure appropriations from General Government to improve certain rivers.

Referred to Committee on Commerce and Navigation.

Senate Bill No. 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases.

Referred to Judiciary Committee.

Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Referred to Judiciary Committee.

Senate Bill No. 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure.

Referred to Judiciary Committee.

Senate Bill No. 78—An Act to amend sections one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure.

Referred to Judiciary Committee.

Senate Bill No. 95—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriage may be determined and declared.

Referred to Judiciary Committee.

Senate Bill No. 97—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code, relating to actions for providing instruments and correcting defective certificates of acknowledgments.

Referred to Judiciary Committee.

Senate Bill No. 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession.

Referred to Judiciary Committee.

Senate Bill No. 99—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a Trustee may be discharged from his trust.

Referred to Judiciary Committee.

Senate Bill No 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors.

Referred to Judiciary Committee.

Senate Bill No. 116—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Referred to Judiciary Committee.

Senate Bill No. 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Referred to Judiciary Committee.

Senate Bill No. 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

Referred to Committee on Ways and Means.

Senate Bill No 81—An Act to add to part second, division second, of the Civil Code, a new title, to be known as title five, containing eighteen sections, to be numbered eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four, and eight hundred and ninety-five, relating to mining laws, and forming mining districts.

Referred to Committee on Mines and Mining Interests.

Senate Concurrent Resolution No. 10—Concerning the transfer of mineralogical specimens to the Mining Bureau.

Referred to Committee on Mines and Mining Interests.

Senate Bill No. 144—An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots.

Referred to Committee on Elections.

Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Referred to Committee on Ways and Means.

Senate Concurrent Resolution No. 1—Relating to sales of public lands.

Referred to Committee on Public Lands.

GENERAL FILE—THIRD READING.

Senate Bill No. 29—An Act making appropriations for the payment of mileage of Senators and Lieutenant-Governor.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Coleman, Crumpton, Cunningham, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Paulk, Platt, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—62.

NOES—None

Title approved.

Mr. McClure moved that the rules be suspended to consider the following Senate message.

So ordered.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, January 26, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, adopted Joint Resolution No. 2—Relative to giving use of Assembly and Senate chambers to the Governor on February sixteenth, eighteen hundred and eighty-one.

JAMES A. ORR, Assistant Clerk.

The resolution above mentioned was adopted.

GENERAL FILE RESUMED.

Assembly Bill No 161—An Act to compel persons, companies, associations, or corporations, whose business it is to supply water or gas for public or domestic use, to furnish meters at their own expense.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Coleman, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, Mudgett, Noonan, O'Connor, Patterson of Nevada Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—61

NOES—None

Title approved.

FIRST AND SECOND READING.

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity.

Mr. Griffith moved to amend, by inserting in section one, after the word "flume" in line four, the words "who rents, sells, or distributes the water therein."

Adopted.

The bill ordered engrossed and to be read third time.

Assembly Concurrent Resolution No. 4—Relative to pensioning the soldiers of the Mexican war.

Mr. Estey holding that the above resolution being under discussion at the hour of adjournment, had gone into unfinished business.

The Speaker ruled the point not well taken.

Mr. Estey appealed from the decision of the Chair.

The House refused to sustain the appeal.

Mr. Mason's amendment to the amendment withdrawn.

The question recurred upon the amendment recommended by the committee, upon which the ayes and noes were demanded by Messrs. Burns, Freer, and Leake.

The roll was called, and the amendment was rejected by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Coleman, Edwards, Fraser, Hartson, Hoitt, Jones, Kilburn, Lewis, Long, Mason, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wood, Young, and Mr. Speaker—29.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Camion, Crank, Crumpton, Cunningham, Del Valle, Estey, Felton, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Nooman, O'Connor, Paulk, Platt, Siebe, Streeter, Swift, and Whipple—41.

The question recurred upon the original resolution.

Upon which the ayes and noes were demanded by Messrs. McClure, Hendrick, and Long.

The roll was called, and the resolution was passed by the following vote.

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, Murray, Nooman, O'Connor, Paulk, Platt, Reynolds, Siebe, Streeter, Swift, Whipple and Young—37

NOES—Messrs. Baker of Sacramento, Brown, Camion, Coleman, Crank, Edwards, Estey, Felton, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McCallion, Mein, Mudgett, McClure, Patterson of Nevada, Patterson of San Joaquin, Sargent, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wood, and Mr. Speaker—33.

Assembly Concurrent Resolution No. 8—Relative to the restriction of Chinese immigration into the United States.

Read and adopted.

ADJOURNMENT.

At four o'clock and twenty-five minutes, Mr. Kellogg moved that we do now adjourn until Friday, at eleven o'clock A. M.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 28, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker pro. tem. Fraser in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camion, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kil-

burn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wasson of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Young.

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Tuesday, January twenty-fifth, and Wednesday, January twenty-sixth, Mr. Cunningham moved that further reading be dispensed with.

So ordered.

The Journal approved.

CONCURRENT RESOLUTION.

By Mr. O'Connor (by permission): Assembly Concurrent Resolution—Relative to the establishment of governmental savings banks.

Read, and referred to Committee on Federal Relations.

Two days leave of absence was granted to Mr. Mathews, of Tehama.

RESOLUTION.

By Mr. Cunningham (by permission):

Resolved, That the committee to whom was referred Assembly Bill No. 4 be and are hereby required to report on said bill to-morrow, twenty-ninth.

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

Upon which the ayes and noes were demanded by Messrs. Edwards, Murphy, and Cunningham.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Attick, Baker of Sacramento, Baker of Yolo, Bost, Brown, Burns, Chandler, Coleman, Crumpton, Daggett, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hale, Hartson, Hoitt, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Noonan, O'Connor, Patterson of Nevada, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wertsbaugher, Wood, and Young—46.

NOES—Messrs. Alviso, Birney, Branch, Cannon, Cunningham, Del Valle, Edwards, Estey, Griffith, Hendrick, Hinshaw, Holden, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Wasson of Ventura, Wentz, and Whipple—28.

PETITIONS.

By Mr. Hoitt: Petition and memorial to the Board of Regents by Faculty of State University, requesting amendment of Assembly Bill No. 162.

Referred to Committee on Education.

By Mr. Kilburn: Petition of citizens of Monterey County, requesting the repeal of an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty.

Referred to Committee on Water Rights and Drainage.

By Mr. Brown: Two petitions of citizens of Yuba County, requesting the defeat of Senate Bills Nos 146, 147, and 148.

Referred to Committee on Corporations.

By Mr. Kellogg: A petition from citizens of Greenville and vicin-

ity, protesting against legislation to reduce the rates charged for telegraphing.

Referred to Committee on Corporations.

Also, a petition from citizens of Plumas, protesting against the passage of Senate Bills Nos. 146, 147, and 148.

Referred to Committee on Corporations.

By Mr. Coleman: A petition from citizens of Placerville, protesting against legislation proposing to reduce the rates charged by telegraph companies.

Referred to Committee on Corporations

Also, a petition from citizens of Alpine County, asking such legislation as will permit a less number of children than fifteen to constitute a school district.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 71—Entitled "An Act to provide for the establishment of a uniform series of text-books for use in public schools in this State"—have had the same under consideration, and now report it back, and recommend that it do not pass.

Also, Assembly Bill No. 3—Entitled "An Act to establish a Branch Normal School"—and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 165—Entitled "An Act to establish a Branch Normal School"—and now report the same back, and recommend that it do pass.

HOITT, Chairman.

By Mr. Patterson, of San Joaquin:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due him for the twenty-ninth and thirtieth fiscal years—after considering the same, report it back, and recommend that it do pass.

Also, Assembly Bill No. 98—An Act to pay the claim of James W. Marshall—report the same back, and recommend that it do pass.

Also, Assembly Bill No. 184—An Act to pay the holders of certain Indian war bonds, out of any money appropriated by Congress for the suppression of Indian hostilities, now in the War Bond Fund in the State treasury and not otherwise appropriated—report the same back, and recommend that it do pass.

Also, Assembly Bill No. 222—An Act for the relief of John C. Edgar, ex-Sheriff of the County of San Mateo—recommend to amend, by inserting the words "*provided*, that such claim or claims shall not exceed the sum of two hundred dollars," after the words "as such Sheriff," on the last line of section one of said bill, and recommend that it do pass as amended.

PATTERSON, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill:

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations, owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity.

Also, Assembly Concurrent Resolution No. 4—Relative to pensioning the soldiers of the Mexican war.

Also, Assembly Concurrent Resolution No. 8—Relative to the restriction of Chinese immigration into the United States.

ED. E. LEAKE, of Committee
THOMAS MEIN, Chairman.

Assembly Bill No. 82, reported above by the Committee on Claims, ordered placed at the head of First Reading File.

By Mr. May.

SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 254—Entitled "An Act to add a new section to the Political Code, to be numbered three thousand three hundred and eighty-eight, relating to licenses"—beg leave to report back the same with amendment and recommend that it do pass as amended.

Your committee also considered Senate Bill No. 54—Entitled "An Act to authorize the State Treasurer to pay Controller's warrants, drawn for the payment of the per diem and mileage of Lieutenant Governor, members of the Legislature, officers and clerks of the Legislature, and the contingent expenses of the Senate and Assembly"—and report the same back with recommendation that it do pass.

MAY, Chairman.

By Mr. Streeter:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 306—Entitled an Act to amend an Act entitled "An Act authorizing the Boards of Supervisors of the counties in which water is sold for purposes of irrigation to fix the rates at which water shall be sold," approved March twenty-sixth, eighteen hundred and eighty—have had the same under consideration, and now report the same back with amendments, and recommend that it be passed as amended.

STREETER, Chairman.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 63—Entitled "An Act to appropriate funds for the erection of an elevator in the State Capitol building"—have had the same under consideration, and now report the same back without recommendation.

GAY, Chairman.

INTRODUCTION OF BILLS.

By Mr. May: An Act making an appropriation for a deficiency during the thirty-second fiscal year, for expenses of the Superior Court, under section forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure for the State of California," approved March eleventh, eighteen hundred and seventy-two.

Referred to Committee on Ways and Means.

By Mr. Arick: An Act to amend section one thousand six hundred and thirty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the settlement of estates.

Referred to Committee on Judiciary.

Also, an Act for the relief of Norman McLeod.

Referred to Committee on Claims.

By Mr. Platt: An Act to provide compensation for special counsel employed by the Treasurer or Auditor of any county, city, or city and county.

Referred to Committee on Judiciary.

By Mr. Kellogg: An Act to amend the Code of Civil Procedure of California, by adding a new section thereto, to be numbered section two hundred and seventy-four and one half, relating to phonographic reporters.

Referred to Committee on Judiciary.

By Mr McCallion: An Act to pay P. T. Morris for work done and material furnished upon the State Capitol fence.

Referred to Committee on Claims.

By Mr. Paulk: An Act to amend sections one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand

seven hundred and ninety-three, and one thousand seven hundred and ninety-four of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, providing for City Boards of Examinations, and prescribing their powers and duties.

Referred to Committee on Education.

By Mr. Young: An Act to appropriate money to the payment of claims for work and labor performed and materials furnished at the Folsom Branch Prison, now known as the "State Prison at Folsom."

Referred to the Committee on Claims.

By Mr. Jones: An Act to repeal an Act entitled "An Act to incorporate the Town of Martinez, and to provide for the government thereof," approved April first, eighteen hundred and seventy-six, and an Act entitled "An Act to amend an Act entitled an Act to incorporate the town of Martinez, and to provide for the government thereof," approved April first, eighteen hundred and seventy-six, approved March sixteenth, eighteen hundred and seventy-eight.

Referred to Committee on Judiciary.

GENERAL FILE—THIRD READING.

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Read third time.

Mr. Edwards moved to refer the bill to a committee of one, with special instructions.

Adopted.

The Speaker appointed Mr. Edwards a committee of one to amend above bill pursuant to above motion.

Assembly Bill No. 189—An Act to amend the third subdivision of section four hundred and eighty-seven of the Penal Code, relating to the definition of grand larceny.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gurnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of San Joaquin, Platt, Reddick, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—63

NOES—Messrs. Baker of Yolo, Burney, Bost, Brown, Burns, Long, Mudgett, and Paulk—8.

Title amended and approved as amended.

Assembly Bill No 164—An Act to amend title four, chapter two, of the Code of Civil Procedure, in relation to the enforcement of liens.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Burney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—68

NOES—Messrs Jackson and McDonald—2.

Title amended and approved as amended.

Assembly Bill No. 151—An Act to prevent summary dismissal of public officials and employés without just cause and public trial.

Read third time.

Mr. Paulk moved the enacting clause of the bill be stricken out.

Upon which the ayes and noes were demanded by Messrs. Paulk, Sargent, and Van Fleet.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—39.

NOES—Messrs Arick, Baker of Yolo, Branch, Burns, Bost, Camron, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mason, Matthews of San Benito, McCallhon, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—39.

Mr. Hendrick moved to refer the bill to a committee of one, with special instructions to strike out the last section of the bill.

Lost.

The question recurred on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Binney, Bost, Branch, Burns, Camron, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Kellogg, Lane, Leake, Matthews of San Benito, McCallhon, McDonald, Murphy, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—32.

NOES—Messrs. Alviso, Baker of Sacramento, Brown, Chandler, Crank, Cunningham, Edwards, Estey, Felton, Fraser, Gay, Geary, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, McMurray, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—44

Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same.

Mr. Felton moved that the above bill be made the special order for Wednesday, February second, at two o'clock P. M.

Mr. Garrity moved to amend so as to make the bill the special order for Monday, at two o'clock P. M.

Lost.

The original motion was adopted.

The Committee on Military Affairs had leave of absence until Monday next.

RECESS.

The House took a recess for one hour, until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

RESOLUTION.

By Mr. Mason (by permission):

Resolved, That the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of fifty dollars, payable out of the Contingent Fund of the Assembly, the same to be used in paying the deficiency in the locksmith's bill, which amounted to more than the amount appropriated on January seventh, and to pay further repairing of locks, laundrying towels, and the purchase of stamps for use of the Sergeant-at-Arms' office.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Gavigan (by permission): Assembly Concurrent Resolution—Relative to preventing Chinese immigration.

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

Upon which the ayes and noes were demanded by Messrs. Burns, Matthews of San Benito, and Jackson.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Alviso, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McCallion, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, Wood, and Mr. Speaker—37.

NOES—Messrs. Arick, Baker of Sacramento, Birney, Bost, Branch, Burns, Crumpton, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Swift, Whipple, and Young—32.

By Mr. Leach (by permission)

WHEREAS, by the unusual and unprecedented large yield of grain in this State last year, and the lack of tonnage to remove the crop, there is, of necessity, on storage in the various grain centers of California something like eight hundred thousand tons of wheat awaiting shipment to the foreign markets, and whereas, the greater part of this grain is on storage within the corporate limits of several cities and towns, and under the circumstances it cannot be removed before the first day of March next ensuing, and therefore in addition to the State and county tax under the existing laws, it will be subject to municipal taxation by the authorities of the cities wherein it is stored, thereby subjecting the owners to an extra and onerous tax, not just in equity or principle, and one that promises to result in great injury both to individuals and the municipalities concerned, for the reason that the grain in question is really in course of transportation to market, and while in storage is only awaiting an opportune time for shipment to its final destination, and the levy of the above mentioned municipal tax at this time may possibly cause forced sales and the throwing on the market of a large quantity of grain breaking down the present low prices, resulting in a loss to the producing community of this State amounting to millions of dollars, and inuring to the benefit of only a few speculators and shippers, and therefore be it

Resolved, That the Committee of Ways and Means is hereby instructed to consider the matter, and report to the House, by bill, or otherwise, what action or remedy is necessary

LEACH, of Solano

Adopted.

By Mr. Van Fleet: Assembly Concurrent Resolution relative to the destruction of the forests of the State.

Referred to the Committee on Forestry.

GENERAL FILE—THIRD READING.

Assembly Bill No. 186—An Act amending an Act entitled "An Act providing for appeals from orders forming reclamation or swamp land districts, setting off lands from such districts, or consolidating districts," approved April sixteenth, eighteen hundred and eighty.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Anick, Baker of Sacramento, Burney, Bost, Branch, Brown, Cameron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Estey, Fraser, Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Matthews of San Benito, May, McCallion, McDonald, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—65

NOES—None.

Title approved.

Assembly Bill No. 137—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, by adding a new section, to be numbered section eight hundred and eighty-eight, relating to service of process in Justices Courts.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Anick Baker of Sacramento, Baker of Yolo, Burney, Bost, Branch, Brown, Burns, Cameron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hartson, Hendricks, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long Mason, May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—68.

NOES—None.

Title amended and approved as amended.

Assembly Bill No. 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham C. Harrison, deceased, against the State, and to appropriate money to pay the same.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Anick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Cameron, Chandler Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Platt, Reynolds, Samuels, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—66

NOES—Messrs. Burns, Cunningham, Felton, May, Patterson of San Joaquin, Paulk, Sargent, and Siebe—8.

Title approved.

Assembly Bill No. 167—An Act to amend sections four hundred and twelve, four hundred and sixteen, and eight hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, and to amend said Act by adding three new sections thereto, to be numbered respectively four hundred and seventeen, four hundred and eighteen, and four hundred and nineteen, all relating to process in civil actions for obtaining jurisdiction over non-resident defendants.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Atick, Baker of Yolo, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada Paulk, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker—64.

NOES—Mr. Burns—1.

Title amended, and approved as amended.

REPORTS OF STANDING COMMITTEES.

By Mr. Felton (by permission):

SACRAMENTO, January 28, 1881

MR SPEAKER: Your Committee on Corporations to whom was referred Assembly Bill No. 268—An Act to incorporate religious societies.

Also, Assembly Bill No. 276—An Act to amend section three hundred and forty-nine of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations—have had the same under consideration, and report the same back, and recommend that they do pass.

Your committee also have had under consideration Assembly Bill No. 125—An Act to compel fire insurance companies to pay the full amount of insurance on property insured.

Also, Assembly Bill No. 153—An Act to amend an Act in relation to mutual, beneficial, and relief associations, in relation to the limitation of membership

Also, Assembly Bill No. 155—An Act for the better protection of insurers—and report the same back, and recommend that they do not pass.

Your committee have also considered Assembly Bill No. 76—An Act to amend section six hundred and twenty-two of the Political Code, relating to taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions imposed upon insurance companies doing business in this State, and organized under the laws of any other State or country—and report the same back with an amendment, and recommend that it do pass as amended.

FELTON, Chairman.

REPORT OF SPECIAL COMMITTEE.

By Mr. Edwards (by permission):

MR. SPEAKER: As a special committee of one, appointed by you, to whom was referred Assembly Bill No. 48—with special instructions to insert certain amendments, beg leave to report the same back with amendments inserted as instructed.

L. B. EDWARDS.

FIRST READING.

Assembly Bill No. 183—An Act to correct the spelling of the names of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

Taken up out of order and ordered read first time.

The bill read first time.

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations, reported above.

Ordered to be engrossed and printed as amended.

THIRD READING.

Assembly Bill No. 200—An Act to amend section one thousand and forty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February fourteenth, eighteen hundred and seventy-two, relating to trials by jury.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso Anick, Baker of Yolo, Bost, Branch, Burns, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—59.

Title approved.

Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to proceedings in criminal actions prosecuted by indictment.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Branch, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kilburn, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—59.

Title approved.

Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State.

Read third time.

The roll was called, and the bill passed by the following vote.

AYES—Messrs. Alviso Anick, Baker of Sacramento, Birney, Bost, Branch, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Lewis, Long, May, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—59.

NOES—None.

Title approved.

Assembly Bill No. 208—An Act to amend section two thousand two hundred and eighty-two of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, relating to trusts.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freer, Garrity, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Lane, Leach, Leake, Lewis, Long, Matthews of San Benito, May, McCallion, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Young, and Mr. Speaker—58.

NOES—None.

Title approved.

Assembly Bill No 136—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to parent and child.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anick, Baker of Sacramento, Baker of Yolo, Burney, Bost, Chandler, Coleman, Crumpton, Daggett, Estey, Felton, Fraser, Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hale Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leach, Lewis, Long, May, McCallion, McClure, McMurray, Mudgett, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Strecter, Swift, Van Fleet Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Young, and Mr. Speaker—54

NOES—Messrs Cunningham and Leake—2

Title approved.

Assembly Bill No. 149—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, adding a new section thereto, relating to fraudulent marriages, to be known as section two hundred and sixty-eight.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Burney, Bost, Branch, Cameron, Chandler Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden Howard Jones, Keating, Kellogg, Leach, Leake, Lewis, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray Noonan, O'Connor, Patterson of San Joaquin, Platt, Reynolds Siebe, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—55

NOES—Messrs. Lane, Long, Mudgett, Paulk and Sargent—5

Title approved.

Assembly Bill No. 173—An Act to amend section two hundred and twenty-six of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, in regard to proceedings in Court on the adoption of a child.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Burney, Bost, Cannon Chandler Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Lane, Leach, Leake, Lewis, Long Matthews of San Benito, McCallion McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Swift, Van Fleet, Wason of Ventura, Wasson of Mono Wentz, Wertsbaugher, Whipple, Young, and Mr Speaker—61.

NOES—None.

Title approved.

FIRST READING

Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the quarantine officer of the port of San Francisco—ordered read first time.

The bill read first time.

Assembly Bill No. 195—An Act to amend an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the

purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four.

Refused first reading.

At four o'clock, Mr. Murphy moved we do now adjourn.

Lost.

Assembly Bill No. 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Bill No. 84—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hundred and seventy-eight—ordered read first time.

The bill read first time.

Assembly Bill No. 36—An Act entitled an Act to amend section three thousand three hundred and eighty-two of the Political Code, relating to merchants' license.

Refused first reading.

Assembly Bill No. 54—An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Refused first reading.

Assembly Bill No. 80—An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Refused first reading.

Assembly Bill No. 81—An Act to create a fund in the several counties of this State for the payment of the salary of Superior Judges.

Mr. McCallion moved the bill be passed on file.

Lost.

The bill refused first reading.

Assembly Bill No. 158—An Act to enable the Boards of Supervisors of the several counties of this State to allow active members of regularly organized fire companies certain compensation.

Withdrawn.

Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges, during the fiscal year—ordered read first time.

The bill read first time.

Assembly Bill No. 145—An Act concerning road poll taxes—ordered read first time.

The bill read first time.

Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Mr. McCallion moved that the bill be referred to the San Francisco delegation

Upon which the ayes and noes were demanded by Messrs. Burns, Gilmore, and Jackson.

The roll was called, and the motion was lost by the following vote:

Ayes—Messrs. Alviso, Burns, Chandler, Coleman, Crumpton, Cunningham, Fraser, Garrity, Gavigan, Geary, Gilmore, Hinshaw, Howard, Jackson, Keating, Kellogg, Lane, Leake Matthews of San Benito, McCallion, McDonald, Mein, Mudgett, Murphy, Noonan, O'Connor, Paulk,

Pinder, Reddick, Samuels, Sargent, Siebe, Swift, Van Fleet, Wason of Ventura, Wentz, and Young—37.

Noes—Messrs. Arick, Baker of Sacramento, Barney, Bost, Branch, Crank, Daggett, Del Valle, Edwards, Estey, Felton, Freer, Gay, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Streeter, Watkins, Wasson of Mono, Wertsbaugher, Whipple, Wood, and Mr. Speaker—40

ADJOURNMENT.

At four o'clock and thirty-five minutes, Mr. McDonald moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 29, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker pro. tem. Fraser in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, January twenty-sixth, Mr. Paulk moved that further reading of the Journal be dispensed with.

So ordered.

The Journal approved.

Mr. Daggett had one day's leave of absence.

The Committee on Commerce and Navigation had two days' leave of absence.

Mr. Baker, of Yolo, had one day's leave of absence.

At eleven o'clock and fifteen minutes, Mr. McDonald moved we do now adjourn until Monday, at two o,clock P. M.

Lost.

PETITIONS.

By Mr. Mudgett: A petition from citizens of the County of Humboldt, asking for the passage of local option laws.

Referred to the Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

By Mr. May:

SACRAMENTO, January 29, 1881.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Senate Bill No. 178—Entitled an Act to amend section one thousand eight hundred and fifty-seven of the Political Code relating to public schools—beg leave to report the same back with amendment, and recommend that it do pass as amended.

MAY, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1881.

MR SPEAKER Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

MEIN, Chairman.

By Mr. McDonald:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1881.

MR. SPEAKER The San Francisco Delegation, to whom was referred Assembly Bill No. 264—An Act relating to the extension of the streets along the water-front of the City and County of San Francisco, and the jurisdiction of the Board of State Harbor Commissioners over said State—have had the same under consideration, and now report the same back without recommendation

Also, Assembly Bill No 265—An Act to repeal an Act entitled "An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B Tichenor," approved April fourth, eighteen hundred and seventy—and report same back, with recommendation that it do pass.

McDONALD, Chairman.

By Mr. Mason:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1881.

MR SPEAKER Your Committee on Mileage beg leave to submit the following report They have made examination of the claim for mileage made by the members of the Committee on State Prisons, consisting of Messrs Hartson, Siebe, May, Freer, Estey, Howard, Van Fleet, Branch, Fraser, and B C. Hartson, Clerk, and find the several amounts to be due, as hereinafter stated, to wit:

MILEAGE DUE COMMITTEE FOR TRAVELING TO STATE PRISON AT SAN QUENTIN.

C. Hartson, one hundred and ninety-two miles	$19 20
W. B. May, one hundred and ninety-two miles	19 20
L. D. Freer, one hundred and ninety-two miles	19 20
J. D Siebe, one hundred and ninety-two miles	19 20
Thomas Fraser, one hundred and ninety-two miles	19 20
M. B. Howard, one hundred and ninety-two miles	19 20
C. L. Estey, one hundred and ninety-two miles	19 20
L. C Branch, one hundred and ninety-two miles	19 20
W. C. Van Fleet, one hundred and ninety-two miles	19 20
C. B. Hartson, one hundred and ninety-two miles	19 20

MILEAGE DUE COMMITTEE FOR TRAVELING TO STATE PRISON AT FOLSOM.

C. Hartson, forty-eight miles	$4 80
L. D. Freer, forty-eight miles	4 80
J. D. Siebe, forty-eight miles	4 80
Thomas Fraser, forty-eight miles	4 80
M. B Howard, forty-eight miles	4 80
C. L. Estey, forty-eight miles	4 80
L. C Branch, forty-eight miles	4 80
W. C. Van Fleet, forty-eight miles	4 80
B. C Hartson, Clerk, forty-eight miles	4 80

We recommend the adoption of the following resolution

Resolved, That the Controller of the State be and he is hereby directed to draw his warrants on the State treasury in favor of the above named persons, for the amounts set opposite their respective names, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1881.

MR. SPEAKER: Your Committee on Mileage have considered the report of the Chairman of the Committee on State Hospitals, and find it correct as herewith transmitted, and would recommend the adoption of the following resolution:

Resolved, That the Controller be and hereby is authorized to draw his warrant for two hundred and seventy-six dollars and forty cents in favor of Oscar Lewis, for mileage due the Committee on State Hospitals, payable from the Contingent Fund of the Assembly.

MASON, Chairman.

ASSEMBLY CHAMBER, January 28, 1881.

To the Committee on Mileage:

GENTLEMEN: I herewith present to you a detailed statement of the miles traveled by the Committee on State Hospitals, and the Clerk, and request, if found correct, that the inclosed resolution be introduced at an early day.

Committee: Oscar Lewis, Chairman; W. B. May, H. J. Crumpton, J. H. Mathews, F. A. Leach, J. H. Culver, Clerk.

Sacramento to Napa	61 miles.
Napa to Asylum and return	8 miles.
Napa to San Francisco	39 miles.
Asylums at San Francisco and South San Francisco	12 miles.
San Francisco to Asylum at San Rafael and Petaluma and return	77 miles.
San Francisco to Berkeley and return	20 miles.
San Francisco to Sacramento	84 miles.
San Francisco to Stockton and return	96 miles.
	397
	6
	2,382 miles.
San Francisco to Oakland and return (Clerk)	16 miles.
Sacramento to Napa and return for Lewis, Leach, and Clerk, each 122	366 miles.
Total	2,764 miles.

OSCAR LEWIS, Chairman.

The two resolutions above recommended, adopted as recommended by the committee.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1881.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 175—Entitled an Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa—have had the same under consideration, and now report the same back with the following amendment, viz: In section one, line seven, strike out the word "fifteen," and insert instead the word "twelve;" and in section two, line one, strike out the word "fifteen," and insert instead the word "twelve," in printed bill, and recommend that the same do pass as amended.

GAY, Chairman.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 257—Entitled an Act to establish a Boys' Reform School for the correction and reformation of juvenile offenders—have had the same under consideration, and now report the same back with a substitute thereto, and recommend that the substitute do pass.

REYNOLDS, Chairman.

INTRODUCTION OF BILLS.

By Mr. May: An Act making an appropriation for the payment of current demands accruing against the stationery, fuel, lights, etc., fund, for the fiscal year ending June thirtieth, eighteen hundred and eighty-one.

Referred to Committee on Ways and Means.

By Mr. Griffith: An Act to provide for the classification and equal taxation of assessable lands.

Referred to Committee on County and Township Governments

By Mr. McClure: An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to street railroad corporations.

Referred to Committee on Corporations.

By Mr. Arick: An Act to amend section six hundred and forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to bills of exceptions.

Referred to Judiciary Committee.

By Mr. Baker, of Yolo: An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six.

Referred to Committee on State Hospitals.

SENATE MESSAGES.

The following Senate messages were read

SENATE CHAMBER, SACRAMENTO, January 28, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly amendment to Senate Bill No 29

Also, passed the following Senate bills

Senate Bill No 227—An Act to amend section two thousand one hundred and seven of the Political Code, relating to the duties of the Adjutant-General

Also, Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest.

Also, Senate Bill No 157—An Act to punish baggage smashers

Also, Senate Bill No 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same

Also, Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc., for the legislative and State officers during the thirty-first fiscal year.

Also, Senate Bill No. 126—An Act to provide for the deficiency for the appropriation "for payment of postage and contingent expenses of Clerk of the Supreme Court" during the thirty-first fiscal year

Also, Senate Bill No 130—An Act to provide for the deficiency in the appropriation for the payment of rewards offered by the Governor during the thirty-first fiscal year.

Also, Senate Bill No. 131—An Act to pay the claim of L L Lewis & Co.

JAMES A. ORR, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1881

MR. SPEAKER I am directed to inform your honorable body that the Senate, on January twenty-sixth, passed the following Senate bills

Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of Section 7, Article XI, of the Constitution of the State," approved April twenty-fourth, eighteen hundred and eighty

Also, Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies, from holding secret meetings.

Also, Senate Concurrent Resolution No 8—Relating to the prohibition of importation of alcoholic liquors

Also, on January twenty-eighth, Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts

JAMES A ORR, Assistant Secretary

Senate Bill No. 227—An Act to amend section two thousand one hundred and seven of the Political Code, relating to the duties of the Adjutant-General.

Referred to Committee on Military Affairs.

Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest.

Referred to Committee on Judiciary.

Senate Bill No. 157—An Act to punish baggage smashers.

Referred to Committee on Corporations.

Senate Bill No. 156—An Act to add eight new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, and one thousand eight hundred and eighty-seven, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Referred to Committee on Education

Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc., for the legislative and State officers during the thirty-first fiscal year.

Referred to Committee on Ways and Means.

Senate Bill No. 126—An Act to provide for the deficiency for the appropriation "for payment of postage and contingent expenses of Clerk of the Supreme Court" during the thirty-first fiscal year.

Referred to Committee on Claims.

Senate Bill No. 130—An Act to provide for the deficiency in the appropriations for the payment of rewards offered by the Governor during the thirty-first fiscal year.

Referred to Committee on Claims

Senate Bill No. 131—An Act to pay the claim of L. L. Lewis & Co.

Referred to Committee on Claims.

Senate Bill No. 4—An Act to repeal an Act entitled "An Act to provide for the organization, incorporation, and government of merged and consolidated cities and counties of more than one hundred thousand population, pursuant to the provisions of section seven, article eleven, of the Constitution of the State," approved April twenty-fourth, eighteen hundred and eighty.

Referred to Committee on Judiciary.

Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies, from holding secret meetings.

Referred to Committee on Judiciary.

Senate Concurrent Resolution No. 8—Relating to the prohibition of importation of alcoholic liquors.

Referred to Committee on Public Morals.

Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts.

Referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

By Mr. Chandler (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 224—Entitled an Act regulating the taking up of estray animals and posting the same—have had the same under consideration, and now report it back amended, and recommend that it do pass as amended

Also, Senate Bill No 7—Entitled an Act to prevent fraud and deception in the manufacture and sale of butter and cheese—and recommend that it do pass.

CHANDLER, Chairman.

INTRODUCTION OF A BILL.

By Mr. Baker, of Yolo (by permission): An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six.

Referred to Committee on State Hospitals.

GENERAL FILE—FIRST READING.

Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due him for the twenty-ninth and thirtieth fiscal years—ordered read first time.

The bill read first time.

Assembly Bill No. 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Senate Bill No. 25—An Act releasing to Wm. Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof—ordered read first time.

The bill read first time.

Assembly Bill No. 198—An Act to amend section two thousand six hundred and fifty-three of the Political Code, relating to the Road Fund—ordered read first time.

The bill read first time.

Assembly Bill No. 207—An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, in relation to the transfer of causes of action when the Judge or Justice is disqualified—ordered read first time.

The bill read first time.

Mr. May had leave of absence until Monday.

FIRST READING RESUMED.

Assembly Bill No. 201—An Act to amend section one thousand two hundred and seven of the Civil Code, relating to record of instruments affecting real property.

Refused first reading.

Assembly Bill No. 17—An Act to repeal sections three hundred and fifteen and three hundred and sixteen of the Code of Civil Pro-

cedure of California, relating to the time of commencing actions for the recovery of real property.

Refused first reading.

Assembly Bill No 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader—ordered read first time.

The bill read first time.

Assembly Bill No 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness—ordered read first time.

The bill read first time.

PETITION.

By Mr. Murphy (by permission)

A petition from citizens of the State, asking for the passage of a law permitting women to vote on educational propositions.

Referred to Committee on Elections.

FIRST READING RESUMED.

Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness—ordered read first time.

The bill read first time.

REPORTS OF STANDING COMMITTEES.

By Mr. Mason (by permission).

ASSEMBLY CHAMBER, SACRAMENTO, January, 29, 1881.

MR SPEAKER Your Committee on Mileage have considered the report of the Chairman of the Committee on Education, and find it correct as herewith transmitted, and would recommend the adoption of the following resolution

Resolved, That the Controller be and he is hereby authorized to draw his warrant for the sum of two hundred and nineteen and twenty one hundredths dollars in favor of Ira G. Hoitt, for mileage due the Committee on Education payable from the Contingent Fund of the Assembly.

MASON, Chairman

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1881.

MR. SPEAKER The Committee on Education is entitled to the following named sums for mileage in visiting the State Normal School at San José, and the University and the Institute for the Deaf, Dumb and Blind, at Berkeley, to wit

Seven members of the committee and clerk from Sacramento to San José	128 miles
From San José to San Francisco	50 miles.
From San Francisco to Sacramento	84 miles
From Oakland to Berkeley and return	12 miles
Total distance traveled	274 miles
Amount due committee	$219 20

Names of committee: Hoitt, Wason of Ventura, Griffith, Reynolds, Platt, Hendricks, and Geary. Clerk Geo. E. Carter

HOITT Chairman

The resolution above reported adopted, as recommended by the committee.

GENERAL FILE RESUMED.

Assembly Bill No. 180—An Act to amend an Act entitled an Act to amend Part I of the Code of Civil Procedure, and each and every

title, chapter, article, and section of said Part I, and substituting a new Part I to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith, approved April first, eighteen hundred and eighty, and to prohibit Justices, Judges, or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases—ordered read first time.

The bill read first time.

Assembly Bill No. 185—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court—ordered read first time.

The bill read first time.

Assembly Bill No 141—An Act to add a new section to the Penal Code, to be known as section two hundred of the Penal Code, relating to homicide under violent provocation.

Refused first reading.

Mr. Platt gave notice of a motion to reconsider the vote by which the above bill was refused first reading.

Assembly Bill No 196—An Act to provide for the better government of corporations engaged in the sale and distribution of water for purposes of irrigation—ordered read first time.

The bill read first time.

Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosing of titles to State lands for non-payment of interest—ordered read first time.

The bill read first time.

Mr. McClure had one day's and Mr. Wertsbaugher two days' leave of absence.

ADJOURNMENT.

At twelve o'clock M., Mr. Freer moved we do now adjourn until two o'clock P. M., Monday.

Upon which the ayes and noes were demanded by Messrs. Wason, of Ventura, Fraser, and Estey.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs Aiuck, Baker of Yolo, Barney, Bost, Crank, Crumpton, Cunningham, Freer, Gilmore, Griffith Holden, Jones, Lane, Leake, Lewis, Long, Mason, Matthews of San Benito, McClure, McDonald, McMurray, Mein, Patterson of Nevada, Pinder, Platt, Sargent, Swift, Wason of Mono, Wertsbaugher, Whipple, Wood, Young and Mr Speaker—35.

NOES—Messrs Alviso, Chandler, Coleman, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Hendrick, Hoitt, Kilburn, May, Mudgett, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Strecter, and Wason of Ventura—21.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 31, 1881.

The House met pursuant to adjournment at two o'clock P. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Birney, Bost, Burns, Camron, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Kellogg, Kilburn, Lane, Leach, Leake Lewis, Long, Mason, Matthews of San Benito, McDonald, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr. Branch had three days leave of absence, and all the absentees had one day's leave of absence. John Magraw, Page, had indefinite leave of absence.

Reading and approval of the Journal.

Pending the reading of the Journal of Friday, January twenty-eighth, Mr. Arick moved that further reading of the Journal be dispensed with.

So ordered.

The Journal approved.

PETITIONS.

By Mr. Gay: Two petitions from citizens of Santa Clara County, asking for the enactment of a local option law.

Referred to Committee on Public Morals.

By Mr. Reddick: A petition from citizens of Calaveras County protesting against the passage of laws reducing telegraph charges.

Referred to Committee on Corporations.

By Mr. Streeter: A petition from citizens of that portion of San Diego County which they desire to have transferred to San Bernardino County, setting out the boundaries desired.

Referred to Committee on Counties and County Boundaries.

By Mr. Speaker: A memorial of business men, manufacturers, and householders of San Francisco, protesting against legislation that proposes to restrict the number of insurance companies doing business in this State.

Referred to Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1881.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 37—Entitled an Act to reduce the cost of school text-books—have had the same under consideration, and now report it back, with the recommendation that it do not pass.

Also, a petition relative to the wife's succeeding to the community property on the death of her husband—report the same back, with the recommendation that it be referred to the Committee on Judiciary.

HOITT, Chairman.

The petition above reported referred to the Judiciary Committee.

By Mr. Edwards:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1881.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 120—An Act to amend sections one and two of an Act entitled "An Act to provide for reorganizing and better regulating the paid fire department of the City and County of San Francisco," approved March twenty-eighth, eighteen hundred and seventy-eight—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 121—An Act supplementary and amendatory of an Act entitled "An Act to enable the Board of Supervisors of the City and County of San Francisco to increase the police force of said city and county, and provide for the appointment, regulation, and payment thereof—have had the same under consideration, and now report the same back, and recommend that it do not pass.

EDWARDS, Chairman.

By Mr. Wasson, of Mono:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1881.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate Concurrent Resolution No. 10—Relative to the transfer of mineralogical specimens to the Mining Bureau—introduced by Senator Neumann, have had the same under consideration, and now report the same back, and recommend that it do pass.

WASSON, Chairman.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act authorizing the Boards of Supervisors of the counties in which water is sold for purposes of irrigation to fix the rates at which water shall be sold," approved March twenty-sixth, eighteen hundred and eighty.

Ordered recommitted to the Committee on Irrigation.

INTRODUCTION OF BILLS.

By Mr. Alviso: An Act to provide for the arrangement and trial of causes where a jury shall have been demanded in the Superior Courts of this State.

Referred to Committee on Judiciary.

By Mr. Patterson, of Nevada: An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March twentieth, eighteen hundred and seventy-four.

Referred to Committee on Public Morals.

By Mr. Jones: An Act to amend sections one thousand and sixty-eight and one thousand and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, providing when and by what Courts the writ of certiorari may be granted, and what matters may be reviewed under such writ.

Referred to Committee on Judiciary.

By Mr. Hartson: A bill to relieve certain corporations from being required to pay a double license tax.

Referred to Committee on Corporations.

By Mr. Wasson, of Mono: An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to the service of summons and actions

Referred to Committee on Judiciary.

By Mr. Arick: An Act to amend section six hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved the eleventh day of March, eighteen hundred and seventy-two, relating to bills of exceptions.

Referred to Committee on Judiciary.

By Mr. Holden: An Act to amend section one thousand three hundred and fifteen of an Act establishing a Code of Civil Procedure, relating to probating of wills, approved March eleventh, eighteen hundred and seventy-two.

Referred to Committee on Judiciary.

By Mr. Wason, of Ventura: An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one

thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

Referred to Committee on Education.

GENERAL FILE.

Assembly Bill No. 124—An Act to amend an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

SECOND READING.

Assembly Bill No. 183—An Act to correct the spelling of the names of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts—taken up out of order, and ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

FIRST READING RESUMED.

Assembly Bill No. 59—An Act to amend an Act entitled "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four—ordered read first time.

The bill read first time

Assembly Concurrent Resolution No. 3—Relative to sale of timber lands along the headwaters of streams in the Sierras.

Ordered passed on file.

Assembly Bill No. 104—An Act to amend section one thousand three hundred and fifty-seven of the Political Code, relating to primary elections—ordered read first time.

The bill read first time.

Assembly Bill No. 101—An Act to provide for the mode of electing judicial and educational officers.

Refused first reading.

Assembly Bill No. 115—An Act to repeal an Act entitled "An Act to provide a new Great Register for the County of Fresno, and other counties, and reregister the votes thereof," approved March twenty-ninth, eighteen hundred and seventy-eight—ordered read first time

The bill read first time.

Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José—ordered read first time.

The bill read first time.

Assembly Bill No. 6—An Act to provide for improving and ornamenting the grounds of the Normal School.

Withdrawn.

Assembly Bill No. 252—An Act for the relief of holders of unlocated school warrants.

Taken up out of order and ordered recommitted to the Committee on Public Lands.

Assembly Bill No. 202—An Act to provide a State Hospital and Asylum for miners—ordered read first time.

The bill read first time.

Assembly Bill No. 83—An Act to amend an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty.

Ordered passed on file.

Assembly Bill No. 168—An Act to transfer the cabinet of minerals in the State Library, and all the surveying and other instruments and material belonging to the State Geological Survey, now stored at the University of California, to the State Mineralogist—ordered read first time.

The bill read first time.

Assembly Bill No 69—An Act to amend section two thousand two hundred and ninety-two of the Political Code, relating to the Board of Trustees of the State Library.

Passed on file.

Assembly Bill No. 132—An Act relative to the taking of books from the State Library.

Refused first reading.

Assembly Concurrent Resolution No. 2—Relative to donations to railroad corporations.

Passed on file.

Assembly Bill No. 116—An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for money expended by him in his office—ordered read first time.

The bill read first time.

Assembly Bill No. 241—An Act to amend section six hundred and sixty-five of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument—ordered read first time.

The bill read first time.

Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two—ordered read first time.

The bill read first time.

Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions—ordered read first time.

The bill read first time.

Assembly Bill No. 194—An Act to provide for the publication of notices.

The House refused to pass the bill on file.

The bill ordered read first time, and read the first time.

Assembly Bill No. 88—An Act to amend section one thousand and eighty-five of the Code of Civil Procedure of California, and to add a new section to the Code of Civil Procedure of California, to be known

as section one thousand and ninety-eight of the Code of Civil Procedure of California, relating to the writ of mandate—ordered read first time.

The bill read first time.

Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation—ordered read first time.

The bill read first time.

Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons—ordered read first time.

The bill read first time.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery—ordered read first time.

The bill read first time.

Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family—ordered read first time.

The bill read first time.

Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to the operation of statutes—ordered read first time.

The bill read first time.

Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code, in relation to preparation, presentation, and settlement of bills of exceptions in criminal cases—ordered read first time.

The bill read first time.

Assembly Bill No. 263—An Act entitled "An Act to amend section one thousand four hundred and sixty-six and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relating to appeals to Superior Courts—ordered read first time.

The bill read first time.

Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—ordered read first time.

The bill read first time.

Assembly Bill No. 156—An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, eight hundred and sixty-eight, nine hundred and seventy-four, and nine hundred and eighty of the Code of Civil Procedure—ordered read first time.

The bill read first time.

Assembly Bill No. 162—An Act to authorize a more strict supervision of the business of pawnbrokers.

Refused first reading.

Assembly Bill No. 211—An Act relative to apprentices and minors and masters—ordered read first time.

The bill read first time.

Assembly Bill No. 249—An Act to amend section four hundred and sixteen of the Political Code, relating to fees for services performed in the office of the Secretary of State—ordered read first time.

The bill read first time.

Assembly Bill No. 233—An Act to amend section two hundred and five of the Code of Civil Procedure of California,relating to selecting and returning jurors for Courts of record.

Refused first reading.

Assembly Bill No. 223—An Act to amend section three hundred and fifty-four of the Civil Code, relating to corporations.

Passed on file.

Assembly Bill No. 212—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, relating to actions against the State—ordered read first time.

The bill read first time.

Assembly Bill No. 217—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the obtaining money by false pretenses, and by false reports of wealth, etc.—ordered read first time.

The bill read first time.

Assembly Bill No. 219—An Act to amend section two hundred and forty-five of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of an assault with deadly weapon.

Refused first reading.

Assembly Bill No. 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor—ordered read first time.

The bill read first time.

Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code.

Mr. Leake moved that the bill be referred to the Committee on Fish and Game.

Lost.

The bill ordered read first time.

The bill read first time.

Assembly Bill No. 226—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property—ordered read first time.

The bill read first time.

Assembly Bill No. 227—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, relating to judgments in Justices' Courts—ordered read first time.

The bill read first time.

INTRODUCTION OF BILLS.

By Mr. Crank (by permission): An Act to provide for the formation of new counties.

Referred to Committee on Counties and County Boundaries.

By Mr. Platt: An Act to amend section four hundred and forty-two of the Code of Civil Procedure, relating to the filing and service of a cross complaint.

Referred to Committee on Judiciary.

By Mr. Alviso (by permission):

Resolved, That the Committee on Home-tead and Land Monopoly be and they are hereby authorized to employ a clerk, at a per diem of five dollars, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Mein (by permission):

Resolved, That the Committee on Engrossment be and are hereby authorized to employ a clerk, at a per diem of five dollars, to be paid out of the Contingent Fund apportionment, to date from January twenty-second, eighteen hundred and eighty-one.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Wasson, of Mono:

WHEREAS, The Assembly's quota of the first annual report of the State Mineralogist has long since been exhausted: therefore,

Resolved, That the State Printer be and is hereby instructed to furnish this House with one thousand (1,000) additional copies of said report, for the use of its members and State Mineralogist.

Lost.

Mr. McClure gave notice that he would, to-morrow, move to reconsider the vote by which the above resolution was declared lost.

Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing—ordered read first time

The bill read first time.

Assembly Bill No. 269—An Act to amend section seven hundred and thirty-nine of the Political Code, relating to officers of the Supreme Court—ordered read first time.

The bill read first time.

Assembly Bill No. 266—An Act to add a new section to an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries—ordered read first time.

The bill read first time

Senate Bill No. 79—An Act to amend section one thousand two hundred and forty-nine of the Penal Code, in relation to appeals in criminal cases—ordered read first time.

The bill read first time.

Senate Bill No. 63—An Act to amend the Penal Code, by adding two new sections thereto, to be known as sections nine hundred and sixty-nine and one thousand and twenty-five, providing for proceedings in cases where previous conviction is charged—ordered read first time.

The bill read first time.

INTRODUCTION OF A BILL.

By Mr. Del Valle (by permission): An Act to encourage the use of tide lands owned by the State of California, by virtue of her sovereignty, and the waters covering the same, for oyster beds, fish ponds, or mining purposes.

Referred to Committee on Fish and Game.

At four o'clock and thirty minutes, Mr. Hoitt moved we do now adjourn.

Lost.

FIRST READING RESUMED.

Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property in which deceased persons held a life estate, which terminated and expired upon the death of such person—ordered read first time.

The bill read first time.

Senate Bill No. 9—An Act to add a new section to the Penal Code, to be known as section four hundred and two, to prevent the sale of adulterated milk—ordered read first time.

The bill read first time.

Senate Bill No. 58—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Code of Civil Procedure, relating to the venue in civil actions—ordered read first time.

The bill read first time.

Senate Bill No. 87—An Act to add a new section to the Civil Code, to be known as section three hundred and twenty-eight, to enforce the provisions of section three, article twelve, of the Constitution—ordered read first time.

The bill read first time.

ADJOURNMENT.

At four o'clock and forty minutes, Mr. Patterson, of Nevada, moved we do now adjourn.

Carried

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 1, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson,

Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddel, Reynolds, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Werlsbaugher, Whipple, Wood, Young, and Mr. *Speaker*.

Quorum present.

Prayer by the Chaplain

Reading and approval of the Journal.

Pending the reading of the Journal of Saturday, January twenty-ninth, Mr. Burns moved to dispense with the further reading of the Journal.

So ordered.

The Journal approved.

Mr. Mathews, of Tehama, had indefinite leave of absence, owing to high water.

PETITIONS.

By Mr. Warkins: Four petitions from citizens of Amador County, protesting against legislation proposing to reduce the rates of telegraphing.

Referred to the Committee on Corporations.

By Mr. Fraser: Two petitions from citizens of El Dorado County, protesting against legislation proposing to reduce the charges for telegraphing.

Referred to Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

By Mr. Patterson:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1881

MR SPEAKER: Your Committee on Attachés and Employés and Contingent Expenses, to whom was referred a resolution appropriating for contingent expenses of Sergeant-at-Arms of the Assembly fifty dollars—report the same back and recommend its adoption

Also, a resolution authorizing the Committee on Engrossment to employ a clerk, at a per diem of five dollars, to date from the twenty-second of January, eighteen hundred and eighty-one—your committee would recommend that said committee be allowed a clerk, and that he receive a per diem of five dollars, from February first, eighteen hundred and eighty-one.

Also, a resolution authorizing the Committee on Homestead and Land Monopoly to employ a clerk. Your committee would recommend that the following committees shall be consolidated, viz: Committee on Indian Affairs, Committee on Attachés and Contingent Expenses, and the Committee on Homestead and Land Monopoly, and that the said committees so consolidated be allowed a clerk.

PATTERSON, Chairman

The resolutions reported on above were amended, and adopted as recommended by the committee.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1881

MR SPEAKER: Your Committee on Public Morals to whom was referred Senate Bill No. 10—Relating to the sale and use of opium—have had the same under consideration, and now report the same back and recommend that it do pass

Also, Assembly Bill No. 307—To prevent opium smoking—report the same back, and recommend that it be indefinitely postponed, unless the author desires to withdraw it.

REYNOLDS, Chairman

Assembly Bill No. 307—Reported above, withdrawn by the author.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 183—An Act to correct the spelling of the names of the Commissioners for the former Pueblo or City of Sonoma, and render valid their past acts.

MEIN, Chairman.

By Mr. Reddick:

ASSEMBLY CHAMBER, January 31, 1881.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 138—have had the same under consideration, report the same back, and recommend that it do not pass.

Also, Senate Bill No. 144—"An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots"—recommend to amend by inserting on line two, of section two, of written bill, the words "paper of" after the words, "must be of," and recommend that it do pass as amended.

Also, Assembly Bill No. 109—"An Act to allow women to vote on all questions relating to the control, management, and support of the public schools, and for all school officers"—recommend that it be referred to the Judiciary Committee to determine the constitutionality of the same.

Also, Assembly Bill No. 305—"An Act to amend section one thousand one hundred and forty-two of chapter five of the Political Code, concerning Boards of Elections, and to repeal section one thousand one hundred and sixty-two of the same, and to amend section nineteen of an Act entitled an Act to regulate the registration of voters, etc."—recommend that the author be allowed to withdraw the said bill.

REDDICK, Chairman.

Assembly Bill No. 305, reported above, withdrawn.

Assembly Bill No. 109 referred to Committee on Judiciary as recommended by the committee.

By Mr. Streeter:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1881.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 107—An Act to amend section one thousand four hundred and twenty-two of the Civil Code, relating to water rights and riparian proprietors—have had the same under consideration, and now report the same back without recommendation

STREETER, Chairman

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1881

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 10—An Act to amend section one hundred and six of the Code of Civil Procedure, relating to the civil jurisdiction of Justices of the Peace—have had the same under consideration, and now report the same back, and recommend its passage as amended

Also, Assembly Bill No. 325—An Act to amend section one hundred and ninety-seven of the Penal Code, relating to justifiable homicide by other persons—and recommend that it do not pass.

Also, Assembly Bill No. 315—An Act to amend section one hundred and ninety-seven of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to justifiable homicide—and recommend that it do not pass.

Also, Assembly Bill No. 319—An Act to amend an Act entitled "An Act for the better protection of fruit trees and vines," approved April ninth, eighteen hundred and eighty—and, considering it unconstitutional in its present form, recommend that it be referred back to the Committee on Culture and Improvement of Grapevine.

McCLURE, Chairman.

Assembly Bill No. 319 referred to Committee on Culture and Improvement of the Grapevine and Fruit Trees.

Assembly Bill No. 213 was withdrawn by Mr. Del Valle (by permission).

Mr. Paulk gave notice that he would, to-morrow, move to amend Assembly Rule Number Two.

INTRODUCTION OF BILLS.

By Mr. Platt: An Act to supply certain new sections to the Code

of Civil Procedure, to be known respectively as sections five hundred and sixty, five hundred and sixty-one, five hundred and sixty-two, and five hundred and sixty-three, regarding the examination before judgment of debtors who conceal their property, and for the delivery of the same, when discovered, to the Sheriff, in the interest of creditors.

Referred to the Committee on Judiciary.

By Mr. Streeter. An Act to divide the State into drainage and irrigation districts

Referred to the Committee on Irrigation.

By Mr. Siebe: An Act for the protection of the depositors in savings banks.

Referred to the Committee on Corporations.

By Mr. O'Connor: 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, and to prevent the circulation of spurious election tickets, and to prevent frauds upon voters.

Referred to Committee on Elections.

Also, an Act to establish a Department Record.

Referred to Committee on Printing.

Also, an Act to authorize the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Referred to Committee on Commerce and Navigation.

By Mr. Paulk: An Act to amend section one thousand four hundred and ninety-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to presentation of claims against the estates of deceased persons.

Referred to Committee on Judiciary.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, January 31, 1881

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed Senate Concurrent Resolution No. 2—In regard to a harbor of refuge at Trinidad, in this State.

Also, Senate Concurrent Resolution No. 25—*Relating to an appropriation for the improvement* of Wilmington Harbor

JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 2, and Senate Concurrent Resolution No. 25, mentioned in above message, were both referred to the Committee on Federal Relations.

GENERAL FILE—FIRST READING.

Assembly Bill No. 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Concurrent Resolution No. 3—Relative to sale of timber lands along the headwaters of streams in the Sierras.

Read and adopted.

Assembly Bill No. 83—An Act to amend an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty—ordered read first time.

The bill read first time.

Assembly Bill No. 69—An Act to amend section two thousand two hundred and ninety-two of the Political Code, relating to the Board of Trustees of the State Library.

Upon the question, "Shall this bill be read the first time?" the ayes and noes were demanded by Messrs. May, Hoitt, and Van Fleet.

The roll was called, and the bill was refused first reading by the following vote:

AYES—Messrs. Baker of Sacramento, Brown, Coleman, Crank, Felton, Fraser, Hale, Hartson, Hendrick, Hoitt, Lewis, Mason, May, McCallion, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Siebe, Streeter, Van Fleet, Wertshaugher, Wood Young, and Mr. Speaker—28.

NOES—Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Burns, Camron, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Freel, Garnity, Gavigan, Gay, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Long, Matthews of San Benito, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Swift, Watkins, Wason of Ventura, Wentz, and Whipple—47

Mr. Camron gave notice that he would, to-morrow, move to reconsider the vote by which the House refused the above bill first reading.

Assembly Concurrent Resolution No. 2—Relative to donations to railroad corporations.

Read and adopted.

Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official duties—ordered read first time.

The bill read first time.

Assembly Bill No. 237—An Act concerning the appointment of interpreters for the Criminal Courts of the State of California.

Refused first reading.

REPORTS OF STANDING COMMITTEES

By Mr Baker, of Sacramento:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1881.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 170—An Act to amend sections three thousand four hundred and forty-six, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, and three thousand four hundred and seventy-two of the Political Code, and to add new sections thereto, to be known as sections three thousand four hundred and ninety-one, three thousand four hundred and ninety-two, and three thousand four hundred and ninety-three, and have amended the same by striking out of line eleven, in section three thousand four hundred and fifty-two, the words "Superior Judge of the county," and inserting the words "Judge of the Superior Court of the county"—have had the same under consideration, and now report the same back without recommendation

BAKER, Chairman

FIRST READING OF BILLS RESUMED.

Assembly Bill No. 277—An Act to repeal section one thousand eight hundred and sixty-one of the Civil Code of California, relating

to liens of hotel, inn, boarding house, and lodging house keepers—ordered read first time.

The bill read first time

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments.

Passed on file.

Assembly Bill No. 262—An Act to amend section one thousand two hundred and six of the Code of Civil Procedure of the State of California—ordered read first time.

Bill read first time.

PETITION

By Mr. Long: A petition from citizens of Nevada, in reference to a State detective force.

Referred to Committee on Judiciary.

FIRST READING RESUMED.

Assembly Bill No. 246—An Act to add a new section to the Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, to be known as section one thousand two hundred, providing for liens upon monuments, headstones, coping, or other improvements in cemeteries and other burial places.

Refused first reading

Senate Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Refused first reading.

Senate Bill No. 71—An Act to amend section one thousand three hundred and seventy-nine of the Code of Civil Procedure, relating to the granting of letters of administration.

Refused first reading.

RECESS.

The House took a recess for one hour until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

FIRST READING OF BILLS RESUMED.

Assembly Bill No. 258—An Act to amend section nine hundred and fifty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, concerning remittiturs from the Supreme Court—ordered read first time.

The bill read first time.

Assembly Bill No. 205—An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of California, relating to witnesses—ordered read first time.

The bill read first time.

Assembly Bill No. 174—An Act to provide for the formation of reclamation districts out of territory already embraced in any reclamation or swamp land district, and to apportion the indebtedness thereof—ordered read first time.

INTRODUCTION OF A BILL.

By Mr. Daggett (by permission): An Act to divide the State into Senatorial and Assembly Districts, and provide for the election of Senators and Assemblymen therein.

Referred to the Committee on Apportionment.

FIRST READING OF BILLS RESUMED.

Assembly Bill No. 174—An Act to provide for the formation of reclamation districts out of territory already embraced in any reclamation or swamp land district, and to apportion the indebtedness thereof.

Read first time.

Assembly Bill No. 209—An Act to provide for payment for surveys and segregations of swamp and overflowed lands within this State—ordered read first time.

The bill read first time.

Assembly Bill No. 221—An Act to govern and control Chinese and Mongolians residing within this State—ordered read first time.

The bill read first time.

Assembly Bill No. 271—An Act to prevent the employment of Chinese on any public buildings or works within this State—ordered read first time.

The bill read first time.

RECONSIDERATION.

Mr. McClure, pursuant to notice, moved to reconsider the vote by which the following resolution was refused adoption yesterday:

WHEREAS, The Assembly's quota of the first annual report of the State Mineralogist has long since been exhausted therefore

Resolved, That the State Printer be and is hereby instructed to furnish the House with one thousand (1,000) additional copies of said report, for the use of its members and State Mineralogist.

Carried.

The resolution then adopted.

FIRST READING OF BILLS RESUMED.

Assembly Bill No. 25—An Act to amend section one thousand and ninety-seven of the Political Code, approved April sixteenth, eighteen hundred and eighty, relating to elections.

Speaker pro. tem. Fraser in the chair.

The previous question was demanded by Messrs. Long, Hendrick, and Warkins.

Upon which the ayes and noes were demanded by Messrs. Camron, Paulk, and Cunningham.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Burney, Bost, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Jones, Keating, Kilburn, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, McCallion, McMurray, Mein, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Streeter, Swift, Watkins, Wason of Ventura, Whipple, Wood, and Young—51

NOES—Messrs. Burns, Cannon, Coleman, Cunningham, Felton, Freer, Garrity, Gavigan, Howard, Kellogg, May, McClure, McDonald, Mudgett, Noonan, Paulk, Siebe, Van Fleet, Wasson of Mono, and Wertsbaugher—20

The question being, "Shall the bill be read the first time?" the ayes and noes were demanded by Messrs. Burns, Gilmore, and Gavigan.

The roll was called, and the bill was ordered read first time by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Burney, Bost, Burns, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Howard, Keating, Kellogg, Lane, Leake, Mason, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Pinder, Platt, Samuels, Swift, and Whipple—37.

NOES—Messrs. Alviso, Baker of Sacramento, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Gay, Hale, Hartson, Hendricks, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, and Young—35

Mr. Jackson was paired with Mr. Parks—Mr. Jackson voting aye, Mr. Parks voting no.

The bill was read first time.

INTRODUCTION OF BILLS.

By Mr. McClure (by permission): An Act to amend section sixteen of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Referred to Judiciary Committee.

Also, an Act to amend sections nine hundred and thirty-nine and nine hundred and sixty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to appeals, and to define in what cases and within what time appeals may be taken.

Referred to Judiciary Committee.

Also, an Act to appropriate money to the Frear Stone Company, to pay the balance due it under its contract for furnishing statuary in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to Cox & Warren to pay the balance due them under their contract for doing the plastering in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to H. H. Knapp, to pay the balance due him under his contract for furnishing lime, cement, and lumber in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to E L Mayberry, to pay the balance due him under his contract for the carpenter work in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to Wright & Sanders, to pay the balance due them under their contract for services as architects in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to Noble & Gallagher, to pay the balance due them under their contract for the painting in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to W. F. Wilson, to pay the balance due him under his contract for doing the plumbing in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to Wright & Sanders, to pay the balance due them under their contract for services as architects in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to Baker, Smith & Co., to pay the balance due them under their contract for furnishing heating apparatus in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to Robert Ewing, to pay the balance due him under his contract for brick work in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to W. W. Montague & Co., to pay the balance due them under their contract for furnishing plumbing materials in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to the Electrical Construction Company, to pay the balance due them under their contract for furnishing electrical apparatus in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to George I. Mothersole, to pay the balance due him under his contract for furnishing slating in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to James Hunter & Co., to pay the balance due them under their contract for doing tin work in the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to Cox & Colby, to pay the balance due them under their contract for furnishing the brick for the construction of the Napa State Asylum for the Insane.

Also, an Act to appropriate money to the Frear Stone Company, to pay the balance due it under its contract for furnishing artificial stone in the construction of the Napa State Asylum for the Insane.

Each of the above sixteen bills referred to Committee on Claims.

By Mr. Fraser: An Act to establish certain fees to be charged by Sheriffs

Referred to Committee on County and Township Governments.

ADJOURNMENT.

At four o'clock and twenty minutes, Mr. Jackson moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 2, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Binney, Bost, Brown, Burns, Camion, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, January thirty-first, eighteen hundred and eighty-one, Mr. McDonald moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Resolution No. 9, have had the same under consideration, and herewith respectfully submit their report relative thereto.

The resolution calls for an opinion from your committee upon two propositions:

1. Whether the provisions of law for the classification, organization, and government of municipal corporations must be contained in one bill embracing all classes, or whether they may be divided into separate bills applicable to separate classes.

2. Upon "the general scope and meaning of section six, article eleven of the Constitution," relating to municipal corporations.

We have given as much attention to this subject as we have been able, though the many other demands upon our time have rendered it impossible for us to devote as much time to the consideration of it as its importance deserves. In the performance of this duty we have had the aid of able counsel who have kindly volunteered their services, and have presented to us the authorities bearing upon the questions involved. In the view we take of the Constitution however, it is a matter simply of construction, where the decisions in other States under different constitutional provisions do not materially assist in the interpretation of the peculiar language before us. Keeping in mind the decisions of our Supreme Court, and the general rules for the construction of constitutions and statutes, we have reached the following conclusions:

1. There should be passed one general law classifying according to population, all the municipal corporations of the State, and another general law providing a complete scheme of government for such corporations so classified, and a scheme of organization, or the machinery whereby such corporations can organize under this scheme of government. The Constitution uses the words "classification, organization and incorporation." By "classification," we understand a division of municipal corporations into classes according to population. By "incorporation," we understand the creation of a municipal corporation and the method of its existence. By "organization," we understand the organizing of a municipal corporation, under general laws of incorporation. There is a confusion of terms in this section, but we are convinced that the section was intended to convey the above meaning.

For each class of cities and towns there must be a general law of incorporation. For them all

whether beginning their existence or simply changing from their charters heretofore formed to the general laws to be enacted under the new Constitution, there must be provided the machinery whereby they can elect to come under the provisions of those general laws.

This law providing for this machinery of election, and these general laws of incorporation, should be embraced in one Act.

This general scheme of government should embrace such general provisions as may be applicable to all the various classes, and also such additional provisions as may not be applicable to some but may be necessary for others, thus providing fully and completely a comprehensive plan for the classification, organization, and government of all the municipal corporations of the State. In most respects all municipal corporations are alike. they are all public corporations to which certain powers of a local governmental nature are delegated in trust, chiefly for the benefit of those who inhabit the municipality Most of these powers may be and should be the same in all the municipalities throughout the State. There must be the power to make, interpret, and execute regulations concerning health, police, parks, public streets, and buildings etc This power must be distributed among legislative, judicial, and executive officers, in accordance with the American plan of government. So far as these general outlines are concerned, it is easy enough to embody them in one statute, which shall serve as an "Enabling Act," as Chief Justice Marshall terms the charters of such corporations in a common charter for all the municipalities in the State. It is highly important that this should be done in order that the law may be as uniform as possible in all parts of the State, to the end that all the people may enjoy equal rights and privileges, and that they may readily ascertain what the law is. Evidently this was the purpose and the meaning of the Constitution.

There are some municipalities in the State, however, which by reason of their great population may require some officers and powers not necessary to other municipalities. This is especially the case where a county government is consolidated with a city government Counties are legal subdivisions of the State, charged with the performance of many functions in which all the people of the State have an interest, such is the assessment and collection of the revenue, the arrest and trial of those who violate the laws of the State, the holding of elections, making returns thereof, etc. For such municipalities, and perhaps for some others, it will be necessary to make different provisions in the various classes In our opinion, such provision for separate classes should be studiously reduced, in order to maintain as nearly as possible the general plan of uniformity This we regard as merely extending to public corporations the principle long since applied to private corporations—of confining them to powers conferred by general laws Formerly private corporations were incorporated by a special Act in each case. In the course of time it was found to be not only unnecessary, but productive of much evil. Soon after the decision in the Dartmouth College case, the plan of forming such corporations under general laws, subject to legislative control or change, was adopted It has ever since been adhered to and now the principle is extended in this State to municipal corporations It has long been the practice to form county governments under general laws. there is no reason why city governments should not be formed as much as possible in the same way

As to classification, we understand that it must be according to population It can be in no other way, and it must not be done by population in an arbitrary manner, or for the purpose of defeating the aim of the Constitution to prevent special legislation. There should be as few classes as possible, so as not to disturb the plan of uniformity any more than is actually necessary.

2 In regard to the general scope and meaning of section six article nine, we are of the opinion that it contemplates two classes of municipal corporations, to wit one embracing those already organized at the time of the adoption of the Constitution of eighteen hundred and seventy-nine and another embracing those which may be formed hereafter. The latter are to be formed exclusively under general laws, and are to be subject to the control of the Legislature by general laws. No more special charters can be granted. The former—those municipal corporations now existing under special charters—are to continue under such charters until a majority of the electors in each of them severally shall elect to come under the general laws hereafter to be passed So far as purely municipal functions are concerned, the special charters cannot be changed by general laws This was decided by our Supreme Court in Desmond vs. Dunn. The Court in this case said

"Section six, of article eleven, provides that cities and towns heretofore organized or incorporated, may become organized under general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith, and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws. Both of these clauses plainly refer to charters which may be framed by authority of the present Constitution, and the latter clause is expressly limited to charters so framed. Neither applies to charters existing before the adoption of the present Constitution, except by implication: all such charters remain in force until a majority of the electors of any corporation having a charter determine to become organized under general laws or frame a charter for their own government These are the only provisions which are expressly made applicable to cities incorporated previously to the adoption of the Constitution, and the first expressly provides that any of such cities may become organized under general laws whenever a majority of the electors of such city shall so determine, and the other that any charter framed or adopted under the present Constitution, shall be subject to and controlled by general laws. But charters not framed or adopted by

authority of said Constitution, need not be subject to or controlled by general laws. Therefore the charter of the City and County of San Francisco which antedates the present Constitution, and was not framed or adopted by authority of it, is not subject to or controlled by general laws. From which it follows that if the McClure charter falls within the term 'general laws,' it can not have any force or effect within the City and County of San Francisco until a majority of the electors thereof so determine in the manner provided in the Constitution unless there be some other provision of the Constitution which gives force and effect to said charter, without such determination of a majority of the electors.'

We have thus endeavored, briefly, to state the result of our attention to the inquiries of the Assembly, without undertaking to give in extenso the reasons by which we have been led to these conclusions. It may be well to add, that we deem it of very great importance that the plan of legislation on this subject here outlined, should be substantially followed. A material departure from it will, we think, render such attempted legislation unconstitutional. No harm can possibly come from an adherence to this plan. There can be no question but that legislation in accordance with it will be constitutional. Of course any portion of such a general law may be hereafter amended or repealed.

McCLURE, Chairman.

MINORITY REPORTS.

Also:

ASSEMBLY CHAMBER, February 1, 1881

MR. SPEAKER: The undersigned, members of the Judiciary Committee, dissent from the decision of the majority of said committee, upon the questions submitted by a resolution of this Assembly, and present this as a minority report. The resolution was as follows:

Resolved, That the Judiciary Committee be requested to give the Assembly its opinion: Must the law providing for the classification of municipal corporations, the law for the government of municipal corporations of the various classes, and the law for the organization of municipal government under these said general laws, be incorporated in one bill, or can they be passed separately, as introduced? And further, that the Judiciary Committee be requested to give its opinion upon the general scope and meaning of section six, article eleven, relating to municipal corporations.

The committee (with the exception of Mr. Young, of Sacramento,) were unanimously of the opinion, as reported to the Assembly by the Chairman, that a general law in a separate bill, providing for the classification of cities and towns of the State, according to population, could be passed, and that it would be constitutional. With that decision we agree.

The committee then decided that a general law for the organization and incorporation of those cities and towns so classified must be included in one bill. We dissent.

If a separate bill can be passed for the classification, why not one providing for their organization? And by the same rule of reasoning, why should not a general law, affecting all of a class, be passed as a separate bill, providing for the incorporation, or in other words, the charter *or rule of government of the cities or towns of the different classes as so classified*?

The word classification cannot, by any possibility, be construed to mean anything more or less than separating or dividing into classes.

In construing the language of the Constitution, we think, first, that the plain, common sense, popular idea of the meaning of words should be resorted to, and next, the meaning as viewed *technically, or tortured by forced construction*.

The word incorporation, as used, doubtless means the charter, or rules of government which are to be passed by the Legislature. And after the votes of any city or town have decided to organize, then the incorporation or charter being upon the statute book, takes effect, becomes self operative by process of law, and is then the law for the government of the city or town.

Whenever the cities and towns are classified, a general law affecting all in one of the classes may be passed as a separate bill, and laws for each of such classes should be separate. Any other course must certainly result in confusion, uncertainty, and defeat the real intent of the Constitution.

The word organization, as used in section six, article eleven, must mean the manner of and *form for allowing the voters to determine whether they will place themselves within the class* provided and in conformity therewith, and the way for canvassing and determining the result and giving notice thereof, and who may act as officers of the election, etc.

We believe that separate bills for the government (incorporation) of the various classes (one bill for each class) may constitutionally be passed.

W. W. KELLOGG,
R. F. DEL VALLE,
F. E. BAKER,
I. B. REDDICK,
E. L. WHIPPLE.

The names of Messrs. F. E. Baker, of Yolo, and E. L. Whipple was, at their several requests, ordered stricken from the above report.

Also, by Mr. McClure:

MR. SPEAKER. The undersigned, members of your Judiciary Committee, to whom was referred a resolution calling for the opinion of the committee upon certain questions arising under section six, article eleven, of the Constitution, respectfully dissent from the report of the majority of said committee upon said resolution, and report that we have had the same under consideration, and return the following as the answers which, in our opinion, should be given to said questions

First—A bill for the classification of municipal corporations may constitutionally be passed as a separate measure.

Second—A bill for the organization of all municipal corporations, that is, providing for the manner and means by which new corporations may be formed, and by which corporations now existing may organize under general laws, may constitutionally be passed as a separate measure.

Third—Bills providing for the mode and form of government of municipal corporations so organized and classified, may constitutionally be passed as separate measures, one bill for each class.

We are led to these conclusions by a consideration of the language of the Constitution itself, and our conclusions are strengthened by the decisions of the highest Courts of various States having similar constitutional provisions, in all of which States the point, whenever raised, has been decided in accordance with the views herein expressed. A law, complete in itself, providing for the government of a legal or constitutional class, has always been held to be a general law. Believing, as we do, that grave dangers may result from the construction placed upon this section by a majority of the committee, we have felt ourselves bound to express our dissent from the doctrine so enunciated.

E. L. WHIPPLE,
F. E. BAKER,
W. C. VAN FLEET.

RESOLUTION.

By Mr Jackson (by permission):

Assembly Concurrent Resolution—Relative to pardoning certain individuals in the Santa Clara Jail.

Mr. Jackson moved to suspend the rules, and consider the resolution now.

Lost.

The resolution referred to Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

By Mr McClure:

ASSEMBLY CHAMBER, February 2, 1881.

MR. SPEAKER The Judiciary Committee, to whom was referred Assembly Bill No. 279—An Act to amend an Act entitled "An Act authorizing the Board of Supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March twenty-sixth, eighteen hundred and eighty—have had the same under consideration, and declare same to be unconstitutional, and recommend that it be reported back to Committee on Irrigation

Also, Assembly Bill No. 289—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization—and, considering the same unconstitutional, recommend that it do not pass.

Also, Assembly Bill No 214—An Act entitled an Act to amend section two hundred and thirteen of the Penal Code, relating to the punishment of robbery, and to fully define the punishment of robbery—and recommend that it do pass

Also, Assembly Bill No 332—An Act entitled an Act to regulate fishing in the State of California—and recommend that it do not pass.

Also, Assembly Bill No. 338—An Act to prohibit the employment of aliens by corporations—and recommend that it be referred to Committee on Corporations

Also, Assembly Bill No. 326—An Act to regulate the business of pawnbrokers—and recommend that it be referred to the Committee on Ways and Means

Also, Senate Bill No 77—An Act to amend section six hundred and eighty-eight of the Code of Civil Procedure, relating to what shall be liable to be seized on execution—and recommend that it do not pass

Also, Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition—and recommend its passage as amended.

Also, Assembly Bill No. 313—An Act to amend section two hundred and seventeen of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to assault with intent to commit murder—and recommend that it do pass.

Also, Senate Bill No. 149—An Act to amend section two hundred and eighty-five of the Penal Code, relating to the punishment of incest—and recommend that it do not pass

Also, Senate Bill No. 95—An Act to amend section seventy-eight of the Civil Code, relating to the manner by which the validity of marriages may be determined and declared—and recommend its passage as amended

Also, Senate Bill No. 99—An Act to amend section two thousand two hundred and eighty-two of the Civil Code, relating to the manner in which a trustee may be discharged from his trust—and recommend its passage as amended.

Also, Senate Bill No. 98—An Act to amend section one thousand four hundred and five of the Civil Code, relating to succession—and recommend its passage as amended

Also, Senate Bill No. 97—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code, relating to actions for proving instruments and correcting defective certificates of acknowledgments—and recommend its passage as amended.

Also, Senate Bill No. 100—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of the Civil Code, relating to assignments for the benefit of creditors—and recommend its passage as amended.

Also, Senate Bill No. 117—An Act to amend section one thousand and seventy of the Penal Code, and to reduce the number of peremptory challenges in criminal cases—and recommend that it do not pass

Also, Senate Bill No. 138—An Act to amend section thirty-two of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors"—and recommend that it do pass

Also, Senate Bill No. 116—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and sixty-three, relating to proceedings for new trial—and recommend that it do pass as amended.

Also, Senate Bill No. 78—An Act to amend section one thousand and forty-four and two thousand nine hundred and forty-seven of the Code of Civil Procedure, relating to the transfer of property—and recommend that it do not pass

Also, Senate Bill No. 143—An Act to prevent Trustees, Councils, Boards of Supervisors, and other local legislative bodies, from holding secret meetings—and recommend that it do not pass

Also, Senate Bill No. 13—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to decisions and findings by Courts—and recommend that it do not pass.

Also, Assembly Bill No. 345—An Act to amend section four hundred and eleven of the Code of Civil Procedure, relating to the service of summons—and recommend that it do not pass.

Also, Assembly Bill No. 346—An Act to amend section ninety-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two relating to grounds of action for divorce—and recommend that it do not pass.

Also, Assembly Bill No. 342—An Act to amend sections four thousand and twenty-four and four thousand one hundred and nine of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and recommend that it be referred to Committee on Elections

Also, Assembly Bill No. 359—An Act to amend section six hundred and forty-seven of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to bills of exceptions—and recommend that it do not pass.

Also, Assembly Bill No. 337—An Act to amend section one thousand six hundred and twenty-two of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to the accounts of executors and administrators—and recommend that it do not pass.

Also, Assembly Bill No. 109—An Act to allow women to vote on all questions relating to the control, management, and support of the public schools and for all school officers—and, considering same unconstitutional, recommend that it do not pass

Also, Assembly Bill No. 355—An Act to repeal an Act entitled "An Act to incorporate the Town of Martinez, and to provide for the government thereof," approved April first, eighteen hundred and seventy-six and an Act entitled "An Act to incorporate the Town of Martinez, and to provide for the government thereof," approved April first eighteen hundred and seventy-six, approved March sixteenth, eighteen hundred and seventy-eight—and recommend that it do pass

Also, Assembly Bill No. 348—An Act to amend section one thousand six hundred and thirty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the settlement of estates—and recommend that it do pass as amended

Also, Assembly Bill No. 350—An Act to provide compensation for special counsel employed by the Treasurer or Auditor of any county, city, or city and county—and recommend that it do pass.

McCLURE, Chairman

Assembly Bill No. 289—Reported above, withdrawn.
Assembly Bill No. 279—Referred to Committee on Irrigation.

Assembly Bill No. 338—Referred to Committee on Corporations.

Assembly Bill No. 326—Referred to Committee on Ways and Means.

Assembly Bill No. 342—Referred to the Committee on Elections.

Each of the above bills were referred as recommended by the Committee in above report.

Mr McClure, on behalf of the Judiciary Committee, had permission to introduce a substitute for the substitute for Assembly Bill No. 211, heretofore recommended by the Judiciary Committee.

By Mr. Long:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1881.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 146—An Act to amend subdivision eight of section two thousand six hundred and forty-seven, and section two thousand seven hundred and forty-eight of the Political Code, and Assembly Bill No 272—An Act to protect the sidewalks in unincorporated towns and villages in California—have had the same under consideration, and now report the same back and recommend that they do pass.

Also, Assembly Bill No 281—An Act to better protect the highways, roads, bridges, and other public property in the State of California—and recommend that it do not pass.

LONG, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR SPEAKER Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following

Assembly Concurrent Resolution No. 2—Relative to donations to railroad corporations.

Also, Assembly Concurrent Resolution No 3—Relative to sale of timber lands along the headwaters of streams in the Sierras.

MEIN, Chairman

By Mr. Alviso:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881

MR SPEAKER Your Committee on Homestead and Land Monopoly, to whom was referred Assembly Bill No. 308—Entitled "An Act to discourage the monopoly of land in this State, through taxation"—would report that they have had the same under consideration, and do now report the same back, with the recommendation that it be referred to the Committee on Judiciary.

ALVISO, Chairman

Assembly Bill No. 308—Above reported, referred to the Committee on Judiciary, as recommended by the committee.

By Mr. Young:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR. SPEAKER Your Committee on County Governments, to whom was referred Assembly Bill No 100—An Act to prevent hogs from running at large within the limits of town sites in this State—have had the same under consideration, and now report the same back, and recommend that it do not pass.

YOUNG, Chairman.

By Mr. Siebe:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR. SPEAKER The Committee on Commerce and Navigation, to whom was referred Senate Concurrent Resolution No. 5—Relative to instructing Senators and Congressmen, to procure appropriations from the General Government to improve certain rivers—have had the same under consideration and report the same back, and recommend the adoption thereof.

SIEBE, Chairman.

By Mr. Lewis:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR SPEAKER Your Committee on State Hospitals, to whom was referred Assembly Bill No 139—An Act to provide for the future management of the Insane Asylums of the State, and to amend sections two thousand one hundred and thirty-six, two thousand one hundred and thirty-seven, two thousand one hundred and thirty-eight two thousand one hundred and thirty-nine, two thousand one hundred and forty, two thousand one hundred and fifty, two thousand one hundred and fifty-two, two thousand one hundred and fifty-four, two thousand one hundred and sixty-eight, two thousand one hundred and sixty-nine, two thousand one hundred and

eighty-three, two thousand one hundred and ninety-three, two thousand one hundred and ninety-seven, two thousand one hundred and ninety-eight, two thousand one hundred and ninety-nine, two thousand two hundred, and two thousand two hundred and twenty of the Political Code, relating to the Insane Asylums of the State, and to add a new section thereto, to be known as section two thousand one hundred and fifty-six—have had the same under consideration, and a majority of the committee report the same back, with the recommendation that it do pass.

LEWIS, Chairman.

MINORITY REPORT.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 139—An Act to provide for the future management of the Insane Asylums of the State, and to amend sections two thousand one hundred and thirty-six, two thousand one hundred and thirty-seven, two thousand one hundred and thirty-eight, two thousand one hundred and thirty-nine, two thousand one hundred and forty, two thousand one hundred and fifty, two thousand one hundred and fifty-two, two thousand one hundred and fifty-four, two thousand one hundred and sixty-eight, two thousand one hundred and sixty-nine, two thousand one hundred and eighty-three, two thousand one hundred and ninety-three, two thousand one hundred and ninety-seven, two thousand one hundred and ninety-eight, two thousand one hundred and ninety-nine, two thousand two hundred, and two thousand two hundred and twenty of the Political Code, relating to the Insane Asylums of the State, and to add a new section thereto, to be known as section two thousand one hundred and fifty-six—and a majority of said committee having reported in favor of the passage of said bill, I beg leave to present this minority report, and recommend that the bill do not pass.

H. JOHN CRUMPTON,
Minority Committee on State Hospitals

By Mr. McClure:

ASSEMBLY CHAMBER, February 1, 1881.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers—have had the same under consideration, and now report same back with the recommendation that it do pass as amended.

Also, Assembly Bill No. 119—An Act to provide for the election of county, and city and county officers, and to fix their term of office—and recommend that it do not pass.

McCLURE, Chairman.

MINORITY REPORT.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR. SPEAKER: We, the undersigned members of the Committee on Judiciary, respectfully submit the following adverse report upon Assembly Bill No. 152.

We are of opinion:

First—That the bill should provide for the election of all officers in consolidated cities and counties as well as in counties. That this may be done is held in the cases of Barton *vs.* Kallock, 7 Pac. C. Law Reporter 330, and In re Steward, 53 Cal., 745. And we submit that if it may be done, it ought to be done, to make the Act general in its operation.

Second—We are of opinion that the terms of the officers should be limited to two years, as that has been the limit of the terms of such officers for a long series of years, and it does not involve the holding of any additional elections, as members of Congress and of the Legislature have to be elected every two years.

We think, if any change in these terms had been desired by the people, there would have been some indication of such desire in the new organic law.

Third—We are of opinion that the terms should commence in January instead of March. We think it is clearly indicated by the provisions of the Constitution, that it was intended that the terms of all officers elected after its adoption should commence at the beginning of the year.

We therefore recommend that a substitute, embodying the views herein expressed, be adopted instead of the bill reported by the majority of the committee.

JOHN REYNOLDS,
JOS. P. JONES,
W. D. LONG,
DAVID McCLURE.

Mr. Hartson moved that Assembly Bill No. 152, above reported

by the Judiciary Committee, be referred to the Committee on Elections.

Carried.

PETITION.

By Mr. Edwards: A petition by four hundred citizens and taxpayers of the City of Oakland, requesting the repeal of the law known as "An Act to promote drainage"

RESOLUTION.

By Mr. Burns (by permission): Assembly Concurrent Resolution, relative to asking the President of the United States to pardon the convicted Mussel Slough settlers.

Rules suspended.

The resolution introduced by Mr. Jackson upon the same subject was withdrawn and the above resolution read, adopted, and ordered transmitted forthwith to the Senate.

INTRODUCTION OF BILLS.

By Mr. Keating: An Act to appropriate money for the purchase of a steamboat for the protection of the Harbor of the City and County of San Francisco, to be known as the "Fire boat"

Referred to Committee on Commerce and Navigation.

By Mr. Cunningham: An Act to promote drainage, and protect the agricultural interests of the State from debris of sawmills, paper mills, powder mills, and tanyards.

Referred to Committee on Water Rights and Drainage.

By Mr. Chandler: An Act to allow owners in certain cases to pay up and obtain patents on swamp, school, or seminary lands of this State.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Howard: An Act concerning gas companies.

Referred to Committee on Corporations.

Also, an Act to prevent extortion by gas companies in the State of California.

Referred to Committee on Corporations.

By Mr. Paulk: An Act to provide that each city having a volunteer fire department shall pay to each active member of such volunteer fire department the sum of two dollars per annum.

Referred to Committee on Ways and Means.

By Mr. Leach: An Act to provide for the government by local Boards of Education of school districts having a population exceeding twelve hundred.

Referred to Committee on Municipal Corporations.

By Mr. Whipple: An Act to amend section one thousand one hundred and seven of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, in relation to the priority of grants of real property over liens thereon.

Referred to the Judiciary Committee.

By Mr. Siebe: An Act to amend section four of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hun-

dred and seventy-eight, relating to the examination of the books and accounts of savings banks and savings associations.

Referred to Committee on Corporations.

By Mr. Swift: An Act to amend section three hundred and thirty of the Penal Code, relative to gaming.

Referred to the Judiciary Committee.

By Mr. Holden: An Act to amend section three thousand eight hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the settlement by the Controller with the County Treasurers.

Referred to the Committee on Claims.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 1, 1881

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on January thirty-first, eighteen hundred and eighty-one, passed Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 213, mentioned in above message, referred to Committee on Fish and Game.

INTRODUCTION OF A BILL.

By Mr. Hartson (by permission): An Act to provide for the improvement of the grounds connected with the Napa State Asylum for the Insane.

Referred to the Committee on Public Buildings and Grounds.

REQUEST.

By Mr. Young (by permission).

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

MR SPEAKER: Your Committee on County and Township Governments hereby request the delegations from each county to furnish the chairman of the Committee with a statement showing what they believe to be a reasonable compensation for their county officers, including all pay for deputies. Deliver such statement at two o'clock to-day.

YOUNG, Chairman.

GENERAL FILE—THIRD READING.

Assembly Bill No. 48—An Act to provide for the classification of municipal corporations.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Alviso, Atack, Baker of Sacramento, Baker of Yolo, Birney, Bost, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Felton, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mudgett,

Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—68.

NOES—Messrs. Paulk, Sargent, and Young—3.

Title approved.

MINORITY REPORT.

By Mr. Freer (by permission):

ASSEMBLY CHAMBER, February 2, 1881.

MR SPEAKER: The undersigned, members of the Judiciary Committee, having had under consideration Assembly Bill No 214, present this as a minority report, and recommend that said bill do not pass.

DAVID McCLURE,
L. D FREER.
R F. DEL VALLE,
F. E. BAKER.
W. W. KELLOGG,
R. E ARICK,
H G. PLATT,
W. C. VAN FLEET.

GENERAL FILE RESUMED.

Assembly Bill No. 197—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost Burns, Chandler, Crank, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Gilmore, Griffith, Hale, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McDonald Mudgett, Murphy, Noonan, O'Connor, Paulk, Pinder, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr Speaker—58.

NOES—Messrs. Coleman, Felton, Long, McClure, McMurray, Patterson of Nevada, Patterson of San Joaquin, Sargent, and Wood—8.

Title approved.

Assembly Bill No. 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Burns, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane Leach, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—66.

NOES—None

FIRST READING.

Assembly Bill No. 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments

Passed on file.

Assembly Bill No. 223—An Act to amend section three hundred and fifty-four of the Civil Code, relating to corporations.

Withdrawn.

Assembly Bill No. 192—An Act to provide for greater security in the transmission of election returns—ordered read first time.

The bill read first time.

Assembly Bill No. 193—An Act concerning the time of canvassing the returns of election for Governor and Lieutenant-Governor—ordered read first time.

The bill read first time.

Assembly Bill No. 8—An Act to prohibit public officials from entering into any contract, on the part of the public, covering a longer period of time than their term of office—ordered read first time.

The bill read first time.

Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest—ordered read first time.

The bill read first time.

Assembly Bill No. 43—An Act to be known as section ——, relating to the duties of ex officio Treasurers of companies belonging to the State militia.

Refused first reading.

Assembly Bill No. 160—An Act regulating the duties of Treasurers of companies belonging to the State militia—ordered read first time.

The bill read first time.

PETITIONS.

By Mr. Mudgett (by permission): A petition from citizens of Humboldt County remonstrating against the passage of Senate Bills Nos. 46, 47, and 48, relating to telegraphic fares and business.

Referred to Committee on Corporations.

FIRST READING OF BILLS RESUMED.

Assembly Bill No. 220—An Act to authorize the Board of Supervisors of the various counties of this State to pay active members of the State militia a certain annual sum.

Refused first reading.

Assembly Bill No 239—An Act to amend section one thousand nine hundred and thirty-six of the Political Code, relating to exemptions of militiamen.

Refused first reading.

SECOND READING OF BILLS

Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California."

The bill read second time, ordered engrossed, and to be read third time.

RECESS.

The House took a recess for one hour, until two o'clock P. M.

REASSEMBLED

The House reassembled at two o'clock P. M.
Speaker Parks in the chair.
Quorum present.

SPECIAL ORDER.

Assembly Bill No. 72—An Act to provide a remedy in cases where damages have been sustained by the illegal proceedings of municipal officers, and for the payment of the same.

The bill read third time.

Mr. Lewis moved that the enacting clause of the bill be stricken out.

The ayes and noes were demanded by Messrs. Siebe, Lewis, and Alviso.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Alviso Burns Camion, Crank, Edwards, Felton, Gay Hartson Hinshaw Holtt, Jones, Leach, Leake, Lewis, May, McClure, Paulk, Pinder, Platt, Siebe, Wentz, Wertsbaugher, and Whipple—23

NOES—Messrs Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Brown, Chandler, Crumpton, Daggett, Del Valle, Estey, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hendrick, Holden, Howard, Jackson, Keating, Kellogg, Lane, Long, Mason, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds Samuels, Sargent, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wood, Young, and Mr. Speaker—47.

Mr. Reynolds moved the bill be referred to a special committee of one, with special instructions to insert at the end of line thirty-three, section one, these words: "Provided further, that the amount of recovery in no case shall exceed what the work done was reasonably worth."

Lost.

At four o'clock P. M. Mr. Lewis moved we do now adjourn

Lost.

The question being upon the passage of the bill, the roll was called, and the bill was passed by the following vote:

AYES—Messrs Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Brown, Chandler, Crumpton, Daggett, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hendrick, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Long, Mason, McCallion, McDonald, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Sargent, Swift, Van Fleet, Warkins, Wasson of Mono, Wood, Young, and Mr. Speaker—45

NOES—Messrs Alviso, Burns, Camion, Coleman, Crank, Cunningham, Del Valle, Edwards, Felton, Gay, Hartson, Hinshaw, Holtt, Jones, Leach, Leake Lewis, Matthews of San Benito, May, McClure, Paulk, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—31.

Title approved.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 2, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Concurrent Resolution No. 24—Relating to the Mussel Slough prisoners.

C. T. JOHNS Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 24—Relating to the Mussel Slough prisoners.

Read and adopted.

MOTIONS.

By Mr. Paulk (pursuant to notice): I move to amend Rule Two to read as follows:

RULE TWO—ORDER OF BUSINESS.

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. Introduction of bills
9. Special order of the day.
10. Messages from the Senate.
11. Third reading of bills
12. Second reading of bills
13. First reading of bills.
14. Motions and resolutions
15. Unfinished business of the preceding day.

Referred to Committee on Rules.

At four o'clock and ten minutes Mr. Pinder moved to adjourn.

Lost.

GENERAL FILE.

Second reading of bills resumed.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

Mr. Paulk moved to amend section nine, line three, by striking out the word "erected," and inserting instead the word "constructed."

Carried.

Mr. Paulk moved to amend line one, section eleven, by inserting the word "so," between the words "be" and "construed."

Carried.

Mr. Lane moved to amend by adding section fourteen to the bill, to read as follows: "Provided, that no Chinese will be allowed to labor on such work or works."

Upon which the ayes and noes were demanded by Messrs. Paulk, Sargent, and Burns.

The roll was called, and the amendment was rejected by the following vote:

AYES—Messrs Burns, Cunningham, Garrity, Gavigan, Geary, Gilmore, Howard, Keating, Kellogg, Lane, Matthews of San Benito, and McCallion

NOES—Messrs Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Leach, Leake, Mason, May, McClure, McDonald, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Weitsbaugher, Whipple, Wood, and Mr. Speaker—56.

Mr. Jackson was excused from voting.

Mr. Burns moved that further consideration of the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Burns, Lane, and Howard.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Burns, Gilmore, Lane, and McCallion—4

NOES—Messrs. Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—66

The bill read second time.

ADJOURNMENT.

Pending discussion, at four o'clock and forty-five minutes Mr. Kilburn moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 3, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows.

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett Del Valle Edwards, Estey, Felton, Fraser, Freer, Garthy, Gavigan, Gay, Geary, Gilmore, Griffith, Hale Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Kilburn Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—54

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Tuesday, February first, Mr. Van Fleet moved to dispense with the further reading thereof.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881.

MR SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 327—An Act to amend section three hundred and sixty-eight of an Act entitled an Act to establish a

Code of Civil Procedure, approved March eleventh eighteen hundred and seventy-two, relating to assignment of things in action—have had the same under consideration, and report it back with the recommendation that it do pass

McCLURE, Chairman.

By Mr. Leach:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881.

MR SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 306—Entitled an Act to amend an Act authorizing the boards of supervisors of the counties in which water is sold for purposes of irrigation, to fix the rates at which water shall be sold, approved March twenty-sixth, eighteen hundred and eighty—have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended.

STREETER, Chairman.

By Mr. Streeter:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881

MR SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 376—Entitled "An act to establish a Department of Record"—have had the same under consideration, and now report it back with the recommendation that the author have leave to withdraw the same.

LEACH, Chairman

The bill reported above withdrawn by the author.

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881.

MR SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No 20—An Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties.

Also, Assembly Bill No. 238—An Act to enforce the twenty-sixth section of article four of the Constitution, relating to contracts for the sale of shares of the capital stock of corporations or associations on margin;

Also, Senate Bill No 96—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, relating to corporations.

Have had the same under consideration, and report the same back and recommend that they do pass.

Also, Assembly Bill No 62—An Act to regulate fire marine, and inland insurance companies transacting business in this State.

Also, Senate Bill No 93—An Act regulating the selling or buying of stock on margin, or to be delivered at a future day.

Also, Assembly Bill No 299—An Act to amend section five hundred and one of the Civil Code, concerning street railroad corporations:

Have had the same under consideration, and report the same back and recommend that they do not pass

FELTON, Chairman

MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881.

MR. SPEAKER: We, the undersigned, members of the Committee on Corporations, dissent from the majority report of said committee, in recommending that Assembly Bills Nos 62 and 299, and Senate Bill No 93, do not pass—and we hereby recommend that they do pass.

ED KEATING,
PETER GARRITY.

By Mr. Jones:

ASSEMBLY CHAMBER, February 3, 1881

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 2—Relative to lease of "Alaska Commercial Company," have had the same under consideration—and recommend that the same be not adopted.

Also, Assembly Concurrent Resolution No 6—Relative to increased mail facilities between Oroville and Mooretown—we recommend that it be adopted.

Also, Assembly Concurrent Resolution No 10—Relative to prohibition of Chinese immigration—report the same back without recommendation

Also, Assembly Concurrent Resolution No. 11—Relative to the grant of the lands of the sixteenth and thirty-sixth sections made to the State of California—we recommend that it be adopted

Also, Senate Concurrent Resolution No. 2—Relative to the harbor of refuge at Trinidad, in this State—we recommend that it be adopted

Also, Senate Concurrent Resolution No 25—Relative to appropriation for the improvement of Wilmington Harbor—we recommend that the said resolution be adopted.

JONES, Chairman.

MINORITY REPORT.

By Mr. Jackson:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881.

MR SPEAKER The undersigned, member of your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 2—Relative to lease of the Alaska Commercial Company—begs leave to dissent from the report of your committee, and recommends that the resolution aforesaid be adopted

H J. JACKSON.

Rules suspended to consider the following concurrent resolutions:

Senate Concurrent Resolution No. 2—Relative to a harbor of refuge at Trinidad, in this State.

Also, Assembly Concurrent Resolution No. 11—Relative to the grant of the lands of the sixteenth and thirty-sixth sections made to the State of California.

Senate Concurrent Resolution No 2, above mentioned, taken up.

Mr. McClure moved to amend the resolution by striking out the word "Trinidad," and inserting instead the words "Port Orford."

Lost.

The resolution read and adopted.

Assembly Concurrent Resolution No. 11, above mentioned, taken up, read, and adopted.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr Patterson, of San Joaquin:

ASSEMBLY CHAMBER, February 3, 1881.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 172—An Act in relation to claims of the Secretaries of the Supreme Court—report the same back and recommend that it be referred to the Judiciary Committee.

Also, Assembly Bill No. 354—An Act to appropriate money to the payment of claims for work and labor performed, and materials furnished, at the Folsom Branch Prison, now known as the "State Prison at Folsom"—recommend to amend by inserting the words "and used," after the words "materials furnished," on line three, and also insert the words "and made a part," after the words "the construction," in line four, of section one, of the printed bill, and recommend that it do pass as amended

Also, Assembly Bill No 287—An Act for the relief of James G Davis—report the same back and recommend that it do pass.

Also, Assembly Bill No 349—An Act for the relief of Norman McLeod—report the same back and recommend that it do pass.

Also, Senate Bill No. 126—An Act to provide for the deficiency in the appropriation for payment of postage and contingent expenses of Clerk of Supreme Court, during the thirty-first fiscal year—report the same back and recommend that it do pass.

Also, Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirty-first fiscal year—report it back and recommend that it do pass

Also, Senate Bill No 131—An Act to pay the claim of L L Lewis & Company—report the same back and recommend that it do pass

PATTERSON, Chairman.

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881

MR SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 247—To provide a chart of geographical definitions, for use in the public schools of California—have had the same under consideration, and now report back with a substitute, and recommend that the substitute do pass

Also, Assembly Bill No 334—Relating to the course of study in the common schools in the State of California—and recommend that it do not pass.

Also, Senate Bill No. 156—To add nine new sections to the Political Code, relating to the issuance of bonds by the Trustees of school districts—and recommend that it do pass.

HOITT, Chairman.

Mr. Camron called upon the Committee on Water Rights and Drainage to report back Assembly Bill No. 4.

Mr. Burns moved that the committee have until Monday next, at two o'clock P. M., to report upon said bill.

Mr. Hoitt moved to amend so as to make the day Tuesday next.

Amendment accepted.

The motion as amended was then adopted.

RECESS.

Mr. McClure moved that the House do now take a recess until two o'clock P. M., in order that the members may be presented to our distinguished guest, King Kalakaua.

So ordered.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

INTRODUCTION OF BILLS.

By Mr. Alviso: An Act to amend sections one thousand five hundred and twenty-two and one thousand five hundred and twenty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March twelfth, eighteen hundred and seventy-two, in regard to sales of personal property of deceased persons.

Referred to Committee on Judiciary.

By Mr. McDonald: An Act to pay the claim of P. J. O'Connor, for services due him as architect in the construction of the Napa State Asylum for the Insane.

Referred to Committee on Claims.

By Mr. Matthews, of San Benito: An Act to authorize the Board of Supervisors of the various counties of the State to establish meridian lines in said counties.

Referred to Committee on Public Lands.

By Mr. May: An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

Referred to Committee on Ways and Means.

By Mr. Reynolds: An Act to promote the horticultural interests of the State.

Referred to Committee on Culture and Improvement of the Grapevine and Fruit Trees.

By Mr. Platt: An Act to amend section four hundred and forty-two of the Code of Civil Procedure, relating to cross complaint.

Referred to Committee on Judiciary.

Also, an Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury.

Referred to Committee on Judiciary.

By Mr. Young: An Act to amend section five hundred and forty-five of the Code of Civil Procedure of California.

Referred to Committee on Judiciary.

Also, an Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure of California.

Referred to Committee on Judiciary.

By Mr. Gilmore: An Act to pay the holders of certain Indian war

bonds out of any money appropriated by Congress for the suppression of Indian hostilities now in the "Indian War Bond Fund" in the State Treasury.

Referred to Committee on Claims.

By Mr. Leach: An Act to amend section five hundred and thirty-eight of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, so far as the same relates to the duties of the Superintendent of State Printing.

Ordered on file.

By Mr Crumpton: An Act to abolish the offices of District Assessors and District Tax Collectors in school districts in the several counties of the State, and provide for the assessment and collection of school district taxes by county officers.

Referred to Committee on Education.

By Mr. Cunningham: An Act to amend section one thousand one hundred and eighty-one of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to the proof and acknowledgment of instruments.

Referred to Committee on Judiciary.

By Mr. Hinshaw: An Act to provide for the improvement of streets within cities of less than one hundred thousand inhabitants organized and existing for municipal purposes.

Referred to Committee on Municipal Corporations.

By Mr. Van Fleet: An Act to establish a Bureau of Immigration and to provide for the government and maintenance of the same.

Referred to Committee on Agriculture.

Mr. Lane moved to suspend the rules, so as to permit the introduction of a resolution by himself.

Lost.

By Mr Branch: An Act to prevent the escape of stage robbers from the State Prisons of this State.

Referred to Judiciary Committee.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 3, 1881

MR SPEAKER I am directed to inform your honorable body that the Senate, on January twenty-eighth, eighteen hundred and eighty-one, passed Senate Bill No. 145—An Act to ascertain and express the will of the people of the State of California upon the manner of electing President and Vice-President of the United States.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 145, mentioned in above message, referred to the Committee on Elections.

GENERAL FILE.

Mr. Burns moved to suspend the rules to take up Assembly Bill No. 293, out of its order.

Lost.

FIRST READING.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands—taken up.

Mr Griffith moved to amend the bill.

Pending the submission of the amendment, the House proceeded with the file.

Assembly Bill No. 124—An Act to amend an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments.

Passed on file

Assembly Bill No. 55—An Act to provide for work upon the public works and buildings within this State to be done by day labor, and under the supervision of a superintendent, or officer having charge of the same—taken up.

Mr. McClure moved that the substitute recommended by the Committee be ordered printed.

Carried.

The consideration of Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands—resumed.

Mr. Griffith moved to amend section eleven of Bill No. 95 by striking out all of said section after the word "waters," in line two, and insert "to flow into neighboring ditches, or natural drains, to the damage of persons residing on or near the banks."

Adopted.

The bill was ordered engrossed and to be read third time

Mr. Camron had two days leave of absence.

Assembly Bill No. 248—An Act to amend sections two thousand six hundred and fifty-seven and two thousand six hundred and sixty-one of the Political Code, relating to road poll taxes.

Refused first reading.

Assembly Bill No. 253—An Act to amend section two thousand six hundred and fifty-seven of the Political Code, relating to road poll taxes.

Refused first reading.

Mr. Leach gave notice that he would, to-morrow, move to reconsider the vote by which the above bill was refused first reading.

Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time, for such purpose, and to create a Board of Fire Commissioners—ordered read first time.

The bill read first time.

Assembly Bill No 148—An Act to restrict gaming—ordered read first time

The bill read first time.

Assembly Bill No. 290—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases

Refused first reading

Assembly Bill No. 291—An Act to amend section one thousand

one hundred and seventy-two of the Penal Code, and to provide for exceptions in criminal cases—ordered read first time.

The bill read first time.

Assembly Bill No. 274—An Act to amend sections eighty-six, eighty-eight, and ninety-seven of an Act entitled "An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith," approved April first, eighteen hundred and eighty—ordered read first time.

The bill read first time.

Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such claim or demand has been previously left for collection, or who has been consulted thereon—ordered read first time.

The bill read first time.

Assembly Bill No. 250—An Act to add a new section to the Penal Code of California, to be known as section one thousand two hundred and eight, relating to and providing for the separate confinement of minors committed to County Jails—ordered read first time.

The bill read first time.

Assembly Bill No. 293—An Act to amend an Act entitled "An Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property"—ordered read first time.

The bill read first time.

Assembly Bill No 300—An Act to amend section three hundred and twenty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the time of commencing actions for the recovery of real property—ordered read first time.

The bill read first time.

Assembly Bill No. 297—An Act to amend sections one thousand four hundred and forty-seven and one thousand four hundred and forty-eight of the Penal Code, relating to costs—ordered read first time

The bill read first time.

Assembly Bill No. 288—An Act to amend section three hundred and thirty of the Penal Code

Withdrawn.

Assembly Bill No. 301—An Act to amend section two hundred and forty-three of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the punishment of battery.

Refused first reading.

Assembly Bill No. 309—An Act to amend section one thousand three hundred and sixty of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, and relating to and specifying the property which must be resorted to for the payment of legacies—ordered read first time.

The bill read first time.

Assembly Bill No. 296—An Act to amend section one thousand two hundred and seventy-six of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to proceedings to change the names of persons or corporations.

Refused first reading.

Assembly Bill No. 270—An Act to regulate fees of Clerks of Superior Courts in the State of California—ordered read first time

The bill read first time

Two days leave of absence granted to the Committee on Agriculture, Mining, and Mechanic Arts.

Assembly Bill No. 273—An Act to amend section six hundred and thirty-six of the Penal Code—ordered read first time.

The bill read first time.

Assembly Bill No. 206—An Act amendatory of and supplemental to an Act entitled an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, approved April fifteenth, eighteen hundred and eighty, providing for the establishment of a new agricultural district, composed of the Counties of Mendocino and Lake—ordered read first time.

The bill read first time.

Assembly Bill No. 216—An Act to encourage the different County Assessors of the State to collect and return, in their annual report to the Board of Supervisors of their respective counties, the statistics of the total amount or valuation of grain, fruit, wine, stock, and produce of all kinds, raised or made in the agricultural counties, and the total amount or valuation of grain, fruit, stock, and wine raised and produced, and the amount of gold and silver extracted and taken out in the mining counties of the State.

Taken up.

At four o'clock and ten minutes, Mr. Baker, of Yolo, moved we do now adjourn.

Lost.

Assembly Bill No. 216, taken up prior to the motion to adjourn, read first time.

At four o'clock and fifteen minutes, Mr. Gilmore moved we do now adjourn.

Lost.

Senate Bill No. 39—An Act to appropriate money for the support of aged and indigent women—ordered read first time.

The bill read first time.

At four o'clock and sixteen minutes, Mr. Felton moved we do now adjourn.

Lost.

Senate Bill No 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools—ordered read first time.

The bill read first time.

Senate Bill No. 278—An Act to prohibit members of the police force in cities, cities and counties, and towns, within the State of California, from transacting business, or performing labor, while a member of such force.

The question being, "Shall the bill be read the first time?"

The ayes and noes were demanded by Messrs. McDonald, Gilmore, and Jackson.

The roll was called, and the bill ordered read first time by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Bost, Brown, Burns, Chandler, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Gay Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Jones, Kellogg, Lane, Long, Matthews of San Benito, May, McCallion, McDonald, Mein, Murphy, Patterson of Nevada, Pinder, Reynolds, Sargent, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wood, and Mr Speaker—45.

NOES—Messrs Anck, Birney, Cunningham, Felton, Keating, Kilburn, Leach, Leake, Lewis, Mason, McClure, McMurray, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Siebe, Wertsbaugher, Whipple, and Young—22

ADJOURNMENT.

At four o'clock and forty minutes, Mr. McClure moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 4, 1881.

The House met pursuant to adjournment at eleven o'clock A. M
Speaker Parks in the chair.
Members present as follows:

Messrs. Alviso, Anck, Baker of Sacramento, Baker of Yolo, Birney, Bost, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle Edwards, Estey, Felton, Fraser, Freel, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Kellogg, Lane, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker.

Quorum present.

Mr. Leach had leave of absence until Monday.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Tuesday, February first, Mr Hoitt moved to dispense with further reading of the Journal.

So ordered.

The Journal approved.

RESOLUTION.

By Mr. Baker, of Sacramento (by permission) · Assembly Concurrent Resolution, relative to employing steamers to patrol the river to rescue sufferers from the high water.

Mr. Whipple moved to amend the resolution.

Lost.

Resolution adopted and ordered transmitted to the Senate immediately.

PETITIONS.

By Mr. McDonald: A petition from citizens of the State asking for the passage of a local option law.

Referred to Committee on Public Morals

By Mr. Reddick: A petition from citizens of Calaveras County relative to goats and hogs running at large.

Referred to the Committee on Agriculture.

RESOLUTIONS.

By Mr. Edwards (by permission):

Resolved, That the Committee on Municipal Corporations be and are hereby authorized to employ one assistant clerk, at a per diem of five dollars, payable out of the contingent fund of the Assembly.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Lane (by permission)

Resolved, That the President of the Board of State Viticultural Commissioners be and is hereby ordered to report to this House, on or before the tenth day of February, eighteen hundred and eighty-one, a full itemized report of all moneys expended by said Commissioners up to date

Adopted.

RECONSIDERATION.

Mr. Leake moved to reconsider the vote by which Assembly Bill No. 253 was, yesterday, refused first reading, and that the said motion be made the special order for Monday next, at three o'clock P. M.

By Mr. Van Fleet (by permission):

Resolved, That the Committee on Elections be and are instructed to report back to this House, on to-morrow, Saturday, the fifth instant, Assembly Bill No. 152.

Lost.

REPORTS OF STANDING COMMITTEES.

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No 256—Entitled an Act to amend "An Act to authorize Chico School District to issue bonds for building purposes," approved March twenty-seventh, eighteen hundred and seventy-four—have had the same under consideration, and now report it back with recommendation that it be referred to the Committee on Judiciary, and if they deem it constitutional we recommend that it do pass

Also, Assembly Bill No. 86—*An Act to prevent Boards of Education, School Directors, and* Trustees of public schools from discriminating against married women in the selection of teachers and employés—and report the same back, with amendments, and recommend that it do pass as amended.

HOITT, Chairman.

Assembly Bill No. 256—Referred to the Committee on Judiciary, as recommended in the above report.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 131—*An Act to impose an income tax in certain cases*,

Also, Assembly Bill No. 310—An Act to amend section three thousand three hundred and eighty-two of an Act entitled "An Act to establish a Political Code," approved March twelfth,

eighteen hundred and seventy-two, relating to licenses of merchants and keepers of livery stables.

Also, Assembly Bill No. 320—An Act to amend section three thousand three hundred and sixty-four of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the issuance of licenses.

Also, Assembly Bill No. 326—An Act to regulate the business of pawnbrokers.

Beg leave to report the same back, with recommendation that they do not pass.

Your committee also considered Senate Bill No. 37—An Act to amend section four thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to reports of County Auditors.

Also, Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc., for the Legislature and State officers during the thirty-first fiscal year:

Also, Assembly Bill No. 336—An Act to amend section one thousand six hundred and eighteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, regulating the compensation of executors and administrators,

Also, Assembly Bill No. 347—An Act making an appropriation for a deficiency during the thirty-second fiscal year, for expenses of the Supreme Court, under section forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure for the State of California," approved March eleventh, eighteen hundred and seventy-two,

Also, Assembly Bill No. 356—An Act making an appropriation for the payment of current demands against the stationery, fuel, lights, etc., fund, for the fiscal year ending June thirtieth, eighteen hundred and eighty-one,

And report the same back with recommendation that they do pass.

Your committee also considered Assembly Bill No. 133—An Act to amend sections three thousand eight hundred and four and three thousand eight hundred and seventy-one of the Political Code of California, relating to the refunding of taxes improperly assessed and collected—and report the same back, with amendments, and recommend that it do pass as amended.

Your committee also considered Assembly Bill No. 312—An Act to amend section one thousand seven hundred and thirteen and one thousand seven hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March twelfth eighteen hundred and seventy-two, relating to the School Library Fund—and report the same back, with recommendation that it be referred to the Committee on Education.

MAY, Chairman

Assembly Bill No. 312—Reported above, referred to the Committee on Education, as recommended by the committee.

By Mr. Chandler:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881

MR. SPEAKER: Your Committee on Agriculture to whom was referred Assembly Bill No. 340—Entitled an Act concerning division fences, and to provide for their maintenance—have had the same under consideration, and now report it back amended, and recommend the same do pass as amended.

CHANDLER, Chairman

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 259—An Act amendatory and supplemental of 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—have had the same under consideration, and report the same back with the recommendation that it do pass as amended.

Also, Assembly Bill No. 308—An Act to discourage the monopoly of land in this State through taxation—and considering the same unconstitutional, recommend that it do not pass.

Also, Assembly Bill No. 316—An Act to amend 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, relating to the Department of Police in said city and county—and recommend that it do pass.

Also, Assembly Bill No. 294—An Act to amend sections one thousand one hundred and sixty-two, one thousand one hundred and sixty-three, one thousand one hundred and sixty-six, one thousand one hundred and seventy, and one thousand one hundred and seventy-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to summary proceedings for obtaining possession of real property in certain cases—and recommend its passage as amended.

Also, Assembly Bill No. 90—An Act to establish a State detective force, and for the better enforcement of the laws—and recommend its passage as amended.

Also, Assembly Bill No. 172—An Act in relation to claims of the Secretaries of the Supreme Court—and recommend that it do not pass.

Also, Assembly Bill No. 370—An Act to amend section four hundred and forty-two of the Code of Civil Procedure, relating to the filing and service of cross-complaints—and recommend that it do pass.

Also, Assembly Bill No. 367—An Act to amend section one thousand three hundred and fifteen of an Act establishing a Code of Civil Procedure, relating to probating of wills, approved March eleventh, eighteen hundred and seventy-two—and recommend that it do not pass.

Also, Assembly Bill No. 365—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two relative to the service of summons in civil actions—and recommend that it do not pass.

Also, Assembly Bill No. 363—An Act to amend sections one thousand and sixty-eight and one thousand and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, providing when and by what Courts the writ of certiorari may be granted, and what matters may be reviewed under such writ—and recommend that the author of same be allowed to withdraw it.

Also, Assembly Bill No. 361—An Act to provide for the arrangement and trial of causes where a jury shall have been demanded in the Superior Courts of this State—and recommend that it do not pass.

Also, Assembly Bill No. 372—An Act to supply certain new sections to the Code of Civil Procedure, to be known respectively as sections five hundred and sixty, five hundred and sixty-one, five hundred and sixty-two, and five hundred and sixty-three, regarding the examination before judgment of debtors who conceal, etc.—and recommend that the author of same be allowed to withdraw it.

Also, Assembly Bill No. 380—An Act to amend section sixteen of an Act entitled "An Act for the relief of insolvent debtors and the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty—and recommend that it do pass.

Also, Assembly Bill No. 378—An Act to amend section one thousand four hundred and ninety-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the presentation of claims against the estates of deceased persons—and recommend that it do not pass.

Also, Assembly Bill No. 381—An Act to amend sections nine hundred and thirty-nine and nine hundred and sixty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to appeals, and to define in what cases and within what time appeals may be taken—and recommend that the same do pass.

Also, Assembly Bill No. 280—An Act to repeal section three thousand and six of an Act entitled "An Act to establish a Civil Code, known as the Civil Code of the State of California, approved March twenty-first, eighteen hundred and seventy-two, relating to pledged property—and recommend that it do not pass.

Also, Assembly Bill No. 351—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered section two hundred and seventy-four and a half, relating to phonographic reporters—and recommend that it do not pass.

Also, Assembly Bill No. 318—An Act to amend sections one thousand nine hundred and eighty-nine, one thousand nine hundred and ninety one, one thousand nine hundred and ninety-three, and one thousand nine hundred and ninety-four, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to witnesses—and recommend that it do not pass.

Also, Assembly Bill No. 366—An Act to amend section six hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to bills of exceptions—and recommend that it do not pass.

McCLURE, Chairman.

By Mr. Wasson, of Mono:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1881.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 81—Entitled "An Act to add to part two, division second, of the Civil Code, a new title, to be known as title five, containing eighteen sections, to be numbered eight hundred and seventy-eight eight hundred and seventy-nine eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, eight hundred and eighty-three, eight hundred and eighty-four, eight hundred and eighty-five, eight hundred and eighty-six, eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three, eight hundred and ninety-four and eight hundred and ninety-five," relating to mining laws and forming mining districts—have had the same under consideration, and now report the same back, and recommend that it do not pass.

WASSON, Chairman.

APPOINTMENT OF A COMMITTEE.

The Speaker announced the appointment of Messrs. Baker, of Sacramento, Baker, of Yolo, and Jackson, as members of the Joint Committee to provide steamers for patrolling the rivers.

The above committee had indefinite leave of absence.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Fraser:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881

MR SPEAKER: The Committee on Rules, to whom was referred the following resolution, proposing a change in Rule Two—respectfully report the same back and recommend its adoption

FRASER, Chairman.

Rule Two is hereby amended to read as follows:

RULE II.

ORDER OF BUSINESS.

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. Introduction of bills
9. Special orders of the day.
10. Messages from the Senate
11. Third reading of bills
12. Second reading of bills
13. First reading of bills.
14. Motions and resolutions.
15. Unfinished business of the preceding day.

Lost.

By Mr. Siebe.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881.

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 377—An Act to authorize the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeill—have had the same under consideration, and report the same back, recommending that it be referred to the Committee on Claims

Also, Assembly Bill No 260—An Act to amend an Act entitled an Act to provide for the further extension of the water front line of the City and County of San Francisco, and the construction of the seawall, approved April twenty-third, eighteen hundred and eighty, report the same back, and recommend that it do pass.

SIEBE, Chairman.

Assembly Bill No. 377—Reported above, referred to the Committee on Claims, as recommended by the committee.

By Mr. Estey:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881

MR SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 213—Entitled an Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game—have had the same under consideration, and now report it back and recommend that it do pass.

Also, Assembly Bill No 371—Entitled an Act to encourage the use of tide lands owned by the State of California, by virtue of her sovereignty, and the waters covering the same, for oyster beds, fish ponds, or mining purposes—have considered the same, and now report it back and recommend that it be referred to the Committee on Swamp and Overflowed Lands.

ESTEY, Chairman.

Assembly Bill No. 371 referred to the Committee on Swamp and Overflowed Lands, as recommended by the committee in above report.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No 56—An Act to amend an Act entitled an Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

MEIN, Chairman.

MINORITY REPORT.

By Mr. McCallion:

MR. SPEAKER. The undersigned most respectfully dissents from the majority of the Committee on Commerce and Navigation in their report on Assembly Bill No. 260, and recommend that the same do not pass.

McCALLION.

By Mr. Mason:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881.

MR. SPEAKER: Your Committee on Mileage beg leave to report that they have made due examination of the report of the Committee on Commerce and Navigation, and the Committee on Public Buildings and Grounds, to us submitted for consideration, and herewith transmitted, and find the same to be correct in all respects. We therefore recommend that the resolution accompanying each of said reports be by this House adopted.

MASON, Chairman.

ASSEMBLY CHAMBER SACRAMENTO, February 2, 1881

To Committee on Mileage

GENTLEMEN: I herewith present to you a detailed statement of the miles traveled by the Committee on Public Buildings and Grounds, and the clerk, and request, if found correct, that the inclosed resolution be introduced at an early day.

Committee—M. H. Gay, Chairman, A. L. Chandler, J. C. Wertsbaugher, James Samuels, T. J. Pinder, J. W. McDonald, J. P. Brown, H. W. Schaberg, Clerk.

To San José and Berkeley—Messrs. Gay, Chandler, Wertsbaugher, Samuels, McDonald, and Schaberg.

Sacramento to San Francisco	84 miles.
San Francisco to San José and return	104 miles.
San Francisco to Berkeley and return	28 miles.
San Francisco to Sacramento	84 miles.
Total	300 miles.

To Napa Insane Asylum—Messrs. Gay, Chandler Wertsbaugher, Samuels, Brown, Pinder, and Schaberg

Sacramento to Napa and return	122 miles.

To Stockton Insane Asylum—Messrs. Gay, Chandler, Wertsbaugher, Samuels, McDonald, Pinder, and Schaberg.

Sacramento to Stockton and return	96 miles.

Number of miles traveled by each member and clerk

Gay	518 miles.
Wertsbaugher	518 miles.
Chandler	518 miles.
Samuels	518 miles.
McDonald	396 miles.
Brown	122 miles.
Pinder	218 miles.
Schaberg	518 miles.
Total	3326 miles.

GAY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

Resolved, That the following named gentlemen, as members of the Committee on Public Buildings and Grounds, be and they are hereby allowed the sums set opposite their respective names, as mileage due them for visiting the public buildings and grounds of this State, and that the Controller is hereby instructed to draw his warrant upon the Contingent Fund of the Assembly for the same

	Miles.	Amount.
M. H. Gay	518	$51 80
A. L. Chandler	518	51 80
J. C. Weitsbaugher	518	51 80
James Samuels	518	51 80
J. W. McDonald	396	39 60
T. J. Pinder	218	21 80
J. P. Brown	122	12 20
H. W. Schaberg, Clerk	518	51 80
Totals	3326	$332 60

GAY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1881.

To the Committee on Mileage:

GENTLEMEN: I herewith present to you a statement of the miles traveled by the Committee on Commerce and Navigation, and the clerk, and request, if found correct, that the inclosed resolution be introduced at an early date.

To the seawall at San Francisco

J. D. Siebe (Chairman), one hundred and sixty-eight miles	$16 80
T. O'Connor, one hundred and sixty-eight miles	16 80
L. B. Edwards, one hundred and sixty-eight miles	16 80
J. J. McCallion, one hundred and sixty-eight miles	16 80
C. Wentz, one hundred and sixty-eight miles	16 80
H. Blum (Clerk), one hundred and sixty-eight miles	16 80
	$100 80

SIEBE, Chairman.

Resolved, That the Controller be and is hereby authorized to draw his warrant for one hundred dollars and eighty cents in favor of J. D. Siebe, for mileage due the Committee on Commerce and Navigation, payable from the Contingent Fund of the Assembly

Each of the resolutions reported above was adopted, as recommended by the committee.

RESOLUTION.

By Mr. Gilmore:

Resolved, That the Committee on Corporations be required to report back, this afternoon, Assembly Bill No. 163, given them January twelfth; also, Assembly Bill No. 181, given them January thirteenth.

Mr. Fraser moved to amend the resolution to make the time Tuesday.

Lost.

The resolution adopted.

INTRODUCTION OF BILLS.

By Mr. Hartson: An Act to expedite the adjustment between the United States and the State of California, of the solution made by the State as indemnity for the loss of the sixteenth and thirty-sixth sections of public lands granted to the State for school purposes.

Referred to the Committee on Public Lands.

By Mr. Hoitt: An Act to provide for and enforce the employment of prisoners in County Jails upon public streets, roads, highways, and public buildings, etc., for the public good.

Referred to the Committee on Public Morals.

By Mr. Hale: An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure rights of way for the conveyance of such water to the places of use.

Referred to the Committee on Irrigation.

By Mr. Freer: An Act to encourage the apprehension of criminals.

Referred to the Committee on Judiciary.

By Mr. Whipple: An Act to provide for a proper representation of the products of California, at the next World's Exhibition to be held in New York in eighteen hundred and eighty-three.

Referred to the Committee on Ways and Means.

By Mr. Wertsbaugher: An Act to amend the Penal Code by adding a new section thereto, to be known as section three hundred and ten.

Referred to Committee on Judiciary.

By Mr. Long: An Act to amend section five hundred and twenty-seven of an Act entitled an Act to establish a Code of Civil Procedure, approved April fifteenth, eighteen hundred and eighty, relating to security upon injunctions.

Referred to Committee on Judiciary.

By Mr. Alviso: An Act to amend section four hundred and seventy-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March twelfth, eighteen hundred and seventy-two, relating to suing a party by fictitious names.

Referred to Committee on Judiciary.

By Mr. Edwards: An Act to amend an Act entitled an Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials, approved March second, eighteen hundred and eighty.

Referred to Committee on Judiciary.

By Mr. Leake: An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto a new section, to be known as section three thousand six hundred and sixty-four, relating to assessment and taxation.

Referred to Committee on Agriculture.

By Mr. Arick, for Mr. Baker, of Yolo: An Act appropriating funds in payment of extra clerical services in the office of the Secretary of State.

Referred to Committee on Claims.

By Mr. Wasson, of Mono: An Act to amend section six hundred and forty-seven of the Penal Code of the State of California, relative to vagrants.

Referred to Committee on Public Morals.

SENATE MESSAGES.

The following Senate message was read.

SENATE CHAMBER, SACRAMENTO, February 3, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February third, passed Senate Bill No. 187—An Act to establish a branch State Normal School.

I. A. ORR, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 187—Mentioned above, was ordered on file, to take its place next before Assembly Bill No. 3

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 4, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on February third, passed Senate Bill No. 193—An Act to protect railroad companies in the enjoyment of their franchises

Also, passed Assembly Concurrent Resolution No 9—Relative to report of Railroad Commissioners

Also, passed Senate Bill No 128—An Act to provide for the deficiency in the appropriation "for postage and expressage in the office of the Superintendent of Public Instruction," during the thirty-first fiscal year

Also passed, on February fourth, Assembly Concurrent Resolution No 17—Relative to employing steamers to patrol the river to rescue sufferers from the high water

JAMES A. ORR, Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 193—Referred to the Committee on Corporations, and Senate Bill No. 128, referred to the Committee on Ways and Means.

Mr. Felton presented a report from the Committee on Corporations, pursuant to the resolution adopted this morning.

Mr. McClure objected to the reception of the report, as out of order.

The Speaker ruled the report to be in order and that it should now be received.

Mr McClure appealed from the decision of the Chair.

The question being put, "Shall the decision of the Chair stand as the judgment of the House?"

The House sustained the Speaker.

REPORT.

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881.

MR SPEAKER Your Committee on Corporations, to whom was referred Assembly Bills Nos. 163 and 181—report the same back to the Assembly per order this day made

FELTON, Chairman.

GENERAL FILE—FIRST READING.

Assembly Bill No. 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments.

Mr. Burns moved the above two bills be passed on file.

So ordered.

Assembly Bill No. 278—An Act to prohibit members of the police force in cities, cities and counties, and towns, within the State of California, from transacting business, or performing labor, while a member of such force.

Mr McClure moved the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Howard, McDonald, and Burns.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Anick, Barney, Brown, Chandler, Crank, Cunningham, Daggett, Felton, Fraser, Hartson, Hendrick, Hinshaw, Hoitt, Keating, Mason, May, McClure, Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watson of Ventura, Watson of Mono, Wentz, Wertsbaugher, Whipple, and Mr. Speaker—36

NOES—Messrs. Alviso, Burns, De Vally, Edwards, Estey, Garrity, Gay, Geary, Gilmore, Griffith, Holden, Howard, Kellogg, Lane, Matthews of San Benito, McCallhon, McDonald, Mein, Noonan, Patterson of Nevada, Swift, and Watkins—22

RECESS.

The House took a recess for one hour until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

First reading of bills resumed.

Assembly Bill No. 284—An Act for the relief of purchasers of State lands—ordered read first time.

The bill read first time.

Assembly Bill No. 57—An Act to amend an Act entitled "An Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred and forty-eight of an Act entitled 'An Act to establish a Political Code,' approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State," approved April twenty-eighth, eighteen hundred and eighty—ordered read first time.

Mr. O'Connor, at two o'clock and ten minutes, moved we do now adjourn.

Lost.

Assembly Bill No. 57—An Act to amend an Act entitled "An Act to amend sections three thousand four hundred and fifteen, three thousand four hundred and sixty-six, three thousand four hundred and ninety-five, three thousand five hundred, and three thousand five hundred and forty-eight of an Act entitled 'An Act to establish a Political Code,' approved March twelfth, eighteen hundred and seventy-two, relating to the public lands of this State," approved April twenty-eighth, eighteen hundred and eighty.

Read first time.

Assembly Bill No. 245—An Act to amend section three thousand five hundred and seventy-one of the Political Code, in relation to the repayment of moneys for lands illegally sold by the State—ordered read first time.

RECESS.

Mr. Edwards moved the House take a recess for one hour.

So ordered.

REASSEMBLED.

The House reassembled at three o'clock and ten minutes P. M.

Speaker Parks in the chair.

Assembly Bill No. 245—An Act to amend section three thousand five hundred and seventy-one of the Political Code, in relation to the repayment of moneys for lands illegally sold by this State.

Read first time.

Assembly Bill No. 251—An Act for the relief of purchasers of State lands—ordered read first time.

The bill read first time.

Assembly Bill No. 285—An Act to foster and encourage the legitimate mining interests of the State—ordered read first time.

The bill read first time.

Assembly Bill No 255—An Act to compel the use of a brand, stamp, stencil, or trademark on all manufactured commodities.

Passed on file.

SECOND READING.

Assembly Bill No. 11—An Act to prevent the accumulation of large landed estates.

The question being, "Shall the bill be read second time?" the ayes and noes were demanded by Messrs. Jackson, Lane, and Gilmore.

The roll was called, and the bill was ordered read second time, by the following vote:

AYES—Messrs Anick, Brown, Burns, Crumpton, Estey, Garrity, Geary, Gilmore, Griffith Holden, Howard Jones, Keating, Kellogg, Lane, Leake Long, Mason, Matthews of San Benito, May, McCallion, McMurray, Main, Mudgett, Noonan, O'Connor, Reddick, Siebe, Streeter, Swift, Watkins, Wentshaugher, and Young—33.

NOES—Messrs Alviso, Burney, Bost, Coleman, Daggett, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, McClure McDonald, Murphy, Patterson of San Joaquin, Paulk, Platt, Reynolds Samuels, Sargent, Van Fleet, Wason of Ventura, Wentz, and Mr. Speaker—24

The bill read second time.

The bill refused engrossment and third reading.

FIRST READING.

Assembly Bill No. 184—An Act to pay the holders of certain Indian war bonds, out of any money appropriated by Congress for the suppression of Indian hostilities, now in the "War Bond Fund" in the State treasury, and not otherwise appropriated—ordered read first time.

The bill read first time

Assembly Bill No. 71—An Act to provide for the establishment of a uniform series of text-books for use in public schools in this State

Withdrawn.

Senate Bill No. 187—An Act to establish a Branch State Normal School—ordered read first time.

The bill read first time

Assembly Bill No. 3—An Act to establish a Branch Normal School.

Withdrawn.

Assembly Bill No. 160—An Act to establish a Branch Normal School—ordered read first time

The bill read first time.

Assembly Bill No. 98—An Act to pay the claim of James W. Marshall—ordered read first time

The bill read first time.

Assembly Bill No. 222—An Act for the relief of John C. Edgar, ex-Sheriff of the County of San Mateo—ordered read first time.

The bill read first time.

Assembly Bill No. 254—An Act to add a new section to the Political Code, to be numbered three thousand three hundred and eighty-eight, relating to licenses.

Passed on file.

Senate Bill No. 54—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the payment of the per diem and mileage of Lieutenant-Governor, members of the Legislature, officers and clerks of the Legislature, and the contingent expenses of the Senate and Assembly—ordered read first time.

The bill read first time.

Assembly Bill No. 63—An Act to appropriate funds for the erection of an elevator in the State Capitol building—ordered read first time.

The bill read first time.

Assembly Bill No. 268—An Act to incorporate religious societies—ordered read first time

The bill read first time.

Mr. Young gave notice that he would, to-morrow, move to reconsider the vote by which Assembly Bill No. 11—An Act to prevent the accumulation of large landed estates—was refused engrossment and third reading.

Assembly Bill No. 268—An Act to incorporate religious societies.

Read first time.

Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners.

Taken up out of order, and ordered read second time

The amendment to section three, recommended by the committee, adopted.

The amendments to section nine, recommended by the committee, adopted.

The amendments to section ten, recommended by the committee, adopted.

The amendments to section eleven, recommended by the committee, adopted.

The bill read second time, ordered engrossed, and to be read third time

Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for the payment of rewards offered by the Governor during the thirty-first fiscal year.

Taken up out of order and rereferred to the Committee on Claims.

Assembly Bill No. 276—An Act to amend section three hundred and forty-nine of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations—ordered read first time.

The bill read first time.

Assembly Bill No. 125—An Act to compel fire insurance companies to pay the full amount of insurance on property insured.

At four o'clock and fifty minutes Mr. McClure moved we do now adjourn.

Lost.

The question being, "Shall the bill be read first time?" the ayes and noes were demanded by Messrs. Gilmore, Burns, and Edwards.

The roll was called, and the bill was ordered to first reading by the following vote:

AYES—Messrs. Birney, Burns, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Geary, Gilmore, Griffith, Keating, Kellogg, Lane, Long, Matthews of San Benito, May, McCallion, McClure, McDonald, Murphy, Noonan, O'Connor, Patterson of Nevada, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Wertsbaugher, and Young—35.

NOES—Messrs. Arick, Bost, Brown, Crank, Edwards, Felton, Gay, Hartson, Hendrick, Howard, Jones, Leake, Mein, Mudgett, Patterson of San Joaquin, Faulk, Reynolds, Sargent, Wason of Ventura, and Mr. Speaker—19.

ADJOURNMENT.

At five o'clock Mr. McDonald moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 5, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Brown, Burns, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holden, Jones, Keating, Kellogg, Lane, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Faulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Two days leave of absence granted to Messrs. Chandler, May, Hoitt, and Gavigan, and one day's leave of absence to Mr. Pinder.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, February third, Mr. May moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

RESOLUTION.

By Mr. Crumpton (by permission): Assembly Concurrent Resolution—Relative to appropriations by Congress for the harbor and outlet of Clear Lake.

Referred to Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No 38—An Act to authorize the Controller and Treasurer of State to transfer certain funds—beg leave to report the same back with recommendation that it do pass.

MAY, Chairman

INTRODUCTION OF BILLS

By Mr. Hartson: An Act to establish a State School of Industry, and to provide for the organization and government thereof, and making appropriation therefor.

Ordered on file, and twice the usual number of copies ordered printed

By Mr. Keating: An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two

Referred to the Committee on Judiciary.

By Mr Patterson, of Nevada: An Act to prevent the discharge of firearms in places of public resort

Referred to the Committee on Public Morals.

By Mr. Wason, of Mono: An Act prescribing the residence and duties of Superior Judges, and when they shall have been deemed to have forfeited their offices, and when they shall forfeit their salaries.

Referred to the Committee on Judiciary.

By Mr. Swift: An Act to authorize the Board of Supervisors of Amador County to pay the deficiency of salary of A. Petty, County Assessor.

Referred to Committee on Claims.

By Mr. Murphy: An Act to repeal an Act entitled "An Act concerning corporations and persons engaged in the business of banking," approved April first, eighteen hundred and seventy-six.

Referred to Committee on Corporations.

By Mr. Edwards: An Act to add to the Political Code four new sections, to be numbered three thousand six hundred and sixty-six. three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, and three thousand six hundred and sixty-nine, all relating to the duties of Assessors.

Referred to Committee on Judiciary.

Also, an Act to amend section two thousand nine hundred and forty-eight of the Civil Code, and to add thereto one new section, to be numbered two thousand nine hundred and forty-nine, relating to mortgages of real property.

Referred to Committee on Judiciary.

Also, an Act to amend section four thousand two hundred and thirty-five of the Political Code, relating to the duties of Recorders.

Referred to Committee on Judiciary.

Also, an Act to amend section one thousand and ninety-two of the Civil Code, and to add thereto a new section, to be numbered one thousand and ninety-six, and to repeal section one thousand one hundred and thirteen of said Code, all relating to transfers of real property.

Referred to Committee on Judiciary.

By Mr. Van Fleet. An Act to amend section three thousand four

hundred and ninety of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, making parties who cut, injure, or destroy any levee, or other reclamation works, responsible for the damages occasioned thereby.

Referred to Committee on Judiciary.

By Mr. Fraser: An Act in relation to improving the State Capitol grounds.

Referred to Committee on Public Buildings and Grounds

RECONSIDERATION.

Mr. Young, pursuant to notice, moved to reconsider the vote by which the House, yesterday, refused to order Assembly Bill No. 11 to engrossment and third reading.

Upon which the ayes and noes were demanded by Messrs. McCallion, Kellogg, and Mason, and the roll was called, and the House refused to reconsider, by the following vote:

AYES—Messrs. Aiuck, Baker of Yolo, Burus, Crumpton, Estey, Garrity, Geary, Gilmore, Griffith, Holden, Jones, Keating, Kellogg, Lane, Leake, Long, Mason, Matthews of San Benito, McCallion, McMurray, Mudgett, O'Connor, Swift, Watkins, and Young—23

NOES—Messrs. Alviso, Barney, Bost, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hinshaw, May, McClure, McDonald, Mein, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, and Mr. Speaker—38.

INTRODUCTION OF BILLS RESUMED

By Mr. Cunningham: An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers."

Referred to the Committee on Water Rights and Drainage.

By Mr. Daggett: An Act to establish and provide for the maintenance of a Board of Irrigation Commissioners.

Referred to the Committee on Ways and Means

GENERAL FILE—THIRD READING

Assembly Bill No. 56—An Act to amend an Act entitled "An Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California."

Read third time

Mr. McCallion moved that the bill be referred to a special committee, with instructions to amend as follows: After the word "Convention," in line eighteen, printed copy, add "and one full set of volumes to the members of the Legislature."

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Aiuck, Baker of Yolo, Barney, Bost, Brown, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Gilmore, Griffith, Hendrick, Holden, Jones, Keating, Lane, Leake, Long, Mason, Matthews of San Benito, May, McDonald, McMurray, Mein, Mudgett, O'Connor, Platt, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—45

NOES—Messrs. Burus, Daggett, Garrity, Hartson, Hinshaw, Howard, Kellogg, McCallion, McClure, Murphy, Noonan, Patterson of San Joaquin, Paulk, Samuels, Sargent, Swift, and Whipple—17.

Title approved.

PETITIONS.

By Mr. Mudgett: A remonstrance from citizens of Humboldt, protesting against the passage of Senate Bills Nos. 46, 47, and 48.

Referred to the Committee on Corporations

Also, a petition from citizens of Humboldt County, asking for the amendment of the laws relative to Canada thistle.

Referred to Committee on Agriculture.

Also, two petitions from citizens of Humboldt County, asking for the passage of an Act to remove the boom on Mad River.

Referred to Committee on Commerce and Navigation.

FIRST READING.

Assembly Bill No. 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments.

Passed on file.

Assembly Bill No. 255—An Act to compel the use of a brand, stamp, stencil, or trademark on all manufactured commodities.

Passed on file

Assembly Bill No. 254—An Act to add a new section to the Political Code, to be numbered three thousand three hundred and eighty-eight, relating to licenses—ordered read first time.

The bill read first time.

Assembly Bill No. 125—An Act to compel fire insurance companies to pay the full amount of insurance on property insured.

Read first time.

Assembly Bill No. 153—An Act to amend an Act in relation to mutual, beneficial, and relief associations, in relation to the limitation of membership.

Refused first reading.

Assembly Bill No. 155—An Act entitled an Act for the better protection of insurers.

Passed on file.

Assembly Bill No. 76—An Act to amend section six hundred and twenty-two of the Political Code, relating to taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions imposed upon insurance companies doing business in this State, and organized under the laws of any other State or country—ordered read first time.

The bill read first time.

RESOLUTION.

By Mr. Hendrick (by permission):

Resolved, That the following questions be submitted to the Judiciary Committee for their opinion: 1. Can the power to form new counties be delegated by the Legislature, or must it be exercised by the Legislature directly? 2. Must not new counties be formed by special laws, without being submitted to the people or local authorities of the territory to be affected thereby?

Referred to Judiciary Committee.

Assembly Concurrent Resolution No. 12—Relative to asking Congress to declare the lands of the Moquelumnes Grant a portion of the public domain, subject to entry under the homestead and preemption Act.

Read and adopted.

Resolution of sympathy for the people of Ireland

Read and adopted.

SECOND READING.

Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the port of San Francisco—ordered read second time.

The amendment recommended by the committee to section one, adopted.

The question being upon the amendment to section two recommended by the committee.

Mr. McClure moved to amend the committee amendment, by substituting therefor the following: "Provided, that no work performed under this Act shall be done by Chinese or Mongolians."

RECESS.

Pending discussion, the House took a recess for one hour, until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M

Speaker Parks in the chair.

Quorum present.

REPORTS OF STANDING COMMITTEES

By Mr. Patterson (by permission):

ASSEMBLY CHAMBER, February 5, 1881.

MR SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No 285—An Act to provide for refunding to Mendocino County money improperly paid into the State Treasury—report the same back, and recommend that the author be allowed to withdraw the same.

Also, Assembly Bill No. 324—An Act for the relief of James W. Shanklin—report the same back, and recommend its passage.

Also, Assembly Bill No 236—An Act to amend an Act entitled "An Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco," approved April fourth, eighteen hundred and seventy—we recommend that the author be allowed to withdraw the said bill

Also, Assembly Bill No 382—An Act to appropriate money to Cox & Warren, to pay the balance due them under their contract for doing the plastering in the construction of the Napa State Asylum for the Insane—report the same back, and recommend its passage.

Also, Assembly Bill No 383—An Act to appropriate money to the Freat Stone Company, to pay the balance due it under its contract for furnishing statuary in the construction of the Napa State Asylum for the Insane—we recommend to amend, and that it do pass as amended.

Also, Assembly Bill No 384—An Act to appropriate money to H H. Knapp, to pay the balance due him under his contract for furnishing lime, cement, and lumber in the construction of the Napa State Asylum for the Insane—we recommend its passage

Also, Assembly Bill No. 385—An Act to appropriate money to E. L. Mayberry, to pay the balance due him under his contract for the carpenter work in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No 386—An Act to appropriate money to Wright & Sanders, to pay the balance due them under their contract for services as architects in the construction of the Napa State Asylum for the Insane—we recommend its passage

Also, Assembly Bill No 387—An Act to appropriate money to Noble & Gallagher, to pay the balance due them under their contract for the painting in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 388—An Act to appropriate money to W. F. Wilson, to pay the balance due him under his contract for doing the plumbing in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 389—An Act to appropriate money to Wright & Sanders, to pay the balance due them under their contract for services as architects in the construction of the Napa State Asylum for the Insane—we recommend its passage

Also, Assembly Bill No. 390—An Act to appropriate money to the Electrical Construction Company, to pay the balance due them under their contract for furnishing electrical apparatus in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 391—An Act to appropriate money to George J. Mothersole, to pay the balance due him under his contract for furnishing slating in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 392—An Act to appropriate money to Jas Hunter & Company, to pay the balance due them under their contract for doing the work in the construction of the Napa State Asylum for the Insane—we recommend its passage

Also, Assembly Bill No. 393—An Act to appropriate money to Baker, Smith & Co to pay the balance due them under their contract for furnishing heating apparatus in the construction of the Napa State Asylum for the Insane—we recommend its passage

Also, Assembly Bill No. 394—An Act to appropriate money to Robert Ewing, to pay the balance due him under his contract for brick work in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 395—An Act to appropriate money to W. W Montague & Company, to pay the balance due them under their contract for furnishing plumbing materials in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 396—An Act to appropriate money to Cox & Colby, to pay the balance due them under their contract for furnishing the brick for the construction of the Napa State Asylum for the Insane—we recommend its passage

Also, Assembly Bill No. 397—An Act to appropriate money to the Frear Stone Company, to pay the balance due it under its contract for furnishing artificial stone in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 420—An Act to pay the holders of certain Indian war bonds, out of any money appropriated by Congress for the suppression of Indian hostilities, now in the Indian War Bond Fund in the State treasury—we recommend its passage.

Also, Assembly Bill No. 412—An Act to pay the claim of P. J. O'Connor, for services, due him as architect in the construction of the Napa State Asylum for the Insane—we recommend its passage.

Also, Assembly Bill No. 409—An Act to amend section three thousand eight hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two relating to the settlement by the Controller with the County Clerk—we report the same back, and recommend its passage

Also, Assembly Bill No. 377—An Act to authorize the State Board of Harbor Commissioners to adjust and pay the claims of Daniel McNeil—report the same back, and recommend its passage.

Also, Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirty-first fiscal year—said bill having been recommitted to this committee to amend, we report the same back, and recommend to amend, and that it do pass as amended

PATTERSON, Chairman.

Pending the reading of above report, Mr. McCallion moved a call of the House.

Lost.

SECOND READING OF BILLS

The consideration of Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the port of San Francisco—resumed.

Mr. McClure's amendment to the amendment recommended by the committee adopted.

The question recurred upon the amendment as amended.

Upon which the ayes and noes were demanded by Messrs. Lane, McCallion, and Burns.

The roll was called, and the amendment as amended was adopted by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Brown, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Geary, Hale, Hartson, Hinshaw, Holden, Howard, Jones, Keating, Kellogg, Leake, Matthews of San Benito,

May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, and Mr. Speaker—53.

Noes—Messrs Hendrick, Lane, McCallion, and Paulk—4.

Mr. May moved to reconsider the vote by which the committee amendment was amended.

Lost.

Mr. Paulk moved to amend section one, as follows: "*provided further*, that such launch shall be built in the City of Stockton."

Mr. Cunningham moved to amend the amendment by providing that the launch be built in Santa Cruz.

Mr. Fraser moved that the further consideration of this bill be postponed until Monday next, at two o'clock P. M.

Lost.

The previous question was demanded by Messrs. Del Valle, McClure, and Platt, and the House so ordered.

Mr Cunningham's amendment to Mr. Paulk's amendment lost.

Mr. Paulk's amendment lost.

The bill read second time.

Upon the question, "Shall the bill be engrossed and read third time?" the ayes and noes were demanded by Messrs. May, Kellogg, and McClure.

The roll was called, and the bill was ordered engrossed, and to be read third time, by the following vote:

Ayes—Messrs Arick, Bost, Brown, Burns, Coleman, Crumpton, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gay, Hartson, Holden, Howard, Jones, Keating, Kellogg, Lane, May, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Paulk, Reynolds, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—37.

Noes—Messrs Baker of Yolo, Birney, Cunningham, Daggett, Griffith, Hinshaw, Leake, Matthews of San Benito, McCallion, Mudgett, Patterson of San Joaquin, Platt, Reddick, Samuels, Sargent, Van Fleet, and Whipple—17

Mr. Paulk gave notice that, on Monday, he would move to reconsider the vote by which the bill was ordered engrossed and read third time.

NOTICE OF RESOLUTION

By Mr. Edwards (by permission): I give notice that I will, on Monday, February seventh, eighteen hundred and eighty-one, move to amend Rule One so as to read: "The sessions of this House shall begin at ten o'clock A. M., unless otherwise ordered by vote of the House."

Referred to Committee on Rules.

Assembly Bill No 84—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hundred and seventy-eight—ordered read second time.

Mr Del Valle moved to amend by striking out of section one, line three, to and including the word "qualified," in line eight.

Mr. May moved to amend by substituting for the amendment as follows: Amend section one by striking out "on or before the fifteenth day of February, A. D. eighteen hundred and eighty-one," and insert "within ten days after the passage of this Act"

Upon which the ayes and noes were demanded by Messrs. May Paulk, and Edwards.

Mr. McDonald moved to indefinitely postpone the bill.

Mr. Kellogg moved to lay on the table.

Lost.

The question recurred upon the adoption of Mr. May's substitute for Mr. Del Valle's amendment.

Upon which the ayes and noes were demanded by Messrs. May, Fraser, and Wason of Ventura.

The roll was called, and the substitute for the amendment was adopted by the following vote:

AYES—Messrs. Brown, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Jones, Keating, Mason, May, McCallion, McClure, Mein, Nooman, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—31.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Crumpton, Cunningham, Daggett, Del Valle, Freer, Griffith, Hendrick, Hinshaw, Holden, Kellogg, Lane, Leake, Matthews of San Benito, McDonald, McMurray, Mudgett, Murphy, O'Connor, Paulk, Platt, Samuels, Swift, and Whipple—27.

Mr. Del Valle moved to lay the amendment as amended on the table.

Lost.

The amendment as amended by the substitute adopted.

The question recurred upon Mr. McDonald's motion to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Daggett, Edwards, and Matthews, of San Benito.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Crumpton, Cunningham, Daggett, Del Valle, Freer, Griffith, Hendrick, Hinshaw, Holden, Kellogg, Leake, Matthews of San Benito, McDonald, McMurray, Mudgett, Murphy, O'Connor, Platt, Samuels, Swift, and Whipple—25

NOES—Messrs. Brown, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Jones, Keating, Lane, Mason, May, McCallion, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—31.

At three o'clock and forty minutes Mr. Cunningham moved that this House adjourn until Monday next, at two o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. May, Cunningham, and Kellogg. The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Brown, Crumpton, Cunningham, Daggett, Del Valle, Freer, Griffith, Hendrick, Hinshaw, Holden, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McMurray, Mudgett, Murphy, O'Connor, Platt, and Samuels—25

NOES—Messrs. Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Jones, Keating, Mason, May, McClure, Mein, Nooman, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—31.

Mr. Platt moved to amend section one by adding after the word "years," in line seven, the words "from May sixteenth, eighteen hundred and eighty-two."

The previous question was demanded by Messrs. May, Wasson, of Mono, and Hartson.

Upon which the ayes and noes were demanded by Messrs. Leake, Platt, and Kellogg

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Arick, Brown, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Jones, Keating, Mason, May, McClure, Noonan, Patterson of Nevada, Patterson of San Joaquin Reddick, Reynolds, Sargent, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz Young, and Mr Speaker—28.

NOES—Messrs. Baker of Yolo, Birney, Bost, Crumpton, Cunningham, Daggett, Del Valle, Griffith, Hendricks, Hinshaw, Holden, Kellogg, Leake, Matthews of San Benito, McCallion McMurray, Mudgett, Paulk, Platt, Samuels, Swift, and Whipple—22

At four o'clock Mr. Kellogg moved we do now adjourn, upon which the ayes and noes were demanded by Messrs. Platt, Kellogg, and Arick.

The roll was called, with the following result.

AYES—Messrs. Arick, Baker of Yolo, Bost, Cunningham, Griffith, Keating, Matthews of San Benito, McCallion, and Mudgett—9.

NOES—Messrs. Brown, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Jones, Lane, Mason, May, McClure, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Young, and Mr. Speaker—30.

No quorum voting.

Mr. Lane moved a call of the House

Roll called.

Quorum present.

Mr. Estey moved that further proceedings under the call be dispensed with.

So ordered.

The bill was read the second time, ordered engrossed, and to be read third time.

ADJOURNMENT.

At four o'clock and twenty minutes, Mr. McClure moved we do now adjourn until Monday, at two o'clock P. M.

Carried.

IN ASSEMBLY

ASSEMBLY CHAMBER,
Monday, February 7, 1881.

The House met pursuant to adjournment at two o'clock P. M

Speaker Parks in the chair.

Members present as follows.

Messrs Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Camron, Chandler Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gaffey, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Howard, Holden, Jones, Keating, Kellogg, Kilburn Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure McMurray, Mein, Mudgett, Murphy O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker

Quorum present.

One day's leave of absence granted to Messrs Siebe, Alviso, Hale, Swift, Warkins, McDonald, Gilmore, Noonan, and Geary; and two days' leave of absence granted to Mr Baker, of Yolo.

Prayer by the Chaplain

Reading and approval of the Journal.

Pending the reading of the Journal of Friday, February fourth, Mr. Arick moved that the further reading thereof be dispensed with.

So ordered.

The Journal corrected and approved.

PETITIONS.

By Mr. Holden. A petition from Mendocino County, remonstrating against the passage of bills proposing to reduce telegraphic rates, and compel telegraph companies to assume liabilities of common carriers.

Referred to the Committee on Corporations

By Mr. Bost: A petition from citizens of Merced County, asking for the repeal of the Debris Act.

Referred to the Committee on Water Rights and Drainage.

By Mr. Hartson: A petition from citizens of Napa County, asking the passage of a joint resolution asking for an appropriation of fifty thousand dollars from the General Government to dredge out Napa River.

Referred to Committee on Federal Relations.

By Mr. Branch: A petition from citizens of Stanislaus County, asking for the repeal of the Debris Act.

Referred to Committee on Water Rights and Drainage.

REPORTS OF STANDING COMMITTEES.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1881

MR SPEAKER Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills.

Assembly Bill No 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purposes, and to create a Board of Fire Commissioners.

Also, Assembly Bill No 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the Port of San Francisco.

Also, Assembly Bill No 84—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirteenth, eighteen hundred and seventy-eight.

Also, Assembly Resolution—Relative to expressing sympathy with Ireland

MEIN, Chairman

By Mr. Hendrick:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1881

MR SPEAKER Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No 369—An Act to provide for the formation of new counties—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended.

HENDRICK, Chairman.

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1881.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bills Nos. 97, 182, and 303, which have been in the possession of your committee more than ten days, now report the same back to the Assembly for the reason that they are allowed to retain them no longer under the rule of this House and your committee have no intention of taking the initiatory in breaking the rules, especially after the body so radically evinced its desire on Friday last, by a vote with but three or four dissenting voices, to have bills reported back, with or without action, at the expiration of ten days from their receipt

In this connection your committee earnestly but respectfully desire to state that though perhaps in error, they were heretofore of the opinion that more mature consideration of bills could be had in committee than in the House, from the fact that information pro and con could be had, and facts more fully ascertained. Indeed, they had supposed that was the reason committees were appointed. They had thought that the time of nine men had better be consumed than that of eighty, but in this they may also have erred.

Your committee may also have erred when they thought ours was a representative government, with the right of petition guaranteed to all, and when with this view they had made it convenient to hear, and did listen to the views of parties interested in the several bills before them, they had thought that when bills were to be passed upon the passage of which would affect the greater proportion of the people of the State, would involve large property interests, would promote or retard the enterprise or development of the resources of the country, would discriminate justly or unjustly against industries or investments, it was a right of the parties affected, and of the author, to be heard on the measure.

And, further, your committee desired to act intelligently in the matter, or not at all, and beg to state that they are a modest committee as to their ability, and do not assume that degree of omniscience that would enable them to act intelligently without recourse to the sources of information usually resorted to. To do this requires more time than your committee have been permitted to use, and hence this report without action.

Notwithstanding that there may be an earnest desire on the part of parties interested, though not members of this House, for the immediate report of certain bills, they could not conscientiously be referred back with any recommendation until after mature deliberation, in order that justice might be done to all

With these reasons for the nature of the report, and acting on the rather broad and emphatic hint given your committee on Friday last, we now report these bills back without action, not having had time to properly consider them.

FELTON, Chairman

Mr. Del Valle moved that three hundred copies of the above report be ordered printed and placed on the members' desks.

Lost.

By Mr. Felton:

Assembly Chamber, Sacramento, February 7, 1881.

Mr Speaker Your Committee on Corporations, to whom was referred Senate Bill No. 157—An Act to add a new section to the Penal Code, to be known as section six hundred and twenty-five—relating to wanton injury or destruction of baggage,

Also, Assembly Bill No. 230—An Act to add a new section to an Act entitled 'An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, to be known as section three hundred and nine *a*, relating to suits by stockholders of corporations.

Also, Assembly Bill No. 231—An Act to amend section three hundred and nine of the Civil Code, in relation to dividends to be made from surplus profits.

Have had the same under consideration, and report the same back, and recommend that they do pass.

Also, Assembly Bill No. 105—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—have had the same under consideration, and report the same back amended, and recommend that it do pass as amended.

FELTON, Chairman.

By Mr. Reddick:

Assembly Chamber, Sacramento, February 7, 1881.

Mr Speaker Your Committee on Elections, to whom was referred Senate Bill No. 145—"An Act to ascertain and express the will of the people of the State of California upon the manner of electing President and Vice-President of the United States"—have had the same under consideration, and report the same back and recommend its passage.

Also, Assembly Bill No. 375—An Act to add a certain new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets, and to prevent the circulation of spurious tickets, and to prevent frauds upon voters—we recommend that it do not pass.

Also, Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers—have considered the same, and report back a substitute, and recommend the passage of the substitute.

REDDICK, Chairman.

NOTICE.

By Mr. Mudgett:

Mr. Speaker I hereby give notice that, on to-morrow, I will introduce a bill to repeal an Act entitled an Act to authorize the construction and maintenance of a boom on Mad River. Also, a bill entitled an Act to encourage the destruction of wild animals.

Mr Hartson moved that Assembly Bill No 152 be taken up out of order and read first time

Carried.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relative to the election and tenure of office of county and township officers—taken up and ordered read first time.

The bill read first time.

Mr. Lane moved to take up Assembly Bill No. 119 out of order.

Lost.

INTRODUCTION OF BILLS.

By Mr. May. An Act to amend section three thousand seven hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Referred to Committee on Ways and Means.

Also, an Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction during the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also, an Act making appropriation for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Referred to Committee on State Prisons.

By Mr. McClure: An Act to amend an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, by adding a new section, six hundred and fifteen, relating to cemetery corporations.

Referred to Committee on Judiciary

Also, an Act to provide for the conduct and control and management of all elections to be held in the State of California.

Referred to Committee on Elections

By Mr McCallion: An Act for the speedy opening of bonanzas supposed to exist in mines incorporated under the laws of this State, and which are closed against the best interests of the State of California.

Referred to Committee on Ways and Means.

By Mr. Felton: An Act to authorize suits to be brought against the State of California in certain cases

Referred to Committee on Judiciary.

By Mr. Howard: An Act to amend sections one, two, and three of an Act entitled an Act supplementary to an Act providing for an Attorney and Counselor in and for the City and County of San Francisco, approved March twenty-fifth, eighteen hundred and sixty-two, approved March fourth, eighteen hundred and seventy-two, and to provide for two law clerks or assistants, two clerks, and one messenger in the office of the Attorney and Counselor of said city and county, and fixing their salaries.

Referred to the Judiciary Committee

By Mr. Keating. An Act to compel fire insurance companies to pay full amount of insurance on property insured.

Referred to Committee on Corporations.

By Mr. Young: An Act to provide for the relief of schools in flooded districts.

Referred to Committee on Education.

Also, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-five, so as to confer further powers upon the Board of Trustees of said city.

Referred to Committee on Judiciary.

By Mr. Bost: An Act to promote irrigation and regulate the distribution of water used therefor.

Referred to Committee on Irrigation.

By Mr. Griffith. An Act to amend section one thousand two hundred and forty-five of the Code of Civil Procedure, relative to the condemnation of land for public use.

Referred to Committee on Roads and Highways

By Mr. Del Valle: An Act to amend section five hundred and fifty-two of the Civil Code of the State of California.

Referred to the Committee on Irrigation.

RESOLUTION.

By Mr. Leake:

Resolved, That the Engrossing Clerk be and is hereby authorized to correct the spelling of the word estuaries, in line six of the printed Concurrent Resolution No. 12, by Mr. Sargent

INTRODUCTION OF A BILL.

By Mr Edwards (by leave): An Act to authorize the several counties of the State to erect monuments in honor of the soldiers and sailors in the service of the United States, who lost their lives in the late war of the rebellion.

Referred to Committee on County and Township Governments.

MINORITY REPORT OF STANDING COMMITTEE.

By Mr. Garrity:

MR. SPEAKER We, the undersigned members of Committee on Corporations, beg leave to dissent from the majority report on Assembly Bill No. 105, and recommend that it do pass without amendments.

PETER GARRITY,
E. KEATING.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 7, 1881

MR SPEAKER I am directed to inform your honorable body that the Senate, on February fourth, passed Senate Bill No 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-three, one thousand nine hundred and ninety, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

JAMES A. ORR, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and seventy-three, two thousand and eighteen, two thousand and twenty-eight,

two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

Referred to the Committee on Military Affairs.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 5, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on February fourth, passed Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation "for payment for procuring and listing lands to the State by the United States," for the twenty-fourth and twenty-fifth fiscal years.

Also, Assembly Bill No 75—An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof

Also, Senate Bill No. 185—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 36—An Act to amend title two, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title two, of part four, to take the place thereof in said Code, relating to mining corporations.

Also, Senate Bill No. 169—An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature

Also, Senate Bill No 206—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate

Also, Senate Bill No 257—An Act to provide a system of drainage for agricultural and swamp and overflowed lands

Also, Senate Bill No 104—An Act to protect and promote the horticultural interests of the State.

And on this day refused third reading of Assembly Concurrent Resolution No. 5—Relative to protecting adopted citizens who are natives of Costa Rica

C. T JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 129—An Act to provide for the payment of deficiencies in the appropriation "for payment for procuring and listing lands to the State by the United States," for the twenty-fourth and twenty-fifth fiscal years.

Referred to Committee on Claims

Senate Bill No 185—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two.

Referred to Committee on Corporations.

Senate Bill No 36—An Act to amend title two, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title two, of part four, to take the place thereof in said Code, relating to mining corporations.

Referred to Committee on Corporations

Senate Bill No 169—An Act relative to the publication of the statutes and joint and concurrent resolutions of the Legislature.

Referred to Committee on Printing.

Senate Bill No. 206—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate.

Referred to Committee on Judiciary.

Senate Bill No 257—An Act to provide a system of drainage for agricultural and swamp and overflowed lands.

Referred to Committee on Swamp and Overflowed Lands.

Senate Bill No. 104—An Act to protect and promote the horticultural interests of the State

Referred to Committee on the Culture of the Grapevine and Fruit Trees.

GENERAL FILE

Senate Concurrent Resolution No. 5—Relative to instructing Senators and Congressmen to procure appropriations from the General Government to improve certain rivers.

Taken up out of order, read, and adopted.

PETITION.

By Mr. Murphy (by permission): A petition from citizens of San Luis Obispo, asking for the repeal of the Debris Act.

Referred to the Committee on Water Rights and Drainage

GENERAL FILE RESUMED—FIRST READING.

Assembly Bill No. 124—An Act to amend an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments

Passed on file.

Assembly Bill No. 255—An Act to compel the use of a brand, stamp, stencil, or trademark on all manufactured commodities.

Refused first reading.

Assembly Bill No. 155—An Act entitled an Act for the better protection of insurers.

Refused first reading.

SECOND READING

Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year—ordered read second time

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 145—An Act concerning road poll taxes—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

FIRST READING.

Assembly Bill No. 264—An Act relating to the extension of the streets along the water front of the City and County of San Francisco, and the jurisdiction of the Board of State Harbor Commissioners over said streets—ordered read first time.

The bill read first time.

Assembly Bill No 265—An Act to repeal an Act entitled "An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor," approved April fourth, eighteen hundred and seventy—ordered read first time.

The bill read first time.

Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa—ordered read first time.

The bill read first time.

Assembly Bill No. 257—An Act to establish a Boys' Reform School, for the correction and reformation of juvenile offenders—ordered read first time.

The bill read first time

SECOND READING RESUMED.

Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader—ordered read second time

The bill read second time, ordered engrossed, and to be read third time.

Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools—ordered read second time.

The amendment recommended by the committee adopted.

The bill read second time, ordered engrossed, and to be read third time.

SPECIAL ORDER.

Mr. Leach's motion to reconsider the vote by which Assembly Bill No. 253 was refused first reading, taken up and withdrawn.

FIRST READING RESUMED.

Assembly Bill No. 224—An Act regulating the taking up of estray animals and posting the same—ordered read first time.

The bill read first time.

Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese—ordered read first time.

The bill read first time.

SECOND READING.

Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due him for the twenty-ninth and thirtieth fiscal years—ordered read second time.

Mr. Jackson moved to amend the bill by striking out the second section.

Lost

The bill read second time, ordered engrossed, and to be read third time.

Senate Bill No. 25—An Act releasing to Wm. Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof—ordered read second time.

The bill read second time, and ordered read third time.

Assembly Bill No. 198—An Act to amend section two thousand six hundred and fifty-three of the Political Code, relating to the road fund—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 207—An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, in relation to the transfer of causes of action when the Judge or Justice is disqualified—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

ADJOURNMENT.

At four o'clock and twenty minutes, Mr. Edwards moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 8, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mem, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

One day's leave of absence granted to Mr. Warkins.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, February fifth, Mr. Arick moved that the further reading thereof be dispensed with.

So ordered.

The Journal corrected and approved.

REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, February 8, 1881.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and seventy-three, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and now report the same back, with the recommendation that it do pass

VAN FLEET, Chairman.

RESOLUTION.

By Mr. Hartson (by permission): Assembly Concurrent Resolution—Relative to procuring aid from Congress to dredge out the channel of Napa River.

Referred to Committee on Federal Relations.

By Mr. Keating:

Resolved, That the Chairman of the different Standing Committees of the Assembly shall announce to the Assembly each day, before adjournment, the time and place of their meetings.

Adopted.

MOTION.

By Mr. Young: I move that the substitute for all Assembly bills on county governments be ordered printed.

Carried.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Reddick:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1881.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No 342—An Act to amend sections four thousand and twenty-four and four thousand one hundred and nine of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two—have had the same under consideration, and report the same back, with recommendation that it do not pass.

REDDICK, Chairman

By Mr. Felton:

MR SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No 338—An Act to prohibit the employment of aliens by corporations.

Also, Assembly Bill No. 358—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to street railroad corporations

Have had the same under consideration, and report the same back, and recommend their passage.

Also, Assembly Bill No 328—An Act to regulate the quality and standard illuminating power and the price of gas within this State—have had the same under consideration, and report the same back amended, with the recommendation that it do pass as amended.

FELTON, Chairman

By Mr. Paulk:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1881.

MR SPEAKER Your Committee on Labor and Capital, to whom was referred Assembly Bill No 295—An Act to provide for the speedy and efficient enforcement of liens of mechanics, material-men, artisans, and laborers, under and in pursuance of article twenty, section fifteen Constitution of the State of California—have considered the same, and report it back without recommendation.

PAULK, Chairman.

REPORT OF THE COMMITTEE ON WATER RIGHTS AND DRAINAGE.

MR. SPEAKER Your Committee on Water Rights and Drainage, to whom was referred Assembly Bills Nos. 4 and 5—Entitled an Act to repeal an Act entitled 'An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, beg leave to make the following report

Your committee have, in pursuance of a resolution adopted by the Assembly, instituted an investigation, which has been such as to cover the entire subject. We have taken some seven hundred folios of testimony, and heard a number of witnesses for and against the bills We find:

First—That the entire cost of the work done under the direction of the Board of Directors, under the provisions of the Act above mentioned, according to the sworn statement of the Secretary of the Board, and the estimates of the engineers, has been four hundred and seventy thousand seven hundred and eighteen dollars and fifty-two cents. Of this amount the con-

tractors have already received in warrants three hundred and twenty thousand three hundred and twenty-one dollars and eighteen cents, leaving a balance of one hundred and fifty thousand three hundred and ninety-seven dollars and thirty-four cents still due them. This is exclusive of repairs rendered necessary by the floods, the estimates for which have not yet been received. They will not materially swell the aggregate, however.

Second—That this money was expended in the construction of dams for the impounding of mining debris, one on the Bear River, at a cost of seventy-three thousand five hundred and ninety-one dollars and forty-four cents, and one on the Yuba River, at a cost of one hundred and twenty-one thousand and sixty-nine dollars and eighty-four cents; levee on the south side of the Yuba River, above the railroad, nineteen thousand seven hundred and forty-four dollars and fifty cents; levee on the south side of the Yuba River, at mouth twenty-one thousand four hundred and fifty dollars and thirty-five cents; brush work on the Yuba River, at various points, twenty-one thousand nine hundred and twenty-one dollars and thirty-four cents; levee work on the north side of the Yuba River, Brown's Valley Grade, three thousand seven hundred and seventy-one dollars and thirty-two cents; levee on north side of Bear River, at Johnson's Crossing, twenty-two thousand nine hundred and sixty-eight dollars and thirty-six cents; levee on Bear River, at Webster's Crossing, twenty-one thousand two hundred and fifty-nine dollars and ninety-eight cents; levee on Bear River, upper south side, thirty-two thousand eight hundred and sixty-one dollars and fifty cents; Bear River lower south side, twelve thousand seven hundred and fifty-four dollars and eleven cents; Bear River, north side railroad bridge to Long Bridge, twelve thousand one hundred and fifty-two dollars and thirty-four cents; levee on Sacramento River, above the town of Washington, eight thousand three hundred and seventy-seven dollars and fourteen cents; levee on the Sacramento River, Todhunter's break, four thousand six hundred and sixty-five dollars and twenty-one cents; Yuba River, Citizens' Levee, twelve thousand nine hundred and eighty-five dollars and fifty cents; levee on Feather River, west side, opposite Nicolaus, twenty-eight thousand one hundred and six dollars; levee on Bear River, north side, Long Bridge to Oakley's eight thousand seven hundred and seventeen dollars and thirty-nine cents; levee on Sacramento River, foot of V street, six thousand and thirty-one dollars and eighteen cents; levee on the upper Sacramento River, eleven thousand two hundred and thirty-eight dollars and eleven cents; weir on the Sacramento River, at English break, ten thousand five hundred and forty-eight dollars and sixty-one cents. It will thus be seen that of the four hundred and seventy thousand seven hundred and eighteen dollars expended, two hundred and seventy-six thousand and fifty-six dollars and seventy-two cents were expended in the construction and reformation of levees, rectifying channels, etc., while only one hundred and ninety-four thousand six hundred and sixty-one dollars and twenty-eight cents were expended in the construction of brush dams.

Third—As to the financial management of the work, your committee are of the opinion that it could not have been placed in safer hands. From the testimony of reliable witnesses, it has been conclusively established that the contracts have invariably been let to the lowest bidders after having been fully advertised, and the awards were made openly and publicly, in the presence of the bidders. During the whole course of the investigation, while some witnesses have attacked the policy and wisdom of this legislation, and asserted the impracticability of the scheme, no one has even hinted at anything like collusion or mismanagement in the financial affairs, and your committee are fully satisfied that not a dollar of the money has been misspent or misappropriated. On this point, we respectfully direct your attention to the sworn testimony of Charles M. Coglan, as to the manner of letting contracts, approving bills and certifying the same (page 67 of the testimony).

Fourth—Your committee, in considering Assembly Bills Nos. 4 and 5, have considered as well the report of the State Engineer, and the testimony of the Consulting and Resident Engineers, as to the policy and feasibility of the works undertaken by the Commission. We have likewise taken testimony of experts as to the works now in process of construction under the direction of the Commission, in the fulfillment of the purposes of the Act entitled "An Act to promote drainage." From the consideration of such reports and testimony, your committee have arrived at the following conclusions:

1. That the recommendations of the Engineers are wise, and that the benefits to flow from the works planned and projected by them will be substantial and permanent, not only to the people of the district, but to the State at large, in this, that valuable property will be saved from destruction, and a vast increase in the taxable property of the State will result in the near future.

2. In the opinion of your committee, unless the system of drainage contemplated by the State Engineer, or some other similar system, shall be carried out, the navigation of these rivers must in time be wholly destroyed, and the harbor and bay of San Francisco will be in imminent danger of being ruined.

3. Your committee are of the opinion, from the evidence before them, that, while the system planned and inaugurated is one experimental in its nature, that system is based upon sound scientific principles, sanctioned by such renowned engineers as Captain Eads, General Alexander and Colonel Mendell, and that the experiment has not as yet had a fair trial. In this view it would, in our opinion, be an unwise act on the part of the Legislature of this State to repeal the Act in question. The sum of four hundred and seventy thousand dollars has been expended thus far, and this expenditure will be almost wholly lost if the work is stopped at this time. And it must be remembered in this connection that the taxpayers of the mining counties included in this drainage district have paid of this amount fifty thousand one hundred and seventy-one dollars, as a water tax, besides their proportion of the district tax,

amounting to fifty thousand three hundred and thirty-one dollars, while both miners and farmers in the district, as well as all other property owners, have contributed their share of the State tax. Thus, one portion of the district has paid two taxes, and the other portion three taxes.

4. It is feared by some members of your committee, that the absolute repeal of the Act to promote drainage might be productive of confusion and uncertainty in regard to the collection of delinquent taxes.

5. From the testimony of the State Engineer, and the recommendation of the Consulting Engineers, as well as from the testimony of other experts, your committee are led to believe that the works planned and begun will accomplish all that they are intended to accomplish, and that the evils and mischiefs intended to be remedied by the Act are such as to demand at the hands of the people of this State, the application of some efficient remedy, and if the present efforts being prosecuted by the Commission to accomplish this result shall fail then it would devolve upon the State, as an imperative duty, to adopt some other means to accomplish the same result.

6. In view of these considerations, your committee recommend that Assembly Bills Nos. 4 and 5, to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, be indefinitely postponed.

BROWN, Chairman.

Pending the reading of above report, Mr. May moved to dispense with the reading of the report, and that it be printed and laid on the members' desks.

Lost.

MINORITY REPORT.

By Mr. Burns:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1881.

MR. SPEAKER: I hereby dissent from the recommendations of a majority of the Committee on Water Rights and Drainage, that Assembly Bills Nos. 4 and 5—to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty—be indefinitely postponed. I believe they should have been reported back without recommendation, as most of the members of the Assembly have visited the works now being constructed, and are, in my opinion, fully able to judge for themselves and to draw their own conclusions.

JOHN BURNS.

By Mr. Mason:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1881.

MR. SPEAKER: Your Committee on Mileage respectfully submit the following: We have made due examination of the report of the Committee on Military Affairs, so far as relates to amounts due said committee for mileage, and find the same correct. The said report is herewith transmitted, and your committee recommend the adoption of the resolution embodied in the same.

MASON, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1881.

To Committee on Mileage:

GENTLEMEN: I have the honor to present to you the subjoined statement of the miles traveled and mileage due the following named members of the Assembly Committee on Military Affairs, *for travel on committee duty of the House in visiting and inspecting the National Guard of this* State, and the State property connected therewith, viz: Brown, Howard, Noonan, Leach, and Van Fleet, each from Sacramento to Oakland and return, one hundred and eighty-two miles; Oakland to San Francisco and return, fourteen miles. Total number of miles traveled by each of said members, one hundred and ninety-six miles. Amount due each member of said committee in mileage:

Brown, *one hundred and ninety-six miles at ten cents per mile*	$19 60
Howard, one hundred and ninety-six miles, at ten cents per mile	19 60
Noonan, one hundred and ninety-six miles, at ten cents per mile	19 60
Leach, one hundred and ninety-six miles, at ten cents per mile	19 60
Van Fleet, one hundred and ninety-six miles at ten cents per mile	19 60

And would respectfully suggest that if your honorable committee find said statement correct, that you introduce and ask the passage by the House of the following resolution attached hereto. Respectfully,

VAN FLEET, Chairman.

Resolved, That the following named members of the Assembly Committee on Military Affairs be and are hereby allowed the sums set opposite their respective names, for mileage due them

for travel on duty of said committee, and that the Controller is hereby instructed to draw his warrant upon the Contingent Fund of the Assembly for the same, to wit:

Brown, one hundred and ninety-six miles	$19 60
Howard, one hundred and ninety-six miles	19 60
Noonan one hundred and ninety-six miles	19 60
Leach, one hundred and ninety-six miles	19 60
Van Fleet, one hundred and ninety-six miles	19 60

The resolution adopted, as recommended by the committee.

PETITION.

By Mr. Freer: A petition from the citizens of Butte County, protesting against repeal of the Debris Act.

Referred to the Committee on Water Rights and Drainage.

MOTION.

By Mr. Edwards: I move that the Committee on Water Rights and Drainage be requested to return to the House all petitions referred to them for the repeal of the Debris Act.

Carried.

REPORTS OF STANDING COMMITTEES.

By Mr. Wentz:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1881.

MR. SPEAKER: Your Committee on Culture and Improvement of the Grapevine and Fruit Trees, to whom was referred Assembly Bill No. 415—Entitled "An Act to protect and promote the horticultural interests of the State"—have had the same under consideration, and now report the same back, with the following amendments to be added at the end of section six: "*Provided*, the amount for any one year shall not exceed two thousand dollars," and recommend that the bill do pass as amended.

WENTZ, Chairman.

Mr. Long moved that all the committees having petitions in their hands be requested to report them back to the House.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, February 7, 1881.

To the Assembly of the State of California:

I herewith transmit to your honorable body the report of the State Board of Agriculture for the year eighteen hundred and eighty.

GEORGE C. PERKINS, Governor.

INTRODUCTION OF BILLS.

By Mr. McDonald: An Act to cure alleged defects in the proceedings of public authorities in relation to public work.

Referred to the Committee on Judiciary.

By Mr. Patterson, of Nevada: An Act to provide for the licensing of persons to operate steam engines.

Referred to the Committee on Agriculture, Mining, and Mechanic Arts.

By Mr. Mudgett: An Act to encourage the destruction of wild animals.

Referred to the Committee on Agriculture.

Also, an Act to repeal an Act entitled "An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County," approved April third, eighteen hundred and seventy-six.

Referred to the Committee on Commerce and Navigation.

By Mr. Lane. An Act to prohibit visiting physicians and visiting surgeons to city, or city and county, or county hospitals, to receive salaries from the city, or city and county, or county treasuries.

Referred to the Committee on Hospitals

Mr. Holden moved that Assembly Bill No. 57 be made the special order for Wednesday next.

Lost.

INTRODUCTION OF BILLS RESUMED.

By Mr. Van Fleet: An Act to define and establish lawful fences.

Referred to the Committee on Agriculture

THIRD READING.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

Read third time

Mr. Chandler moved to refer to a committee of one, with special instructions to amend as follows: By striking out section eleven, and inserting instead the following: "The provisions of this Act shall not be construed so as to permit waters to be carried out of their natural course to augment other streams or drains to the damage of the residents along the banks of the streams or drains so augmented."

Adopted.

Mr McClure moved that it be the sense of the House that the titles of all bills may hereafter be amended upon the second reading of bills.

Adopted

Mr. McClure moved to reconsider the vote by which Assembly Bill No. 95 was ordered referred with special instructions.

Carried

Mr. Kellogg moved to amend the special instructions to include the following: To insert after the word "Roadmaster," line four, section ten, and before the word "by," the following words. "if he can be found in the county, otherwise by posting."

Carried

Mr. Baker, of Sacramento, moved to amend the special instructions to include an amendment to the title of the bill by making it read as follows: "An Act to provide a system of drainage for agricultural and swamp and overflowed lands."

Lost.

The amendment of Mr. Chandler, as amended by Mr. Kellogg's amendment, was then adopted.

Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Read third time.

Mr. Paulk moved to refer the bill to a committee of one, with

special instructions to strike out "fifteen per cent." and insert instead "ten per cent."

Lost.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker—70.

Noes—None.

Mr. Young gave notice of motion to reconsider the vote by which the bill passed.

Title approved

Assembly Bill No. 84—An Act to amend an Act etitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hundred and seventy-eight.

Mr. Leake moved the indefinite postponement of the bill. Upon which the ayes and noes were demanded by Messrs. Leake, Cunningham, and McMurray.

The roll was called, and the motion lost by the following vote:

Ayes—Messrs. Arick, Birney, Bost, Branch, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallhon, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—34

Noes—Messrs. Alviso, Baker of Sacramento, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker—38

Mr. Leake moved that the bill be referred to a special committee of one, with special instructions to amend the bill by striking out section one

Upon which the ayes and noes were demanded by Messrs. Leake, Gavigan, and Jackson.

The roll was called, and the amendment rejected by the following vote:

Ayes—Messrs. Arick, Birney, Bost, Branch, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallhon, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—34

Noes—Messrs. Alviso, Baker of Sacramento, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker—40.

The previous question was demanded by Messrs. Fraser, Kilburn, and McClure.

Upon which the ayes and noes were demanded by Messrs. Gavigan, Jackson, and Keating.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hoitt, Jones, Keating, Kilburn, Leach, Lewis, Long, Mason, May, McClure Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wasson of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—40

NOES—Messrs. Arick, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Griffith, Hale, Hendrick, Hinshaw, Holden Howard, Jackson, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O Connor, Pinder, Platt, Samuels, Swift, and Whipple—36.

Pending the third reading of the bill, the hour of one o'clock P. M. having arrived, the House took a recess for one hour.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of Assembly Bill No. 84—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hundred and seventy-eight, resumed.

The bill read third time.

The roll was called, and the bill was refused passage by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36

NOES—Messrs. Arick, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Griffith, Hale, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Pinder, Platt, Samuels, Sargent, Swift, and Whipple—39.

Mr. May gave notice that he would, to-morrow, move to reconsider the vote by which the bill was refused passage.

REPORT OF SPECIAL COMMITTEE.

By Mr. Chandler:

MR. SPEAKER. Your special committee of one, to whom was referred Assembly Bill No. 95, with special instructions, beg leave to report that they have complied with the same.

CHANDLER, Chairman.

Assembly Bill No 95, reported above, ordered reengrossed and to be printed as amended.

Mr. McClure had two days leave of absence because of sickness.

FIRST READING.

Assembly Bill No 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments.

Passed on file.

SECOND READING.

Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness—ordered read second time.

The bill read second time.

Title amended.

The bill ordered engrossed and to be read third time.

INTRODUCTION OF A BILL.

By Mr. McCallion (by permission): An Act to appropriate money for the relief of residents of the Town of Washington, Yolo County, who have suffered by the recent flood.

Mr. Young moved the rules be suspended, the bill declared a case of urgency, and read three times, and passed.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Bost, Branch, Brown, Burns, Chandler, Crank, Crumpton, Cunningham, Fraser, Freer, Garrity, Geary, Gilmore Hale, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Long, Mason, Matthews of San Benito, McCallion, McDonald, Murphy, Patterson of Nevada, Reddick, Reynolds, Streeter, Swift, Van Fleet Wertsbaugher, Young, and Mr. Speaker—39.

NOES—Messrs Birney, Camron, Coleman, Daggett, Estey, Felton, Gay, Griffith, Hartson, Hendrick, Hinshaw, Holt, Kilburn, Lewis, May, Mein, Mudgett, Paulk, Samuels, Sargent, Seibe, Wason of Ventura, Wasson of Mono, and Whipple—24.

The bill referred to the Committee on Ways and Means.

Mr. Baker, of Yolo, had one day's leave of absence.

SECOND READING RESUMED.

Assembly Bill No. 180—An Act to amend an Act entitled "An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith," approved April first, eighteen hundred and eighty, and to prohibit Justices, Judges, or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases—ordered read second time.

The amendments recommended by the committee adopted.

The title amended as recommended by the committee.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 185—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court—ordered read second time.

The amendments recommended by the committee adopted.

Title amended as recommended by the committee.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 196—An Act to provide for the better govern-

ment of corporations engaged in the sale and distribution of water for purposes of irrigation—ordered read second time.

The amendments recommended by the committee adopted.

Mr. Streeter offered a substitute for the bill, and moved its adoption.

Mr. Felton moved the bill and substitute be referred to the Committee on Irrigation.

Carried.

Mr. Hendrick moved to reconsider the vote by which the bill was ordered referred.

Carried.

The substitute ordered printed, and the bill passed on file.

Mr. Young withdrew his notice of reconsideration of the vote by which Senate Bill No. 178 was passed this morning.

Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosure of titles to State lands for non-payment of interest—ordered read second time.

The amendment recommended by the committee adopted.

Title amended as recommended by the committee.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 59—An Act to amend an Act entitled "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four—ordered read second time.

Pending reading passed on file.

Assembly Bill No. 104—An Act to amend section one thousand three hundred and fifty-seven of the Political Code, relating to primary elections—ordered read second time.

Title amended as recommended by the committee.

The bill refused engrossment and third reading.

Assembly Bill No. 115—An Act to repeal an Act entitled "An Act to provide a new Great Register for the County of Fresno, and other counties, and reregister the votes thereof," approved March twenty-ninth, eighteen hundred and seventy-eight—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Mr. Leake moved that Assembly Bill No. 90—An Act to establish a State detective force, and for the better enforcement of the laws, be placed at the head of the file to-morrow.

Lost.

Senate Bill No. 134—An Act to provide for the improvement of Normal School Square in the City of San José—ordered read second time

Mr. Lewis moved to amend by striking out "twenty-five," in line one, and inserting "ten" in its place.

Mr. Paulk moved to amend the amendment by striking out "ten" and inserting "fifteen."

The question being upon the amendment proposing to strike out "twenty-five" and insert instead "ten," the ayes and noes were demanded by Messrs. Arick, Sargent, and Howard.

The roll was called, and the amendment was rejected by the following vote:

AYES—Messrs. Coleman, Felton, Gilmore, Hale, Hinshaw, Kellogg, Kilburn, Leach, Leake, Lewis, Mason, Matthews of San Benito, Patterson of San Joaquin, Paulk, Sargent, and Swift—16.

NOES—Messrs. Anick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hendrick, Hoitt, Holden, Howard, Keating, Lane, Long, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Pinder, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—55

The question recurred upon the amendment proposing to strike out "twenty-five," and inserting instead "fifteen."

Lost.

Mr. Hoitt moved to amend by striking out "twenty-five," and inserting instead "twenty."

Lost.

Mr. Paulk moved to amend by striking out "twenty-five," and inserting instead "sixteen."

Upon which the ayes and noes were demanded by Messrs. Coleman, Paulk, and Estey.

The roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Bost, Chandler, Coleman, Estey, Felton, Fraser, Gilmore, Hinshaw, Kellogg, Kilburn, Leach, Leake, Lewis, Mason, Matthews of San Benito, Patterson of San Joaquin, Paulk, Sargent, and Swift—19.

NOES—Messrs. Anick, Baker of Sacramento, Birney, Branch, Brown, Burns, Cannon, Crank, Cunningham, Daggett, Del Valle, Edwards, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hoitt, Holden, Howard, Jones, Keating, Lane, Long, May, McCallion, McDonald, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—51.

Mr. McCallion moved to amend as follows: By striking out in line four the words "Board of Trustees," and inserting in lieu thereof "Superintendent of Construction," and after the word "same," in line six, add the following: "All labor performed under the provisions of this Act shall be done by day's work, under the supervision of the Superintendent of Construction, and eight hours shall constitute a legal day's work."

Mr. Kellogg moved to amend the amendment as follows: "No Chinese or Mongolians shall be employed on any work therein provided for."

Lost

The question recurred upon the amendment offered by Mr. McCallion.

The ayes and noes were demanded by Messrs. McCallion, Pinder, and Burns.

The roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Anick, Branch, Burns, Daggett, Garrity, Gavigan, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, O'Connor, Patterson of Nevada, Pinder, Platt, Siebe, and Swift—19.

NOES—Messrs. Birney, Brown, Chandler, Coleman, Crank, Cunningham, Edwards, Estey, Felton, Gay, Griffith, Hale, Hartson, Hendricks, Hinshaw, Hoitt, Holden, Howard, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, Reddick, Reynolds, Samuels, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—45.

Mr. Felton moved to amend by inserting the word "and" after the word "grading" in line one of section two of printed bill. Also,

by striking out the word "and" at the end of line one of section two, and the word "fencing" in line two of printed bill.

Lost.

The bill read second time, and ordered to be read third time.

ANNOUNCEMENT.

By Mr. Camron:

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY: The Assembly Committee on Apportionment will meet immediately after adjournment of the Assembly, in room seventeen and one half.

At four o'clock and forty minutes, Mr. Van Fleet moved to adjourn.

Lost.

INTRODUCTION OF A BILL.

By Mr. Whipple (by permission): An Act to add two new sections, to be numbered three thousand six hundred and sixty-six and three thousand six hundred and sixty-five, to an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, which two new sections relate to the subject of providing revenue for the support of the government of the State or its political divisions, and especially in relation to the assessments of railroads by the State Board of Equalization.

Referred to the Committee on Judiciary.

ADJOURNMENT.

At four o'clock and forty-two minutes, Mr. Camron moved to adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 9, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holt, Holden, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr. Del Valle moved to take up Senate messages.

The ayes and noes were demanded by Messrs. Camron, May, and Burns.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Alviso, Birney, Bost, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Lane, Leach, Leake, Mason, Matthews of San Benito, McCallion, McMurray, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, and Whipple—38.

NOES—Messrs. Arick, Baker of Sacramento, Brown, Chandler, Coleman, Daggett, Felton, Fraser, Freer, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Jones, Keating, Kellogg, Lewis, Long, May, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wason of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—35.

Mr. Kilburn paired with Mr. McClure.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on February eighth, eighteen hundred and eighty-one, passed Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Also, on February ninth, concurred in Assembly amendments to Senate Bill No. 178—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

JAMES A. ORR, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The Speaker stated that Assembly Bill No 27, mentioned in above, would be referred to the Committee on Water Rights and Drainage.

Mr. Edwards moved that the bill be placed at the head of the file, to continue there until disposed of.

The ayes and noes were demanded by Messrs. Edwards, Burns, and Sargent.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Alviso, Birney, Bost, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Kilburn, Lane, Leach, Leake, Mason, Matthews of San Benito, McCallion, McMurray, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, and Whipple—41.

NOES—Messrs. Arick, Baker of Sacramento, Brown, Chandler, Coleman, Daggett, Felton, Fraser, Freer, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Jones, Keating, Kellogg, Lewis, Long, May, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wason of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—36.

Mr. Camron moved that the bill be referred to the Committee on Irrigation.

Upon which the ayes and noes were demanded by Messrs. Burns, Camron, and Griffith.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Birney, Bost, Branch, Burns, Camron, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Mason, Matthews of San Benito, McMurray, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, and Whipple—45.

NOES—Messrs. Attick, Brown, Chandler, Daggett, Freer, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Keating, Kellogg, Lewis, Long, May, McCallum, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Weitsbaugher, Wood, Young, and Mr Speaker—32.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, February seventh, Mr. Freer moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

RECESS.

Mr. Branch moved the House take a recess until two o'clock P. M.

So ordered.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

PETITIONS.

By Mr. Freer: A petition from citizens of Butte County, protesting against the repeal of the Debris Act.

Referred to Committee on Irrigation.

By Mr. Felton: A petition from citizens and taxpayers asking for the repeal of the Act to promote drainage.

Referred to the Committee on Irrigation.

By Mr. Holden. A petition from citizens of Mendocino County, protesting against the passage of Senate Bills Nos. 46, 47, and 48, or any similar bills.

Referred to the Committee on Corporations

REPORTS OF STANDING COMMITTEES.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881

MR SPEAKER Your Committee on Engrossment beg leave to report that they have examined, and found correctly engrossed, the following Assembly bills

Assembly Bill No 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges, during the thirty-first fiscal year.

Also, Assembly Bill No 145—An Act concerning road poll taxes.

Also, Assembly Concurrent Resolution No. 12—Relative to asking Congress to declare the lands of the Moquelumnes Grant a portion of the public domain, subject to entry under the homestead and preemption Act

Also, Assembly Bill No 82—An Act making appropriation to pay R. P Maynard, late Secretary to Commissioners of Transportation the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Also, Assembly Bill No. 207—An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, in relation to the transfers of causes of action when the Judge or Justice is disqualified.

Also, Assembly Bill No 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness

Also, Assembly Bill No. 170—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader.

Also, Assembly Bill No 198—An Act to amend section two thousand six hundred and fifty three of the Political Code, relating to the Road Fund.

Also, Assembly Bill No 95—An Act to provide a system of drainage for agricultural lands.

Also, Assembly Bill No 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to funding and refunding of city indebtedness

Also, Assembly Bill No. 180—An Act to amend an Act entitled an Act to amend Part I of the Code of Civil Procedure, and each and every title, chapter, article, and section of said Part I, and substituting a new Part I to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith approved April first, eighteen hundred and eighty, and to prohibit Justices, Judges, or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases.

Also, Assembly Bill No 185—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court.

MEIN, Chairman

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881

MR. SPEAKER Your Committee on Enrollment respectfully report that the following Assembly Concurrent Resolutions have been correctly enrolled

Assembly Concurrent Resolution No 9—Relative to report of Railroad Commissioners.

Also, Assembly Concurrent Resolution No 17—Relative to employing steamers to patrol the river to rescue sufferers from the high water.

And the same were, at one o clock and five minutes P M this day, February fifth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman

By Mr. Siebe:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. SPEAKER The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 127—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream, approved March twenty-sixth, eighteen hundred and sixty-eight—have had the same under consideration, and the undersigned majority report the same back with a substitute for the bill, and recommend the passage of the substitute.

SIEBE,
WENTZ,
EDWARDS.

And the undersigned minority recommend that the same do not pass.

M'CALLION.
O'CONNOR.

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. SPEAKER Your Committee on Attachés and Employés, to whom was referred the accompanying resolution, relative to the employing of a clerk by the Committee on Municipal Corporations—have had the same under consideration, and now report the same back, with the recommendation that the same be adopted.

PATTERSON, Chairman.

Resolved, That the Committee on Municipal Corporations be and they are hereby authorized to employ one assistant clerk at a per diem of five dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Fraser:

MR. SPEAKER The Committee on Rules, to whom was referred the following resolution, proposing a change in Rule One—respectfully report the same back with a recommendation that it do not pass.

FRASER, Chairman

I give notice that I will, on Monday, February seventh, eighteen hundred and eighty-one, move to amend Rule One, so as to read "The sessions of this House shall begin at ten o'clock A M., unless otherwise ordered by vote of the House."

Lost.

By Mr. Hale:

ASSEMBLY CHAMBER, February 9, 1881.

MR SPEAKER The Judiciary Committee, to whom was referred Assembly Bill No 256—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—have had the same under consideration, and report the same back, with the recommendation that the author be allowed to withdraw it.

Also, Assembly Bill No. 406—An Act to amend section one thousand one hundred and seven of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, in relation to the priority of grants of real property over liens thereon—and recommend that it do pass

Also, Assembly Bill No 408—An Act to amend section three hundred and thirty of the Penal Code, relating to gaming—and recommend that it do not pass.

Also, Assembly Bill No 411—An Act to amend sections one thousand five hundred and twenty-two and one thousand five hundred and twenty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March twelfth, eighteen hundred and seventy-two, in regard to sales of personal property of deceased persons—and recommend that it do not pass

Also, Assembly Bill No. 473—An Act to amend section five hundred and twenty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved April fifteenth, eighteen hundred and eighty, relating to security upon injunctions—and recommend that it do pass

Also, Assembly Bill No. 14—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts; and

Also Assembly Bill No 33—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices of the Peace in townships and incorporated towns, and

Assembly Bill No. 254—An Act to amend section one hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to Justices' Courts—and recommend the adoption of accompanying substitute in lieu of same.

Also, the committee herewith return petition of citizens of California asking change in law so as to allow women to vote at school elections

Also, petition of citizens of California, relative to the control of community property by women on the death of their husbands

Also, petition of citizens of Butte County, respecting gambling,

Also, petition of citizens of Iowa Hill, relative to special service bill.

Also, petition in reference to a State detective force

HALE, Chairman pro tem.

Assembly Bill No. 256, reported above, withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred the following questions, herewith report their answers to same

Question—Can the power to form new counties be *delegated* by the Legislature, or must it be exercised by the Legislature *directly*?

Answer—No, the power cannot be delegated, but must be exercised directly.

Question—Must not new counties be formed by *special* laws, without being submitted to the people, or local authorities of the territory to be affected thereby?

Answer—New counties must be formed by special laws. Such laws may or may not contain a provision that they shall take effect only upon ratification by vote of the people affected thereby.

HALE, Chairman pro tem.

INTRODUCTION OF A BILL.

By Mr. Crank: Mr. Crank had permission to reintroduce Assembly Bill No. 289—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization.

Withdrawn by mistake.

The bill ordered on file, to take position No. 65 on file.

REPORTS OF STANDING COMMITTEES RESUMED.

By Mr. Brown:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR SPEAKER: Your Committee on Water Rights and Drainage, to whom was referred sundry petitions for and against the repeal of "An Act to promote drainage," have had the same *under consideration, and now report the same back, by order of this House.*

Your committe also recommend the adoption of the following resolutions

Resolved, For the purpose of equalizing the pay of porters, that Rear Porter Washington Thomas be paid a per diem of four dollars to date, from the time of his appointment, payable out of the Assembly Contingent Fund.

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. M. Doyle and M Doan, in the sum of two dollars each, for per diem as witnesses before the Committee on Water Rights and Drainage, payable out of the Contingent Fund of the Assembly.

The two resolutions above reported, were each referred to the Committee on Attachés, Employés, and Contingent Expenses.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. SPEAKER: Your Committee on Water Rights and Drainage, to whom was referred Senate Concurrent Resolution No. 7, relative to mining debris and channel obstructions, have had the same under consideration, and now report the same back, and recommend its passage.

BROWN, Chairman.

Senate Concurrent Resolution No. 7—Relative to mining debris and channel obstructions, reported above, taken up, read, and adopted.

By Mr. Patterson, of San Joaquin:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 437—"An Act appropriating funds in payment of extra clerical services in the office of the Secretary of State"—having the same under consideration, report the same back, and recommend that it do pass.

Also, Assembly Bill No. 261—An Act to provide for the payment of Francis Williams, J. R. McDonald, and Henry de Veuve, for per diem and mileage for serving as Commissioners of the West Side Irrigation District, under the Act to create an irrigation district, to be called the West Side Irrigation District, passed April third, eighteen hundred and seventy-six, and the Act supplementary thereto passed April third, eighteen hundred and seventy-six—we report it back without recommendation.

Also, Assembly Bill No. 443—"An Act to authorize the Board of Supervisors of Amador County to pay the deficiency of salary of A. Petty, County Assessor"—we report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 352—An Act to pay P. T. Morris for work done and material furnished upon the State Capitol fence—we report the same back, and recommend that it do not pass.

Also, Senate Bill No. 129—An Act to provide for the payment of deficiencies in the appropriation for pay for procuring and listing lands to the State by the United States, for the twenty-fourth and twenty-fifth fiscal years—we report the same back, and recommend that the same do not pass.

PATTERSON, Chairman.

By Mr. Leach:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Senate Bill No. 169—have had the same under consideration, and now report it back, and recommend that the same do pass.

LEACH, Chairman.

By Mr. Sargent:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Senate Concurrent Resolution No. 1—Relative to the sale of public lands, have had the same under consideration and report it back with the recommendation that it do pass.

Also, Assembly Bill No. 314—An Act to provide for the sale of tide land, belonging to this State by virtue of its sovereignty—have had the same under consideration, and now report it back and recommend that it do not pass.

Also, Assembly Bill No. 413—An Act to authorize the Boards of Supervisors of the various counties of this State to establish meridian lines in said counties—have had the same under consideration, and report the same back and recommend that it do pass with amendments.

Amend in section one, line one, by striking out the words "it shall be the duty of."

In line two, after the word "State," strike out the word "to" and insert in lieu the word "may."

In section two, line four, strike out the words "eighteen hundred feet," and insert the words, "twenty chains."

Also, Assembly Bill No. 252—An Act for the relief of unlocated school land warrants—have had the same under consideration, and recommend that it do pass.

Also, Assembly Bill No. 427—An Act to expedite the adjustment between the United States and the State of California, of the selections made by the State as indemnity for the loss of the sixteenth and thirty-sixth sections of public land granted to the State for school purposes—have had the same under consideration, and recommend its passage.

SARGENT, Chairman.

Senate Concurrent Resolution No. 1—Relative to the sale of public lands, taken up, read, and adopted.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881.

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred "Senate Bill No 44, as amended," entitled An Act to provide for the permanent improvement of the State Capitol grounds—have had the same under consideration, and now report the same back with the following amendment amend line one, section one, of printed bill by striking out the words "twenty-two thousand dollars," and inserting in lieu thereof the words "seventeen thousand five hundred dollars in addition to the ten thousand dollars appropriated by an Act of the Legislature entitled an Act making appropriations for the support of the government of the State of California for the thirty-second fiscal year, approved April sixteenth, eighteen hundred and eighty" and recommend its passage as amended

GAY, Chairman.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881

MR SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 441—Entitled "An Act to prevent the discharge of firearms in places of public resort"—have had the same under consideration, and now report it back with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No 428—Entitled "An Act to provide for and enforce the employment of prisoners in county jails, upon the public streets, roads, highways, and public buildings"—*and now report it back, and recommend that it do pass*

Also, Assembly Bill No. 362—Entitled an Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March twentieth, eighteen hundred and seventy-four—report the same back, and recommend that it do not pass.

REYNOLDS, Chairman.

RECONSIDERATION.

Mr May moved that the vote by which the House refused passage to Assembly Bill No. 84, yesterday, be reconsidered, and the consideration of said motion be the special order for to-morrow, at three o'clock P. M.

Mr. Kellogg moved to lay the motion on the table

Upon which the ayes and noes were demanded by Messrs. Platt, Branch, and Kellogg.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Aiick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—38.

NOES—Messrs Alviso, Baker of Sacramento, Brown, Camron Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—40

The question recurred upon the motion to make the bill the special order for to-morrow, at three o'clock P. M.

The ayes and noes were demanded by Messrs. Leake, Jackson, and McDonald

The roll was called, and the motion prevailed by the following vote

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—40

NOES—Messrs Aiick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito,

McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—37.

REPORT OF SECRETARY OF STATE, PURSUANT TO RESOLUTION.

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, February 8, 1881.

To Hon. W. H Parks, Speaker of the Assembly:

SIR: Herewith find statement of amount of postage stamps I have delivered to each member of the Assembly, in accordance with a resolution passed by your honorable body on the fourth day of January, A. D. eighteen hundred and eighty-one. As the Controller has issued his warrant in favor of each member for the sum of twenty-five dollars for contingent expenses, I suggest it would be proper for each member to settle with this department for the amount drawn for postage.

D. M. BURNS, Secretary of State.

Alviso	$5 00	Lane	$3 87
Arick	4 00	Leach	10 00
Baker, of Sacramento	3 98	Leake	12 12
Baker, of Yolo	5 12	Lewis	4 04
Barney		Long	10 32
Best	13 96	Mason	4 87
Branch	3 50	Mathews, of Tehama	4 00
Brown	5 12	Matthews, of San Benito	7 12
Burns	6 00	May	12 00
Cannon		McCallion	5 00
Chandler		McClure	10 12
Coleman	6 21	McDonald	3 62
Crank	6 90	McMurray	7 12
Crumpton	4 00	Mein	8 12
Cunningham	9 65	Mudgett	7 22
Daggett	13 00	Murphy	5 00
Del Valle	5 00	Noonan	4 62
Edwards	3 62	O'Connor	6 12
Estey	5 00	Patterson, of Nevada	3 00
Felton	20 48	Patterson, of San Joaquin	
Fraser	4 12	Paulk	7 74
Freer	5 00	Pinder	2 56
Garrity	2 50	Platt	4 79
Gavigan	4 06	Reddick	6 00
Gay	9 28	Reynolds	12 12
Geary	5 00	Samuels	10 12
Gilmore	7 50	Sargent	
Griffith	2 20	Siebe	10 00
Hale	7 98	Streeter	6 00
Hartson	18 82	Swift	5 98
Hendrick	4 66	Van Fleet	5 00
Hinshaw	5 00	Watkins	5 00
Hoitt	7 12	Wason, of Ventura	6 00
Holden	3 62	Wason, of Mono	
Howard	4 03	Wentz	6 12
Jackson	3 25	Wertsbaugher	7 00
Jones	5 12	Whipple	4 00
Keating	10 12	Wood	8 12
Kellogg	12 56	Young	7 00
Kilburn	9 94	W. H. Parks	5 75
			$500 00

RESOLUTION

By Mr. Leach (by permission):

Resolved, That the amount representing the postage drawn from the Secretary of State by the members of the House, shall be deducted from the last week's salary of the members.

Adopted.

NOTICE.

Mr. Lane gave notice that, to-morrow, he would offer an amendment to Rule One.

INTRODUCTION OF BILLS.

By Mr. Hoitt: An Act to enable the Board of Supervisors or other legislative body of any city and county, or city, or town in the State of California, to fix the standard illuminating power and fix the price of gas.

Referred to Committee on Corporations.

By Mr. May: An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session.

Rules suspended, and the bill ordered to the head of the file for to-morrow.

By Mr. Jones: An Act entitled an Act to prevent the malicious prosecution of any State, county, township, or municipal officers of this State.

Referred to Committee on Judiciary.

Also, an Act to amend section three hundred and thirty-six of the Penal Code, making it a misdemeanor to permit persons under the age of twenty-one years to play any game of chance, or to be interested in such game, in the buildings or rooms of the owners or lessees, or keepers thereof.

Referred to the Committee on Public Morals.

By Mr. McClure: An Act to amend section eighty-four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April fifteenth, eighteen hundred and fifty-six, relative to compensation of special counsel.

Referred to Committee on Judiciary.

RESOLUTION.

By Mr. Young (by permission):

Resolved, For the purpose of equalizing the pay of Porters, that Rear Porter Washington Thomas be paid a per diem of four dollars to date, from the time of his appointment, payable out of the Assembly Contingent Fund.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

GENERAL FILE—THIRD READING.

Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Burney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Fraser, Freer, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Young, and Mr Speaker—68.

NOES—None.

Title approved.

Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the port of San Francisco.

Read third time.

The roll called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Bost, Brown, Burns, Crank, Crumpton, Cunningham, Del Valle, Estey, Freer, Garrity, Gavigan, Gay, Griffith, Hale, Hartson, Hoitt, Howard, Jones, Keating, Kellogg, Lane, Lewis, May, McCallum, McClure, McDonald, McMurray, Noonan, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—44.

NOES—Messrs Baker of Yolo, Burney, Branch, Cannon, Chandler, Coleman, Daggett, Felton, Fraser, Geary, Gilmore, Hinshaw, Holden, Jackson, Kilburn, Leach, Leake, Long, Mason, Matthews of San Benito, Mc.m, Mudgett, Murphy, Patterson of Nevada, Reddick, Sargent, Swift, Van Fleet, and Whipple—30.

Title approved.

Senate Bill No. 25—An Act releasing to William Scholle and his assigns certain lands in San Francisco, and authorizing the Governor to make conveyance thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Bost, Brown, Chandler, Crank, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Freer, Gay, Griffith, Hoitt, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, Matthews of San Benito, May, McCallum, McClure, McDonald, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—48

NOES—Messrs. Baker of Yolo, Burney, Branch, Burns, Cannon, Coleman, Garrity, Geary, Gilmore, Hinshaw, Holden, Howard, Jackson, Leake, Mudgett, Samuels, and Whipple—17.

Title approved.

FIRST READING.

Assembly Bill No. 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenty-sixth, eighteen hundred and eighty.

Passed on file.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments.

Passed on file.

SECOND READING.

Assembly Bill No. 55—An Act to amend section three thousand two hundred and thirty-three of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to provide that work upon the public buildings of this State, and of every city, county, and city and county, within this State, shall be done by day labor, and under the supervision of a Superintendent, or officer having charge of the same—ordered read second time.

The substitute recommended by the committee was read.

Mr. Lewis moved to amend the substitute as follows, by inserting after the word "State," line three, printed bill, the following: "When the expense of such work does not exceed one thousand dollars."

Lost.

Mr. Camron moved to amend the substitute by inserting the words "or works," after the word "buildings," in line three of section one.

The ayes and noes were demanded by Messrs. Hoitt, May, and Lewis.

The roll was called, and the amendment to the substitute was rejected by the following vote.

AYES—Messrs. Camron, Chandler, Hartson, Hendrick, Hoitt, Howard, Kilburn, Leach, Lewis, May, McClure, Mein, Wason of Ventura, and Wertsbaugher—14

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Brown, Burns, Cunningham, Daggett, Estey, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Keating, Kellogg, Lane, Leake, Mason, Matthews of San Benito, McCallion, McDonald, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wenz, Whipple, and Mr. Speaker—44.

Mr. McClure moved to indefinitely postpone.

The previous question was demanded by Messrs. McCallion, Jackson, and Lane, and the House so ordered.

The question recurred upon the adoption of the substitute recommended by the committee.

The ayes and noes were demanded by Messrs. Lane, Jackson, and Gilmore.

The roll was called, and the substitute adopted by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Burns, Cunningham, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Pinder, Platt, Siebe, Swift, Wentz, and Whipple—37.

NOES—Messrs Alviso, Brown, Camron, Chandler, Crank, Edwards, Felton, Hale, Hartson, Hendrick, Hoitt, Kilburn, Leach Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Sargent, Streeter, Van Fleet, Warkins, Wason of Ventura, Wertsbaugher, Young, and Mr. Speaker—28.

The bill read second time.

The question being, "Shall the bill be engrossed and read third time?" the ayes and noes were demanded by Messrs. McClure, Lewis, and Jackson.

The roll was called, and the bill was ordered to engrossment and third reading by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Cunningham, Daggett, Fraser Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Holden, Howard Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Pinder, Siebe, Swift, and Whipple—36.

NOES—Messrs. Alviso, Brown, Camron, Chandler, Crank, Edwards, Estey, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Leach, Lewis, Mason, May, Mein, Patterson of Nevada, Patterson of San Joaquin, Sargent, Streeter, Van Fleet, Warkins, Wason of Ventura, Wertsbaugher, Wood, Young, and Mr Speaker—30.

Mr. Felton and Mr. Platt were paired.

Mr. Kellogg gave notice of a motion to reconsider above vote.

Mr. McClure gave notice that he would, on to-morrow, move to reconsider the vote by which above bill was ordered engrossed and to third reading.

ANNOUNCEMENTS.

Messrs. Camron, Felton, Hendrick, Streeter, Van Fleet, Chandler, Daggett, and Patterson, of Nevada, each gave notice of the time and room of the meeting of their respective committees.

ADJOURNMENT.

At five o'clock, Mr. May moved we do now adjourn.
Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 10, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Clark, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, February eighth, Mr. Estey moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Streeter:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 27—An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty—have had the same under consideration, and believing that a majority of the people of the State of California demand the repeal of the Act entitled "An Act to promote drainage," we do therefore recommend that this House take immediate action in reference thereto, and recommend the immediate passage of said Senate Bill No. 27.

STREETER, Chairman.

By Mr. Chandler:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 436—Entitled an Act to amend an Act entitled "An Act to establish a Political Code" approved March twelfth, eighteen hundred and seventy-two, by adding thereto a new section, to be known as section three thousand six hundred and sixty-four, relating to assessment and taxation—have had the same under consideration, and now report the same back amended, and recommend that it do pass as amended.

Also, Assembly Bill No. 473—Entitled an Act to define and establish lawful fences—and now report the same back amended, and recommend that it do pass as amended.

CHANDLER, Chairman.

By Mr. Patterson:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881

MR. SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred a resolution for the purpose of equalizing the pay of Porters, have had the same under consideration, and now report the same back with the recommendation that it do not pass.

Also, a resolution providing for the payment of witness fees, claimed by J. M. Doyle and M. Doane as witnesses before the Committee on Water Rights and Drainage, and do now report the same back, and recommend that the same be adopted.

Also, a resolution providing for the payment of the claim of P. K. Stockton, for services rendered as shorthand reporter of the Committee on Water Rights and Drainage, would report that *they have had the same under consideration, and do now report that they were unable to act* upon the same properly for the want of some data or evidence of the justness of said claim. Your committee would, therefore, request that the Chairman of the Committee on Water Rights and Drainage furnish this committee with a detailed statement of the number of days and work done by said Stockton for said committee, and the amount now due him therefor, in order *that the same may be properly considered and acted upon by the committee.*

PATTERSON, Chairman.

Resolved, For the purpose of equalizing the pay of Porters, that Rear Porter Washington Thomas be paid a per diem of four dollars to date, from the time of his appointment, payable out of the Assembly Contingent Fund.

Lost.

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. M. Doyle and M. Doane, in the sum of two dollars each, for per diem as witnesses before the Committee on Water Rights and Drainage, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER: Your Committee on Enrollment respectfully report that the following Assembly bill has been correctly enrolled

Assembly Bill No. 75—Entitled "An Act to authorize the several counties, cities and counties, cities, and towns of this State, and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof"—and the same was, at ten o'clock A. M., this day, February tenth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills

Assembly Bill No. 115—An Act to repeal an Act entitled "An Act to provide a new Great Register for the County of Fresno and other counties, and reregister the votes thereof," approved March twenty-ninth, eighteen hundred and seventy-eight.

Also, Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosing of titles to State lands for non-payment of interest.

Also, substitute for Assembly Bill No. 55—An Act to provide for work upon the public works and buildings within this State, to be done by day labor and under the supervision of a superintendent or officer having charge of the same.

MEIN, Chairman

By Mr. Hale:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bills No. 235 and 330, relating to amendments to the Constitution of the State—have had the same under consideration, and report the same back with a recommendation that the amendments be proposed in the form herewith submitted.

HALE, Chairman pro tem.

By Mr. Van Fleet:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 282—Entitled "An Act to amend section two thousand and ninety-four of the Political Code, in relation to allowances to the National Guard for armory rents and expenses"—have had the

same under consideration, and now report the same back with the recommendation that it do not pass

VAN FLEET, Chairman.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No 410—Entitled an Act to provide for the improvement of the ground connected with the Napa State Asylum for the Insane—have had the same under consideration, and now report the same back and recommend that it do not pass.

GAY, Chairman

REPORTS OF SPECIAL COMMITTEES.

By Mr. McDonald:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1881

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 286—An Act to authorize and empower cities and counties of the first class to construct and maintain sea waterworks to protect the sanitary condition of such cities and counties—have had the same under consideration, and now report same back, with recommendation that it pass as amended

McDONALD, Chairman.

INTRODUCTION OF BILLS.

By Mr. May: An Act to amend section three thousand three hundred and sixty of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to licenses.

Referred to Committee on Ways and Means.

By Mr. Baker, of Yolo: An Act to facilitate the equalization of assessments in reclamation districts.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Crank: An Act to define and enlarge certain duties and powers of the State Viticultural Commissioners

Mr. Crank moved that the rules be suspended, and the bill placed on file.

The ayes and noes were demanded by Messrs. Lane, Burns, and Pinder.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Leach, Lewis, Mason, Matthews of San Benito, May, McCallion, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Steeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—54.

NOES—Messrs. Birney, Brown, Burns, Cunningham, Freer, Garrity, Gilmore, Jackson, Lane, Long, McDonald, Mein, Pinder, Swift, Van Fleet, and Wertsbaugher—16.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 9, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No 120—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

Also, Senate Bill No. 33—An Act to prevent hunting and shooting on private inclosed grounds.

Also, Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots

Also, Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, or cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed

Also, Substitute for Senate Bills Nos 162 and 168—An Act to regulate the granting of retail liquor license.

Also, Senate Bill No 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Also, Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

JOHNS, Assistant Clerk.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 120—An Act to amend sections two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library.

Referred to the Committee on State Library.

Senate Bill No. 33—An Act to add a new section to the Penal Code, to be known as section five hundred and ninety-nine, relating to hunting and shooting on private inclosed grounds in the State of California.

Referred to Committee on Agriculture.

Senate Bill No 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

Referred to the Committee on Commerce and Navigation.

Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, or cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

Referred to the Committee on County and Township Governments.

Substitute for Senate Bills Nos 162 and 168—An Act to regulate the granting of retail liquor license

Referred to the Committee on Ways and Means

Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Referred to the Committee on Corporations.

Senate Bill No 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to the violations of the law for the preservation of fish.

Referred to the Committee on Fish and Game.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on February ninth, eighteen hundred and eighty-one adopted Senate Joint Resolution No. 3—In relation to granting charter to the Nicaragua Maritime Canal Company.

Also, Senate Concurrent Resolution No. 30—To provide for a manufacturing arsenal at Benicia, California.

And passed Senate Bill No 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Also, the Senate received the report of the Board of Railroad Commissioners

C. T. JOHNS, Assistant Clerk.

CONSIDERATION OF SENATE MESSAGE.

Senate Joint Resolution No. 3—In relation to granting charter to the Nicaragua Maritime Canal Company.

Referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 30—To provide for a manufacturing arsenal at Benicia, California.

Read and adopted.

Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty.

Referred to the Committee on Judiciary.

GENERAL FILE—THIRD READING.

Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José.

Read third time.

Mr. Felton moved to refer the bill to a special committee of one, with special instructions to amend as follows: Insert after the word "walks" in line three, printed bill, "and also for the furnishing of the building thereon, one half of said amount to be expended for the latter purpose."

Mr. Arick moved to amend the motion to refer, to include the following instructions, to wit: To strike out the words "twenty-five" from line one, of section one, and inserting instead the word "thirty."

Lost.

The question recurred upon the amendment.

The ayes and noes were demanded by Messrs. Coleman, Fraser, and Reynolds.

The roll was called, and the amendment was rejected by the following vote:

AYES—Messrs. Baker of Yolo, Bost, Cannon, Chandler, Coleman, Crumpton, Cunningham, Daggett, Edwards, Felton, Fraser, Geary, Gilmore, Hale, Hartson, Hinshaw, Jackson, Kilburn, Leach, Leake, Lewis, Mason, Matthews of San Benito, Noonan, Patterson of San Joaquin, Faulk, Platt, Sargent, Swift, Whipple, and Young—31

NOES—Messrs. Alviso, Arick, Baker of Sacramento, Branch, Brown, Burns, Crank, Del Valle, Freer, Garrity, Gavigan, Gay, Griffith, Hendrick, Hoitt, Holden, Howard, Jones, Keating, Lane, Long, May, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, O'Connor, Patterson of Nevada, Pinder, Reynolds, Samuels, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—42.

Mr. Felton moved to refer the bill to a special committee of one, with instructions to amend by striking out from line one, of section one, the words "twenty-five," and inserting instead the word "fifteen."

RECESS.

Pending discussion, the hour of one P. M. having arrived, the House took a recess for one hour.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

The consideration of Senate Bill No. 134—An Act to provide for the improvement of Normal School Square, in the City of San José, resumed.

The question recurred on Mr. Felton's motion to refer with special instructions.

Ruled out of order.

Mr. Paulk moved to refer to a committee of one, with special instructions to strike out "twenty-five thousand," and insert in lieu thereof the words "fifteen thousand one hundred."

The previous question was demanded by Messrs. Siebe, Gavigan, and Long, and the House so ordered.

The roll was called, and the motion to refer with special instructions was lost by the following vote:

AYES—Messrs. Baker of Yolo, Crumpton, Daggett, Felton, Fraser, Hartson, Hinshaw, Kellogg, Kilburn, Leach, Leake, Lewis, Mason, Matthews of San Benito, Patterson of Nevada, Patterson of San Joaquin, Paulk and Swift—18

NOES—Messrs. Alviso, Arick, Barney, Bost, Branch, Brown, Burns, Crank, Cunningham, Del Valle, Edwards, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hendrick, Hoitt, Holden, Howard, Jones, Keating, Lane, Long, May, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Pinder, Reynolds, Samuels, Siebe, Van Fleet, Watkins, Wasson of Mono, Wentz, Wood, and Mr. Speaker—45.

The question recurred on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Hartson, Hendrick, Hoitt, Howard, Jones, Keating, Lane, Long, Mason, May, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Pinder, Platt, Reynolds, Samuels, Siebe, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wood, Young, and Mr. Speaker—52.

NOES—Messrs Baker of Yolo, Daggett, Felton, Gilmore, Griffith, Hinshaw, Holden, Kellogg, Kilburn, Leach, Leake, Lewis, Matthews of San Benito, Patterson of San Joaquin, Paulk, and Swift—16.

Title approved.

RESOLUTION.

By Mr. Branch:

Resolved, That a special committee be appointed to inquire into the official conduct of F. L. Hatch, the Superior Judge of the County of Colusa, State of California, and to report their opinion whether the said F. L. Hatch has so acted in his judicial capacity as to require the interposition of the constitutional powers of this House.

Mr. Whipple moved to refer the resolution to the Committee on Judiciary.

Carried.

Mr. Jackson moved the Judiciary Committee be requested to report from above resolution Saturday morning next.

So ordered.

SPECIAL ORDER.

The special order for this House, Assembly Bill No. 84—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirteenth, eighteen hundred and seventy-eight, taken up.

The question being upon the motion to reconsider the vote by which the bill was refused engrossment and third reading.

Mr. May moved a call of the House.

The ayes and noes were demanded by Messrs. May, Hewitt, and Kellogg.

The roll was called, and the motion for a call of the House was carried by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—41.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—36.

Mr. Lane moved that further proceedings under the call of the House be dispensed with.

The ayes and noes were demanded by Messrs. Kellogg, Platt, and McMurray.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Holden, Jones, Kilburn, Lane, Leach, Lewis, Long, Mason, May, McClure, McMurray, Mein, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—46.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Howard, Jackson, Keating, Kellogg, Leake, Matthews of San Benito, McCallion, McDonald, Patterson of Nevada, Paulk, Platt, Swift, and Whipple—30.

The previous question was demanded by Messrs. May, Lane, and McClure, and the House so ordered.

The roll was called, and the motion to reconsider the vote by which the bill was refused passage prevailed by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—40.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Pinder, Platt, Samuels, Sargent, Swift, and Whipple—39.

The question recurred on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—40.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Pinder, Platt, Samuels, Sargent, Swift, and Whipple—39.

ADJOURNMENT.

At five o'clock and fifteen minutes, Mr. Burns moved we do now adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 11, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holt, Holden, Jackson, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker.

Quorum present.

Two days' leave of absence were granted to Mr. Whipple.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, February ninth, Mr. Lewis moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

PETITIONS.

By Mr. Freer: A petition from the citizens of Butte County, protesting against the repeal of the Drainage Act.

Laid on the table.

By Mr. Jackson: A petition from the Islais Creek and Pennsylvania Avenue Property Owners' Association, protesting against the passage of Assembly Bill No. 240.

Laid on the table.

REPORTS OF STANDING COMMITTEES.

By Mr. Siebe:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 399—An Act to appropriate money for the purchase of a steamboat for the protection of the harbor of the City and County of San Francisco, to be known as "the fire boat"—have had the same under consideration, and now report the same back, with the recommendation that it do pass.

Also, Assembly Bill No. 471—An Act to repeal an Act entitled "An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County," approved April third, A. D. eighteen hundred and seventy-six—report the same back, and recommend its passage.

Also, Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots—report the same back, and recommend its passage.

SIEBE, Chairman

By Mr. Estey:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER Your Committee on Fish and Game, to whom was referred Senate Bill No. 61—An Act to amend section six hundred and thirty-four of the Penal Code, relating to violations of the law for the preservation of fish—have had the same under consideration, and now report it back and recommend that the same do pass

ESTEY, Chairman

By Mr. Wentz:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR SPEAKER Your Committee on Culture and Improvement of the Grapevine and Fruit Trees, to whom was referred Substitute for Senate Bill No. 104—An Act to protect and promote the horticultural interests of the State—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended.

WENTZ, Chairman.

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred the following resolution, relative to the payment of the claim of P. K. Stockton, for services rendered as shorthand reporter for the Committee on Water Rights and Drainage, have had the same under consideration, and now report the same back, together with the detailed statement of services rendered by said Stockton, furnished your committee, and indorsed as correct by the Chairman of the Committee on Water Rights and Drainage, and recommend that the said resolution be amended as follows, viz. Strike out the figures "two hundred and thirty-five" and insert "two hundred and twenty-five," and that the resolution be adopted as amended.

PATTERSON, Chairman.

Resolved, That the Controller is hereby authorized and directed to draw his warrant in favor of P. K. Stockton, for services as shorthand reporter for the Committee on Water Rights and Drainage, in the sum of two hundred and twenty-five dollars, payable out of the Contingent Fund of the Assembly.

Committee on Water Rights and Drainage to P. K. Stockton, Dr.

To five sessions of the committee	$50 00
To 325 pages of testimony	150 00
To three meetings to consider report	30 00
To drafting and engrossing same	15 00
Total	$225 00

P. K. STOCKTON.

Correct J. B Brown, Chairman.

The resolution amended as recommended by the committee, and adopted as recommended.

By Mr. Hartson:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER Your Committee on State Prisons, to whom was referred Assembly Bill No. 455—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto—have had the same under consideration, and now report the same back, and recommend that it do pass.

HARTSON, Chairman.

Mr. May moved the rules be suspended, and that Assembly Bill No. 455, reported above, be ordered placed at the head of the First Reading File

The ayes and noes were demanded by Messrs. Kellogg, Gilmore, and Jackson.

The roll was called, and the motion declared carried by the following vote.

AYES—Messrs. Alviso, Baker of Yolo, Birney, Cameron, Chandler, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Fraser, Gay, Geary, Hatson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Leach, Lewis, Mason, Matthews of San Benito, May, McClure, McMurray, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siehe, Stuetet, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wettsbaugher, and Mr Speaker—46.

NOES—Messrs. Aitch, Baker of Sacramento, Brown, Daggett, Garrity, Gavigan, Gilmore, Griffith, Howard, Jackson, Keating, Kellogg, Lane, Long, Mathews of Tehama, McCallion, McDonald, Mein, Patterson of Nevada, Swift, Wood, and Young—21.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 426—Entitled an Act to prevent the escape of stage robbers from the State Prisons of this State—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 438—Entitled an Act to amend section six hundred and forty-seven of the Penal Code of the State of California, relative to vagrants—report the same back with an amendment, and recommend that it do pass as amended.

Also, Senate Concurrent Resolution No. 8—Relative to the importation of alcoholic liquors—report the same back with an amendment, and recommend that it do pass as amended.

Also by order of this House we return petitions signed by about fifteen thousand citizens of this State, petitioning the passage of a local option law.

REYNOLDS, Chairman.

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1881.

MR SPEAKER The Committee on Corporations, to whom was referred Assembly Bill No. 335—An Act to regulate and limit the charges for services performed by telegraph corporations—have had the same under consideration, and report the same back with the recommendation that it do not pass.

Also, Senate Bill No 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers—have had the same under consideration, and report the same back amended, and recommend that it do pass as amended

Also, Senate Bill No. 47—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraph messages are refused or postponed—have had the same under consideration, and report the same back amended, and recommend that it do pass as amended

FELTON, Chairman.

By Mr. Young:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. SPEAKER. Your Committee on County Governments, to whom was referred Assembly Bill No. 22—An Act to establish a uniform system of county governments.

Also, Assembly Bill No. 94—An Act to amend title two, of part four, of the Political Code, and each and every chapter, article, and section of said title two, and substituting a new title two to take the place thereof in said Code, to establish a system of county governments which shall be uniform throughout the State, to classify the counties according to population, to provide for the election and appointment of officers therein, and to designate the title, fix the numbers, and regulate the compensation of such officers

Have had the same under consideration, and now report the same back, that they do not pass, and recommend substitute in place thereof.

YOUNG, Chairman.

By Mr. Van Fleet:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER Your Committee on Yosemite, Big Trees, and Forestry have had under consideration the accompanying bill—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant—and now report the same to this House, and beg leave, as a committee, to introduce said bill, and respectfully urge its passage

VAN FLEET, Chairman.

INTRODUCTION OF A BILL.

By the Committee on Yosemite, Big Trees, and Forestry: An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

Ordered on file.

Mr. Young moved that the rules be suspended, and that Assembly Bills Nos. 22 and 94—relating to county governments—be ordered placed at the head of the file.

The ayes and noes were demanded by Messrs. May, Siebe, and Lane.

The previous question was demanded by the requisite number, and the House so ordered.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs Ariek, Baker of Sacramento, Birney, Bost, Brown, Chandler, Daggett, Felton, Freer, Gay, Harlson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Leake, Lewis, Long, Mason, May, McClure, McMurray, Mein, Mudgett, Nooman, Platt, Reddick, Swift, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr Speaker—35

NOES—Messrs Alviso, Baker of Yolo, Branch, Camron, Crank, Crumpton, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leach, Mathews of Tehama, Matthews of San Benito, McCallion, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, and Wason of Ventura—37.

Mr. Baker, of Sacramento, from the Committee on Swamp and Overflowed Lands, made a verbal report, returning Senate Bill No. 257—An Act to provide a system of drainage for agricultural and swamp and overflowed lands, without recommendation.

The bill ordered on file.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 450—Entitled an Act in relation to improving the State Capitol grounds—have had the same under consideration, and now report the same back, and recommend that it do not pass.

GAY, Chairman

PETITION.

By Mr. Murphy: A petition from firemen of San Luis Obispo, asking for legislation exempting them from the payment of poll tax.

Laid on the table.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 10, 1881.

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 to authorize the several counties, cities and counties, cities, and towns of this State, and the officers and Boards of officers thereof, to receive property by gift, bequest and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

GEORGE C. PERKINS, Governor.

NOTICE.

Mr. Van Fleet gave notice that he would, to-morrow, move to amend Rule One, relative to holding night sessions.

Mr. Alviso gave notice that he would, to-morrow, move the following amendment to the rules:

Resolved, That from and after this day, no member shall be allowed to speak more than once nor more than five minutes, upon any one proposition, except by the consent of the Assembly, provided that the author of a bill shall be allowed to speak twice upon his bill.

INTRODUCTION OF BILLS.

By Mr. McClure: An Act to divide the State into Congressional Districts.

Referred to the Committee on Apportionment.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 10, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February ninth, passed Senate Bill No. 92—An Act to provide buildings and improvements for the Asylum for the Deaf and Dumb, and the Blind.

Also, on this day passed Senate Bill No. 21—An Act to regulate the hours of labor on work done for the State.

Also, Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Also, Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

Also, Senate Bill No. 32—An Act concerning the medical department of the University of California.

Also, Senate Bill No. 12—An Act to create a fund in the several counties of this State for the payment of the salary of the Superior Judges.

Also, Senate Bill No. 245—An Act to amend section five hundred and twenty-eight of the Political Code, relating to the duties of State Printer.

Also, Senate Bill No. 336—An Act to provide a Contingent Fund for the Legislature.

Also, this day adopted Senate Concurrent Resolution No. 15—Relative to the establishment of a branch department of the Dead Letter Office at the San Francisco Post Office.

Also, Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco.

J. A. ORR, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 92—An Act to provide buildings and improvements for the institution for the Deaf and Dumb, and the Blind.

Referred to Committee on Public Buildings and Grounds.

Senate Bill No. 21—An Act to regulate the hours of labor on work done for the State.

Referred to Committee on Labor and Capital.

Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Referred to Committee on Judiciary.

Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

Referred to Committee on Claims.

Senate Bill No. 32—An Act concerning the medical department of the University of California.

Referred to Committee on State Hospitals.

Senate Bill No. 12—An Act to create a fund in the several counties of this State, for the payment of the salary of the Superior Judges.

Referred to Committee on Ways and Means.

Senate Bill No. 245—An Act to amend section five hundred and

twenty-eight of the Political Code, relating to the duties of State Printer.

Referred to Committee on Printing.

Senate Bill No. 336—An Act to provide a contingent fund for the Legislature.

Referred to Committee on Ways and Means.

Senate Concurrent Resolution No. 15—Relative to the establishment of a branch department of the Dead Letter Office at the San Francisco Post Office.

Read and adopted.

Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco.

Read, and on motion of Mr. May, referred to the Committee on Federal Relations.

GENERAL FILE—THIRD READING.

Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Daggett, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Lewis, Long, Mason, Matthews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mem, Mudgett, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker—60.

NOES—None.

Title approved.

Assembly Bill No. 145—An Act concerning road poll taxes.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett Del Valle, Estey, Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mem, Noonan, O'Connor, Patterson of Nevada Patterson of San Joaquin, Paulk, Platt, Reddick, Sargent, Seibe Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Young, and Mr. Speaker—60.

NOES—Mr. McClure—1.

Title approved

Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick Baker of Sacramento, Birney, Bost, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Estey, Fraser Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Matthews of San Benito, May, McCallion McClure, McDonald, McMurray, Mem, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Sargent, Siebe Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker—64.

NOES—Mr. Jackson—1.

Title approved.

RESOLUTION.

By Mr. Baker, of Sacramento (by permission): Assembly Concurrent Resolution—Relative to the time of adjournment on Wednesday, February sixteenth, eighteen hundred and eighty-one.

Read and adopted.

GENERAL FILE RESUMED—THIRD READING.

Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader.

Read third time.

The roll was called, and the bill passed by the following vote

AYES—Messrs. Alviso, Atick, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Estey, Felton, Fraser, Freel, Garrity, Geary, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Lane, Leach, Leake, Long, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, O'Connor, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Young, and Mr. Speaker—58

NOES—Messrs. Gilmore, Howard, McCallion and Noonan—4.

Title approved.

Mr. Paulk gave notice that he would, to-morrow, move to reconsider the vote by which the bill passed.

Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of the Political Code, in relation to funding and refunding county indebtedness.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Atick, Baker of Sacramento, Birney, Bost, Branch, Camron, Chandler, Coleman, Crank, Daggett, Del Valle, Estey, Fraser, Freel, Garrity, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Young, and Mr. Speaker—57.

NOES—Mr. Mason—1.

Title approved.

MINORITY REPORT.

By Mr. Jackson (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881

MR. SPEAKER: The undersigned, a minority of the Committee on County Governments, respectfully dissent from the report of the majority of said committee, in reporting substitute back for Assembly Bills Nos. 22 and 94, as regards section ten of said substitute.

W. J. GAVIGAN,
H. J. JACKSON.

GENERAL FILE RESUMED—THIRD READING.

Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of the Political Code, in relation to the funding and refunding of city indebtedness.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Anick, Birney, Bost, Branch, Brown Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Estey, Felton, Fraser, Freet, Garnity, Gay, Geary, Gilmore, Griffith, Hartson, Hinshaw, Holden, Howard Jackson, Jones, Keating, Kellogg, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O Connor, Patterson of San Joaquin, Paulk, Platt, Reddick, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Young, and Mr Speaker—59

NOES—None.

Title approved.

Assembly Bill No. 198—An Act to amend section two thousand six hundred and fifty-three of the Political Code, relating to the road fund.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Birney, Bost, Branch Brown, Chandler, Coleman, Crank, Daggett, Del Valle Estey, Felton, Fraser, Freet, Gay Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Keating, Kilburn Lane Leach, Leake, Lewis, Long Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—59.

NOES—Messrs. Garnity O Connor, and Pinder—3.

Title approved.

Assembly Bill No. 207—An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, in relation to the transfer of causes of action when the Judge or Justice is disqualified.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Birney, Bost, Branch Brown, Chandler, Coleman, Daggett, Del Valle, Estey, Fraser, Freet, Garnity, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—61.

NOES—None.

Title approved.

RECESS.

The House took a recess for one hour until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

Mr. Paulk withdrew his notice of motion to reconsider the vote by which Assembly Bill No. 176 was passed.

GENERAL FILE—THIRD READING.

Assembly Bill No 180—An Act to amend an Act entitled "An Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article and section, of said part one, and substi-

tuting a new part one to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith, approved April first, eighteen hundred and eighty, and to prohibit Justices, Judges, or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases."

Read third time.

Bill temporarily passed on file, pending the absence of its author.

Assembly Bill No. 185—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure, providing for appeals from Superior Courts to the Supreme Court.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Coleman, Crank, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Geary, Gilmore, Griffith, Harison, Hendrick, Hinshaw Hoitt, Holden, Howard, Jones, Keating Kellogg, Kilburn, Lane Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Murphy, Paulk Pinder, Platt, Reddick, Sargent, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wood, Young, and Mr. Speaker—56.

NOES—None.

Title approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Felton (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 331—An Act to amend section four hundred and ninety-eight of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, relating to street railroad corporations—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended

FELTON, Chairman.

By Mr. Kilburn (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER Your Committee on Agriculture, Mining, and Mechanic Arts, to whom was referred Assembly Bill No 469—Entitled "An Act to provide for the licensing of persons to operate steam engines"—have had the same under consideration, and now report it back and recommend that it do not pass.

KILBURN, Chairman.

RESOLUTION.

By Mr. Murphy (by permission). Assembly Concurrent Resolution, relative to the passage of the Reagan bill, relating to the control and government of railroads.

Referred to Committee on Federal Relations.

GENERAL FILE RESUMED—THIRD READING.

Assembly Bill No. 180—An Act to amend an Act entitled an Act to amend part one of the Code of Civil Procedure, and each and every title, chapter, article, and section of said part one, and substituting a new part one, to take the place thereof in said Code, relating to Courts of justice and various officers connected therewith, approved April first, eighteen hundred and eighty, and to prohibit Justices, Judges,

or Justices of the Peace from practicing law, or from acting as attorneys or agents in certain cases.

Taken up.

Mr. Fraser moved to refer the bill to a special committee of one, with instructions to strike out the words "justice or," in line three, and also all after the word "office," in line eight of section one: and Mr. Paulk moved to amend the amendment by striking out the words "or County Clerk," in lines three and four of section one.

Mr Kilburn had leave of absence until Monday next.

The amendment to the amendment lost.

The question recurred upon Mr. Fraser's amendment, which was lost.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Camron, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Felton, Freer, Gay, Gilmore, Griffith, Hartson, Hendrick, Hoitt, Holden, Jones, Keating, Kellogg, Lane, Leach, Lewis, Long, Matthews of Tehama, May, McCallion, McClure, McDonald, Mein, Noonan, Platt, Reddick, Reynolds, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—47.

NOES—Messrs Alviso, Bost, Brown, Chandler, Daggett, Estey, Fraser, Garnity, Gavigan, Howard, Jackson, Leake, Mason, Matthews of San Benito, McMurray, Mudgett, Murphy, Patterson of Nevada, Paulk, Samuels, Sargent, Swift, and Watkins—24

Title approved.

Mr. Coleman gave notice that he would, to-morrow, move to reconsider the vote by which the bill was passed.

Assembly Bill No. 115—An Act to repeal an Act entitled "An Act to provide a new Great Register for the County of Fresno, and other counties, and reregister the votes thereof," approved March twenty-ninth, eighteen hundred and seventy-eight.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garnity, Gavigan, Gay, Geary Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Lane, Leake, Lewis, Long, Mathews of Tehama, McCallion, McClure, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Young, and Mr. Speaker—62.

NOES—Mr Matthews of San Benito—1

Title approved.

FIRST READING.

Assembly Bill No 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session—ordered read first time.

The bill read first time.

Assembly Bill No 124—An Act to amend an Act entitled an Act to organize and define the powers of the Board of Railroad Commissioners, approved April twenth-sixth, eighteen hundred and eighty—ordered read first time.

The bill read first time.

Assembly Bill No. 275—An Act to amend sections five hundred and thirty-seven and five hundred and thirty-eight of the Code of Civil Procedure, relating to attachments—refused first reading.

SECOND READING.

Assembly Bill No 196—An Act to provide for the better government of corporations engaged in the sale and distribution of water for purposes of irrigation.

The substitute recommended by the committee adopted.

The bill ordered engrossed, and to be read third time.

Mr Baker, of Yolo, moved that Assembly Bill No. 306—An Act to amend an Act entitled an Act authorizing the Boards of Supervisors of the counties in which water is sold for purposes of irrigation, to fix the rates at which water shall be sold, approved March twenty-sixth, eighteen hundred and eighty—be taken up out of order, and considered.

Lost.

Assembly Bill No. 59—An Act to amend an Act entitled an Act for the protection of settlers on public lands claimed by the State, approved March tenth, eighteen hundred and seventy-four.

The substitute recommended by the committee adopted.

Mr. Holden moved to amend the enacting clause.

Adopted.

The bill ordered engrossed, and to be read third time.

Assembly Bill No. 202—An Act to provide a State Hospital and Asylum for miners—ordered read second time.

Mr. Hoitt moved to amend as follows: "Section eight. This Act shall take effect immediately."

Adopted.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 168—An Act to transfer the cabinet of minerals in the State Library, and all the surveying and other instruments and material belonging to the State Geological Survey, now stored at the University of California, to the State Mineralogist.

The bill ordered read second time.

Mr. Young moved to strike out the enacting clause of the bill.

Lost.

The bill read second time.

The amendments recommended by the committee adopted.

Mr. Young moved to amend, by striking out, "in the City of San Francisco," and inserting, "shall be maintained at the Capitol of the State."

Lost.

The bill ordered engrossed, and to be read third time.

Mr. Hartson moved to take up, out of order, Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

The ayes and noes were demanded by Messrs. Burns, Gilmore, and Felton.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch Brown, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kel-

logg, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker—62.

Noes—Messrs. Burns, Cunningham, Garrity, Gavigan, Geary, Gilmore, Howard, Jackson, Lane, McCallion, and Pinder—11.

The bill ordered read second time.

Mr. McMurray moved the substitute for the bill be ordered printed, and the bill to the head of the file for to-morrow.

So ordered.

SECOND READING.

Assembly Bill No. 116—An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for money expended by him in his office.

The bill ordered read second time.

Mr. Holden moved that the House go into Committee of the Whole, to consider the bill.

So ordered.

IN COMMITTEE OF THE WHOLE.

Mr. Wason, of Ventura, in the chair.

The bill considered in Committee of the Whole and amended.

The committee arose, reported the bill back as amended, and recommended the passage of the bill as amended.

IN ASSEMBLY.

Speaker Parks in the chair.

The report of the committee received, and the bill amended as recommended by the committee.

The bill read second time, ordered engrossed, and to be read third time.

REPORTS OF STANDING COMMITTEES.

By Mr. Siebe (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 179—An Act to amend sections two thousand four hundred and thirty-two, 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-six, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-eight of the Political Code, in relation to pilots and pilot regulations—have had the same under consideration, and report the same back, and recommend that it do not pass.

SIEBE, Chairman.

MINORITY REPORT.

MR. SPEAKER: The undersigned members of the Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 179, do respectfully dissent from the majority in their recommendation of said bill, and recommend that it do pass.

McCALLION,
C. WENTZ.

GENERAL FILE RESUMED—SECOND READING.

Assembly Bill No. 241—An Act to amend section six hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Pro-

cedure," approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

ADJOURNMENT.

At four o'clock and fifty minutes, Mr. Birney moved we do now adjourn.

So ordered.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 12, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Anek, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freet, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallum, McClure, McDonald, McMurray, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

One day's leave of absence granted to Messrs. Baker, of Sacramento, May, and Leach.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, February tenth, Mr. McDonald moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR. SPEAKER: Your Committee on Education to whom was referred Assembly Bill No. 322—Entitled "An Act to amend section one thousand six hundred and sixty-five of the Political Code."

Also, Assembly Bill No. 312—Entitled "An Act to amend sections one thousand seven hundred and thirteen and one thousand seven hundred and fourteen of the Political Code"

Also, Assembly Bill No. 311—Entitled "An Act to amend section one thousand seven hundred and twelve of the Political Code."

Have had the same under consideration, and now report them back and recommend that they do not pass.

Also, Assembly Bill No. 321—Entitled "An Act to amend section one thousand seven hundred and seventy-two of the Political Code"

Also, Assembly Bill No. 353—Entitled "An Act to amend sections one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, and one thousand seven hundred and ninety-four of the Political Code"

And recommend that, as the substance thereof is embodied in Assembly Bill No. 368, the author be permitted to withdraw them.

Also, two petitions from the Faculty of the University of California, relating to the "transfer of the geological collection from the University to the Mining Bureau"—and return the same by order of the House

Also, Assembly Bill No. 122—Entitled "An Act to appropriate money for the construction and equipment of an astronomical and physical observatory, to be situated at the State University."

Have had the same under consideration, and now report it back and recommend that it is inexpedient that this appropriation should be made at this time, and that the bill do not pass. Also, return petitions relating thereto

Also, Assembly Bill No. 422—Entitled "An Act to abolish the office of District Assessor and District Tax Collector in school districts in the several counties of the State, and provide for the assessment and collection of school district taxes by the county officers"—and recommend that it do pass. Also, return petition relating thereto

Also, Assembly Bill No. 368—Entitled "An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-six, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to public schools—and report the same back with amendments, and recommend that it do pass as amended, and ask that it be printed with amendments.

Also, return petition of citizens of Alpine County, relating to the common schools

HOLTT, Chairman.

By Mr. Camron:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER The Committee on Apportionment, to whom was referred Assembly Bill No. 242—have had the same under consideration, and report the same back with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No. 243—with amendments, and recommend its passage as amended

And the Committee do further recommend that the bills, as amended, be printed immediately

CAMRON, Chairman.

By Mr. Daggett:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER We, the undersigned, do respectfully dissent from the opinion of the majority of committee in apportioning the State into Senatorial and Assembly Districts, on the ground that said apportionment is unfair, unjust, and in direct violation of the State law, many counties not getting their just proportion, and others receiving too much, and not being compact, contiguous territory, according to the Constitution.

JOHN H. GILMORE,
JOHN W. BOST,
JOHN DAGGETT.

Five hundred copies of the above mentioned bill ordered printed.

Assembly Bill No. 368.

Ordered printed as amended.

By Mr. Chandler:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881

MR. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 470—Entitled an Act to encourage the destruction of wild animals—have had the same under con-

sideration, and now report the same back, and recommend that it do not pass, for the reason that an Act similar in its objects has already passed your honorable body.

Also, have considered Senate Bill No 33—Entitled an Act to add a new section to the Penal Code, to be known as section five hundred and ninety-nine, relating to hunting and shooting in inclosed grounds—and now report the same back, and recommend that it do pass

Your committee has also considered a bill—Entitled an Act to prevent the propagation of the Scotch and Canada thistle,—and now introduce the same, and recommend that the same go to print, and take its place on file.

CHANDLER, Chairman.

The usual number of copies of the substitute for Assembly Bill No. 57, on motion of Mr. Holden, ordered printed.

The bill introduced with above report, entitled "An Act to prevent the propagation of the Scotch or Canada thistle," ordered on file.

By Mr. Edwards:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881

MR SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No 49—An Act to provide for the incorporation of municipal corporations—have had the same under consideration, and now report the same back with a substitute, and recommend the adoption of the substitute.

Also, Assembly Bill No 405—An Act to provide for the government, by local Boards of Education, of school districts having a population exceeding twelve hundred—have had the same under consideration, and now report the same back with an amendment, and recommend that the same do pass as amended

EDWARDS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 50—An Act to provide for the government of municipal corporations of the fifth class.

Assembly Bill No. 87—An Act to provide for the classification of corporations for municipal purposes, and for the organization, incorporation, and government of consolidated cities and counties of the first class.

Also, Assembly Bill No. 292—An Act to provide for the government of municipal corporations of the seventh class

Also, Assembly Bill No. 298—An Act to provide for the government of municipal corporations of the fourth class

Also, Assembly Bill No 302—An Act to provide for the government of municipal corporations of the eighth class

Also, Assembly Bill No 424—An Act to provide for the improvement of streets within cities of less than one hundred thousand inhabitants, organized and existing for municipal purposes.

Have had the same under consideration, and now report the same back, and recommend that they do not pass.

EDWARDS, Chairman.

One thousand copies of the substitute for Assembly Bill No. 49 ordered printed.

By Mr. Mason:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER Your Committee on Mileage respectfully submit the following We have made due examination of the report of the Committee on Agriculture, Mining, and Mechanic Arts, so far as the same relates to amounts due said committee for mileage, and find the same correct. The said report is herewith transmitted, and your committee recommend the adoption of the resolution embodied in the same.

MASON, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1881.

To the members of the Committee on Mileage

GENTLEMEN I hereby submit to you an itemized account of the distance traveled by the Committee on Agriculture, Mining, and Mechanic Arts, in visiting the State University at Berkeley. Distance from Sacramento to Oakland and return, one hundred and eighty-two miles Distance from Oakland to Berkeley and return twelve miles Total, one hundred and ninety-four miles. Names of the members who visited the University, Messrs. Kilburn, Branch, McDonald, Wood, and Lewis, Clerk, G. E Carter.

ASSEMBLY CHAMBER, SACRAMENTO February 8, 1881.

Resolved, That the following named gentlemen, as members of the Committee on Agriculture, Mining, and Mechanic Arts, and Clerk, be and they are hereby allowed the sums set opposite

their respective names as mileage due them for visiting the University of California at Berkeley, and that the Controller is hereby instructed to draw his warrant upon the Contingent Fund of the Assembly for the same. Kilburn, nineteen dollars and forty cents, Branch, nineteen dollars and forty cents. McDonald, nineteen dollars and forty cents. Wood, nineteen dollars and forty cents, and Lewis, nineteen dollars and forty cents, Clerk, G. E. Carter, nineteen dollars and forty cents

The resolution adopted as recommended by the committee. By Mr. Mein.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills

Assembly Bill No 196—An Act to provide for the better government of corporations engaged in the sale and distribution of water for purposes of irrigation

Also, Assembly Bill No 59—An Act to amend an Act entitled "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No 202—An Act to provide a State Hospital and Asylum for miners

Also Assembly Bill No 168—An Act to transfer the cabinet of minerals in the State Library, and all the surveying and other instruments and material belonging to the State geological survey, now stored at the University of California, to the State Mineralogist.

Also, Assembly Bill No. 116—An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for money expended by him in his office.

Also Assembly Bill No. 241—An Act to amend section six hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure" approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument

Also, Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two.

MEIN, Chairman.

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No 21—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and fifty-nine, three thousand seven hundred and sixty-one, three thousand seven hundred and sixty-two, three thousand seven hundred and sixty-three, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight, and three thousand seven hundred and ninety-nine of the Political Code of California, relating to revenue.

Also, Assembly Bill No. 339—An Act to appropriate money to defray the expenses of the Attorney-General in certain cases

Also, Assembly Bill No. 404—An Act to provide that each city having a volunteer fire department shall pay to each active member of such volunteer fire department the sum of two dollars per annum

Also, Assembly Bill No 458—An Act for the speedy opening of bonanzas supposed to exist in mines incorporated under the laws of this State, and which are closed against the best interests of the State of California

Also, Substitute for Senate Bills Nos. 162 and 168—An Act to regulate the granting of retail liquor licenses

Beg leave to report the same back, with recommendation that they do not pass

Your committee also considered Assembly Bill No 474—An Act to appropriate money for the relief of the residents of the Town of Washington, Yolo County, who have suffered by the recent flood—and report the same back, with recommendation that it do not pass, because it is unconstitutional.

Your committee also considered Assembly Bill No. 482—An Act to amend section three thousand three hundred and sixty of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to licenses—and report the same back, with recommendation that the author of the bill be allowed to withdraw the same

Your committee also considered Assembly Bill No 414—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—and report the same back with amendments, and recommend that it do pass as amended

Your committee also considered Senate Bill No 128—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction during the thirty-first fiscal year

Also, Assembly Bill No 451—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three.

Also, Assembly Bill No 454—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction during the thirty-second fiscal year.

Also, Substitute for Senate Bill No. 12—An Act to create a fund in the several counties of this State for the payment of the salaries of the Judges of the Superior Courts.

Also, Senate Bill No 376—An Act to provide a contingent fund for the Legislature.

And report the same back, with recommendation that they do pass

FELTON, for Chairman of Committee.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred the following resolution, introduced February tenth, eighteen hundred and eighty-one, by Mr. Branch, herewith submit the following as their answer thereto—that the resolution introduced by Mr. Branch is a sufficient accusation against a public officer to warrant the Speaker in appointing a committee of five to investigate any charges of official misconduct against such officer, the committee to have power to send for persons and papers, and take all testimony necessary.

McCLURE, Chairman.

Resolved, That a special committee be appointed to inquire into the official conduct of F. L. Hatch, the Superior Judge of the County of Colusa, State of California, and to report their opinion whether the said F L Hatch has so acted in his judicial capacity as to require the interposition of the constitutional power of this House.

RESOLUTION.

By Mr. Mathews, of Tehama:

Resolved, That a committee of five be appointed by the Speaker to investigate any charges of official misconduct of F L Hatch, Judge of the Superior Court of Colusa County, State of California, with power to send for persons and papers, and to take all testimony necessary

Adopted.

By Mr. Lewis:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER: Your Committee on State Hospitals, to whom was referred Senate Bill No. 32—An Act concerning the Medical Department of the University of California, have had the same under consideration, and now report the same back, with the recommendation that it do pass.

Also, Assembly Bill No. 472—An Act to prohibit visiting physicians and visiting surgeons of city, or city and county, or county hospitals, to receive salaries from the city, or city and county, or county treasuries—have had the same under consideration, and now report the same back, with the recommendation that it do not pass

Also, Assembly Bill No 112—An Act for the protection of patients from extortion by dishonest physicians and druggists—have had the same under consideration, and now report the same back without recommendation

Also, Assembly Bill No 360—An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six—have had the same under consideration, and now report the same back with the recommendation that the author be allowed to withdraw the same

Also, Assembly Bill No 304—An Act to regulate the practice of medicine and surgery in the State of California—have considered the same, and now report the same back with the recommendation that it do not pass

LEWIS, Chairman

By Mr. Young:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR SPEAKER: Your Committee on County Governments, to whom was referred Assembly Bill No. 398—An Act to establish certain fees to be charged by Sheriffs,

Also, Assembly Bill No 357—An Act to provide for the classification and equal taxation of assessable land

Also, Assembly Bill No. 323—An Act to fix the fees of Constables in the several counties of this State

Have had the same under consideration, and now report the same back with amendments, and recommend that they do pass as amended.

Also, Senate Bill No 139—An Act to confer powers upon Supervisors or other governing body of counties and cities, to extend and complete all main intercepting sewers heretofore partially constructed.

Have had the same under consideration, and now report the same back without amendments, and recommend that it do pass

YOUNG, Chairman.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 92—Entitled an Act to provide buildings and improvements for the Institution for the Deaf and Dumb, and the Blind—have had the same under consideration, and now report the same back, and recommend that it do pass.

GAY, Chairman.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR. SPEAKER: Your Committee on Federal Relations submit and report an Assembly Concurrent Resolution—Relative to the construction of a railway for the transportation of ships across the Isthmus of Tehuantepec—as a committee resolution, and recommend its adoption.

Also, Senate Joint Resolution No. 3—Relative to granting a charter to the Nicaragua Inter-Oceanic Canal Company—we recommend to amend the same, and that the same be adopted as amended

Also, Assembly Concurrent Resolution No. 18—Relative to requesting Congress to make an appropriation for the improvement of the harbor and outlet of Clear Lake, California—we recommend its adoption.

Also, Assembly Concurrent Resolution No. 19—Relative to asking Congress to appropriate money from the General Government for the dredging on Napa River, between Mare Island and the City of Napa—we recommend its adoption

Also, Senate Concurrent Resolution No. 22—Relative to the erection of a Post Office for the City of San Francisco—we recommend its adoption

JONES, Chairman.

Assembly Concurrent Resolution—Relative to the construction of a railway for the transportation of ships across the Isthmus of Tehuantepec, taken up.

Mr. Kellogg moved its reading be dispensed with, and the resolution ordered printed.

Lost.

The resolution read and adopted.

By Mr. Van Fleet:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1881.

MR. SPEAKER: Your Committee on Yosemite Big Trees and Forestry, to whom was referred Assembly Concurrent Resolution No. 15—Relative to the destruction of forests in this State—have had the same under consideration, and now report the same back with the recommendation that it do pass.

VAN FLEET, Chairman.

RESOLUTION.

By Mr. Murphy (by permission): Assembly Concurrent Resolution—Relative to the shoaling of the waters of Vallejo Harbor and San Francisco Bay.

Referred to Committee on Federal Relations.

INTRODUCTION OF BILLS.

By Mr. Warkins: An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of an Act to establish the Code of Civil Procedure of California, relative to limitations, approved March eleventh, eighteen hundred and seventy-two.

Referred to Committee on Judiciary.

By Mr. Mathews, of Tehama: An Act to provide for the future management of the Insane Asylums of the State.

Referred to Committee on State Hospitals.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on February tenth, eighteen hundred and eighty-one, passed Senate Bill No. 11—An Act to appropriate money for the payment of I S Belcher, Thomas P. Stoney, and A C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution.

Also, Senate Bill No 5—An Act to establish and support a Bureau of Labor and Land Statistics.

And, on this day, Senate Bill No 241—An Act to establish a Branch State Normal School.

C T JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution

Referred to Committee on Claims.

Senate Bill No. 5—An Act to establish and support a Bureau of Labor and Land Statistics.

Referred to Committee on Labor and Capital.

Senate Bill No. 241—An Act to establish a Branch State Normal School.

Mr. McMurray moved the bill be ordered on file, to take the position of No 172.

Upon which the ayes and noes were demanded by Messrs. Kellogg, Burns, and McCallion

The roll was called, and the motion was lost by the following vote:

AYES—Messrs Bost, Clark, Daggett, Del Valle, Gilmore, Griffith, Hartson, Hoitt, Matthews of San Benito, McDonald, McMurray, Mein, Mudgett, Patterson of Nevada, Swift, Van Fleet, Wason of Ventura, and Wasson of Mono—18

NOES—Messrs Alviso, Arick, Barnes, Brown, Burns Camron, Chandler, Coleman, Edwards, Estey, Felton, Fraser, Freer, Gavigan, Gay, Geary, Hale, Hendrick, Hinshaw, Holden, Howard, Jones, Keating, Kellogg, Lane, Leake, Lewis McCallion, Nooman, O'Connor, Faulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Watkins, Wertsbaugher, Young, and Mr. Speaker—41.

Senate Bill No. 241—An Act to establish a State Normal School.

Referred to Committee on Education.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 12, 1881

MR SPEAKER I am directed to inform your honorable body that the Senate, on February eleventh, eighteen hundred and eighty-one, concurred in Assembly Concurrent Resolution No. 20—Relative to the time of adjournment on Wednesday, February sixteenth, eighteen hundred and eighty-one

C T. JOHNS, Assistant Secretary.

GENERAL FILE—THIRD READING.

Assembly Bill No. 55—An Act to amend section three thousand two hundred and thirty-three of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and

seventy-two, and to provide that work upon the public buildings of this State, and of every city, county, and city and county within this State, shall be done by day labor, and under the supervision of a superintendent, or officer having charge of the same.

Read third time.

Mr. McCallion moved a call of the House.

So ordered.

Roll called.

Quorum present.

Mr. McClure moved that further proceedings under the call be dispensed with.

So ordered.

Mr. Jackson moved the bill be made the special order for Tuesday next, at two o'clock P. M.

So ordered.

Mr. Patterson, of San Joaquin, had one day's leave of absence.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands—taken up.

The question being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Bost, Branch, Brown, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holt, Holden, Howard, Jones, Keating, Kellogg, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Wood, Young, and Mr. Speaker—64.

NOES—None.

Title approved.

Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosing of titles to State lands for nonpayment of interest.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holden, Jones, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, Mudgett, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Wood, Young, and Mr. Speaker—52

NOES—None.

Title approved.

FIRST READING.

Assembly Bill No. 455—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute, for the State Prison at San Quentin, and other expenses incidental and relating thereto—ordered read first time.

The bill read first time.

SECOND READING.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections

four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers—ordered read second time, and to take place on the head of the file on Tuesday next.

Assembly Bill No 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the trial of civil actions—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 194—An Act to provide for the publication of notices—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 88—An Act to amend section one thousand and eighty-five of the Code of Civil Procedure of California, and to add a new section to the Code of Civil Procedure of California, to be known as section one thousand and ninety-eight of the Code of Civil Procedure of California, relating to the writ of mandate—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

APPOINTMENT.

The Speaker announced the appointment of a special committee of investigation, pursuant to the resolution of Mr. Mathews, of Tehama: Messrs. Mathews, of Tehama, Griffith, Leake, Bost, and Del Valle.

ADJOURNMENT.

At one o'clock and fifty minutes, Mr. Kellogg moved we do now adjourn until Monday next at three o'clock P. M.

RECESS.

Pending discussion, the House took a recess of one hour until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present

The consideration of the motion to adjourn until three o'clock P. M. Monday next, resumed.

The ayes and noes were demanded by Messrs. Hoitt, Burns, and Lane.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Anick, Brown, Coleman, Daggett, Freer, Geary, Gilmore, Hale, Holden, Jackson, Leach, Leake, Long, Mason, Matthews of Tehama, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Platt, Reddick, Samuels, Siebe, Swift, Van Fleet, Wasson of Mono, Wertsbaugher, and Mr Speaker—30.

NOES—Messrs Alviso, Baker of Yolo, Bost, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Felton, Fraser, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jones, Lane, Matthews of San Benito, McCallion, Murphy, Paulk, Pinder, Reynolds, Sargent, Streeter, Wason of Ventura, and Wentz—34.

ADJOURNMENT.

Mr. Kellogg moved we do now adjourn until Monday next, at two o'clock and thirty minutes P. M.

The ayes and noes were demanded by Messrs. Burns, Wason, of Ventura, and Sargent.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Arick, Bost, Brown, Coleman, Crumpton, Daggett, Freer, Geary, Gilmore, Jackson, Kellogg, Lewis, Mason, Mathews of Tehama, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Platt, Reddick, Samuels, Siebe, Swift, Van Fleet, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr Speaker—33.

NOES—Messrs Alviso, Branch, Burns, Cannon, Crank, Cunningham, Del Valle, Edwards, Felton, Fraser, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Lane, Matthews of San Benito, McCallion, Paulk, Pinder, Reynolds, Sargent, Wason of Ventura, and Wentz—30.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 14, 1881.

The House met pursuant to adjournment at two o'clock and thirty minutes P. M.

Speaker Parks in the chair.

Members present as follows:

Messrs Alviso, Baker of Yolo, Birney, Bost, Branch, Brown Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt Holden, Howard Jones, Jackson, Keating, Lane, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr Speaker.

Quorum present

Prayer by the Chaplain.

One day's leave of absence granted to Messrs. Leach, Long, Mein, Arick, Felton, and Branch, and indefinite leave of absence granted to Mr. Baker, of Sacramento, on account of sickness.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, February eleventh, Mr. Burns moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

PETITIONS.

By Mr Mathews, of Tehama: A petition from citizens of Colusa County, relative to resolutions of investigation concerning Hon. F. L. Hatch.

Referred to the Special Committee of Investigation.

By Mr. Mason: A petition from citizens of Del Norte County, praying for the enactment of a law to prevent the making of a spurious article of butter.

Referred to Committee on Agriculture.

By Mr. Mudgett: A petition from citizens of Humboldt County, protesting against the passage of Senate Bills Nos. 46, 47, and 48, compelling the Western Union Telegraph Company to assume the liabilities of common carriers

Referred to the Committee on Corporations

By Mr Reynolds: A petition from citizens of the State of California, asking for the passage of local option laws.

Referred to Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

By Mr. Leake:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1881

MR SPEAKER Your Committee on Engrossment beg leave to report that they have examined, and found correctly engrossed, the following Assembly bills

Assembly Bill No 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure relating to the place of trial of civil actions

Also Assembly Bill No 194—An Act to provide for the publication of notices.

Also, Assembly Bill No 88—An Act to amend section one thousand and eighty-five of the Code of Civil Procedure of California and to add a new section to the Code of Civil Procedure of California, to be known as section one thousand and ninety-eight of the Code of Civil Procedure of California, relating to the writ of mandate.

LEAKE, for the Committee

INTRODUCTION OF BILLS.

By Mr. Reynolds: An Act to provide for the submission of the proposed amendments to the Constitution of this State, as proposed by the Legislature at its twenty-fourth session, to the votes of the qualified electors, at a special election to be held for that purpose.

Referred to Committee on Judiciary.

By Mr. Bost. An Act to repeal an Act entitled an Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California, approved April twelfth, eighteen hundred and eighty.

Referred to Committee on Chinese Immigration and Emigration.

By Mr. Paulk: An Act to establish and support a Bureau of Labor Statistics.

Referred to Committee on Labor and Capital.

GENERAL FILE—THIRD READING.

Assembly Bill No. 241—An Act to amend section six hundred and sixty-five of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Cannon Coleman, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Gavigan, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San

Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr. Speaker—59.

Title approved.

Assembly Bill No. 66—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

Read third time.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Alviso, Birney, Bost, Branch, Brown, Burns, Cameron, Chandler, Cunningham, Del Valle, Edwards, Estey, Freer, Gay, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Kilburn, Lane, Leach, Lewis, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Noonan, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wood, and Mr. Speaker—44.

Noes—Messrs. Baker of Yolo, Felton, Fraser, Howard, Jones, Keating, Leake, Mason, Patterson of Nevada, Paulk, Whipple, and Young—12.

Title approved.

SECOND READING.

Senate Bill No 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation—ordered read second time.

Mr. Jackson moved to amend the second section, so as to make the Act take effect one year from date of passage.

Lost.

The bill read second time, and ordered to be read third time.

Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons—ordered read second time.

The bill read second time, and ordered to be read third time.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery—ordered read second time.

Mr. Paulk moved to amend by striking out "one thousand," and inserting instead "five hundred."

Adopted.

The bill read second time, and ordered to third reading.

The vote reconsidered ordering the bill read third time.

The title amended, and the bill ordered read third time.

Mr. May moved the rules be suspended, and that Assembly Bill No. 414—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years, be taken up, and read first time.

The ayes and noes were demanded by Messrs. May, Lane, and Cameron.

The roll was called, and the motion declared lost by the following vote:

Ayes—Messrs. Birney, Brown, Chandler, Coleman, Daggett, Fraser, Freer, Gay, Gilmore, Hartson, Hoitt, Holden, Jones, Kilburn, Leake, Lewis, Long, Mason, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Platt, Siebe, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—36

Noes—Messrs Alviso, Baker of Yolo, Bost, Branch, Burns, Cameron, Crumpton, Cunningham, Del Valle, Edwards, Estey, Garnity, Geary, Griffith, Hendrick, Hinshaw, Howard, Jackson, Keating, Kellogg, Lane Leach Matthews of San Benito, McCallion, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Streeter, Wason of Ventura, Wentz, and Whipple—36

SECOND READING RESUMED.

Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

Refused second reading

Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to the operation of statutes—ordered read second time.

The bill read second time, and ordered to third reading.

NOTICE.

Mr. McClure gave notice that he would, to-morrow, move to reconsider the vote by which Senate Bill No 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family—was refused second reading.

SECOND READING RESUMED.

Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code, in relation to preparation, presentation, and settlement of bills of exceptions in criminal cases—ordered read second time.

The bill read second time, and ordered read third time.

Assembly Bill No. 263—An Act entitled an Act to amend section one thousand four hundred and sixty-six, and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relating to appeals to Superior Courts—ordered read second time.

The amendment recommended by the committee adopted.

The bill read second time.

Ordered engrossed, and to be read third time.

MOTION.

Mr. Whipple moved the rules be suspended, and that Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three—be taken up out of order.

The ayes and noes were demanded by Messrs. Lane, Paulk, and Howard.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs Brown, Chandler, Coleman, Daggett, Hoitt, Holden, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, Noonan, Siebe, Swift, Whipple, Wood, Young, and Mr Speaker—18

NOES—Messrs. Alviso, Baker of Yolo, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Hale, Hendrick, Hinshaw, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, May, McCallion, McClure McMurray, Mein, Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Streeter, Van Fleet, Watkins, Wason of Ventura, and Wentz—48.

SECOND READING RESUMED.

Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders—ordered read second time.

Mr. Young moved to amend section two, by inserting after the word "county," in line five, the words "once a week."

Adopted.

Title amended.

The bill read second time and ordered to third reading.

Assembly Bill No. 156—An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, eight hundred and sixty-eight, nine hundred and seventy-four, and nine hundred and eighty of the Code of Civil Procedure—ordered read second time.

The amendments recommended by the committee adopted.

Mr. Young moved to amend the bill, by striking out section four.

Lost.

Title amended, the bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 211—An Act relative to apprentices and minors and masters—ordered read second time.

The substitute recommended by the committee adopted.

The bill read second time, and substitute ordered printed.

REPORT OF STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1881.

MR SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No 48—An Act to regulate the rate of charges upon telegraph lines and to prevent extortion by owners of telegraph lines—have had the same under consideration, and now report the same back with amendment, and recommend that it do pass as amended.

ADJOURNMENT.

At five o'clock, on motion of Mr. Jackson, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 15, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gray, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker

Quorum present
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, February twelfth, Mr. Hoitt moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

Mr. McClure had leave to speak to a question of privilege with reference to certain editorial comments made in the San Francisco *Bulletin*, in an issue of that paper of recent date.

REPORTS OF STANDING COMMITTEES.

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 241—Entitled "An Act to establish a Branch State Normal School"—have had the same under consideration, and now report it back, and recommend that it do pass, and that it take the place of Assembly Bill No. 165 on the file, and the author of Assembly Bill No. 165 be allowed to withdraw the same.

Also, Assembly Bill No. 462—Entitled "An Act to provide for relief of schools in flooded districts"—and recommend that the same do not pass, as the substance thereof is contained in section one thousand eight hundred and fifty-nine of the Political Code.

HOITT, Chairman.

By Mr. Baker, of Yolo:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts—have had the same under consideration, and now report the same back and recommend its passage as amended.

BAKER, Chairman.

By Mr. Young.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. SPEAKER: Your Committee on County Governments, to whom was referred Assembly Bill No. 467—An Act to authorize the several counties of the State to erect monuments in honor of the soldiers and sailors in the service of the United States who lost their lives in the late war of the rebellion—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended.

Also, return petition of citizens of Contra Costa County, relating to salaries of officials.

Also, return petition of citizens of Contra Costa County, relating to salaries of officers.

YOUNG, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Concurrent Resolution has been correctly enrolled: No. 20—Relative to time of adjournment on Wednesday, February sixteenth, eighteen hundred and eighty-one—and the same was, at two o'clock and fifty-five minutes P. M., this day, February fourteenth, eighteen hundred and eighty-one, delivered to the Governor for his approval.

WARKINS, Chairman.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 456—An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section six hundred and fifteen, relating to cemetery corporations—have had the same under consideration, and now report it back with the recommendation that it do pass as amended.

Also, Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators—and recommend it do pass as amended.

Also, Assembly Bill No 435—An Act to amend an Act entitled "An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relating to postponement of trials," approved March second, eighteen hundred and eighty—and recommend it do not pass

Also, Assembly Bill No 416—An Act to amend section four hundred and forty-two of the Code of Civil Procedure, relating to cross complaints—and recommend that it do not pass

Also, Assembly Bill No 445—An Act to add to the Political Code four new sections, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, and three thousand six hundred and sixty-nine, relating to the duties of Assessors—and recommend its passage as amended.

Also, Assembly Bill No 446—An Act to amend section two thousand nine hundred and forty-eight of the Civil Code, and to add thereto one new section to be numbered two thousand nine hundred and forty-nine, relating to mortgages of real property—and recommend that it do not pass

Also, Assembly Bill No 447—An Act to amend section four thousand two hundred and thirty-five of the Political Code, relating to the duties of Recorder—and recommend that it do not pass.

Also, Assembly Bill No 448—An Act to amend section one thousand and ninety-two of the Civil Code, and to add thereto a new section, to be numbered one thousand and ninety-six, and to repeal section one thousand one hundred and thirteen of said Code, all relating to transfers of real property—and recommend that it do not pass.

Also, Senate Bill No. 206—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, relating to summary proceedings for obtaining possession of real estate—and recommend that it do pass as amended

Also, Senate Bill No 150—An Act to amend sections fifteen and sixty-six of an Act entitled "An Act for the relief of insolvent debtors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty—and recommend that it do not pass.

Also, Assembly Bill No 417—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury—and recommend it do not pass.

Also, Assembly Bill No. 430—An Act to encourage the apprehension of criminals—and recommend that it do pass.

Also, Assembly Bill No. 434—An Act to amend the Penal Code by adding a new section thereto, to be known as section three hundred and ten—and recommend that it do pass

Also, Assembly Bill No 479—An Act entitled an Act to prevent the malicious prosecution of any State, county, township, or municipal officer of this State—and recommend that it do not pass.

Also, Assembly Bill No 432—An Act to amend section four hundred and seventy-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March twelfth, eighteen hundred and seventy-two, relating to suing a party by fictitious names—and recommend it do not pass.

Also, Assembly Bill No. 442—An Act prescribing the residence and duties of Superior Judges, and when they shall be deemed to have forfeited their office, and when they shall forfeit their salaries—and recommend it do not pass

Also, Assembly Bill No. 449—An Act to amend section three thousand four hundred and ninety of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, making parties who may cut, injure, or destroy any levees, or other reclamation works, responsible for the damages occasioned thereby—and recommend it do pass.

Also, Assembly Bill No. 440—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two—and recommend it do not pass.

Also, Assembly Bill No 468—An Act to cure alleged defects in the proceedings of public authorities, in relation to public work—and recommend it do not pass.

Also, Assembly Bill No. 460—An Act to amend sections one, two, and three of an Act entitled "An Act supplementary to an Act providing for an attorney and counselor in and for the City and County of San Francisco," etc.—and recommend it do not pass.

Also, Assembly Bill No. 459—An Act to authorize suits to be brought against the State of California in certain cases—and recommend it do pass.

Also, Assembly Bill No. 423—An Act to amend section one thousand one hundred and eighty-one of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, relating to the proof and acknowledgment of instruments—and recommend it do not pass.

Also Assembly Bill No 419—An Act to amend section one thousand four hundred and sixty-five of the Code of Civil Procedure—and recommend it do not pass.

Also, Assembly Bill No 418—An Act to amend section five hundred and forty-five of the Code of Civil Procedure—and recommend it do pass.

Also, Assembly Bill No. 463—An Act to amend an Act entitled "An Act to incorporate the City of Sacramento," approved April twenty-fifth, eighteen hundred and sixty-five, so as to confer further powers upon the Board of Trustees of said city—and recommend it do pass.

Also, Assembly Bill No. 117—An Act to regulate the erection and construction of public buildings—and recommend it do not pass.

McCLURE, Chairman

INTRODUCTION OF BILLS.

By Mr. Chandler: An Act to amend section three hundred and eighty-two of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to parties to actions.

Referred to Committee on Judiciary.

By Mr. Howard. An Act to prohibit the killing of domestic animals on the first day of the week, and to prevent the sale and the delivery of meat on that day.

Referred to Judiciary Committee.

By Mr Pinder: An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, concerning street railroad corporations.

Referred to Committee on Corporations.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 14, 1881

MR SPEAKER I am directed to inform your honorable body that the Senate, on Saturday, February twelfth, eighteen hundred and eighty-one, indefinitely postponed Assembly Bill No. 47—An Act to amend section one hundred and sixty of the Code of Civil Procedure, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or by the Governor, and providing for the payment by the county wherein such Court may be holden, in certain cases, of the actual expenses of such Judge for traveling to and from, and while holding such Court.

Also, on this day passed Assembly Bill No 130—An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham C. Harrison, deceased, against the State, and to appropriate money to pay the same

Also, Senate Bill No 19—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 fourteenth, A D. eighteen hundred and seventy-four

Also, Senate Bill No. 113—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools

Also, Senate Bill No 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justice or Police Courts to the Superior Courts

Also, Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops.

Also, Senate Bill No 209—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, to prevent the sale of liquors and tobacco to minors.

Also, Senate Bill No. 223—An Act to add another section to the Penal Code (chapter seven, title seven, part one), to prohibit persons from practicing law without a license from the Supreme Court

Also, Senate Bill No. 242—An Act to empower societies for the prevention of cruelty to animals to take money under wills

Also, Senate Bill No 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, and for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Also, Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

Also, Senate Bill No 140—An Act to amend section three thousand eight hundred and sixty-six of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to settlement of County Treasurers with the State Controller, and payments into the State treasury.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 19—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 fourteenth, A. D. eighteen hundred and seventy-four.

Referred to Committee on Education.

Senate Bill No. 113—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools.

Referred to Committee on Education.

Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justices or Police Courts to the Superior Courts.

Referred to Committee on Judiciary.

Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops.

Referred to Committee on Claims.

Senate Bill No. 209—An Act to add a new section to the Penal Code, to be known as section three hundred and seven, to prevent the sale of liquors and tobacco to minors.

Referred to Committee on Public Morals.

Senate Bill No. 223—An Act to add another section to the Penal Code (chapter seven, title seven, part one), to prohibit persons from practicing law without a license from the Supreme Court.

Referred to Committee on Judiciary.

Senate Bill No. 242—An Act to empower societies for the prevention of cruelty to animals to take money under wills.

Referred to Committee on Public Morals

Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, and for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year

Referred to Committee on Claims

Senate Bill No 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

Referred to Committee on Education.

Senate Bill No. 140—An Act to amend section three thousand eight hundred and sixty-six of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to settlement of County Treasurers with the State Controller, and payments into the State treasury.

Referred to Committee on Ways and Means.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 14, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 236—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March twenty-fifth, eighteen hundred and eighty.

Also, Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year

Also, Senate Bill No 286—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Also, Senate Bill No 217—An Act to provide for bridges across navigable streams

Also, Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda

Also, Senate Bill No 262—An Act to authorize the Boards of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 236—An Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty.

Referred to the Committee on Ways and Means.

Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Senate Bill No. 286—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Referred to Committee on Ways and Means.

Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Referred to Committee on Roads and Highways.

Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda.

Referred to the Committee on Judiciary.

Senate Bill No 262—An Act to authorize the Boards of Supervisors of the several counties in the State, to grant franchises and privileges to corporations, associations, or individuals.

Referred to Committee on County Governments.

REPORT OF A STANDING COMMITTEE.

By Mr. Wentz:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. SPEAKER: Your Committee on Culture and Improvement of the Grapevine and Fruit Trees, to whom was referred Assembly Joint Resolution No 1—have had the same under consideration, and now report the same back with a substitute therefor, and recommend the passage of the substitute

WENTZ, Chairman.

MOTION.

Mr May moved that Assembly Bill No. 414 be taken up out of order, and read first time.

The ayes and noes were demanded by Messrs. Burns, Paulk, and Sargent.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Brown, Chandler, Crumpton, Daggett, Felton, Fraser, Freer, Gay, Gilmore, Griffith, Hale, Hartson, Hoitt, Jones, Keating, Leake, Lewis, Long, Mason, Mathews of Tehama, May, McClure, McDonald, McMurray, Mudgett, Nooman, O'Connor, Patterson of Nevada, Platt, Siebe, Van Fleet, Watkins, Whipple, Wood, Young, and Mr Speaker—40.

NOES—Messrs Alviso, Branch, Burns, Cannon, Coleman, Crank, Edwards, Estey, Gaunty, Gavigan, Geary, Hinshaw, Howard, Jackson, Kellogg, Kilburn, Lane, Leach, Matthews of San Benito, McCallum, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Streeter, Swift, Wason of Ventura, and Wentz—31.

GENERAL FILE—THIRD READING.

Assembly Bill No 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Burney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hinshaw, Hoitt, Jackson, Jones, Keating, Kellogg, Lane, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr. Speaker—61.

NOES—None.

Assembly Bill No. 194—An Act to provide for the publication of notices.

Read third time.

Mr. Mason moved to refer the bill to its author, with special instructions to amend by inserting, after the words "law journal," in line two, of section one, the following: "or newspaper."

Lost.

The previous question was demanded by Messrs. McCallion, Lane, and Camron, and the House so ordered.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Burney, Bost, Branch, Burns, Crank, Crumpton, Daggett, Del Valle, Edwards, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Lewis, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Siebe, Van Fleet, Whipple, and Young—45.

NOES—Messrs. Camron, Chandler, Coleman, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Kilburn, Leach, Leake, Long, Mason, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Swift, Watkins, Wason of Ventura, Wentz, Wood, and Mr. Speaker—27.

Title approved.

NOTICE.

Mr. May gave notice that he would, to-morrow, move to reconsider the vote by which the bill was passed.

THIRD READING—CONTINUED.

Assembly Bill No. 88—An Act to amend section one thousand and eighty-five of the Code of Civil Procedure of California, and to add a new section to the Code of Civil Procedure of California, to be known as section one thousand and ninety-eight of the Code of Civil Procedure of California, relating to the writ of mandate.

Read third time

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Burns, Camron, Felton, Garrity, Gavigan, Griffith, Hendrick, Hoitt, Keating, Kellogg, Kilburn, Lewis, May, O'Connor, Pinder, Platt, Samuels, Siebe, Whipple, and Young—23

NOES—Messrs. Burney, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Daggett, Edwards, Estey, Fraser, Freer, Gay, Geary, Gilmore, Hale, Hinshaw, Howard, Jackson, Jones, Lane, Leach, Leake, Long, Mason, Matthews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Swift, Watkins, Wason of Ventura, Wentz, Weitsbaugher, Wood, and Mr. Speaker—47

NOTICE.

Mr. McClure gave notice that he would, to-morrow, move to reconsider the vote by which the bill was refused passage.

THIRD READING—CONTINUED.

Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

Read third time.

Mr. McDonald moved the bill be indefinitely postponed.

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess for one hour.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

THIRD READING—RESUMED.

The consideration of Senate Bill No. 76—An Act to provide for the appointment of a Deputy Supreme Court Reporter and to regulate his compensation—resumed.

The question recurred on the indefinite postponement of the bill.

The previous question was demanded by Messrs Garrity, Howard, and Lane, and the House so ordered.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs Howard, Jackson, McDonald, and Swift—4.

NOES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freet, Garrity, Gilmore Griffith, Hendrick, Hinshaw, Hoitt, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr. Speaker—56.

The question recurred upon the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freet, Garrity, Gavigan, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May McCallion, McClure, McMurray, Mein, Mudgett, Murphy, Noonan O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—60.

NOES—Messrs. Howard, Jackson, Leake, McDonald, and Swift—5.

RECONSIDERATION.

Mr. McClure moved to reconsider the vote by which Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family, was refused second reading.

Carried

The bill ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

MOTION.

Mr. May moved that the rules be suspended, and that Assembly Bill No 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly, for the twenty-fourth session, be taken up out of its order.

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

The ayes and noes were demanded by Messrs. Murphy, Edwards, and Wason, of Ventura.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Alviso, Burns, Camron, Edwards, Estey, Garrity, Gavigan, Griffith, Hendrick, Hinshaw, Howard, Jones, Keating, Kellogg, Lane, Matthews of San Benito, McCallion, Murphy, Paulk, Pinder, Samuels, Sargent, Sehe, Wason of Ventura, and Whipple—25.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Felton, Fraser, Freer, Gay, Geary, Gilmore, Hartson, Hoitt, Holden, Jackson, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—48.

The question recurred upon Mr May's motion.

The ayes and noes were demanded by Messrs. Camron, Paulk, and Sargent.

The roll was called, and the bill was ordered taken up out of order by the following vote:

AYES—Messrs Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Chandler Coleman, Crank, Crumpton, Cunningham, Daggett, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kilburn, Lane Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Sehe Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—64

NOES—Messrs Camron, Estey, McCallion Paulk, Sargent, and Wason of Ventura—6.

Assembly Bill No 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session

Taken up, and ordered read second time.

Mr. May moved to amend section two so as to read: "Section 2. The moneys hereby appropriated shall be exempt from the provisions of section six hundred and seventy-two of the Political Code, and this Act shall take effect immediately."

Adopted.

The bill read second time, ordered engrossed, and to be read third time.

Mr. May moved the bill be ordered printed, and to the head of the Third Reading File for to-morrow.

Carried.

RESOLUTION.

By Mr. McClure (by permission):

Resolved, That the mail carrier of the Assembly be allowed for cartage, etc., of mail to and from the Post Office, the sum of one dollar per day for the session, and that the Controller be and is hereby authorized to draw his warrant for such sum, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

SPECIAL ORDER.

The special order for this hour. Substitute for Assembly Bill No. 55—An Act to amend section three thousand two hundred and thirty-three of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to provide that work upon the public buildings of this State, and of every city, county, and city and county, within this State, shall be done by day labor, and under the supervision of a superintendent or officer having charge of the same, taken up.

The question recurred on the passage of the bill.

The previous question was demanded by Messrs. Camron, Jackson, and Garrity.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Pinder, Platt, Siebe, Swift, Wason of Mono, Whipple, and Wood—42.

NOES—Messrs. Alviso, Camron, Chandler, Crank, Edwards, Estey, Felton, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Mason, McClure, Murphy, Patterson of San Joaquin, Paulk, Reddick, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Mr. Speaker—29.

Title approved.

Mr. May gave notice that he would, to-morrow, move to reconsider the vote by which the bill passed.

INTRODUCTION OF BILLS.

By Mr. Baker, of Yolo: An Act to provide for the payment of the claim of Wm. Sanders.

Referred to Committee on Claims.

By Mr. May: An Act to appropriate the sum of twenty-five thousand dollars for the purchase of statuary for the State Capitol, Sacramento

Referred to Committee on Public Buildings and Grounds.

THIRD READING—RESUMED.

Senate Bill No. 88—An Act to amend section two thousand two hundred and seventeen of the Political Code, relating to the committal of insane persons.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—67.

NOES—Mr. Barney—1.

Title amended and approved as amended.

The vote by which the title was amended was reconsidered.

Title approved.

Senate Bill No. 66—An Act to amend section three hundred and twenty-nine of the Political Code, relating to the operation of statutes.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Alviso, Arick, Bost, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kilburn, Leach, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, Mudgett, Murphy, Nooman, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, Young and Mr. Speaker—59.

NOES—Messrs. Kellogg, Leake, McMurray, and Paulk—4.

REPORT OF A STANDING COMMITTEE.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session

MEIN, Chairman.

THIRD READING—RESUMED.

Senate Bill No. 41—An Act to amend section one thousand one hundred and seventy-one of the Penal Code, in relation to preparation, presentation, and settlement of bills of exception in criminal cases.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Bost, Branch, Brown, Burns, Camron, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Nooman, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr Speaker—61.

NOES—Mr. McClure—1.

Title approved.

MOTION.

Mr. Camron moved that the rules be suspended, and the House now proceed to consider Senate Bill No. 27—An Act to repeal an Act entitled an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty.

The ayes and noes were demanded by Messrs. Camron, Lane, and Long.

The roll was called, and the motion was declared lost by the following vote:

AYES—Messrs. Alviso, Birney, Bost, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—45.

NOES—Messrs. Arick, Brown, Chandler, Coleman, Daggett, Fraser, Freer, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Keating, Kellogg, Lewis, Long, May, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—33.

Mr. Camron moved that Assembly Bill No. 152 be passed on file.

At four o'clock and twenty minutes P. M., Mr. Jackson moved we do now adjourn, upon which the ayes and noes were demanded by Messrs. Burns, Gavigan, and Keating.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Brown, Daggett, Gilmore, Hale, Jackson, Keating, Kellogg, Long, Mein, O'Connor, Patterson of Nevada, Swift, Watkins, Wasson of Mono, Wood, and Mr Speaker—17.

NOES—Messrs Alviso, Birney, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Young—61.

The previous question was demanded by Messrs. Burns, Camron, and Lane.

Upon which the ayes and noes were demanded by Messrs. Kellogg, Burns, and May.

The roll was called, and the House refused to order the main question by the following vote:

AYES—Messrs Alviso, Bost, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Kilburn, Lane, Leach, Leake, Matthews of San Benito, McCallion, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, and Whipple—39.

NOES—Messrs. Arick, Birney, Brown, Chandler, Coleman, Daggett, Fraser, Freer, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Jones, Keating, Kellogg, Lewis, Long, Mason, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—39.

At four o'clock and forty-five minutes, Mr. Long moved we do now adjourn.

The ayes and noes were demanded by Messrs. Edwards, Brown, and Long.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Arick, Birney, Bost, Brown, Chandler, Coleman, Daggett, Freer, Gilmore, Hale, Hoitt, Holden, Jackson, Keating, Kellogg, Long, Mason, Mathews of Tehama, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Platt, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Whipple, Wood, Young, and Mr. Speaker—36.

NOES—Messrs. Alviso, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Howard, Jones, Kilburn, Lane, Leach, Leake, Matthews of San Benito, May, McCallion, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, and Wertsbaugher—41.

Mr. Camron moved we do now take a recess until seven o'clock this evening.

The ayes and noes were demanded by Messrs. Camron, Lane, and Burns.

Mr. Kellogg moved to amend to make the time of meeting after recess eleven o'clock.

ADJOURNMENT.

At five o'clock P. M. Mr. Van Fleet moved we do now adjourn.

The ayes and noes were demanded by Messrs. Estey, Burns, and Lane.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Arick, Barney, Bost, Brown, Chandler, Coleman, Crumpton, Daggett, Fraser, Freer, Geary, Gilmore, Griffith, Hale, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Lewis, Long, Mason, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Samuels, Swift, Van Fleet, Watkins, Wasson of Mono, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker—46.

NOES—Messrs. Alviso, Branch, Burns, Cameron, Crank, Cunningham, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Hendrick, Hinshaw, Howard, Kilburn, Lane, Leach, Leake, Matthews of San Benito, McCallion, Paulk, Pinder, Reynolds, Sargent, Siebe, Streeter, Wason of Ventura, and Wentz—30.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 16, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown Burns, Cameron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Harlson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones Keating, Kellogg, Kilburn Lane Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, February fourteenth, Mr. Reynolds moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Patterson:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution—have had the same under consideration, and now report the same back, and recommend that it do pass

PATTERSON, Chairman

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1881.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 19—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 fourteenth, eighteen hundred and seventy-four—have had the same under consideration, and now report it back, and recommend that it do pass.

Also, Senate Bill No. 113—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools—and recommend that it do not pass.

Also, Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the endowment fund thereof, which moneys have *by mistake been withheld therefrom and appropriated to other State purposes*—*and recommend* that it do pass.

HOITT, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 263—An Act entitled an Act to amend section one thousand four hundred and sixty-six, and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relating to appeals to Supreme Courts.

Also, Assembly Bill No. 156—An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, eight hundred and sixty-eight, nine hundred and seventy-four, and nine hundred and eighty of the Code of Civil Procedure.

MEIN, Chairman.

By Mr. Long:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1881.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 188—An Act concerning roads and highways in this State—have had the same under consideration, and now report the same back without recommendation.

Also, substitute for Senate Bill No. 217—An Act to provide for bridges across navigable streams—and recommend that it do pass.

LONG, Chairman.

INTRODUCTION OF BILLS.

By Mr. Paulk: An Act to amend section twenty of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, relating to the assessment on hydraulic mines.

Referred to Committee on Water Rights and Drainage.

Also, an Act to repeal section twenty-four of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

The Speaker indicated the Committee on Water Rights and Drainage.

Mr. Camron moved the bill be referred to the Committee on Irrigation.

Mr. Jackson moved it be referred to a special committee, consisting of Messrs. Camron and Paulk.

The ayes and noes were demanded by Messrs. Mein, McDonald, and Van Fleet.

The roll was called, and the bill ordered referred to the Committee on Irrigation by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Burns, Camron, Coleman, Crank, Crumpton, Del Valle, Edwards, Felton, Garnett, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Matthews of San Benito, McCallum, McClure, Murphy, Noonan, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—46.

NOES—Messrs. Arick, Brown, Chandler, Daggett, Fraser, Freer, Hale, Hoitt, Jackson, Keating, Lewis, Long, Mathews of Tehama, May, McDonald, Mein, Mudgett, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—27.

INTRODUCTION OF BILLS.

By Mr. Platt: An Act to amend sections fourteen, twenty, twenty-five, and twenty-nine of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Referred to Committee on Water Rights and Drainage.

By Mr. Sargent: An Act to change the boundary line between San Joaquin and Calaveras Counties.

Referred to Committee on Counties and County Boundaries.

RESOLUTION.

By Mr. Lewis (by permission):

Resolved, That on and after Friday, February eighteenth, eighteen hundred and eighty-one, the Assembly will hold evening sessions, beginning at half-past seven o'clock.

Referred to Committee on Rules.

REPORT OF STANDING COMMITTEE.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1881.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No 480, also, Senate Bill No 209—have had the same under consideration, and now report the same back, and recommend that they do pass

The committee also returns a petition asking the passage of a local option law.

REYNOLDS, Chairman.

COMMUNICATION.

The Speaker presented the following communication:

SAN FRANCISCO, February 13, 1881.

Hon W H Parks, Speaker of the Assembly, Sacramento, California

SIR: I have the honor to respectfully present, through you, to the Assembly, a set of framed oleographic illustrations of vines and grapes of California, being the celebrated work published by Edward Bosqui & Co, under the auspices of the State Vinicultural Society, a work that has never been equaled in respect to its artistic merits. I respectfully request that the Assembly may accept the same, with the understanding that they may be hung on the walls of some part of the Assembly Chamber, the rooms of the Sergeant at-Arms, or the corridor, where they will do honor to our beloved State, and gratify the many visitors who visit our Capitol building

Very respectfully,

CHAS A. WETMORE.

RESOLUTION.

By Mr. Hartson (by permission):

Resolved, That we accept the oleographic illustrations of the California vine and grape presented to the Assembly of this State by the Vinicultural Society, and in appreciation of their great artistic and instructive merits direct the Sergeant-at-Arms of this House to suspend them in some conspicuous place in the Capitol building, so that their excellencies may be viewed by all that may visit this Capitol

Adopted.

REPORT OF STANDING COMMITTEE.

By Mr. Sargent:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1881

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No 241—Entitled an Act to amend sections three thousand four hundred and fifty-four, three thousand four hundred and fifty-six, three thousand four hundred and fifty-nine, and three thousand four hundred and sixty-one of an Act entitled an Act to establish a

Political Code, approved March twelfth, eighteen hundred and seventy two, relating to reclamation of swamp and overflowed lands—have had the same under consideration and now report the same back with amendments, and recommend the passage of the same as amended

SARGENT, Chairman pro tem.

On motion of Mr. Baker, the bill reported above ordered printed

MOTION.

Mr. Edmunds moved that Senate Bill No. 27 be now taken up for consideration.

Mr. McDonald moved a call of the House.

The ayes and noes were demanded by the regular number.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Brown, Chandler, Freer, Gay, Geary, Gilmore, Hoitt Jackson, Jones, Keating, Kellogg, Long, McDonald, Mein, Mudgett, O'Connor, Patterson of Nevada, Streeter, Swift, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—26

NOES—Messrs. Alviso, Birney, Bost, Branch, Burns, Camron, Coleman, Crank, Crumpton Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Kilburn, Lane, Leach, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, May, McCallion, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Wason of Ventura, Wentz, and Whipple—44.

Mr. McDonald moved to lay the motion to take up Senate Bill No. 27 on the table.

The ayes and noes were demanded by Messrs. Mein, Long, and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Brown, Chandler, Coleman, Daggett, Fraser, Freer, Geary, Gilmore, Hale, Hoitt, Jackson, Keating, Kellogg, Lewis, Long, May, McDonald, Mein, Mudgett, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—30.

NOES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Burns, Camron, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—44.

The previous question was demanded by Messrs. Burns, Lane, and Camron.

The question being, Shall the main question be ordered?

The ayes and noes were demanded by the requisite number.

The roll was called, and the main question was ordered by the following vote.

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Burns, Camron, Coleman, Crank, Crumpton, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Mason, Matthews of San Benito, McCallion, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—44.

NOES—Messrs. Arick, Brown, Chandler, Daggett, Felton, Freer, Geary, Gilmore, Hale, Hoitt Jackson, Keating, Kellogg, Lewis, Long, Mathews of Tehama, May, McDonald, Mein, Mudgett Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins Wasson of Mono, Wood, Young, and Mr. Speaker—30.

The question recurred on the motion to take up Senate Bill No. 27.

The ayes and noes were demanded by Messrs. Camron, Sargent, and Siebe.

The roll was called, and the motion was declared lost by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Branch, Burns, Camron, Crank, Crumpton, Del Valle, Edwards, Estey, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Steeter, Wason of Ventura, Wentz, Wert-baugher, and Whipple—43.

NOES—Messrs. Aiuck, Brown, Chandler, Coleman, Daggett, Fraser, Freer, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Keating, Kellogg, Lewis, Long, May, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—33.

RECONSIDERATION.

Mr. May, pursuant to notice, moved to reconsider the vote by which Assembly Bill No. 194—An Act to provide for the publication of notices, passed the House yesterday.

Mr. McCallion moved that the motion to reconsider be indefinitely postponed.

The previous question was demanded by Messrs. Mason, Camron, and McCallion, and the House so ordered.

The ayes and noes were demanded on the motion to indefinitely postpone the motion to reconsider by Messrs. Freer, Platt, and Mason.

The roll was called, and the motion was lost by the following vote

AYES—Messrs. Aiuck, Baker of Yolo, Birney, Branch, Crumpton, Daggett, Del Valle, Edwards, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Van Fleet, and Whipple—32

NOES—Messrs. Brown, Camron, Chandler, Coleman, Crank, Cunningham, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Long, Mason, Matthews of San Benito, May, Mudgett, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Swift, Watkins, Wason of Ventura, Wentz, Wert-baugher, Wood, Young, and Mr. Speaker—34.

The question recurred on the motion to reconsider.

The ayes and noes were demanded by Messrs. Platt, Freer, and Kellogg.

Mr. Felton moved a call of the House.

Lost.

The roll was called, and the motion to reconsider was lost by the following vote:

AYES—Messrs. Brown, Camron, Chandler, Coleman, Crank, Cunningham, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Long, Mason, Matthews of San Benito, May, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wert-baugher, Wood, Young, and Mr. Speaker—37

NOES—Messrs. Aiuck, Baker of Yolo, Birney, Branch, Burns, Crumpton, Daggett, Del Valle, Edwards, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, McCallion, McDonald, Murphy, Noonan, O'Connor, Platt, Van Fleet, and Whipple—32

REPORT OF STANDING COMMITTEE.

By Mr. Van Fleet (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1881.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No. 227—An Act to amend section two thousand one hundred and seven of the Political Code, relating to the duties of the Adjutant-General—have had the same under consideration, and now report the same back, and recommend that the same do pass.

VAN FLEET, Chairman.

Mr. Kellogg moved to take up Senate messages.

The ayes and noes were demanded by Messrs. Burns, Paulk, and Sargent.

ADJOURNMENT.

At twelve o'clock and fifty-five minutes, on motion of Mr. Hendrick, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 17, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs. Baker of Yolo, Baker of Sacramento, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, February fifteenth, Mr. Mathews, of Tehama, moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

PETITIONS.

By Mr. Freer: A petition from citizens of Butte County, protesting against the repeal of the Debris Act.
Referred to the Committee on Water Rights and Drainage.
By Mr. Kellogg: A petition from citizens of Plumas County, asking for the passage of a local option law.
Referred to the Committee on Public Morals.
By Mr. Young: A petition from citizens of Sacramento, asking for the passage of a local option law.
Referred to Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

By Mr. Felton:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1881.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 329—An Act to regulate the price, quality, and illuminating power of gas furnished by corporations existing within the State of California:

Also, Assembly Bill No 402—An Act concerning gas companies;

Also, Assembly Bill No 477—An Act to enable the Board of Supervisors, or other legislative body of any city and county, or city, or town, in the State of California, to fix the standard illuminating power and to fix the price of gas.

Also, Assembly Bill No. 403—An Act to prevent extortion by gas companies in the State of California,

Have had the same under consideration, and now report the same back and recommend that they do not pass, for the reason that their general features are embodied in bills heretofore returned by your committee for passage.

Also, Senate Bill No. 30—An Act to amend title eleven, of part four, of the Civil Code, and each and every section thereof, and to substitute a new title eleven, of part four, to take the place thereof in said Code, relating to mining corporations;

Also, Assembly Bill No 461—An Act to compel fire insurance companies to pay the full amount of insurance on property insured,

Have had the same under consideration, and now report the same back, and recommend that they do not pass.

Also, Senate Bill No. 30—An Act to amend section four hundred and twenty-seven of the Civil Code, concerning investments of the capital stock and funds of insurance companies.

Also, Senate Bill No. 185—An Act to amend an Act entitled an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 195—An Act to protect railroad corporations in the enjoyment of their franchises,

Also, Assembly Bill No 374—An Act for the protection of the depositors in savings banks—have considered the same, and now report them back, and recommend that they do pass.

Also, Assembly Bill No. 233—An Act for the incorporation of mutual fire insurance companies and defining their powers and duties (a similar bill having already been recommended for passage), now report the same back and recommend that it do not pass

Also Assembly Bill No 407—An Act to amend section four of an Act entitled an Act creating a Board of Bank Commissioners, and prescribing their duties and powers, approved March thirteeth eighteen hundred and seventy-eight, relating to the examination of the books and accounts of savings banks and savings associations—now report the same back, and recommend that it do pass as amended.

FELTON, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled

Assembly Bill No 130—Entitled an Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same—and the same was, at eleven o'clock A M this day, February sixteenth, eighteen hundred and eighty-one, presented to the Governor for his approval

WARKINS, Chairman.

INTRODUCTION OF BILLS.

By Mr Young: An Act to amend section seventeen of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April fifteenth, eighteen hundred and eighty, relating to the salaries of officers and employés of such prisons.

Referred to Committee on State Prisons.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 16 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February fifteenth, eighteen hundred and eighty-one, passed Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city or county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one of article fourteen of the Constitution, and prescribing penalties for the non-performance of such duties.

And on this day adopted Senate Joint Resolution No. 5—Relative to the election of five Trustees of the State Library.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city or county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one of article fourteen of the Constitution, and prescribing penalties for the non-performance of such duties.

Referred to the Committee on Corporations.

Senate Joint Resolution No. 5—Relative to the election of five Trustees of the State Library.

The resolution read.

Mr. Holden moved it be referred to the Committee on State Library.

The ayes and noes were demanded by Messrs. Holden, Lane, and McCallion.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs Baker of Yolo, Birney, Bost, Cunningham, Daggett, Del Valle, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Platt, Samuels, Swift, and Whipple—26.

NOES—Messrs. Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—39.

Mr. McCallion moved a call of the House.

Upon which the ayes and noes were demanded by Messrs. McCallion, McDonald, and Jackson.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs Baker of Yolo, Bost, Del Valle, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Kellogg, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Mudgett, O'Connor, Platt, Samuels, Swift, and Whipple—21.

NOES—Messrs Birney, Branch, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lane, Leach, Lewis, Long, Mason, May, McClure, McMurray, Mein, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—43.

Mr. Camron moved the resolution be adopted.

Mr. Del Valle moved the consideration of the resolution be made the special order for to-morrow, at three o'clock P. M.

The ayes and noes were demanded by Messrs. McCallion, Gilmore, and Kellogg

The roll was called, and the motion lost by the following vote:

AYES—Messrs Baker of Yolo, Birney, Bost, Branch, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, O'Connor, Platt, Samuels, Swift, and Whipple—29.

NOES—Messrs. Brown, Camron Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—39.

The previous question was demanded by Messrs. May, Siebe, and Hendrick.

The ayes and noes thereon were demanded by Messrs. McDonald, Kellogg, and McCallion.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Noonan, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—42.

NOES—Messrs. Baker of Yolo, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, O'Connor, Platt, Samuels, Swift, and Whipple—30.

The question recurred on the passage of the resolution.

The ayes and noes were demanded by Messrs. Platt, Cunningham, and McDonald.

The roll was called, and the resolution was passed by the following vote:

AYES—Messrs. Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Holden, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Wood, Whipple, Young and Mr. Speaker—42

NOES—Messrs. Baker of Yolo, Birney, Bost, Branch, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Platt, Samuels, and Swift—32.

NOTICE.

Mr. Holden gave notice that he would, to morrow, move to reconsider the vote by which the resolution was passed.

RESOLUTION.

By Mr. Mason (by permission): Assembly Concurrent Resolution—Relative to obtaining an appropriation for the purpose of removing obstructions to navigation at the mouth of Smith River, in Del Norte County.

Referred to Committee on Federal Relations.

MOTION.

Mr. Platt moved to take up Senate Joint Resolution No 3—Relative to the Nicaragua inter-oceanic canal.

The previous question was demanded by Messrs. Hendrick, Paulk, and Camron, and the House so ordered.

The question recurred upon the motion.

The ayes and noes were demanded by Messrs. Kellogg, McDonald, and Gilmore.

The roll was called, and the motion was declared lost by the following vote:

AYES—Messrs. Bost, Brown, Cunningham, Daggett, Del Valle, Holden, Mason, McClure, Mudgett, Platt, Van Fleet, Wood, and Young—13.

Noes—Messrs. Baker of Yolo, Birney, Branch, Camron, Chandler, Coleman, Crumpton, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Matthews of San Benito, May, McCallum, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Weitsbaugher, Whipple and Mr. Speaker—53.

GENERAL FILE—THIRD READING.

Assembly Bill No. 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session.

Read third time.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Gay, Geary, Harlson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Long, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Weitsbaugher, Wood, Young, and Mr. Speaker—62.

Noes—None.

Title approved

Mr. May moved the rules be suspended, and that Senate Bill No. 336—An Act to provide a Contingent Fund for the Legislature—be taken up.

So ordered.

The bill read first time.

Mr. May moved that this be declared a case of urgency, and that the constitutional provision requiring bills to be read on three separate days be suspended, and the bill read second time immediately.

The roll was called, and the motion carried by the following vote:

Ayes—Messrs. Alviso, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Gavigan, Gay, Geary, Griffith, Hale, Harlson, Hendrick, Hoitt, Holden, Jones, Keating, Lane, Lewis, Long, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Weitsbaugher, Wood, Young, and Mr. Speaker—53.

Noes—Messrs. Hinshaw, Leach, Leake, and Paulk—4.

The bill ordered read second time

The bill read second time, and ordered read third time.

THIRD READING—CONTINUED.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery.

Read third time.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Alviso, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Estey, Fraser, Garrity, Gay, Griffith, Hale, Hendrick, Hoitt, Jones, Kellogg, Lane, Leach, Lewis, Long, Mathews of Tehama, May, McCallum, Noonan, O'Connor, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Weitsbaugher, Whipple, and Mr. Speaker—42.

Noes—Messrs. Gilmore, Hinshaw, Matthews of San Benito, McClure, McDonald, McMurray, Mein, Patterson of Nevada, Samuels, Wason of Ventura, Wood, and Young—12.

Title approved.

Senate Bill No. 59—An Act to amend section one thousand four hundred and sixty-eight of the Code of Civil Procedure, relating to the property set apart to the use of the family.

Read third time.

The previous question was demanded by Messrs. Estey, Wason of Ventura, and Brown.

The House so ordered.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Bost, Brown, Cannon, Chandler, Coleman, Crumpton, Cunningham, Del Valle, Estey, Felton, Fraser, Garrity, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Leach, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McClure, Noonan, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertshaugher, Whipple, Wood, and Mr. Speaker—47.

NOES—Messrs Geary, Gilmore, Lane, McCallion, Paulk, Sargent, and Young—7.

Title approved.

Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Bost, Brown, Cannon, Chandler, Coleman, Crumpton, Cunningham, Del Valle, Estey, Fraser, Garrity, Gavigan Gay, Gilmore Griffith, Hartson, Hendrick, Hinshaw Hoitt, Holden, Howard, Jones, Keating, Lane, Leach, Leake, Long, Mathews of Tehama Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertshaugher, Whipple, Young, and Mr Speaker—54.

Title approved.

SECOND READING.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

The question recurred on the adoption of the substitute recommended by the committee.

Mr. Reynolds moved to amend the substitute as follows: By inserting in section one the word "all," at the end of line one, and striking out the words "of the first class," from line two, printed bill.

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

SECOND READING.

The consideration of Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers—resumed.

The question being upon the adoption of the amendment to the substitute

Mr. Reynolds had leave to amend his amendment of the substitute so as to read as follows. Amend section one by inserting the word "all" at the end of line one, and striking out the words "in municipal corporations of the first class," from line two, printed bill.

Lost.

Mr. Paulk moved to amend section one of substitute to read as follows:

SECTION 1. All county, city and county, and township officers, except Judges of the Superior Courts, shall be elected at the general State election to be held on the first Tuesday after the first Monday in November, eighteen hundred and eighty-two, and at the general State election to be held every two years thereafter.

Lost.

The substitute recommended by the committee rejected.

The question recurred upon the amendment recommended by the committee to section one.

Mr. McClure moved to amend the amendment by inserting between the words "all" and "county," the word "elective," and by inserting between the words "county" and "and" the words "city and county." So as to read "all elective county, city and county, and township officers, except Superior Court Judges and Justices of the Peace, shall."

The ayes and noes were demanded by Messrs Burns, Lane, and McDonald.

The roll was called, and the amendment to the amendment was adopted by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Brown, Cannon, Chandler, Coleman, Crumpton, Cunningham, Edwards, Estey, Felton, Fraser, Gay, Geary, Gilmore, Hale, Hartson, Hendrick, Hoitt, Jones, Keating, Kellogg, Kilburn, Lewis, Long, Mason, May, McClure, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Platt, Reynolds, Sargent, Siebe, Shearer, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Mr Speaker—46

NOES—Messrs Bost, Branch, Burns, Crank, Daggett, Del Valle, Freer, Garrity, Gavigan, Griffith, Hinshaw, Holden, Howard, Jackson, Lane, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Murphy, Paulk, Pinder, Reddick, Samuels, Swift, Whipple, and Young—29.

Mr. McDonald moved to lay the amendment as amended on the table.

Lost.

The ayes and noes were demanded by Messrs. McDonald, Jackson, and McCallion.

The roll was called, and the amendment as amended was adopted by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Freer, Gay, Geary, Gilmore, Hale, Hartson, Hen-

drick, Hoitt, Jones, Keating, Kellogg, Kilburn, Leach, Lewis, Long, Mason, May, McCallum, McClure, Mein, Mudgett, Murphy, Nooman, Patterson of Nevada, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—50.

NOES—Messrs Branch, Burns, Crumpton Cunningham, Daggett, Del Valle, Garrity, Gavigan, Griffith, Hinshaw, Holden, Howard, Jackson, Lane, Leake Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, O'Connor Pinder, Reddick, Swift, Whipple, and Young—25.

Committee amendment number two to section one adopted.

Committee amendment number three adopted.

Committee amendment number four adopted

Mr. Cunningham moved to amend, in line five, by striking out the word "fourth," and inserting in lieu thereof the word "second;" also, in line seven, by striking out the word "four," and inserting instead the word "two."

Mr. Del Valle moved to make the bill the special order for three o'clock P. M. to-morrow.

The ayes and noes were demanded by Messrs. McDonald, Burns, and Murphy.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baker of Yolo, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle Garrity, Gavigan, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holden Jackson, Keating, Lane, Mathews of Tehama, McCallum, McDonald, Murphy, O'Connor, Reddick, Swift, and Young—26.

NOES—Messrs Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Freer, Gay, Hartson, Hoitt, Howard, Jones, Kellogg, Kilburn, Leach Leake, Lewis, Long, Mason, Matthews of San Benito, May, McClure, McMurray, Mein, Mudgett, Nooman, Patterson of Nevada, Paulk, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—47.

QUESTION OF PRIVILEGE.

The Speaker spoke to a question of privilege in reference to a communication that recently appeared in the San Francisco Examiner, in reference to the appointment of the Special Committee of Investigation, appointed to investigate certain charges made against Hon. F. L. Hatch, denying the charges therein made against Hon. W. P. Mathews, of Tehama.

MOTION.

Mr. Camron moved that the House take a recess until seven o'clock and thirty minutes P. M.

Lost.

At five o'clock Mr. Keating moved we do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Camron, Felton, and Platt.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Brown, Coleman, Crumpton, Daggett, Del Valle, Fraser, Freer, Gilmore, Griffith, Hale, Holden, Jackson, Keating, Long, Mathews of Tehama, McCallum, McDonald, McMurray, Mein, O'Connor, Patterson of Nevada, Reddick, Streeter, Swift, Van Fleet, Wood, Young, and Mr Speaker—30.

NOES—Messrs Alviso, Baker of Sacramento, Branch, Burns, Camron, Chandler, Crank, Cunningham, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Geary, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McClure, Mudgett, Murphy, Nooman, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Watkins, Wason of Ventura, Wentz, and Wertsbaugher—45.

Mr. Edwards moved to amend Mr. Cunningham's amendment by striking out the word "fourth," in line twelve, and inserting "sec-

ond;" also, strike out the word "four," in line fourteen, and inserting "two."

Accepted.

The ayes and noes were demanded by Messrs. Mudgett, Estey, and Fraser.

ADJOURNMENT.

Pending discussion, at five o'clock and ten minutes P. M., on motion of Mr. Platt, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 18, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, February sixteenth, Mr. Estey moved that the further reading thereof be dispensed with.

So ordered.

The Journal corrected and approved.

RECONSIDERATION.

Mr. Reynolds moved to reconsider the vote by which Senate Joint Resolution No. 5—Relative to the election of the Trustees of the State Library—was adopted.

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

The ayes and noes were demanded by Messrs. Holden, Del Valle, and Gavigan.

The roll was called, and the motion to lay on the table prevailed by the following vote.

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman Crank, Edwards, Estey, Felton, Fraser, Gav, Geary, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin,

Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—42.

Noes—Messrs. Arick, Baker of Yolo, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—36.

PETITION.

By Mr. Lane: A petition from citizens of San Francisco asking the passage of an enabling Act, giving authority to the Superintendent of Streets to improve the streets of said city.

Referred to the San Francisco delegation.

REPORTS OF STANDING COMMITTEES.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 453—Entitled an Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two,

Also, Senate Bill No. 140—Entitled an Act to amend section three thousand eight hundred and sixty-six of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to settlements of County Treasurers with the State Controller and payments into the State treasury,

Beg leave to report the same back with amendments, and recommend that they do pass as amended.

Your committee also considered Senate Bill No. 236—Entitled an Act to amend an Act entitled an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March twenty-fifth, eighteen hundred and eighty—and report the same back, with recommendation that it do pass.

MAY, Chairman.

By Mr. Jackson:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1881.

MR. SPEAKER: A majority of your Committee on Chinese Immigration and Emigration, to whom was referred Assembly Bill No. 491—An Act to repeal an Act entitled an Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California, approved April twelfth, eighteen hundred and eighty—have had the same under consideration, and now report the same back, and recommend that it do not pass.

JACKSON, Chairman.

Also:

MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1881.

MR. SPEAKER: A minority of your Committee on Chinese Immigration and Emigration dissent from the report of the majority on Assembly Bill No. 491—An Act to repeal an Act entitled an Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California, approved April twelfth, eighteen hundred and eighty—and recommend that it do pass.

H. J. JACKSON.

By Mr. Chandler:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1881.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 425—An Act to establish a Bureau of Immigration and to provide for the government and maintenance of the same—have had the same under consideration, and now report it back without recommendation.

CHANDLER, Chairman.

RESOLUTION.

By Mr. Kilburn (by permission):

Resolved, That the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of seventy-five dollars, to pay for ice used in and about the Assembly Chamber up to March third, and to pay for hanging pictures in the Assembly Chamber, the same to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 17, 1881.

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 provide for ascertaining the amount of the equitable claim of the estate of Ham C Harrison*, deceased, against the State, and to appropriate money to pay the same.

GEORGE C PERKINS, Governor.

GENERAL FILE—THIRD READING.

Senate Bill No. 336—An Act to provide a Contingent Fund for the Legislature.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis Mason, Matthews of Tehama, Matthews of San Benito, May McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Nooman, O'Connor, Patterson of Nevada Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—70.

NOES—None.

Title approved.

REPORT OF STANDING COMMITTEE.

By Mr. McClure (by permission):

ASSEMBLY CHAMBER SACRAMENTO, February 18, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No 44—Proposed amendments to the Constitution of the State of California—have had the same under consideration, and now report it back with the recommendation that the accompanying substitute be adopted in its stead.

Also, Assembly Bill No. 166—Proposed amendment to the Constitution—and recommend that it be not adopted.

Also, Assembly Bill No. 313—An Act entitled an Act to amend article eleven of the Constitution of the State of California, in relation to suffrage—and recommend that it be not adopted.

Also, Amendment No. 3—Proposed by the committee—and recommend that it be adopted.

Also, Amendment No 4—Proposed by the committee—and recommend that it be adopted.

Also, Senate Bill No. 225—An Act to provide an additional Judge of the Superior Court of the County of Alameda—and recommend that it do pass.

Also, Senate Bill No. 223—An Act to add a new section to the Penal Code, to be known as section one hundred and eighty, relating to persons practicing law without a license as an attorney or counselor at law—*and recommend that it do pass*

McCLURE, Chairman.

Senate Bill No. 150—Ordered rereferred to the Committee on Judiciary.

MOTIONS.

Mr. Daggett moved that the rules be suspended, and that Assembly Bill No. 414—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—be taken up, and placed at the head of the file.

On motion of Mr. Reynolds, the House took a recess of ten minutes, to prepare the chamber for the Joint Convention.

REASSEMBLED.

The House reassembled at eleven o'clock and fifty-nine minutes.

Speaker Parks in the chair.

Quorum present.

IN JOINT CONVENTION.

The following are the proceedings in Joint Convention for the purpose of electing five Trustees of the State Library, as provided for in section two thousand two hundred and ninety-two of the Political Code, and to fill vacancies which will occur by the expiration of the tenure of office of Jo Hamilton, John W. Armstrong, F. W Hatch, E. W. Maslin, and Fred Cox.

At the hour of twelve o'clock M. the Joint Convention was called to order, the President of the Senate and the Speaker of the Assembly presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Anderson, Baker, Bunt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, Enos, George, Glascock, Gorman, Harlan, Hill, Hittell, Hudson, Johnson, Johnston, Kane, Kelly, Lampson, Langford, Moreland, Nelson, Neumann, Nye, Pardee, Pool, Ryan, Satterwhite, Sears, Traylor, Watson, Wendell, West, and Zuck.

The Chief Clerk of the Assembly called the roll of Assemblymen, and the following members responded:

Messrs. Alviso Aiuck, Baker of Sacramento, Baker of Yolo, Barney Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Gears, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum of both Houses present.

The Secretary of the Senate then read the following Senate Joint Resolution:

Resolved by the Senate, the Assembly concurring, That the Senate and Assembly will meet in Joint Convention on Friday, February eighteenth, eighteen hundred and eighty-one, at twelve o'clock M., in the Assembly Chamber, for the purpose of electing five Trustees of the State Library, to take office at the expiration of the terms of the present incumbents.

Mr. Kellogg offered the following resolution, and moved its adoption:

Resolved, That in electing a Board of Trustees of the State Library, each member of the Legislature in Joint Convention assembled shall be entitled to vote for three members of said Board only on the first ballot, and if five or more persons are voted for on said ballot, the five receiving the largest number of votes so cast shall be declared elected members of the Board of Trustees of the State Library for the term of four years, and to enter upon the discharge of their duties as such at the expiration of the term of the present Board of Trustees.

Mr. Conger moved to amend the resolution by striking out "three" and inserting instead "five."

The ayes and noes were demanded by Messrs. Enos, Branch, and Kellogg.

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

The ayes and noes were demanded by Messrs. Jackson, Enos, and McClure.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Chase, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, Zuck, Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertshaugher, Wood, Young, and Mr Speaker—66.

NOES—Messrs. Anderson, Enos, Glascock, Gorman, Harlan, Kane, Kelly, Langford, Moreland, Nelson, Pool, Ryan, Satterwhite, Attick, Baker of Yolo, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Samuels, Swift, and Whipple—48.

Mr. McClure offered the following resolution, and moved its adoption:

Resolved, That when the roll is called on the election of Trustees, each Senator and Assemblyman announce the names of five candidates as his choice for the office of Trustees of the State Library.

Adopted.

Nominations for Trustees of the State Library were then declared in order.

NOMINATIONS.

Senator Davis nominated Messrs. I. S. Belcher, J. J. Owen, W. W. Crane, Jr., A. C. Freeman, and Henry Edgerton.

Senator Enos nominated Messrs. F. W. Hatch, Jo Hamilton, John W. Armstrong, E. W. Maslin, and Fred. Cox.

Mr. Jackson nominated Messrs. I. S. Kalloch, John McComb, Dennis Kearney, F. M. Pixley, and William Wellock.

Nominations declared closed.

Senator Cheney and Assemblyman Daggett were appointed tellers.

On motion of Senator Satterwhite the tellers were dispensed with.

The roll of the Senate was called by the Secretary of the Senate, and the Senators responded to their names, voting as follows:

For I. S. Belcher, Henry Edgerton, J. J. Owen, W. W. Crane, Jr., and A. C. Freeman—Messrs. Baker, Burt, Brown, Byrnes, Carlock, Cheney, Conger, Davis, Dickinson, George, Hill, Hittell, Hudson, Johnson, Johnston, Lampson, Neumann, Nye, Pardee, Sears, Traylor, Watson, Wendell, West, and Zuck.

For A. C. Freeman, J. J. Owen, Henry Edgerton, F. W. Hatch, and J. W. Armstrong—Senator Chase.

For A. C. Freeman, W. W. Crane, Jr., F. W. Hatch, J. W. Armstrong, and Fred. Cox—Senator Gorman.

For I. S. Belcher, Hatch, Armstrong, Maslin, and Hamilton—Senator Kane.

For Hatch, Armstrong, Maslin, Hamilton, and Cox—Messrs. Anderson, Enos, Glascock, Harlan, Kelly, Langford, Moreland, Nelson, Pool, Ryan, and Satterwhite.

The roll of Assemblymen was called by the Chief Clerk of the House, and the members responded to their names, voting as follows:

For I. S. Belcher, Henry Edgerton, J. J. Owen, W. W. Crane, Jr., and A. C. Freeman—Messrs. Alviso, Baker of Sacramento, Brown, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Parks, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young.

For Hatch, Armstrong, Maslin, Hamilton, and Cox—Messrs. Arick, Baker of Yolo, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freet, Garrity, Gavigan, Geary, Griffith, Hinshaw, Holden, Howard, Keating, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Samuels, Swift, and Whipple.

For Belcher, Hatch, Armstrong, Maslin, and Hamilton—Mr. Kellogg.

For I. S. Kalloch, Dennis Kearney, Wm. Wellock, F. M. Pixley, and J. McComb—Mr. Jackson.

For I. S. Kalloch—Mr. Pinder.

Whole number of votes cast	118
Necessary to a choice	60
I. S. Belcher received	69
Henry Edgerton received	68
J. J. Owen received	68
W. W. Crane, Jr. received	68
A. C. Freeman received	69
F. W. Hatch received	47
J. W. Armstrong received	47
E. W. Maslin received	45
Jo Hamilton received	45
Fred. Cox received	44
I. S. Kalloch received	2
Dennis Kearney received	1
Wm. Wellock received	1
F. M. Pixley received	1
John McComb received	1

The President of the Senate announced that I. S. Belcher, Henry Edgerton, J. J. Owen, W. W. Crane, Jr., and A. C. Freeman, having received a majority of all the votes cast, were declared duly elected Trustees of the State Library, to serve for the term of four years from the expiration of the term of the present Trustees.

The minutes of the Joint Convention were read and approved.

At one o'clock and five minutes, on motion of Senator Davis, the Joint Convention adjourned sine die.

IN ASSEMBLY.

Speaker Parks in the chair.

Quorum present.

The House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of the motion to take up Assembly Bill No. 414 resumed.

The motion withdrawn.

GENERAL FILE RESUMED—THIRD READING.

Assembly Bill No. 168—An Act to transfer the cabinet of minerals

in the State Library, and all the surveying and other instruments and material belonging to the State Geological Survey, now stored at the University of California, to the State Mineralogist.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Bost, Brown, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jackson, Jones, Kilburn, Lane, Leach, Lewis, Long, Mason, May, McClure, Mein, Mudgett, Noonan Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Mr Speaker—52.

NOES—Messrs. Baker of Sacramento, Branch, Burns, Camron, Crank, Leake, Matthews of San Benito, McCallion, Mudgett, Patterson of Nevada, Van Fleet, and Wason of Ventura—11.

Title approved.

MOTION.

Mr. Murphy moved to suspend the rules, and to take up out of order Senate Bill No. 27.

The previous question being demanded by Messrs. Cunningham, Wason of Ventura, and Burns, the ayes and noes were demanded by Messrs. Jackson, Freer, and Kellogg

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs Alviso, Baker of Yolo, Bost, Branch, Burns, Camron, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Griffith, Hendrick, Howard, Kilburn, Leach, Leake, Matthews of San Benito, McCallion, McClure, McMurray, Patterson of San Joaquin, Paulk Pinder, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—39

NOES—Messrs Arick, Baker of Sacramento, Brown, Chandler, Freer, Geary, Gilmore, Hale, Hartson, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Lane Lewis, Long, Mathews of Tehama, May, McDonald, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Samuels, Swift, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—35.

Mr. Long moved a call of the House.

The ayes and noes were demanded by Messrs. Long, Mein, and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Brown, Chandler, Coleman, Daggett, Freer, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Jones, Keating, Kellogg, Long, May, McDonald, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada, Platt, Siebe, Swift, Van Fleet, Watkins, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—35.

NOES—Messrs. Alviso, Bost, Branch, Burns Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Kilburn, Lane, Leach, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, Murphy, Noonan, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Streeter, Wason of Ventura, Wentz, and Whipple—41.

Two days' leave of absence was granted to Mr. Birney.

The ayes and noes were demanded by Messrs. Bost, Felton, and Burns.

The roll was called, and the motion to take up Senate Bill No. 27 declared lost by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Branch, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Patterson of San Joaquin, Paulk Pinder, Platt,

Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—44

Noes—Messrs Anick, Baker of Sacramento, Brown, Chandler, Coleman, Daggett, Freet, Gay, Geary, Gilmore, Hale, Hoitt, Jackson, Keating, Kellogg, Lewis, Long, May, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr Speaker—33

THIRD READING—RESUMED.

Assembly Bill No. 202—An Act to provide a State hospital and asylum for miners.

Read third time.

Mr McCallion moved to refer the bill to a special committee of one, with special instructions to amend as follows: After the word "term," in line thirteen of section two, add the words, "provided, that no Chinese or Mongolians shall be admitted to the hospital."

The previous question was demanded by Messrs. Paulk, Garrity, and Gavigan, and the House so ordered.

The question being upon the amendment, the ayes and noes were demanded by Messrs. McCallion, Jackson, and Kellogg.

The roll was called, and the House refused to order the amendment made by the following vote:

Ayes—Messrs. Baker of Sacramento, Bost, Branch, Burns, Cunningham, Daggett, Garrity, Gavigan, Geary, Gilmore, Howard, Jackson, Keating, Kellogg, Lane, Leach, Long, Matthews of San Benito, McCallion, McDonald Noonan, Pinder, Swift, Whipple, and Young—26.

Noes—Messrs Anick, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Del Valle, Edwards, Felton, Fraser, Freer, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lewis, Mason, Mathews of Tehama, May, McClure, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr Speaker—45

The question recurred on the passage of the bill.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Anick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Cannon, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Lewis, Long, Mason, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—55.

Noes—Messrs. Cunningham, Jackson, Leake, McCallion, Murphy, Paulk, Sargent, Van Fleet, Whipple, and Young—10.

Title approved.

NOTICE.

Mr. Griffith gave notice of a motion to reconsider the vote by which the bill passed.

INTRODUCTION OF A BILL.

By Mr. Baker, of Sacramento: An Act to amend section twenty-five of an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Referred to Committee on Water Rights and Drainage.

REPORT OF STANDING COMMITTEE.

By Mr. Hale (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1881.

MR SPEAKER: Your Committee on State Library to whom was referred Senate Bill No 120—An Act to amend section two thousand two hundred and ninety-two and two thousand two hundred and ninety-four of the Political Code, relating to the State Library—have had the same under consideration, and now report the same back, and recommend that it do not pass.

HALE, Chairman.

THIRD READING—RESUMED.

Assembly Bill No. 59—An Act to amend an Act entitled "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Bost, Branch, Camron, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Freet, Garrity, Gay, Griffith Hartson, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wertsbaugher, Whipple, Wood, and Mr Speaker—56.

NOES—Messrs Murphy, Paulk, and Young—3.

Title approved.

MOTION.

Mr. Baker, of Sacramento, moved that Assembly Bill No. 341 be rereferred to the Committee on Swamp and Overflowed Lands.

So ordered.

THIRD READING—CONTINUED.

Assembly Bill No. 16—An Act to appropriate money to reimburse Frank W. Gross, Clerk of the Supreme Court, for money expended by him in his office.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Camron, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Freet, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—55.

NOES—Mr Howard—1.

Title approved.

SECOND READING.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

The question recurred upon the amendment offered by Mr. Cunningham.

MOTION.

Mr Lane moved we take a recess until seven o'clock and thirty minutes P. M.

Lost.

The consideration of Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers, resumed.

The question recurred upon the amendment offered by Mr Cunningham.

The ayes and noes were demanded by Messrs. Matthews, of San Benito, Mudgett, and Daggett.

The roll was called, and the amendment was adopted by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Bost, Branch, Burns, Crank, Crumpton, Cunningham, Daggett, Edwards, Garrity, Gavigan, Geary, Gilmore, Griffith, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leake, Lewis, Matthews of San Benito, May, McCallum, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pauli, Pinder, Platt, Reddick, Reynolds, Sargent, and Mr Speaker—43.

NOES—Messrs Arick, Brown Camron, Coleman, Del Valle, Estey, Fraser, Freer, Gay, Hale, Hartson, Hendrick, Hinshaw, Kilburn, Long, Mason, Mathews of Tehama, McDonald, Mein, Samuels, Siehe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Young—30

Mr. Felton being paired with Mr Baker, of Yolo.

Mr. Platt moved to amend as follows. By adding to section one, after the word "succeeding," in line seventeen, "the successors of all elective county, city and county, and township officers who were elected in the year eighteen hundred and seventy-nine for a term of two years, shall be elected on the first Tuesday after the first Monday of November, eighteen hundred and eighty-one, for a term of one year, and shall take office on the first Monday of January, eighteen hundred and eighty two."

Four days' leave of absence was granted to the Committee of Investigation on the charges against Hon. F. L. Hatch

REPORT OF SPECIAL COMMITTEE.

By Mr. Baker, of Sacramento (by permission):

ASSEMBLY CHAMBER, February 18, 1881.

MR. SPEAKER: Your Committee on Relief, to whom was delegated the power to charter two boats, one to be sent up the river, and one down the river, for the purpose of rescuing any of our people whose lives might be in danger from the high waters, beg leave to report as follows:

That on account of the scarcity of steamers we could only obtain on the fourth instant the steam launch of the State Engineer's Department, and sent it up the river: they succeeded in rescuing and bringing a family of three children to their friends in this city. they found considerable stock along the banks of the river awaiting transportation, but being directed to look after the lives of the people, we did not deem it proper to devote our time to stock.

On the morning of the fifth we succeeded in chartering the steamer "Enterprise," and went down the river a distance of sixty (60) miles, and while we found that the entire country, from Sacramento to Suisun Bay, one vast scene of desolation, and entirely submerged, the residents had been removed prior to our arrival, by small boats.

We passed down the river by Courtland, Walnut Grove, Clarksburg, Isleton, to Rio Vista and Emmaton, and returned by way of Steamboat Slough and Sutter Island. We devoted our main efforts to the last mentioned place, for the reason that they were not in line of steamboats, while Courtland, Walnut Grove, Isleton, and Emmaton were directly on the line of travel, and had three steamers that touched daily at their landings.

We found that, excepting to remove stock, for which we had no authority under the resolution we could not be of any use to the people, so we released the steamer to the company, who immediately dispatched her down the river for stock. We found that the steamers were doing

all that could be done to save the property of the people, and that no advantage would accrue to the residents of the low lands by our keeping under charter the steamer.

We herewith report the several bills as presented to us, as under resolution, viz.

Central Pacific Railroad Company, for use of steamer		$36 64
Eleven tons coal		66 00
Wages of crew		34 31
Board of crew		11 05
Oil		2 00
		$150 00
G. F. Dickinson, two days services, pilot steam launch	$14 00	
Capitol Coal and Ice Company, one thousand pounds Seattle coal	7 50	
M. C. Willey, two days services as engineer on steam launch	10 00	
Total	$31 50	31 50
Making a total of bills presented		$181 50

Your committe also report herewith, the vouchers for the amounts as reported.

Your committee would recommend that the Controller of State be instructed and authorized to draw his warrant for the said sum of one hundred and eighty-one dollars and fifty cents, one half payable out of the Contingent Fund of the Assembly and one half payable out of the Contingent Fund of the Senate.

BAKER, of Sacramento, Chairman

ADJOURNMENT.

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

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 19, 1881

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, Young, and Mr Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, February seventeenth, Mr. Estey moved that the further reading thereof be dispensed with.

So ordered.

The Journal corrected and approved.

PETITIONS.

By Mr. Paulk: A petition from citizens of Stockton, asking for the passage of a city street law.

Referred to the Committee on Municipal Corporations.

By Mr. Reynolds: A petition from citizens of San José, asking for the establishment of a State Reform School.

Referred to Committee on Public Morals.

REPORT OF STANDING COMMITTEES.

By Mr. Paulk:

ASSEMBLY CHAMBER, February 19, 1881.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 5—An Act to establish and support a bureau of labor and land statistics, have considered the same, and now report the same back and recommend its passage.

Also, Assembly Bill No. 492—An Act to establish and support a bureau of labor statistics, have had the same under consideration, and now report it back without recommendation.

Also, Senate Bill No. 21—An Act entitled an Act to regulate the hours of labor on work done for the State, have had the same under consideration, and report the same back and recommend that it do not pass.

PAULK, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled:

Assembly Bill No. 478—Entitled an Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly, for the twenty-fourth session, and the same was, at ten o'clock A. M., February nineteenth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

REPORT OF SELECT COMMITTEE.

By Mr. Freer:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. SPEAKER: The delegation from Butte, having had under consideration Assembly Bill No. 154, respectfully report the same back without recommendation.

L. D. FREER.
J. C. WERTSBAUGHER.

REPORTS OF STANDING COMMITTEES.

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred Assembly resolution providing for the payment of expenses incurred by the Sergeant-at-Arms in procuring ice used in and about the Assembly Chamber, up to March third, and also in hanging pictures in the Assembly Chamber, have had the same under consideration, and now report the same back, and recommend that the same be adopted.

PATTERSON, Chairman.

Resolved, That the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of seventy-five dollars, to pay for ice used in and about the Assembly Chamber up to March third, and to pay for hanging pictures in the Assembly Chamber, the same to be paid out of the Contingent Fund of the Assembly.

Adopted.

MINORITY REPORT.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. SPEAKER: The undersigned members of the Judiciary Committee respectfully submit the following minority report, as to the proposed amendment to section nine, of Article XIII, of the Constitution, enlarging the power of the State Board of Equalization:

First—We are of the opinion that no further powers should be given to this Board. It is contrary to the whole theory of our State government, as established by the present Constitution, that any State Board should be allowed to interfere with the administration of affairs, purely local, within the counties. If this amendment should be submitted and adopted, it would, we think, be the only instance in which such interference is allowed, and that it would be an innovation unwarranted and dangerous in its results.

Second—If any additional power is to be given to the State Board of Equalization, we think, at least, it should be limited to increasing or reducing classes of property capable of classification, but it should not extend to individual assessments. If this power is conferred upon the State Board it will virtually take away all local power in the matter of the assessment and equalization of property values. The objections to such a system are, in our judgment, very apparent. It is an invitation to capitalists to seek the control of this State Board for their own protection, or for the oppression of the smaller taxpayers. It furnishes to the small taxpayers no relief, as the expense of an appeal to this Board, sitting at the Capital, would preclude any but the very wealthy from availing themselves of its benefits, if benefits could be obtained by appeal. If the large taxpayers should fail to obtain control of the State Boards at future elections, there is no guarantee that it would not be selected under influences much worse.

For these, and other reasons that will readily occur to the members of this House, we dissent from the recommendation of the majority of the committee, and recommend that the proposed amendment be not adopted.

REYNOLDS,
WHIPPLE,
DEL VALLE.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1881.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 497—Entitled an Act to appropriate the sum of twenty-five thousand dollars for the purchase of statuary for the State Capitol at Sacramento—have had the same under consideration, and now report the same back and recommend that it do not pass.

GAY, Chairman.

Assembly Bill No. 497—Reported above, by consent, withdrawn.

RECONSIDERATION.

Mr. Griffith moved to reconsider the vote by which Assembly Bill No. 202—An Act to provide a State hospital and asylum for miners—was passed yesterday.

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

So ordered.

RESOLUTION

By Mr. Arick (by permission): Assembly Concurrent Resolution—relative to the time of adjourning *sine die*.

Mr. Paulk moved the resolution be made the special order of the day for Wednesday next, at two o'clock P. M.

The ayes and noes were demanded by Messrs. Burns, Van Fleet, and Alviso.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Alviso, Branch, Burns, Cameron, Crank, Crumpton, Del Valle, Edwards, Garrity, Gavigan, Gay, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Lane, Matthews of San Benito, McCallion, McDonald, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Swift, Wason of Ventura, Wasson of Mono, Wentz, and Whipple—36.

NOES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Brown, Coleman, Cunningham, Daggett, Estey, Felton, Fraser, Freer, Gilmore, Hale, Hartson, Jackson, Kilburn, Lewis, Long, May, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Platt, Reddick, Van Fleet, Watkins, Wertsbaugher, Wood, Young, and Mr. Speaker—34.

REPORTS OF STANDING COMMITTEES—RESUMED.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 457—An Act to provide for the conduct, control, and management of all elections to be held in the State of California—have had the same under consideration, and recommend to amend, and that it do pass as amended.

REDDICK, Chairman.

INTRODUCTION OF BILLS.

By Mr Young: An Act to prevent the filling up of the streams, rivers, and bays of the State of California with the tailings and debris from hydraulic mines.

Mr Young moved the bill be referred to the Committee of the Whole, and made the special order for two o'clock P. M this day.

The bill ordered read for information.

The question being on the reference of the bill to the Committee of the Whole, the ayes and noes were demanded by Messrs Young, Arick, and Hale.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Brown, Freer, Gilmore, Hale, Harrison, Hinshaw, Lane, McClure, Murphy, O'Connor, Paulk, Samuels, Sargent, Wasson of Mono, Wood, and Young—19.

NOES—Messrs. Alviso, Branch, Burns, Cannon, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hendrick, Hoitt, Holden, Howard, Jackson, Jones, Kilburn, Lewis, Long, Mason, Matthews of San Benito, May, McCallum, McDonald, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, Whipple and Mr Speaker—49.

The bill was ordered to the Committee on Water Rights and Drainage, by the Speaker.

Mr. McClure moved the bill be referred to the Committee on Irrigation.

So ordered.

INTRODUCTION OF BILLS RESUMED.

By Mr. Lane: An Act for the better protection of public moneys belonging to cities and counties, or cities, or towns in this State.

Referred to the Committee on Municipal Corporations.

Also, an Act to confer power on Boards of Supervisors, or other governing bodies of cities and counties, or counties in this State, in the matter of constructing bridges across estuaries, ponds, swamps, or arms of bays that may be outside of the lines of navigable waters.

Referred to the Committee on Navigation.

REPORTS OF STANDING COMMITTEES.

By Mr. Baker, of Sacramento (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 371—An Act to encourage the use of the tide lands owned by the State of California, by virtue of her sovereignty, and the waters covering the same, for oyster beds, fish ponds, or mining purposes—have had the same under consideration, and now report the same back, and recommend its passage as amended.

Also, report back Assembly Bills Nos 229, 187, 401, and 144, without recommendation.

BAKER, Chairman.

By Mr. Fraser:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1881.

MR. PRESIDENT: The Committee on Rules, to whom was referred the following resolution, respectfully report the same back with a substitute, and recommend the adoption of the substitute.

FRASER, Chairman.

Resolved, That on and after Friday, February eighteenth, eighteen hundred and eighty-one, the Assembly will hold evening sessions, beginning at half-past seven o'clock P. M.

SUBSTITUTE.

Resolved, That evening sessions be held, beginning at half-past seven o'clock P. M., on and after Monday, the twenty-first instant, unless otherwise ordered by vote of the House.

The question being upon the adoption of the substitute recommended by the committee, the ayes and noes were demanded by Messrs. Wason of Ventura, Siebe, and Paulk.

Mr. Camron moved to amend by striking out the words "unless otherwise ordered by the House."

Lost.

The question recurred on the adoption of the substitute, the roll was called, and the substitute recommended by the committee was adopted by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Branch, Burns, Camron, Crank, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gavigan, Gay, Geary, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lewis, Mason, Matthews of San Benito, McCallion, McClure, Murphy, Noonan, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—47.

NOES—Messrs. Aiuck, Brown, Crumpton, Daggett, Gilmore, Hale, Jackson, Long, May, McDonald, Mein, Mudgett, O'Connor, Patterson of Nevada, Platt, Swift, Warkins, Wood, Young, and Mr. Speaker—20.

NOTICE.

Mr. Freer gave notice of a motion to reconsider the vote by which the resolution was adopted.

RESOLUTION.

By Mr. Jackson:

Resolved, That we adjourn to-day, at half-past two o'clock P. M., until Monday, at eleven o'clock A. M.

Mr. Camron moved to amend by striking out "half-past two o'clock P. M.," and inserting instead "five o'clock P. M."

The previous question was demanded by Messrs. Del Valle, Howard, and Wertsbaugher, and the House so ordered.

The amendment lost.

The question recurred on the original motion.

The ayes and noes were demanded by Messrs. Wason of Ventura, Murphy, and Garrity.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Freer, Geary, Gilmore, Hale, Hartson, Jackson, Keating, Long, McDonald, Mein, Swift, and Young—12.

NOES—Messrs. Alviso, Aiuck, Baker of Sacramento, Baker of Yolo, Branch, Brown, Camron, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Lewis, Mason, Matthews of San Benito, May, McCallion, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—58.

The following resolution, introduced by the Special Committee on Relief, yesterday, was read and adopted:

Your committee would recommend that the Controller of State be instructed and authorized to draw his warrant for the said sum of one hundred and eighty-one dollars and fifty cents, one half payable out of the Contingent Fund of the Assembly and one half payable out of the Contingent Fund of the Senate.

RESOLUTION.

By Mr. Keating:

Resolved, That all the standing committees of this House be instructed to report all bills in their possession back without recommendation, and all bills introduced hereafter this session be referred to a Committee of the Whole.

Laid over one day.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 18, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February twelfth, eighteen hundred and eighty-one, amended, and on this day passed as amended, Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

Also, Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.

Also, Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to the Deputy Clerks of the Supreme Court

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The Senate amendment to Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations, read.

The ayes and noes were demanded by Messrs. Hale, Mudgett, and Keating.

The roll was called, and the Senate amendment was concurred in by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Brown, Cannon, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Lewis, Long, Mason, Matthews of San Benito, May, McCallum, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—59.

NOES—Mr. Faulk—1.

Pending consideration of above amendment, Mr. Leach had two days' leave of absence.

Senate Bill No. 176—An Act to provide compensation for assessing, collecting, and paying the public revenue into the State treasury.

Referred to the Committee on Ways and Means.

Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to the Deputy Clerks of the Supreme Court

Referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following Senate messages were read:

SENATE CHAMBER, SACRAMENTO, February 18 1881

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session

C T. JOHNS, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, February 19, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, refused to concur in the Assembly amendments to Senate Bill No 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment of the crime of battery.

And also refused to concur in the Assembly amendment to the title, and respectfully ask your honorable body to recede from said amendments, and concurred in the Assembly amendment of section two of Senate Bill No 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure relating to sole traders

I am also directed to transmit to your honorable body certain resolutions adopted by a convention of farmers held in San Francisco February fourth, eighteen hundred and eighty-one

C. T JOHNS, Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 80—An Act to amend section two hundred and forty-three of the Penal Code, relating to the punishment for he crime of battery.

The House receded from its amendments to the title of above bill, and also from its amendments to the bill.

Pending further consideration of the above message, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

Mr. McDonald moved a call of the House.

So ordered.

Roll called.

Quorum present.

Mr. Cunningham moved that further proceedings under the call be dispensed with.

So ordered.

THE CONSIDERATION OF SENATE MESSAGE RESUMED.

The resolutions transmitted with above Senate message referred to Committee on Federal Relations.

The House receded from its amendment to the title to Senate Bill No. 23—An Act to amend sections one thousand eight hundred and eleven and one thousand eight hundred and twelve of the Code of Civil Procedure, relating to sole traders.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 19, 1881.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No 478—An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session.

GEORGE C. PERKINS, Governor.

MOTION.

Mr. Arick moved that the rules be suspended, and that we proceed to take up Senate Bill No. 128.

The ayes and noes were demanded by Messrs. Burns, Camron, and Sargent.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Brown, Coleman, Daggett, Felton, Freer, Gay, Hale, Hoitt, Holden, Kilburn, Long, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Platt, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—30

NOES—Messrs. Alviso, Burns, Camron, Crank, Crumpton, Cunningham, Edwards, Garrity, Gavigan, Griffith, Hendrick, Hinshaw, Howard, Kellogg, Lane, Lewis, Matthews of San Benito, May, McCallion, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Wentz, and Wertsbaugher—29.

GENERAL FILE—THIRD READING.

Assembly Bill No. 263—An Act entitled an Act to amend section one thousand four hundred and sixty-six, and to repeal section one thousand four hundred and sixty-eight of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, and of the Acts amendatory thereof, relating to appeals to Superior Courts.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Brown, Camron, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Lewis, Long, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—58.

NOES—Messrs. Mudgett and Sargent—2.

Title approved.

Assembly Bill No. 156—An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, eight hundred and sixty-eight, nine hundred and seventy-four, and nine hundred and eighty of the Code of Civil Procedure.

Read third time.

Mr. Felton had one day's leave of absence.

Pending discussion of the above bill, the Clerk was authorized to insert the name of Mr. Baker, of Sacramento, in the resolution that authorized the State Controller to draw his warrant for the payment of expenses incurred by the Special Relief Committee.

Mr. May had leave of absence until Monday.

Mr. Young moved to refer to a special committee of one, with instructions to amend as follows: By adding to section two, "when

the undertaking is filed, notice thereof must be served on the respondent or his attorney, at the time of filing the same."

Lost.

Mr. Paulk moved to refer to a special committee of one, with special instructions to amend as follows: Strike out in lines six and seven, section two, "The appeal is begun by filing a notice of appeal with the Judge, or Justice, and serving a copy on the adverse party," and insert the following: "The appeal is taken by filing a notice of appeal with the Judge, or Justice, and serving a copy of said notice on the adverse party, or his attorney, and by filing such undertaking on appeal as is hereinafter provided for. The copy of the notice of appeal must be served, and the undertaking on appeal must be filed, within five days after the filing of the notice of appeal."

Lost.

The question recurred on the passage of the bill.

The roll was called, and the bill was refused passage by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Brown, Camron, Crank, Cunningham, Estey, Freer, Gay, Gilmore, Hendrick, Hoitt, Holden, Jones Keating, Kellogg, Kilburn, Mason, McClure, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Reynolds, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Mr. Speaker—35.

NOES—Messrs. Alviso, Burns, Daggett, Fraser, Garrity, Griffith, Hale, Hinshaw, Howard, Lane, Matthews of San Benito, McCallion, Mudgett, Murphy, Samuels, Sargent, Whipple, and Young—18.

Pending discussion of above bill, Mr. Paulk had leave of absence until Monday.

Mr. Del Valle gave notice that, on Monday, he would move to reconsider the vote by which the bill was refused passage.

At three o'clock and nine minutes, Mr. Jackson moved we do now adjourn.

Upon which the ayes and noes were demanded by the requisite number, and the House refused to adjourn by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Brown, Daggett, Freer, Gilmore, Griffith, Hale, Holden, Jackson, Jones, Keating, McClure, Mein, Mudgett, O'Connor, Patterson of Nevada, Swift, Whipple, Wood, Young, and Mr. Speaker—22.

NOES—Messrs. Alviso, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Estey, Fraser, Garrity, Gavigan, Gay, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Kellogg, Kilburn, Lane, Mason, Mathews of San Benito, McCallion, Murphy, Noonan, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Van Fleet, Wasson of Mono, Wentz, and Wertsbaugher—36.

Mr. Hartson moved to take up, out of order, Assembly Bill No. 242.

The previous question was demanded by Messrs. Baker, of Yolo, Platt, and Pinder.

So ordered.

The ayes and noes were demanded on the motion to suspend the rules and take up Assembly Bill No. 242, by Messrs. Camron, Del Valle, and Burns.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Brown, Fraser, Freer, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Van Fleet, Watkins, Wentz, Wood, Young, and Mr. Speaker—21.

NOES—Messrs. Arick, Baker of Yolo, Burns, Camron, Crank, Crumpton, Cunningham, Del Valle, Estey, Garrity, Gavigan, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Matthews of San Benito, McCallion, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Reddick, Samuels, Swift, Wason of Ventura, and Whipple—35.

Mr. Daggett was paired with Mr. Edwards.

At three o'clock and thirty minutes, Mr. Jackson moved to adjourn until half-past two o'clock P. M., Monday.

The ayes and noes were demanded by Messrs. Lane, Cunningham, and Burns.

Mr. Burns moved to amend the amendment so as to adjourn until Monday next at half-past ten o'clock A. M.

The previous question was demanded by Messrs. Garrity, Camron, and Gavigan, and the House so ordered.

Mr. Burns' amendment was lost.

The question recurred upon Mr. Jackson's motion.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baker of Yolo, Brown, Crumpton, Daggett, Gilmore, Jackson, Keating, Mudgett, Swift, Van Fleet, and Mr. Speaker—11.

NOES—Messrs. Anick, Baker of Sacramento, Burns, Camron, Coleman, Crank, Cunningham, Del Valle, Estey, Fraser, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Mason, Matthews of San Benito, McCallion, McClure, McMurray, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Watkins, Wason of Ventura, Wentz, Wertshaugher, Whipple, Wood, and Young—46

SECOND READING.

Assembly Bill No 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

The question recurred on the amendment offered by Mr. Platt, as follows, by adding to section one, after the word "succeeding," in line seventeen: "The successors of all elective county, city and county, and township officers who were elected in the year eighteen hundred and seventy-nine for a term of two years, shall be elected on the first Tuesday after the first Monday of November, eighteen hundred and eighty-one, for a term of one year, and shall take office on the first Monday of January, eighteen hundred and eighty-two."

Mr. Baker, of Yolo, moved to amend the amendment as follows: Strike out the words, "and shall take office on the first Monday of January, eighteen hundred and eighty-two," and add in lieu thereof the words, "and shall take office on the first Monday of March, eighteen hundred and eighty-two, except Supervisors and Justices of the Peace."

Accepted.

Mr. Reynolds demanded a division of the question.

ADJOURNMENT.

Pending discussion, at four o'clock and fifty-five minutes, on motion of Mr. Hoitt, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 21, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs Alviso, Anick, Baker of Sacramento, Baker of Yolo, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Dargett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, February eighteenth, Mr. Hoitt moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.
Mr. Alviso had one day's leave of absence.
The Speaker spoke to a question of privilege in relation to an article published in the San Francisco *Chronicle* of yesterday, which stated that the Speaker was probably drawing pay at the rate of eighteen dollars per day, stating that there was no truth in the statement, and that the warrants drawn by the Controller under his construction of the law in favor of the Speaker were refused by him and returned to the Controller of State by himself immediately upon their receipt, with the request that they be canceled.

PETITION.

By Mr. Patterson, of San Joaquin: A petition from the citizens of San Joaquin, asking for the passage of local option laws.
Referred to the Committee on Public Morals.

MESSAGES FROM THE SENATE.

The following Senate messages were read:

SENATE CHAMBER, SACRAMENTO, February 19, 1881

MR SPEAKER: I am directed to inform your honorable body that the Senate, this day, adopted Assembly Concurrent Resolution No. 26—Relative to the payment of money expended by the Joint Special Relief Committee.

JAMES A. ORR, Secretary.

SENATE CHAMBER, SACRAMENTO, February 19, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, read and ordered transmitted to your honorable body a petition from residents of Humboldt County, California, relative to a petition asking that "An Act to authorize the construction and maintenance of a boom on Mad River," be repealed.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The petition mentioned above referred to the Committee on Commerce and Navigation.

GENERAL FILE—SECOND READING.

Assembly Bill No 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

The question recurred on the adoption of Mr. Platt's proposed amendment.

The previous question was demanded by Messrs. Cunningham, Kilburn, and Gavigan, and the House refused to order it.

The ayes and noes were demanded by Messrs. Lane, Cunningham, and Jackson.

The roll was called, and the amendment was rejected by the following vote:

AYES—Messrs. Anick, Brown, Crumpton, Geary, Gilmore, Hoitt, Howard, Jackson, Jones, Kellogg, Lane, Long, May, McCallion, McClure, McDonald, Mudgett, Noonan, O'Connor, and Platt—20

NOES—Messrs. Baker of Sacramento, Baker of Yolo, Branch, Burns, Cannon, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Gay, Griffith, Hale, Harrison, Hendrick, Hinshaw, Holden, Keating, Kilburn, Mason, Matthews of San Benito, McMurray, Mem, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Steeten, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—51

Mr. Baker, of Yolo, moved a reconsideration of the vote by which the committee amendment number one, to section one, as amended, was adopted.

The previous question was demanded by Messrs. Edwards, Siebe, and Kilburn, and the House refused to order it

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

RESOLUTION.

By Mr. Lane:

WHEREAS, It has been the patriotic custom of the Assembly of the Legislature of California, in order to properly commemorate one of the most significant and impressive events in American history—the birth of George Washington, *pater patriæ*—to observe the twenty-second day of February as a public holiday, therefore, be it

Resolved, That in compliance with the instincts and customs of the loftiest patriotism, the Assembly, when it adjourns to-day, do stand adjourned until Wednesday next, at eleven o'clock A. M.

Mr. Platt moved to amend so as to make the time of meeting two o'clock P. M. Wednesday.

Accepted.

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

The ayes and noes were demanded by Messrs. Lane, Estey, and Edwards.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baker of Sacramento, Burns, Camron, Chandler, Edwards, Estey, Garrity, Gavigan, Gay, Hinshaw, Holden, Kilburn, Matthews of San Benito, May, McCallion, McMurray, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Sargent, Siebe, and Van Fleet—26.

NOES—Messrs. Arick, Baker of Yolo, Branch, Brown, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Freer, Geary, Gilmore, Griffith, Hale, Hendrick, Hoitt, Jackson, Jones, Keating, Kellogg, Lane, Long, Mason, McClure, McDonald, Mein, Mudgett, Noonan, Patterson of Nevada, Platt, Samuels, Swift, Warkins Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr Speaker—40.

Mr. Del Valle moved to amend by striking out two o'clock and inserting instead eleven o'clock.

Adopted

The question recurred upon the resolution as amended.

The ayes and noes were demanded by Messrs. Paulk, Jackson, and McDonald.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs Arick, Brown, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Freer, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hoitt, Holden, Jackson, Jones, Keating, Lane, Long, Mason, McClure, McDonald, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Platt, Samuels, Swift, Watkins, Whipple, Wood, Young, and Mr. Speaker—39

NOES—Messrs. Baker of Sacramento, Baker of Yolo, Branch, Burns, Camron, Edwards, Estey, Fraser, Garrity, Gavigan, Hartson, Hinshaw, Howard, Kellogg, Kilburn, Matthews of San Benito, May, McCallion, McMurray, Patterson of San Joaquin, Paulk, Pinder Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, and Wertsbaugher—32.

SECOND READING.

The consideration of Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers, resumed.

The question recurred upon the motion to reconsider the vote by which the committee amendment number one, to section one, as amended by vote of the House, was adopted.

The ayes and noes were demanded by Messrs. Platt, Whipple, and Hale

The roll was called, and the motion to reconsider was lost by the following vote:

AYES—Messrs Baker of Yolo, Branch, Burns, Camron, Chandler, Coleman, Crumpton, Daggett, Del Valle, Fraser, Garrity, Gavigan, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Lane, Mason, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, Pinder, Platt, Samuels, Warkins, Wentz, Whipple, and Young—34.

NOES—Messrs. Arick, Baker of Sacramento Brown, Edwards Estey, Gay, Geary, Gilmore, Hartson, Hendrick, Hoitt, Jones, Keating, Kellogg, Kilburn, Long, May, McClure, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, and Mr. Speaker—34.

Mr. Paulk moved to amend section one as follows: In line three, printed bill, strike out "Justices of the Peace," and insert "Superintendent of Schools."

Adopted.

Mr. Reynolds moved to amend section one by inserting the word "municipal" after the words "city and county," in line three, printed bill.

Lost.

Mr. Wertsbaugher moved to amend by inserting the word "Assessor" after the words "Superintendent of Schools" in section one, line three.

Adopted

Mr. Freer moved to amend section two, line seventeen, by inserting: "Assessors and Superintendents of Schools of every county, and of every city and county, shall be elected at the general election to be held on the first Tuesday after the first Monday in November, eighteen hundred and eighty-two, and at the general election to be held every four years thereafter, and shall hold office for the term of four years from and after the first Monday of March next succeeding their election."

Adopted.

Mr. Paulk moved to amend section one as follows: In lines ten, eleven, and twelve of printed bill, strike out the following: "Shall be elected at the general election to be held in the year eighteen hundred and eighty-two, and at the general election to be held every fourth year thereafter;" and after the word "Monday," in line thirteen, insert the following words, "After the first day:" so that the sentence will read as follows: "Provided, that all Supervisors and Justices of the Peace shall take office on the first Monday after the first day of January next succeeding their election, and shall hold office for two years."

Adopted.

Mr. McClure moved to renumber the sections to correspond with the amendments made.

So ordered.

Mr. McClure moved to reconsider the vote by which section two was adopted.

So ordered.

Mr. McClure moved to amend the amendment proposed, by striking out "Superintendent of Schools."

Adopted.

Section two adopted as amended.

Mr Freer moved to amend section three, printed bill, by striking out all of said section, and inserting as follows: "Section four This Act shall take effect and be in force on and after January first, A. D. eighteen hundred and eighty-two."

The ayes and noes were demanded by Messrs. Lane, Gavigan, and Garrity.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Burns, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Gilmore, Griffith, Howard, Jackson, Jones, Keating, Kellogg, Lane, Matthews of San Benito, McCallum, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Swift, and Whipple—30

NOES—Messrs. Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hinshaw, Holden, Kilburn, Long, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36.

Mr. Patterson, of Nevada, moved to amend after the word "thereafter," in line twelve, of section one, by adding the following: "Provided, that the Supervisors from the odd numbered districts shall go out of office in two years, and their successors shall be elected at the general election held in eighteen hundred and eighty-four"

The ayes and noes were demanded by Messrs. Lane, Burns, and Howard.

The roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Brown, Burns, Chandler, Edwards, Fraser, Garrity, Gavigan, Gilmore, Griffith, Holden, Howard, Lane, Mason, Matthews of San Benito, McCallion, McDonald, Mein, Murphy, Noonan, Patterson of Nevada, Watkins, Wason of Ventura, and Wood—23.

NOES—Messrs. Alviso, Baker of Sacramento, Branch, Camron, Coleman, Crank, Crumpton, Del Valle, Estey, Felton, Freer, Gay, Hale, Hartson, Hendrick, Hinshaw, Keating, Kellogg, Kilburn, May, McClure, McMurray, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—39.

The previous question was demanded by Messrs. Kilburn, Camron, and Sargent, and the House so ordered.

The bill read second time.

The question being: "Shall the bill be engrossed and read third time," the ayes and noes were demanded by Messrs. McCallion, Garrity, and McDonald.

The roll was called, and the bill was ordered engrossed and to be read third time by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Barney, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Edwards, Estey, Felton, Fraser, Freer, Gay, Griffith, Hartson, Hendrick, Hinshaw, Holden, Kilburn, Long, Mason, Matthews of San Benito, May, McClure, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—52.

NOES—Messrs. Burns, Del Valle, Garrity, Gavigan, Geary, Gilmore, Hale, Howard, Jackson, Jones, Keating, Kellogg, Lane, McCallion, McDonald, Noonan, O'Connor, and Young—18.

Mr. Reddick being paired with Mr. Platt.

RECONSIDERATION.

Mr. Freer, pursuant to notice, moved to reconsider the vote by which the following resolution was adopted on Saturday, the nineteenth instant:

Resolved, That extra sessions be held, beginning at half-past seven o'clock P. M., on and after Monday, the twenty-first instant, unless otherwise ordered by vote of the House.

Mr. Estey moved to lay the motion to reconsider on the table.

So ordered.

NOTICE.

Mr. Kellogg gave notice that he would move the adoption of the following, to-morrow:

I move that hereafter no member be allowed to speak for more than five minutes on any one subject before the House, except at such evening sessions as may be ordered.

RESOLUTION.

Mr. Van Fleet asked leave to read a resolution out of order.

Upon which the ayes and noes were demanded by Messrs. Burns, Kellogg, and McCallion.

The roll was called, and permission was granted by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Branch, Cannon, Chandler, Crank, Del Valle, Edwards, Estey, Fraser, Gay, Geary, Griffith, Hale, Hartson, Hinshaw, Holden, Kilburn, Matthews of San Benito, May, McDonald, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—38.

NOES—Messrs. Brown, Burns, Coleman, Crumpton, Felton, Freer, Garrity, Gavigan, Gilmore, Keating, Kellogg, Lane, Long, Mason, McCallion, McMurray, Mein, Noonan, Patterson of Nevada, Pinder, Reddick, Swift, and Watkins—23.

RESOLUTION.

Mr. Van Fleet (by permission) read a resolution, and asked leave to introduce it out of order.

The ayes and noes thereon were demanded by Messrs. Long, Mein, and Fraser.

The roll was called, and leave was refused by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Burns, Cannon, Chandler, Crank, Edwards, Freer, Garrity, Gavigan, Griffith, Hartson, Hinshaw, Howard, Lane, Matthews of San Benito, McCallion, Patterson of San Joaquin, Paulk, Pinder, Sargent, Van Fleet, Wason of Ventura, Wentz, Whipple, and Young—27.

NOES—Messrs. Branch, Brown, Coleman, Crumpton, Daggett, Del Valle, Estey, Felton, Fraser, Gay, Geary, Gilmore, Hale, Hendrick, Holden, Jackson, Jones, Keating, Kellogg, Long, Mason, May, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Reddick, Reynolds, Siebe, Streeter, Swift, Watkins, Wertsbaugher, Wood, and Mr. Speaker—38.

RECONSIDERATION.

Mr. Del Valle (pursuant to notice) moved to reconsider the vote by which Assembly Bill No. 156—An Act to amend sections eight hundred and forty-nine, eight hundred and fifty, eight hundred and sixty-eight, nine hundred and seventy-four, and nine hundred and eighty of the Code of Civil Procedure—was refused passage, and that the consideration thereof be the special order for Thursday next, at two o'clock P. M.

So ordered.

SECOND READING—RESUMED.

Assembly Bill No. 211—An Act relative to apprentices and minors and masters, taken up, ordered engrossed, and to be read third time.

Assembly Bill No. 249—An Act to amend section four hundred and sixteen of the Political Code, relating to fees for services performed in the office of the Secretary of State—ordered read second time.

The committee amendment to section one adopted.

Subdivision eighteen ordered stricken out, and the succeeding subdivision was ordered renumbered, to correspond with the other subdivisions.

Title amended.

The bill read second time, ordered engrossed, and to third reading.

Assembly Bill No 212—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, relating to actions against the State—ordered read second time.

The committee amendment to section one adopted.

The bill read second time.

Title amended.

The bill ordered engrossed and to be read third time.

Assembly Bill No. 217—An Act to amend section five hundred and thirty-two of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to the obtaining of money by false pretenses, and by false reports of wealth, etc.—ordered read second time.

Mr. Paulk moved to amend the bill.

Mr. Del Valle moved the bill be passed on file.

So ordered.

Assembly Bill No. 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

The question being, "Shall the bill be read the second time?" the ayes and noes were demanded by Messrs. Kellogg, Jackson, and Geary.

The roll was called, and the bill ordered read second time by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Brown, Chandler, Crumpton, Daggett, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Holden Howard, Jackson, Keating Kellogg, Lane, Matthews of San Benito, May, McCallion, McDonald, McMurray, Murphy, O Connor, Pinder, Samuels, Swift, Whipple, Wood, Young, and Mr Speaker—32

NOES—Messrs. Alviso, Cannon, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hinshaw, Jones, Kilburn, Mason, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Van Fleet, Watkins, Wason of Ventura, and Wentz—24.

Committee amendment to section one adopted.

Mr. Kellogg moved to amend section one by striking out "five days," and inserting instead "fifteen days."

Adopted.

Committee amendment to section two adopted.

Mr. Jackson moved to amend the bill as follows: "The bill shall take effect thirty days after its passage."

Mr. Paulk moved to amend the amendment by making it one hundred and eighty days.

Lost.

The amendment proposed by Mr. Jackson lost.

The question being, "Shall the bill be engrossed and read the third time?" the ayes and noes were demanded by Messrs. Reynolds, Patterson, of San Joaquin, and Edwards.

The previous question was demanded by Messrs. Paulk, Sargent, and Edwards.

Upon which the ayes and noes were demanded by Messrs. McDonald, Lane, and Kellogg.

The roll was called, and the Assembly refused to order the main question by the following vote:

AYES—Messrs Alviso, Branch, Brown, Burns, Camron, Chandler, Crank, Daggett, Edwards, Estey, Fraser, Garrity, Hinshaw, Howard, Jones, Keating, Kilburn, Matthews of Tehama, May, McCallion, McMurray, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Watkins, Wason of Ventura, Young, and Mr. Speaker—25.

NOES—Messrs. Arick, Baker of Yolo, Coleman, Felton, Freer, Gay, Geary, Hale, Hendrick Holden, Jackson, Kellogg, Lane, Long, McClure, McDonald, Noonan, O'Connor, Patterson of Nevada, Siebe, Streeter, Swift, Van Fleet, Wertsbaugher, and Whipple—31.

Speaker pro tem. Fraser in the chair.

MOTION.

At four o'clock and forty-five minutes, Mr. McDonald moved to adjourn.

Lost.

RECESS.

On motion of Mr. Lane, the House took recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M.

Speaker Parks in the chair.

Consideration of Assembly Bill No. 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor, resumed.

The previous question was called by Messrs. Sargent, Gavigan, and Paulk.

So ordered.

The question recurring on the engrossment of the bill, the ayes and noes were demanded by Messrs. Sargent, Jackson, and Matthews, of San Benito.

The bill ordered engrossed and to third reading by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Brown, Burns, Crumpton, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Long, Mason, Matthews of San Benito, May, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Patterson of Nevada, Pinder, Reddick, Samuels, Siebe, Swift, Watkins, Wentz, Whipple, Wood, and Young—43.

NOES—Messrs. Baker of Sacramento, Cannon, Chandler, Coleman, Crank, Edwards, Felton, Gay, Hale, Hartson, Hendrick, Jones, Kilburn, McClure, Meitn, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Streeter, Van Fleet, Wason of Ventura, Wertsbaugher, and Mr. Speaker—24

Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code—ordered read second time.

Committee amendment number one. Strike out in lines eighteen, nineteen, twenty, and twenty-one, all from the word "catch," in line eighteen, to the word "the," in line twenty-one.

Adopted.

Committee amendment number two: Amend line one, page two, by striking out the word "but," between the word "species," and the word "which."

Adopted.

Mr. Leake moved to amend by adding after the word "misdemeanor," in line sixteen of the printed bill, the following: "*Provided*, that nets with a mesh of a smaller size may be used in the catching of shrimp and squid."

Lost.

Mr. Leake moved to amend by striking out all of lines twenty-one, twenty-two, twenty-three, and twenty-four of the printed bill, and insert in lieu thereof the following: "The costs of the action shall first be paid from fines collected for the violation of this Act. If the fines should be insufficient to pay such costs, the deficiency shall be a charge against the county in which the action is prosecuted. Of the balance of any fines remaining after the payment of such costs, one half shall be paid to the informer and one half shall be paid into the general fund of the county in which such action is prosecuted."

Lost.

Mr. Baker, of Sacramento, moved to amend by inserting, after the word "State," in line six, of section one, "between the first day of March and the first day of July of each year."

Lost.

Committee amendment to section two, by striking out the entire section.

Amendment adopted.

Mr. McClure moved to amend the title so as to read "An Act to amend section six hundred and thirty-six of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to fishing."

Amendment adopted.

The bill ordered engrossed and to be read third time.

Mr. McCallion offered a privileged resolution, relative to certain remarks affecting the character of Senators, published by Marcus D. Boruck in the California *Spirit of the Times*.

The Speaker ruled the matter out of order.

CONSIDERATION OF BILLS—RESUMED.

Assembly Bill No. 226—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property—ordered read second time.

Mr. McClure moved to amend the title so as to read as follows: "An Act to amend section three thousand and fifty-one of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property."

Amendment adopted.

The bill read second time, ordered engrossed, and to be read third time.

PETITION.

Mr. Baker, of Yolo, presented a petition of citizens of Yolo County against the repeal of the Drainage Act.

Referred to Committee on Water Rights and Drainage.

RESOLUTION.

Mr. Alviso called up his resolution of February eleventh, amending the rules, as follows:

Resolved, That from and after this day no member shall be allowed to speak more than once, not more than five minutes, upon any one proposition, except by the consent of the Assembly; *provided*, that the author of a bill shall be allowed to speak twice upon his bill.

Mr. Felton moved to amend by striking out the word "five," and inserting "ten."

Amendment accepted.

Mr McClure moved to amend so as to read "except by the consent of a majority of the House."

So ordered.

Mr Freer moved to lay the resolution on the table.

So ordered.

CONSIDERATION OF BILLS—RESUMED.

Assembly Bill No. 227—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, relating to judgments in Justices' Courts—ordered read second time.

Committee amendment number one. Amend the enacting clause so as to read as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Adopted.

Committee amendment number two: Amend subdivision four, line six, by striking out the word "only."

Adopted.

Committee amendment number three: Amend lines seven, eight, nine, ten, and eleven, by striking out all the words after the word "appeal," in line seven, to the word "if," in line eleven.

Adopted.

Mr. McClure moved to amend the title so as to read as follows: "An Act to amend section eight hundred and ninety of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to judgments in Justices' Courts."

Amendment adopted.

The bill read second time, ordered engrossed, and to be read third time.

Speaker pro tem. Fraser in the chair.

Assembly Bill No 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing—ordered read second time.

Read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 269—An Act to amend section seven hundred and thirty-nine of the Political Code, relating to officers of the Supreme Court—ordered read second time.

Committee amendment: Amend section one, line eleven, by striking out the word "eighteen," and inserting in lieu thereof the words "twenty-four"

Amendment adopted.

Mr. McClure moved to amend the title to read as follows: "An Act to amend section seven hundred and thirty-nine of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to officers of the Supreme Court."

Adopted.

Bill read second time, ordered engrossed, and to be read third time.

RECONSIDERATION.

Mr. Hendrick moved to reconsider the resolution adopted this day to adjourn on February twenty-second.

The Speaker ruled the motion out of order.

Mr. Edwards appealed from the decision of the Chair.

At eight o'clock and fifty-three minutes P. M., Mr. Long moved to adjourn.

The ayes and noes were demanded by Messrs. Pinder, Burns, and Garrity.

The motion was lost by the following vote:

AYES—Messrs. Arick, Brown, Coleman, Crumpton, Daggett, Fraser, Freer, Geary, Gilmore, Hale, Jackson, Keating, Long, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Reddick, Swift, Van Fleet, Warkins, Wood, and Mr Speaker—26

NOES—Messrs Alviso, Baker of Yolo, Birney, Branch, Burns, Cannon, Chandler, Crank, Edwards, Felton, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Howard, Jones, Kellogg, Kilburn, Lane, Mason, Matthews of San Benito, May, McCallhon, McClure, Murphy, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Young—40.

Mr. Lane moved to lay the appeal on the table.

The ayes and noes were demanded by Messrs. Edwards, Burns, and Felton.

The motion was carried by the following vote:

AYES—Messrs Arick, Baker of Sacramento Baker of Yolo, Birney, Branch, Brown, Chandler, Coleman, Crumpton Daggett, Fraser, Freer, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Jackson, Jones, Keating, Kellogg, Lane, Long, Mason, Matthews of San Benito, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Samuels, Streeter, Swift, Warkins, Whipple, Wood, Young, and Mr. Speaker—44.

NOES—Messrs Burns, Cannon, Crank, Del Valle, Edwards, Felton, Garrity, Gavigan, Gay, Hendrick, Howard, Kilburn, May, McCallhon, Murphy, Paulk, Pinder, Sargent, Siebe, Van Fleet, Wason of Ventura, Wentz, and Wertsbaugher—25

At nine o'clock and eight minutes P. M. Mr. Long moved to adjourn. Lost.

CONSIDERATION OF BILLS—RESUMED.

Assembly Bill No. 184—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the "War Bond Fund" in the State treasury, and not otherwise appropriated.

The question recurring, whether the bill should be read the second time, the ayes and noes were demanded by Messrs. Paulk, Jackson, and Patterson, of San Joaquin, and the bill was ordered read second time by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Brown, Chandler, Crumpton, Daggett, Del Valle, Fraser, Freer, Gay, Geary, Gilmore, Griffith, Holden, Jackson, Jones, Keating, Kellogg, Lane, Long, Mason, May, McCallhon, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Warkins, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—45.

NOES—Messrs. Burns, Cannon, Coleman Crank, Edwards, Felton, Garrity, Gavigan, Hinshaw, Howard, Kilburn, Matthews of San Benito, Murphy, Patterson of San Joaquin, Paulk, Pinder, Van Fleet, Wason of Ventura, and Wentz—19.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 266—An Act to add a new section to an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators, in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

At nine o'clock and twenty-five minutes P. M. Mr. Sargent moved to adjourn.

The ayes and noes were demanded by Messrs. Edwards, Gavigan, and Murphy.

The motion was lost by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Branch, Brown, Coleman, Crumpton, Daggett, Fraser, Freet, Geary, Gilmore, Holden, Jones, Keating, Long, Mason, Matthews of San Benito, May, McDonald, McMurray, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Swift, Van Fleet, Watkins, Wood, Young, and Mr. Speaker—31.

NOES—Messrs. Alviso, Baker of Sacramento, Burns, Cannon, Chandler, Crank, Del Valle, Edwards, Felton, Garrity, Gavigan, Gay, Griffith, Hartson, Hinshaw, Howard, Kellogg, Kilburn, Lane, McCallion, McClure, Murphy, Noonan, Paulk, Pinder, Reynolds, Samuels, Siebe, Streeter, Wason of Ventura, Wason of Mono, Wentz, and Wertsbaugher—33.

Mr. Long moved a call of the House.

Lost.

Assembly Bill No. 284—An Act for the relief of purchasers of State lands.

Passed on file.

ADJOURNMENT.

At nine o'clock and thirty minutes P. M., Mr. Brown moved to adjourn.

The ayes and noes were demanded by Messrs. Edwards, Gavigan, and Pinder.

The motion was carried by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Branch, Brown, Coleman, Crumpton, Daggett, Fraser, Freet, Geary, Gilmore, Jackson, Jones, Keating, Kellogg, Long, Mason, May, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Sargent, Swift, Van Fleet, Watkins, Wasson of Mono, Whipple, Wood, Young, and Mr. Speaker—36.

NOES—Messrs. Alviso, Baker of Yolo, Burns, Cannon, Chandler, Crank, Del Valle, Edwards, Felton, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Kilburn, Lane, McCallion, Murphy, Paulk, Pinder, Reynolds, Samuels, Siebe, Streeter, Wason of Ventura, Wentz, and Wertsbaugher—31.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 23, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Clunk, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siehe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.
Messrs. Cunningham and Mudgett had each one day's leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, February nineteenth, Mr. Van Fleet moved that the further reading thereof be dispensed with.
So ordered.
The Journal corrected and approved.

RESOLUTION.

Mr. Wentz asked leave to introduce a resolution out of order.
Permission refused.

PETITIONS.

By Mr. Hartson: Petition of citizens of Napa County, asking the passage of the "viticultural bill."
Referred to Committee on Culture and Improvement of Grapevine and Fruit Trees.
By Mr. Camron: Petition of citizens of Alameda County, asking the passage of the "viticultural bill."
Referred to Committee on Culture and Improvement of Grapevine and Fruit Trees.
By Mr. Whipple: Petition of citizens of Sonoma County, asking the passage of the "viticultural bill."
Referred to Committee on Culture and Improvement of Grapevine and Fruit Trees.
By Mr. Coleman: Petition of citizens of Alpine County, asking the passage of the "viticultural bill."
Referred to Committee on Culture and Improvement of Grapevine and Fruit Trees.

REPORTS OF STANDING COMMITTEES.

By Mr. Patterson, of San Joaquin:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin prior to the thirty-second fiscal year—report the same back, recommending its passage.

Also, Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building, and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years—and recommend its passage.

Also, Assembly Bill No. 496—An Act to provide for the payment of the claim of William Saunders—and recommend its passage.

PATTERSON, of San Joaquin, Chairman.

By Mr. Siebe:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 507—An Act to confer power on Boards of Supervisors, or other governing bodies, of cities and counties, or counties, in this State, in the matter of constructing bridges across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters—have had the same under consideration, and now report the same back, with amendment, and recommend that it do pass as amended.

SIEBE, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

Also, substitute for Assembly Bill No. 211—An Act relative to apprentices and minors and masters.

Also, Assembly Bill No. 249—An Act to amend section four hundred and sixteen of the Political Code, relating to fees for service performed in the office of the Secretary of State.

Also, Assembly Bill No. 212—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, relating to actions against the State.

Also, Assembly Bill No. 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Also, Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code.

MEIN, Chairman.

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR. SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred the following Assembly resolution, providing for the payment of the mail carrier of the Assembly for the amount expended by him for cartage and authorizing the Controller to draw his warrants for the amount thereof, payable out of the Contingent Fund of the Assembly—have had the same under consideration, and now report the same back and recommend that the same be adopted.

PATTERSON, Chairman.

Resolved, That the mail carrier of the Assembly be allowed for cartage, etc., of mail to and from the Post Office, the sum of one dollar per day for the session, and that the Controller be and he is hereby authorized to draw his warrant for such sum, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Hartson:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR SPEAKER: Your Committee on State Prisons, to whom was referred Assembly Bill No. 502—An Act to amend section seventeen of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April fifteenth, eighteen hundred and eighty, relating to the salaries of officers and employés of such prisons—have had the same under consideration, and now report the same back and recommend that it do not pass.

HARTSON, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1881.

MR SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled

Assembly Bill No. 12—Entitled an Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations

And the same was, at two o'clock and fifty minutes P. M., February twenty-first, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman

MOTION.

Mr. Whipple moved to suspend the rules, and that Assembly Bill No. 484—An Act to define and enlarge certain duties and powers of the Board of State Viticulturist Commissioners, be taken up out of order.

So ordered.

PETITIONS.

By permission, Mr. May presented two largely signed petitions, requesting the passage of Assembly Bill No. 484—the viticultural bill

Referred to Committee on Culture and Improvement of Grapevine and Fruit Trees.

Mr. Hoitt also presented a largely signed petition, requesting the passage of Assembly Bill No. 484—the viticultural bill.

Referred to Committee on Culture and Improvement of Grapevine and Fruit Trees.

FIRST READING.

Assembly Bill No. 484—An Act to define and enlarge certain duties and powers of the Board of State Viticultural Commissioners—taken up and ordered read first time.

The bill read first time.

Mr. Camron moved the bill be declared a case of urgency, according to the terms of the Constitution, and ordered read second and third times, considered engrossed, and put upon its final passage.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Camron, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gay, Gilmore, Griffith, Hartson, Hendrick, Hoitt, Holden, Jones, Keating, Kilburn, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McMurray, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Samuels, Sargent, Siehe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—54

NOES—Messrs Burns, Chandler, Garrity, Gavigan, Hinshaw, Howard, Jackson, Lane, Mathews of Tehama, and McDonald—10.

Mr. Lane moved to amend the bill by striking out the words "ten dollars" from line twenty-six, of section four, of printed bill.

Lost.

Mr. Baker, of Yolo, moved to amend section three, by striking out, in line six, the word "suspected," and in place thereof insert "infected;" also, by striking out the word "suspected," in line eleven of printed bill, and insert in place thereof the word "infected."

Lost.

The bill read second time, ordered engrossed, and to be read third time.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Bost, Branch, Camron, Coleman, Crank, Crumpton, Daggett, Del Valle, Estey, Felton, Fraser, Garrity, Gay, Geary, Griffith, Hartson, Hendrick, Holt, Holden, Howard, Jones, Kilburn, Leach, Leake, Lewis Long, Mason, Matthews of San Benito, May, McCallion, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Samuels, Sargent, Siehe, Streeter, Swift, Van Fleet, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—53.

NOES—Messrs Brown, Burns, Hinshaw, Jackson, Lane, and McDonald—6.

Mr. Del Valle moved that the Clerk be instructed to transmit the bill forthwith to the Senate.

So ordered.

Mr. McClure had one day's leave of absence.

Title amended, on motion of Mr. Whipple, by adding thereto the words, "relating to the eradication and to prevent the spreading of diseases of the vine," and approved as amended.

REPORT OF STANDING COMMITTEE.

By Mr. Felton (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 364—An Act to relieve certain corporations from being required to pay a double license tax

Also, Assembly Bill No 444—An Act to repeal an Act entitled an Act concerning corporations and persons engaged in the business of banking, approved April first, eighteen hundred and seventy-six.

Also, Assembly Bill No 495—An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, concerning street railroad corporations

Also, Senate Bill No 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person, supplying water to such city and county, city, or town requiring such Boards, Town Council, or other legislative body to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties.

Have had the same under consideration, and now report the same back without recommendation.

FELTON, Chairman.

Mr. Reynolds moved the rules be suspended, and that Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State, be taken up out of order and considered.

Upon which the ayes and noes were demanded by Messrs Garrity, Gavigan, and McDonald.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Coleman, Crank, Daggett, Felton, Fraser, Gay, Gilmore, Griffith, Hartson, Hendrick, Holt, Holden, Jones, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, May, McCallion, McMurray, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siehe, Swift, Watkins Wason of Ventura, Wason of Mono, Wentz Wertsbaugher, Whipple Wood, and Mr. Speaker—48.

NOES—Messrs Burns, Camron, Edwards, Garrity, Gavigan, Geary, Hinshaw, Howard, Kellogg, Matthews of San Benito, and McDonald—11.

The bill taken up and ordered read first time.

The bill read first time.

MOTIONS

Mr. Reynolds moved the bill be placed at the head of the file for to-morrow.

So ordered.

Mr. Lane moved to suspend the rules, and take up Assembly Bill No. 414—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years.

Mr. Felton moved to amend the motion by adding "Assembly Bills Nos. 242 and 243, Senate Bill No 27, and Assembly Bills Nos 22 and 152, and that they remain at the head of the file until they are disposed of, in the order they are placed in this amendment"

The Speaker ruled the amendment out of order, because one bill only can be acted upon at a time.

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

MOTION.

Mr. Camron moved that the special order for this hour, Assembly Concurrent Resolution No. 25—Relative to the adjournment *sine die* of the twenty-fourth session of the Legislature, be made the special order for half past seven-o'clock P. M. this evening.

Upon which the ayes and noes were demanded by Messrs. Long, Coleman, and Fraser.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs Alviso, Baker of Yolo, Burns, *Camron*, *Crank*, *Crumpton*, Del Valle Edwards, Estey, Felton, Garrity, Gay, Griffith, Hartson, Hendrick, Hoitt, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Lewis, May, McCallion, McMurray Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Wason of Ventura, Wasson of Mono, Wentz, and Weitshaughei—36

NOES—Messrs Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Chandler, Coleman, Daggett, *Fraser*, *Freer*, *Gavigan*, *Geary*, Gilmore, Hinshaw, *Holden*, Jackson, *Keating*, Leake, Long, Mathews of Tehama, Matthews of San Benito, McDonald Mein, Murphy, Noonan, O'Connor, Patterson of Nevada, Pinder, Reddick, Swift, Van Fleet, Watkins, Wood, Young, and Mr. Speaker—36.

SPECIAL ORDER.

Assembly Concurrent Resolution, relative to the adjournment *sine die* of the twenty-fourth session of the Legislature, taken up.

The previous question was demanded by Messrs. Leake, McCallion, and McMurray.

The ayes and noes thereon were demanded by Messrs. Paulk, Sargent, and Patterson, of San Joaquin.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Chandler, Daggett, Del Valle, Estey, Freer, Gay, Griffith, Hinshaw, Hoitt, Howard, Jackson, Lane, Leake, Long, Mason, Mathews of San Benito, May, McCallion, McMurray, Mein, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Pinder, Reddick, Samuels, Swift, Watkins, Weitshaughei, Whipple, Wood, and Mr. Speaker—42.

NOES—Messrs *Camron*, *Coleman*, *Crank*, *Crumpton*, Edwards, Felton, Fraser, Garrity, Gavigan, Geary, Gilmore, Hartson, Hendrick, Holden, Jones, Keating, Kellogg, Kilburn, Leach, Lewis, Mathews of Tehama, McDonald, Patterson of Nevada, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, and Young—33.

The resolution was read.

The question being upon its adoption, the ayes and noes were demanded by Messrs. Sargent, Coleman, and Matthews, of San Benito.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Barney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Daggett, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McDonald, McMurray, Mein, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Samuels, Streeter, Swift, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—60

NOES—Messrs. Baker of Yolo, Camron, Del Valle, Edwards, Hendrick, Mathews of Tehama, McCallum, Paulk, Reddick, Reynolds, Sargent, Siebe, Van Fleet, and Wason of Ventura—14.

NOTICE.

Mr. Leach gave notice that he would, to-morrow, move to reconsider the vote by which the resolution was adopted.

MOTIONS.

The consideration of Mr. Lane's motion to take up out of order Assembly Bill No. 414—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years, resumed.

Mr. Felton moved to amend the motion, by striking out Assembly Bill No. 414, and inserting instead Senate Bill No. 27.

The Speaker ruled the amendment out of order.

Mr. Hoitt appealed from the decision of the Chair.

Mr. Del Valle moved to lay the appeal upon the table.

The ayes and noes thereon were demanded by Messrs. Burns, Gavigan, and Geary.

The roll was called, and the motion was carried by the following vote.

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Samuels, Swift, Watkins, Wasson of Mono, Whipple, Wood, and Young—49

NOES—Messrs. Alviso, Camron, Crank, Edwards, Estey, Felton, Gay, Hartson, Hoitt, Jones, Kilburn, Leach, Lewis, May, McCallum, Murphy, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, and Wertsbaugher—25.

Mr. Daggett moved to take up Senate messages.

So ordered

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 23, 1881

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Joint Resolution No. 7—Relative to the presentation of the bust of the late John B. Weller, formerly Governor of the State of California, to the State.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The resolution mentioned above was read and adopted.

MOTION.

The consideration of Mr. Lane's motion to take up Assembly Bill No. 414—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years, resumed.

The previous question was demanded by Messrs. Howard, Gavigan, and Jackson, and the House so ordered.

The ayes and noes were demanded by Messrs Freer, Gavigan, and McCallion.

Mr. May moved a call of the House.

The ayes and noes thereon were demanded by Messrs. May, Hoitt, and Estey.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones Kilburn, Leach, Lewis, Mason, May, Mein, Patterson of Nevada, Patterson of San Joaquin, Faulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—40.

NOES—Messrs. Anick, Baker of Yolo, Burney Bost, Branch, Burns, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—37.

Mr. May moved that further proceedings under the call be dispensed with.

So ordered.

The question recurred on Mr. Lane's motion to take up Assembly Bill No. 414 out of order.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Burney, Bost, Branch, Brown, Burns, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Reddick, Samuels, Swift, Whipple, Wood, and Mr. Speaker—41.

NOES—Messrs Alviso, Baker of Sacramento, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach Lewis Mason, May, Mein, Patterson of Nevada, Patterson of San Joaquin, Faulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Young—36.

Messrs Edwards, Whipple, Burns, Gavigan, and Lane, had leave to speak to a question of privilege.

RECESS.

At four o'clock and fifty-five minutes the House took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M.

Speaker Parks in the chair.

Quorum present.

Mr. Leach moved to suspend the rules and take up Senate Bill No. 27—An Act to repeal an Act entitled an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty.

The previous question was demanded by Messrs. Wason, of Ventura, Streeter, and Lewis.

Mr. Jackson moved a call of the House.

The ayes and noes thereon were demanded by Messrs. Jackson, Mein, and Long.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Brown, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hoitt, Holden, Jackson, Jones, Kellogg, Kilburn, Leach, Lewis, Long, Mason, May, McCallion, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—50.

NOES—Messrs. Birney, Branch, Burns, Crumpton, Del Valle, Freer, Garrity, Gavigan, Hartson, Keating, Lane, Mathews of Tehama, Matthews of San Benito, O'Connor, Pinder, Samuels, and Wasson of Mono—17.

Mr Burns moved that further proceedings under the call of the House be dispensed with.

The ayes and noes were demanded by Messrs. Kellogg, Freer, and Long.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Aliek, Branch, Burns, Coleman, Crumpton, Daggett, Estey, Fraser, Garrity, Gavigan, Mason, Mathews of Tehama, Matthews of San Benito, Pinder, Samuels, Siebe, Wason of Ventura, Wentz, Whipple, and Young—20

NOES—Messrs. Baker of Sacramento, Birney, Brown, Chandler, Crank, Del Valle, Felton, Freer, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, May, McCallion, McDonald, McMurray, Mein, Noonan O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Sargent, Streeter, Swift, Van Fleet, Watkins, Wertsbaugher, Wood, and Mr. Speaker—47.

At seven o'clock and forty-five minutes P. M., Mr. Long moved we do now adjourn.

The ayes and noes were demanded by Messrs Long, Mein, and Brown.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Aliek, Brown, Freer, Gilmore, Jackson, Long, Mathews of Tehama, McDonald Mein, O'Connor, Patterson of Nevada, Pinder, Platt, Swift, Wood, and Mr. Speaker—16.

NOES—Messrs Alviso, Baker of Sacramento, Baker of Yolo, Birney, Branch, Burns, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, May, McCallion, McMurray, Noonan, Paulk, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, and Young—53.

Mr. Long moved the Sergeant-at-Arms be sent for the absentees.

So ordered.

Mr. Estey moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Reynolds moved to dispense with further proceedings under the call of the House.

The ayes and noes were demanded by Messrs. Reynolds, Wentz,

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Branch, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Gavigan, Griffith, Hale, Hendrick, Hinshaw, Jones, Kilburn, Leach, Leake, Long, Lewis, Mathews of Tehama, Matthews of San Benito, McMurray, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Watkins, Wason of Ventura, Wentz, Whipple, and Young—36.

NOES—Messrs. Baker of Sacramento, Birney, Brown, Burns, Chandler, Freer, Garrity, Gay, Geary, Gilmore, Hartson, Hoitt, Holden, Jackson, Keating, Kellogg, Lane, Long, May, McCallon, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Pinder, Platt, Reddick, Streeter, Swift, Van Fleet, Wasson of Mono, Wertshaugher, Wood, and Mr. Speaker—35.

The question recurred on the motion for the previous question.

The ayes and noes were demanded by Messrs. Hale, Jackson, and Patterson, of Nevada.

The roll was called, and the House ordered the main question by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Branch, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Leach, Leake, Lewis, Matthews of San Benito, McCallon, McMurray, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertshaugher, Whipple, and Mr. Speaker—39.

NOES—Messrs. Arick, Baker of Sacramento, Brown, Burns, Chandler, Coleman, Daggett, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Howard, Jackson, Keating, Kellogg, Lane, Long, Mason, Mathews of Tehama, May, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Swift, Watkins, Wasson of Mono, Wood, and Young—33.

The question recurred on the motion to suspend the rules in order to take up Senate Bill No. 27.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Branch, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Griffith, Hartson, Hendrick, Hinshaw, Holden, Jones, Kilburn, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McCallon, McMurray, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertshaugher, and Whipple—40.

NOES—Messrs. Arick, Baker of Sacramento, Brown, Burns, Chandler, Coleman, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hale, Hoitt, Howard, Jackson, Keating, Kellogg, Lane, Long, May, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—34.

Mr. Hoitt moved the rules be suspended to take up Assembly Bill No. 242—An Act to divide the State of California into Assembly Districts.

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

The ayes and noes were demanded by Messrs. Hoitt, Birney, and Leake.

At eight o'clock and fifteen minutes P. M., Mr. Jackson moved to adjourn.

The ayes and noes were demanded by Messrs. Felton, Gavigan, and Daggett.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Brown, Coleman, Daggett, Freer, Gilmore, Griffith, Hale, Holden Jackson, Kilburn, Long, Mathews of Tehama, May, Mein, O'Connor, Patterson of Nevada Platt, Swift, Van Fleet, Whipple, Wood, Young, and Mr. Speaker—24.

NOES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Birney, Branch, Burns, Chandler, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Geary, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jones, Keating Kellogg, Lane Leach, Lewis, Mason, Matthews of San Benito, McCallon, McDonald, McMurray, Noonan, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Watkins, Wason of Ventura,

The motion to lay on the table withdrawn.

The question recurred on the motion of Mr. Hoitt to take up Assembly Bill No. 242.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Chandler, Coleman, Crank, Edwards, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, Patterson of Nevada, Sargent, Strecter, Van Fleet, Watkins, Wasson of Ventura, Wason of Mono, Wentz, Wettsbaugher, Young, and Mr Speaker—25.

NOES—Messrs Anick, Baker of Yolo, Birney, Branch, Brown, Burns, Crumpton, Daggett, Del Valle, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg Kilburn, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Noonan, O Connor, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Siebe, Swift, Whipple, and Wood—43.

Mr. Platt moved to suspend the rules, and take up out of order Assembly Bill No. 22—An Act to establish a uniform system of county governments.

Mr. McCallion moved the motion be laid on the table.

Carried.

Mr. Baker moved to suspend the rules, and take up out of order Assembly Bill No. 306—An Act to amend an Act entitled "An Act authorizing the Boards of Supervisors of the counties in which water is sold for purposes of irrigation, to fix the rates at which water shall be sold," approved March twenty-sixth, eighteen hundred and eighty.

Lost.

REPORTS OF STANDING COMMITTEES.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills

Assembly Bill No 226—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property

Also, Assembly Bill No. 227—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, relating to judgments in Justices' Courts.

Also, Assembly No. 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Also, Assembly Bill No 269—An Act to amend section seven hundred and thirty-nine of the Political Code, relating to officers of the Supreme Court

Also, Assembly Bill No 184—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities now in the "War Bond Fund," in the State treasury, and not otherwise appropriated.

Also, Assembly Bill No. 266—An Act to add a new section to an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators, in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries

MEIN, Chairman

Mr. Baker, of Sacramento, moved to suspend the rules and take up Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

At eight o'clock and forty-five minutes P. M., Mr. Long moved to adjourn.

The ayes and noes were demanded by Messrs. McCallion, Lane, and Burns.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Binney, Brown, Coleman, Crumpton, Daggett, Fraser, Freer, Gilmore, Griffith, Holden, Jackson Jones, Leake, Long Mason, Mathews of Tehama, Matthews of San Benito, May, McDonald, McMurray, Mein, O'Connor Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Swift, Watkins, Wasson of Mono, Wood, and Mr Speaker—32.

NOES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Branch, Burns, Chandler, Clark, Del Valle, Edwards, Estey, Felton Garrity, Gavigan, Gay Gearv, Hendrick, Hinshaw, Hoitt, Howard, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, McCallion, Noonan, Paulk Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Young—39.

Speaker pro tem. Fraser in the chair.

The question recurred upon the motion to suspend the rules to take up Senate Bill No. 44, which was declared lost.

ADJOURNMENT.

At nine o'clock and five minutes P. M., on motion of Mr. Whipple, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 24, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Binney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present

Prayer by the Chaplain.

Mr. Leake had permission to speak to a question of privilege.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, February twenty-first, Mr. Fraser moved that the further reading thereof be dispensed with.

So ordered.

The Journal corrected and approved.

Mr. Matthews, of San Benito, and Messrs. Griffith and Camron, each, by leave, spoke to a question of privilege.

PETITIONS.

By Mr. Jones: A petition from citizens of Contra Costa County, asking for the passage of the viticultural bill.

Referred to Committee on Culture and Improvement of the Grapevine and Fruit Trees.

By Mr. Baker, of Yolo: A petition from citizens of Yolo County.

By Mr McClure: Two petitions from citizens of San Francisco, each asking for the passage of the viticultural bill.

Each of the above three petitions referred to the Committee on the Culture and Improvement of the Grapevine and Fruit Trees.

REPORTS OF STANDING COMMITTEES.

By Mr. Young:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR. SPEAKER: Your Committee on County Governments, to whom was referred Senate Bill No. 262, have had the same under consideration, and report the same back without recommendation

YOUNG, Chairman.

By Mr. Patterson:

ASSEMBLY CHAMBER SACRAMENTO, February 24, 1881

MR SPEAKER Your Committee on Claims, to whom was referred Senate Concurrent Resolution No. 12—Relative to the payment of claims for transporting and equipment of troops—have had the same under consideration, and report the same back and recommend its passage

PATTERSON, Chairman.

The resolution read and adopted.

By Mr. Crank:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881

MR SPEAKER Your Committee on Public Expenditures and Accounts, to whom was intrusted the duty of investigating the charges against Hon. D M Kenfield, State Controller, published in the *Record-Union*, in the City of Sacramento, January eleventh, eighteen hundred and eighty-one, ask leave to report as follows

Your committee have not deemed themselves confined in their investigation to the simple charge that the wife of the Controller was drawing a salary from the State without performing any service whatever, but have extended the inquiry, by dividing the charge into two branches, viz: Whether the lady draws a salary from the State, and whether she renders any service as an equivalent.

In pursuit of the information required by the Assembly, as expressed in the resolution hereto attached, your committee examined Hon W. H. Mills, manager of the *Record-Union*—the newspaper in which the charge appeared, Hon. D. M. Kenfield, Controller; General W. A. Davies, Deputy Controller Mr. M W Wilder, Bookkeeper, Controller's Office; Messrs C H. Holmes, and E E. Ames, Clerks to the Controller, and Mr. Anthony Hubbs, ex-Bookkeeper of the Controller's office.

The testimony and statements of these several witnesses accompanies this report, and we therefore do not deem it necessary to recapitulate it here. The findings of your committee, based upon the same, are as follows

First—That the name of N H Kenfield, the clerk in question, appears upon the payroll of the Controller's office since the first day of April, eighteen hundred and eighty, as drawing a salary of one thousand six hundred dollars per annum

Second—That no evidence was presented to your committee of the service performed by said clerk, prior to October, eighteen hundred and eighty, outside of the testimony of the Controller, but it appears that subsequent to such date or time she has performed the duties of clerk either at her home or in the Controller's office outside of regular office hours.

For the committee.

CRANK, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1881.

MR SPEAKER The Committee on Public Expenditures and Accounts would respectfully report that in the "Kenfield examination" they have incurred the following expenses, to wit

For clerical work	$30 00
Services of shorthand reporter, and transcribing testimony	84 80
For services of Sergeant-at-Arms, subpœnaing witnesses	5 50
Total	$120 30

And would, therefore, recommend the adoption of the following resolution:

Resolved, That the Controller be and is hereby directed to draw his warrant upon the Treasurer, payable out of the Contingent Fund of the Assembly, in favor of Ernest A Girvin for one hundred and fourteen dollars and eighty cents, E. Walters, Sergeant-at-Arms, for five dollars and fifty cents, due said parties as above set forth.

CRANK, Chairman

There is due Ernest A. Girvin, for services rendered as reporter of the proceedings of the Assembly Committee on Public Expenditures and Accounts, in connection with the investigation of the charges preferred against the State Controller, D. M. Kenfield, as follows

For attendance at three meetings of said committee, at ten dollars per meeting	$30 00
For transcribing the notes taken at said meetings, amounting to four hundred and twenty-four folios, at twenty cents per folio	84 80
	$114 80

The above expense was incurred by order of the Committee on Public Expenditures and Accounts.

CRANK, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1881.

State of California to E Walters, Dr

To subpœnaing four witnesses to appear before the Committee on Public Expenditures and Accounts, at one dollar each	$4 00
To subpœnaing one witness, one dollar, mileage fifty cents	1 50
	$5 50

The above expenses were incurred by order of the Committee on Public Expenditures and Accounts

CRANK, Chairman

The resolution reported above adopted.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Concurrent Resolution has been correctly enrolled No 26—Relative to the payment of moneys expended by the Joint Special Relief Committee—and the same was, at eleven o'clock and thirty minutes A M., this day, February twenty-third, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

By Mr Leach:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881.

MR SPEAKER: Your Committee on Public Printing, to whom was referred Senate Bill No 245—Entitled an Act to amend section five hundred and twenty-eight of the Political Code, relating to the duties of State Printer—have had the same under consideration, and now report the same back amended, and recommend that it do pass as amended.

LEACH, Chairman.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 313—Entitled an Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year, beg leave to report the same back, with recommendation that it do pass

MAY, Chairman.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881

MR SPEAKER: Your Committee on Public Morals, to whom was referred Senate Bill No. 242—Entitled an Act to empower societies for the prevention of cruelty to children or to dumb animals to take under wills—have had the same under consideration, and now report the same back without recommendation.

Also, return petitions referring to local option, and petition referring to Reform School.

REYNOLDS, Chairman.

By Mr. Hendrick:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No 501—An Act to change the boundary line between San Joaquin and Calaveras Counties—have had the same under consideration, and now report the same back without recommendation.

HENDRICK, Chairman

SENATE MESSAGES.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 23, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on February twenty-second, eighteen hundred and eighty-one, adopted Senate Joint Resolution No. 6—Relative to the selection of State quarantine grounds and station.

C. T. JOHNS, Assistant Secretary

The resolution above mentioned was read and adopted.
The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 24, 1881

MR SPEAKER: I am directed to inform your honorable body that the Senate, on February twenty-third, eighteen hundred and eighty-one, passed substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue.

Also, substitute for Senate Bill No. 119—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein

C T. JOHNS, Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue.

Mr. May moved the bill be placed at the head of the file.

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

Lost.

Mr. May's motion lost.

The bill referred to the Committee on Ways and Means.

Substitute for Senate Bill No. 119—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Mr. McClure moved the bill be placed at the head of the file for to-morrow.

Mr. Kellogg moved the motion lie on the table.

Upon which the ayes and noes were demanded by Messrs. McClure, Siebe, and Hoitt.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Arick, Baker of Yolo, Birney, Branch, Brown, Burns, Crumpton, Daggett, Del Valle, Freel, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—36.

NOES—Messrs Alviso, Baker of Sacramento, Camron, Chandler, Coleman, Crank, Edwards, Estey, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36

Messrs. Siebe and Cunningham paired.

The question recurred on Mr McClure's motion.

The ayes and noes were demanded by Messrs. McClure, Kilburn, and Hoitt.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—36.

NOES—Messrs Arick, Baker of Yolo, Birney, Branch, Burns, Crumpton, Daggett, Del Valle, Felton, Freel, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift and Whipple—36.

Messrs. Siebe and Cunningham paired.

The bill referred to Committee on Apportionment.

MOTION.

Mr. Arick moved that the vote by which Assembly Concurrent Resolution, relating to adjournment *sine die*, was adopted yesterday, be reconsidered.

Mr Leake moved to lay the motion on the table.

So ordered

PETITION.

By Mr. Keating (by permission): A petition from citizens of San Francisco, asking for the passage of the viticultural bill

Referred to the Committee on Culture and Improvement of the Grapevine and Fruit Trees.

GENERAL FILE—THIRD READING.

Assembly Bill No. 150—An Act to amend section six hundred and thirty-six of the Penal Code.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Branch, Brown, Burns, Camron Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Estey, Felton, Fraser, Freel, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick Hinshaw Hoitt, Holden, Jackson, Jones Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, Murphy, Noonan O'Connor, Patterson of Nevada, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—63.

NOES—Mr. Paulk—1

Title approved.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Baker of Yolo, Brown, Cannon, Chandler, Coleman Crank, Crumpton, Daggett, Edwards, Estey, Felton, Fraser, Freer, Gay, Griffith Hartson, Hendrick, Hinshaw, Hoitt, Holden, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple Wood, Young, and Mr Speaker—54

NOES—Messrs Anick, Branch, Burns, Del Valle, Garnity, Gavigan, Geary, Gilmore Hale, Howard, Jackson, Jones, Keating, Kellogg, Lane, McDonald, Murphy, Noonan, O'Connor, Pinder, and Platt—22.

Mr. Whipple gave notice of a motion to reconsider the vote by which the bill passed.

Title approved.

Mr. Jackson moved to amend the title.

Ruled out of order.

Mr. Jackson appealed from the decision of the Chair.

Mr Reynolds moved the appeal be laid on the table.

Carried.

Title amended, and approved as amended.

The bill ordered reëngrossed.

Mr. Fraser moved that Assembly Bill No. 150 be ordered transmitted forthwith to the Senate.

So ordered

Assembly Bill No. 184—An Act to pay the holders of certain Indian war bonds out of any money appropriated by Congress for the suppression of Indian hostilities, now in the "War Bond Fund" in the State treasury, and not otherwise appropriated.

Read third time.

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker pro tem. Fraser in the chair.

Quorum present.

Mr. Howard moved a call of the House.

Lost

Mr. Burns moved that Mr Jackson have leave to read a resolution that he proposed to introduce.

Lost.

THIRD READING RESUMED.

The consideration of Assembly Bill No. 184—An Act to pay the holders of certain Indian war bonds out of any money appropriated

by Congress for the suppression of Indian hostilities, now in the "War Bond Fund" in the State treasury, and not otherwise appropriated, resumed.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Brown, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Gavigan, Geary, Gilmore, Griffith, Holden, Jackson, Keating, Kellogg, Lane, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McMurray, Mein, Noonan, O'Connor, Platt, Reddick, Siebe, Streeter, Swift, Wertsbaugher, Wood, and Young—40.

NOES—Messrs. Alviso, Burns, Chandler, Coleman, Edwards, Estey, Garnty, Hale, Hartson, Hendrick, Hinshaw, Howard, Kilburn, Leach, Leake, Lewis, May, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Sargent, Van Fleet, Watkins, Wason of Ventura, Wentz, and Whipple—29.

SPECIAL ORDER.

The motion to reconsider the vote by which Assembly Bill No. 156 was refused passage, was taken up.

NOTICE.

Pending consideration of above motion, Mr. May gave notice of a motion to reconsider the vote by which Assembly Bill No. 184 was refused passage.

The motion to reconsider the vote by which Assembly Bill No. 156 was refused passage was carried.

The roll was then called, on the passage of the bill, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Brown, Camron, Chandler, Crank, Cunningham, Daggett, Del Valle, Freer, Geary, Hartson, Hendrick, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mathews of Tehama, May, McCallion, McClure, McDonald, Noonan, O'Connor, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Young—47.

NOES—Messrs. Coleman, Edwards, Estey, Hale, Howard, Matthews of San Benito, Mein, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Sargent, Whipple, and Wood—14.

Title approved.

Mr. Young gave notice that he would move to reconsider the vote by which the bill passed.

THIRD READING—RESUMED.

Assembly Bill No 266—An Act to add a sew section to an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Brown, Camron, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Fraser, Freer, Gavigan, Gay, Geary, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane,

Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Paulk, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—58.

NOES—Mr. Murphy—1.

Title approved.

Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Brown, Camion, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, Patterson of Nevada, Paulk, Reynolds, Samuels, Siebe, Streeter, Swift, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—57.

NOES—Mr. Murphy—1.

Title approved.

Assembly Bill No. 196—An Act to provide for the better government of corporations engaged in the sale and distribution of water for purposes of irrigation.

Withdrawn.

Assembly Bill No. 211—An Act relative to apprentices and minors and masters.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Brown, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Geary, Gilmore, Griffith, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Platt, Reynolds, Sargent, Siebe, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Young—50.

NOES—Messrs. Alviso, Camion, Crank, Edwards, Estey, Mudgett, Patterson of Nevada, and Watkins—8.

Title approved.

REPORT OF STANDING COMMITTEE.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

MEIN, Chairman.

Mr. Felton moved to suspend the rules, and take up Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

Carried.

The bill ordered read first time, and read first time.

The bill ordered to the head of the file for to-morrow.

Mr. Leake moved to suspend the rules and take up Assembly Bill No. 90—An Act to establish a State detective force, and for the better enforcement of the laws.

The ayes and noes were demanded by Messrs. Gilmore, Patterson, of San Joaquin, and Murphy.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Brown, Chandler, Crank, Crumpton, Del Valle, Estey, Fraser, Freer, Garrity, Gay, Geary, Hale, Hendrick, Hoitt, Holden, Jackson, Keating, Kellogg, Kilburn, Leake, Long, Mason, Mathews of Tehama, May, McCallum, McDonald, Mein, Mudgett, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, and Young—44.

NOES—Messrs. Birney, Burns, Camron, Cunningham, Daggett, Edwards, Gilmore, Griffith, Hinshaw, Howard, Jones, Lane, Leach, Lewis, Matthews of San Benito, Murphy, Noonan, Patterson of Nevada, Paulk, Pinder, Reddick, Wentz, and Whipple—22.

The bill was taken up.

Mr. Camron had leave of absence for the remainder of the day.

RECESS.

Pending consideration of the bill, the House took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of Assembly Bill No. 90—An Act to establish a State detective force, and for the better enforcement of the laws, resumed.

The question recurred on the first reading of the bill.

The ayes and noes were demanded by Messrs. Jackson, Hale, and Pinder.

The roll was called, and the bill ordered read first time by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Brown, Chandler, Crumpton, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Hale, Hoitt, Holden, Jackson, Keating, Kellogg, Leake, Long, Mason, May, McCallum, McDonald, Mein, O'Connor, Samuels, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, Wood, and Mr. Speaker—38.

NOES—Messrs. Burns, Coleman, Cunningham, Edwards, Gilmore, Griffith, Hartson, Hinshaw, Howard, Jones, Kilburn, Lane, Leach, Lewis, Mathews of Tehama, Matthews of San Benito, McClure, McMurray, Noonan, Patterson of Nevada, Pinder, Platt, Reddick, Sargent, Streeter, Wentz, and Whipple—27.

The bill read first time.

Mr. Hoitt moved to suspend the rules and take up Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and

twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

So ordered.

The bill ordered read first time.

The bill read first time, and ordered placed number two on the file.

Mr. Long moved that Assembly Bill No. 90 be made the special order for two o'clock P. M., to-morrow.

So ordered.

Mr. Baker, of Yolo, moved that the rules be suspended, and that Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts be taken up.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Baker, of Yolo, moved the bill be placed third on file for to-morrow.

Mr. Baker, of Sacramento, moved the motion lie on the table.

Lost.

The bill ordered to third place on the file to-morrow.

Mr. Siebe moved that the rules be suspended and that Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed, be taken up.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Lane moved that the bill be placed fourth on the file.

So ordered.

Mr. McClure moved to suspend the rules and take up Senate Bill No 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. McClure moved the bill be made the special order for two o'clock P. M., to-morrow.

The ayes and noes were demanded by Messrs. Felton, Cunningham, and Kilburn.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Brown, Burns, Coleman, Crumpton, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hendrick, Hoitt, Holden, Howard, Keating, Kilburn, Lane, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, and Wood—51

NOES—Messrs. Alviso, Branch, Chandler, Crank, Cunningham, Felton, Hinshaw, Jackson, Kellogg, Leach, Leake, Lewis, Mathews of Tehama, Murphy, Patterson of Nevada, Siebe, and Mr. Speaker—17.

Mr. Patterson, of San Joaquin, moved that the rules be suspended, and that Senate Bill No. 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, prior to the thirty-second fiscal year, be taken up.

So ordered.

The bill ordered read first time.

The bill read first time, and ordered to the sixth place on file for to-morrow.

Mr. Del Valle moved to suspend the rules, and take up Assembly Bill No. 414—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years

The previous question was demanded by Messrs. McMurray, Platt, and McCallion.

The ayes and noes were demanded by Messrs. Edwards, Gavigan, and Murphy.

The Speaker ruling that Mr. Del Valle had been sufficiently explicit in his motion to take up Assembly Bill No. 414.

Mr. Paulk appealed from the decision of the Chair.

Mr. Whipple moved to lay the appeal on the table.

So ordered.

The question recurred on the motion for the previous question.

The roll was called, and the House ordered the previous question by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Branch, Crumpton, Cunningham, Del Valle, Felton, Garrity, Gavigan, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kilburn, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Reddick, Reynolds, Samuels, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, and Whipple—38.

NOES—Messrs. Alviso, Baker of Sacramento, Brown, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Freer, Hoitt, Jones, Kellogg, Lane, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Sargent, Siebe, Streeter, Wasson of Mono, Wertsbaugher, and Wood—28.

At eight o'clock and fifty minutes, Mr. May moved we do now adjourn.

The ayes and noes were demanded by Messrs. May, Hoitt, and Estey.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Hartson, Hendrick, Hoitt, Jackson, Jones, Kilburn, Leach, Lewis, Long, Mason May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Sargent, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—36.

NOES—Messrs. Arick, Baker of Yolo, Branch, Burns, Crumpton, Cunningham, Del Valle, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Kellogg, Lane Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Reynolds, Samuels, Siebe, Swift, Whipple, and Young—35.

The question recurred on the motion to take up Assembly Bill No 414.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs Arick, Baker of Yolo, Branch, Crumpton, Cunningham, Del Valle, Freer, Garnty, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Reddick, Samuels, Swift, Whipple, and Mr. Speaker—33.

NOES—Messrs Alviso, Baker of Sacramento, Brown, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jackson, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, McDonald, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—40.

Mr. Whipple moved to suspend the rules, and take up Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Lewis moved the bill be placed number seven on file for to-morrow.

The ayes and noes were demanded by Messrs. Cunningham, Kellogg, and Mathews of Tehama.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Branch, Brown, Chandler, Coleman, Crank, Del Valle, Edwards, Estey, Gay, Griffith, Hartson, Hoitt, Holden, Howard, Keating, Kilburn, Leach, Lewis, Long, Mason, May, McCallion, McClure, McDonald, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Sargent, Siebe, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—46.

NOES—Messrs Burns, Cunningham, Fraser, Garnty, Gilmore, Kellogg, Mathews of Tehama, Mein, Reddick, and Streeter—10.

Mr. Young moved to suspend the rules and take up Senate Bill No 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

Lost.

Mr Keating moved to suspend the rules and take up Senate Bill No. 32—An Act concerning the medical department of the University of California.

So ordered.

The bill ordered read first time.

The bill read first time, and ordered to take position No. 8 on file.

Mr. Jackson moved to suspend the rules, and take up Assembly Bill No. 8—An Act to prohibit public officials from entering into any contract, on the part of the public, covering a longer period of time than their term of office.

Lost.

SECOND READING.

Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

The bill ordered read second time.

The amendment to section six recommended by the committee adopted.

Mr. Jackson moved to amend to make the bill take effect one year from date of its passage.

Lost.

The bill read second time, ordered engrossed, and to be read third time.

ADJOURNMENT.

At nine o'clock and thirty minutes P. M., on motion of Mr. Platt, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 25, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camion, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garvey, Gay, Geary, Gilmore, Griffith, Hale, Harlson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallhon, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Two days' leave of absence granted to Messrs. Bost and Mudgett because of sickness.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, February twenty-third, Mr. Mathews, of Tehama, moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Siebe:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. SPEAKER: Your committee on Commerce and Navigation herewith return petition of citizens from Humboldt County, relating to the boom on Mad River

SIEBE, Chairman.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court—have had the same under consideration, and report it back with the recommendation that it do pass.

Also, Assembly Bill No. 487—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of an Act to establish the Code of Civil Procedure, relative to limitations—and recommend that it do not pass.

Also, Assembly Bill No. 494—An Act to prohibit the killing of domestic animals on the first day of the week, etc.—and recommend it do not pass.

Also, Assembly Bill No. 497—An Act to amend section three hundred and eighty-two of an Act entitled an Act to establish a Code of Civil Procedure, relating to parties to actions—and report same back without recommendation.

McCLURE, Chairman.

Mr. Cunningham moved to correct the Journal of Thursday, February twenty-fourth, eighteen hundred and eighty-one, to show that the motion to suspend the rules and take up Assembly Bill No. 90 was lost instead of carried.

So ordered.

The Chair ordered the bill to take its former position on the file.

Mr Jackson appealed from the decision of the Chair.

Mr. Lane moved the appeal lie on the table.

Carried.

REPORT OF STANDING COMMITTEE—RESUMED.

By Mr. Lewis:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881

MR. SPEAKER. Your Committee on State Hospitals, to whom was referred Assembly Bill No. 488—An Act to provide for the future management of the Insane Asylums of the State,

Also, Assembly Bill No. 228—An Act to provide for the care of indigent sick persons in certain cases;

Also, Assembly Bill No. 317—An Act to regulate the sale of poison.

Have had the same under consideration, and now report the same back without recommendation.

LEWIS, Chairman.

REPORT OF SPECIAL COMMITTEE.

By Mr. McDonald:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. SPEAKER: The San Francisco delegation herewith returns the petition, signed by property owners of the City and County of San Francisco, desiring the Legislature to take action in relation to the improvement of streets, and building of sewers, in said city and county.

McDONALD, Chairman.

RESOLUTIONS.

By Mr. Mathews, of Tehama (by permission):

Resolved, That the Controller of State is hereby authorized and directed to draw his warrant in favor of P. K. Stockton, for services as shorthand reporter, for the special committee appointed in the matter of the investigation of the Hon. F L. Hatch, in the sum of three hundred and sixty dollars, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Adopted.

Also:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of W. P. Mathews, Chairman of the special committee appointed to investigate the charges against the Hon. F. L. Hatch, for the sum of one hundred and twenty-seven dollars, for the expenses of the committee and reporter upon their visit to Colusa, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Adopted.

GENERAL FILE—THIRD READING.

Assembly Bill No. 249—An Act to amend section four hundred

and sixteen of the Political Code, relating to fees for services performed in the office of the Secretary of State.

Read third time.

The roll was called. and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallhon, McClure, McDonald, McMurray, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Siebe, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr. Speaker—56.

NOES—None.

Title approved.

The clerk was directed to transmit the bill immediately to the Senate, on motion of Mr. Van Fleet.

MOTION.

Mr. Whipple moved to reconsider the vote by which Assembly Bill No. 152 was passed, yesterday.

Mr. McDonald moved to indefinitely postpone the motion.

The ayes and noes were demanded by Messrs. Burns, Lane, and Mason.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Bunney, Brown, Camron, Chandler, Coleman, Crank, Daggett, Edwards, Estey, Felton, Fraser, Gay, Geary, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Kilburn, Leach, Lewis, Long, Mason, May, McClure, McDonald, McMurray, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, Wood, Young, and Mr. Speaker—46.

NOES—Messrs. Arick, Baker of Yolo, Branch, Burns, Cunningham, Garrity, Gavigan, Gilmore, Griffith, Holden, Howard, Jones, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallhon, Noonan, O'Connor, Pinder, Platt, Wentz, and Whipple—25.

THIRD READING—RESUMED.

Assembly Bill No. 212—An Act to amend the Code of Civil Procedure of the State of California by adding a sew section thereto, relating to actions against the State.

Read third time.

Mr. Cunningham moved to refer the bill to a committee of one, with special instructions: Amend after the word "appropriated," in line twenty-one, printed bill, by adding: "provided, it shall be a felony for any attorney to prosecute any claim against the State for a contingent fee."

Ruled out of order as not germane to the bill.

Mr. Edwards moved the bill be referred to a special committee, with special instructions to add after the word "appropriated," in line twenty-one, "provided, that no suit shall be maintained in any Court for any claim contracted prior to the passage of this Act."

Mr. Young, as a substitute for the amendment, moved to refer the bill to a special committee, with special instructions to strike out all of section one following the word "judgment," in line twenty of printed bill.

RECESS.

Pending the discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.
Speaker Parks in the chair.
Quorum present.

SPECIAL ORDER.

Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body, to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties.

Ordered read second time.

Mr. Edwards moved to amend by striking out from the word "be" in line nine, section two, to and including the word "also" in line twelve.

Lost.

The bill read second time, and ordered read third time.

Mr. McClure moved the bill be made the special order for Tuesday, at three o'clock.

RESOLUTION.

By Mr. Daggett (by permission):

Resolved, That the Clerk of this House be required to transmit all bills and resolutions to the Senate immediately after final action has been taken thereon, unless notice of reconsideration be given

Adopted.

REPORT OF STANDING COMMITTEE.

By Mr. McClure (by permission):

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No 475—An Act to add two new sections, to be numbered three thousand six hundred and sixty-six and three thousand six hundred and sixty-five, to the Political Code, which two new sections relate to the subject of providing revenue for the support of the government of the State, etc—have had the same under consideration, and now report it back, with the recommendation that it do pass as amended.

McCLURE, Chairman.

Mr. Whipple moved to suspend the rules and take up Assembly Bill No. 475, reported above.

The ayes and noes were demanded by Messrs. Kellogg, Siebe, and Estey.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Branch, Brown, Camron, Chandler, Coleman, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Griffith, Hale, Hendrick, Hinshaw, Howard, Jackson, Jones, Keating, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, Mein, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Whipple, Wood and Mr. Speaker—55.

NOES—Messrs. Arick, Cunningham, Fraser, Freer, Geary, Hoitt, Holden, Kellogg, May, McMurray, and Wertsbaugher—11.

The bill taken up, and ordered read first time.

The bill read first time.

Mr. Camron moved the bill be made the special order for two o'clock to-morrow.

So ordered.

THIRD READING RESUMED.

The consideration of Assembly Bill No. 212—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, relating to actions against the State, resumed.

The question recurred on the amendments proposed by Messrs. Edwards and Young.

Pending discussion of above bill, Mr. Young moved that Assembly Bill No. 90—An Act to establish a State detective force, and for the better enforcement of the laws—the special order for this hour, be taken up.

So ordered.

The bill taken up.

Mr. Griffith raised the point of order that the bill was not properly before the House.

The Speaker overruled the point.

Mr. Griffith appealed.

The previous question was demanded by Messrs. Hendrick, Patterson, of San Joaquin, and Kilburn.

The ayes and noes were demanded by Messrs. Lane, Burns, and Cunningham.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Branch, Brown, Camron, Crank, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Garrity, Gay, Geary, Gilmore, Hale, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kilburn, Leach, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—54.

NOES—Messrs. Burns, Edwards, Freer, Griffith, Hendrick, Kellogg, Lane, Noonan, and Paulk—9.

The question recurred on the appeal from the Speaker's decision.

The ayes and noes were demanded by Messrs. Pinder, Jackson, and Lane.

The roll was called, and the Speaker's decision was declared the judgment of the House by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Brown, Crank, Daggett, Del Valle, Fraser, Freer, Gay, Geary, Hale, Hartson, Hoitt, Holden, Jackson, Keating, Kellogg, Leach, Leake, Long, Mason, Matthews of San Benito, May, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, and Young—39.

NOES—Messrs. Branch, Burns, Cannon, Coleman, Crumpton, Cunningham, Edwards, Garnity, Gilmore, Griffith, Hendrick, Hinshaw, Howard, Jones, Kilburn, Lane, Lewis, McCallion, McClure, McDonald, Murphy, Noonan, Paulk, Pinder, Platt, Reddick, Samuels, Sargent, Streeter, Wentz, and Whipple—31.

The question recurred upon the first reading of the bill.

The ayes and noes were demanded by Messrs. Lane, Cunningham, and Matthews, of San Benito.

The previous question was demanded by Messrs. McDonald, Jackson, and Howard, and the House so ordered.

The roll was called, and the bill ordered read first time by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Brown, Crank, Del Valle, Estey, Fraser, Freer, Garnity, Gay, Hale, Hoitt, Holden, Jackson, Leake, Long, Mason, May, McCallion, McDonald, McMurray, Mein, O'Connor, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—37.

NOES—Messrs. Burns, Cannon, Chandler, Coleman, Cunningham, Edwards, Felton, Gavigan, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Howard, Jones, Kilburn, Lane, Leach, Lewis, Mathews of Tehama, Matthews of San Benito, McClure, Murphy, Noonan, Patterson of Nevada, Pinder, Platt, Reddick, Streeter, Wentz, and Whipple—32.

The bill read first time.

MOTION.

Mr. Griffith moved we do now take a recess until seven o'clock and thirty minutes P. M.

Lost.

Mr. Daggett moved that the vote by which Assembly Bill No. 184 was yesterday refused passage, be reconsidered.

The ayes and noes were demanded by Messrs. Lane, Jackson, and Coleman.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Brown, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Geary, Gilmore, Griffith, Holden, Jackson, Keating, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Noonan, O'Connor, Reddick, Siebe, Streeter, Swift, Wasson of Mono, Wood, Young, and Mr. Speaker—36.

NOES—Messrs. Alviso, Burns, Cannon, Chandler, Coleman, Crumpton, Edwards, Estey, Garnity, Gavigan, Gay, Hartson, Hinshaw, Hoitt, Howard, Kilburn, Lane, Leach, Leake, May, McClure, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Sargent, Van Fleet, Watkins, Wason of Ventura, Wentz, and Whipple—32.

The question recurred on the passage of the bill.

Mr. Van Fleet moved the bill be made the special order for next Tuesday, at two o'clock.

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Branch, Brown, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Geary, Gilmore, Griffith, Holden, Jackson, Keating, Kellogg, Kilburn, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Murphy, Noonan, O'Connor, Platt, Reddick, Siebe, Swift, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—43.

NOES—Messrs. Alviso, Cannon, Chandler, Edwards, Estey, Garnity, Gavigan, Gay, Hartson, Hinshaw, Hoitt, Howard, Lane, Leach, Leake, Lewis, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, and Whipple—29.

NOTICE.

Mr. Coleman gave notice that he would, to-morrow, move to reconsider the vote by which the bill passed.

ADJOURNMENT.

At four o'clock and fifty minutes, Mr. Felton moved the House do now adjourn.

The ayes and noes were demanded by Messrs. Lane, McClure, and Felton.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Felton, Fraser, Freer, Gilmore, Griffith, Jackson, Jones, Kilburn, Leake, Lewis, Long, Mason, Mathews of Tehama, McClure, McDonald, McMurray, Mein, O'Connor, Patterson of Nevada, Platt, Reddick, Streeter, Swift, Van Fleet, Warkins, Wasson of Mono, Whipple, Wood, and Young—39.

NOES—Messrs. Alviso, Baker of Yolo, Birney, Burns, Cunningham, Del Valle, Edwards, Estey, Garrity, Gavigan, Gay, Geary, Hartson, Hinshaw, Hoitt, Holden, Howard, Keating, Kellogg, Lane, Leach, Matthews of San Benito, McCallion, Nooman, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Wentz, Wertsbaugher, and Mr. Speaker—33.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 26, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, February twenty-fourth, Mr. Estey moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

PETITIONS.

By Mr. Mein: A petition from citizens of Nevada County, asking for the passage of Assembly Bill No. 90.

Laid on the table.

REPORTS OF STANDING COMMITTEES.

By Mr. Camron:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881

MR SPEAKER The Committee on Apportionment, to whom was referred Substitute Senate Bill No. 119, entitled "An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen," respectfully report the same back, and recommend that it do pass.

CAMRON, Chairman.

Also:

MR. SPEAKER The undersigned, members of the Committee on Apportionment, beg leave to dissent from the favorable report of the majority made upon Substitute for Senate Bill No. 119—"An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein," as we believe the proposed apportionment, by the above named bill, to be partial and unjust, and not in accordance with the spirit of the Constitution.

JOHN DAGGETT,
E. L. WHIPPLE,
JOHN W. BOST,
JOHN H. GILMORE.

MOTION.

Mr. McClure moved the rules be suspended, and that Senate Bill No 119, reported above, be now considered.

Mr. Freer moved the motion lie on the table.

The ayes and noes were demanded by Messrs. McClure, Branch, and Leake:

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garnity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, and Mr. Speaker—34.

NOES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Young—40.

The question recurred on the motion to suspend the rules.

The ayes and noes were demanded by Messrs. Leake, Branch, and Freer.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—42.

NOES—Messrs. Arick, Baker of Yolo, Birney, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garnity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—37.

By Mr. Wentz:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881.

MR. SPEAKER Your Committee on Culture and Improvement of the Grapevine and Fruit Trees, to whom was referred petitions asking for the passage of Assembly Bill No. 484, have had the same under consideration, and now report the same back.

WENTZ, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

MEIN, Chairman.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1881

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Substitute for Senate Bill No. 197—Entitled an Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relating to revenue—beg leave to report the same back with recommendation it do pass.

MAY, Chairman.

Mr. McClure moved to suspend the rules and take up the substitute for Senate Bill No. 197, reported above.

The ayes and noes were demanded by Messrs. Wason, of Ventura, Wentz, and Paulk.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Birney, Brown, Camron, Chandler, Crank, Edwards, Estey, Felton, Gay, Gilmore, Hartson, Hendrick, Hoitt, Holden, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, May, McCallion, McClure, McDonald, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Reynolds, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Mono, Wertshaugher, Young, and Mr Speaker—44

NOES—Messrs Baker of Yolo, Branch, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Griffith, Hale, Hinshaw, Howard, Jackson, Jones, Leach, Mathews of Tehama, Matthews of San Benito, McMurray, Mudgett, O'Connor, Paulk, Pinder, Samuels, Streeter, Wason of Ventura, Wentz, Whipple, and Wood—35.

RESOLUTION.

By Mr. Camron (by permission):

Resolved, That the Assistant Journal Clerk shall be allowed the same per diem as the Assistant Clerks at the desk from and after the date of his employment by this Assembly The Controller is hereby authorized to draw warrants for the same, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingen Expenses.

By Mr. Hoitt:

Resolved, That W. F. Brown be and is hereby appointed Porter of the room of the Assembly Committees on Education, Public Morals, State Library, and Culture and Improvement of the Grapevine, at a per diem of two dollars, payable out of the Contingent Fund of the Assembly, said per diem to commence from January eleventh, eighteen hundred and eighty-one.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Van Fleet:

Resolved, That the sum of sixty dollars be and the same is hereby appropriated out of the fund for the contingent expenses of the Assembly, to be paid to J F Carter, for services rendered in lighting the gas in the Assembly Chamber during the present session of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. McDonald: Concurrent Resolution—Relative to instructing the Attorney-General to bring suit, in the name of the State, against Controller D. M. Kenfield.

Referred to Committee on Judiciary.

By Mr. Kilburn:

Resolved, That the clerk to the Sergeant-at-Arms be paid at the close of the session the same amount as the clerks at the desk receive, for arranging papers, closing and balancing the books of account in his charge, and that the Controller of State is authorized and is hereby directed to draw his warrant on the State treasury for that amount, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

Mr. Estey moved to suspend the rules and consider Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

So ordered.

The bill ordered read second time.

The bill read second time, ordered engrossed, and to be read third time

The bill ordered to the head of the Third Reading File for Monday, on motion of Mr. Estey.

Mr. Alviso moved to suspend the rules and consider Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court for the County of Alameda.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Freer moved the bill be placed at the head of the Second Reading File.

So ordered.

GENERAL FILE—THIRD READING.

Assembly Bill No. 212—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, relating to actions against the State.

The question recurred upon Mr. Edwards' motion to refer with special instructions.

Lost.

The question then recurred on Mr. Young's motion to refer with special instructions.

Lost.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Brown, Crumpton, Daggett, Del Valle, Freer, Geary, Gilmore, Holden, Keating, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Murphy, O'Connor, Platt, Reddick, Samuels, Van Fleet, Wasson of Mono, and Mr. Speaker—27.

NOES—Messrs. Branch, Cameron, Chandler, Coleman, Cunningham, Edwards, Fraser, Gay, Hale, Hartson, Hinshaw, Hoitt, Howard, Jackson, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, May, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siehe, Steetet, Swift, Watkins, Wason of Ventura, Wentz, Weitshaugher, Whipple, Wood, and Young—38.

Mr. Gilmore moved to suspend the rules and consider Senate Bill

No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

So ordered.

The bill ordered read first time.

The bill read first time, and ordered placed on the Second Reading File for Monday.

Mr. Van Fleet moved to suspend the rules and take up Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

The ayes and noes were demanded by Messrs. Paulk, Lewis, and Coleman.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Branch, Brown, Chandler, Crank, Daggett, Del Valle, Estey, Felton, Freer, Gavigan, Gay, Gilmore, Griffith, Hale, Harrison, Hoitt, Keating, Lane, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, O'Connor, Pinder, Platt, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Young, and Mr. Speaker—45

NOES—Messrs. Camron, Coleman, Crumpton, Cunningham, Edwards, Fraser, Geary, Hinshaw, Holden, Howard, Jackson, Jones, Kilburn, Leach, Lewis, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Reddick, Samuels, Sargent, Streeter, and Wood—24.

Mr. Mudgett moved to suspend the rules and take up Senate Bill No. 262—An Act to authorize the Board of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. McClure moved the bill be ordered on the Second Reading File to place number eleven thereon.

So ordered.

Mr. Reddick moved to suspend the rules and take up Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

So ordered.

The bill ordered read second time.

Mr. McClure moved the rules be suspended, and the bill be considered in the House.

So ordered.

Mr. Gay moved to amend section two by striking out "fifteen thousand dollars," and inserting instead "twelve thousand dollars."

Adopted.

Mr. Paulk moved to amend by striking out section two of the bill.

Lost.

Mr. McClure moved to amend section one by striking out "fifteen thousand dollars," and inserting instead "twelve thousand dollars."

Adopted.

The bill read second time, ordered engrossed, and to be read third time.

RECESS.

The House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.
Speaker Parks in the chair.
Quorum present.

RESOLUTION.

By Mr. McClure (by permission):

Resolved, That the Clerk be and he is hereby instructed to have prepared, at the close of the session, a complete history of the Assembly bills and joint and concurrent resolutions of the session, to have the same printed by the State Printer, and to transmit by mail three copies to each of the Assemblymen and Senators of the twenty-fourth session.

Resolved, That the sum of three hundred dollars is hereby appropriated out of the Contingent Fund of the Assembly, to pay for the preparation of the History of Assembly Bills and Resolutions; and the Controller is hereby authorized and instructed to draw his warrant for the said sum of three hundred dollars in favor of George E. McStay for the Clerks at the desk.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

REPORT OF STANDING COMMITTEE.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

MEIN, Chairman.

SPECIAL ORDER.

Assembly Bill No. 475—An Act to add two new sections, to be numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, to an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, which two new sections relate to the subject of providing revenue for the support of the government of the State and its political divisions, and especially in relation to the assessment of railroads by the State Board of Equalization—ordered read second time.

The committee amendments to section one adopted.

Mr. Whipple moved to amend section one by inserting after the word "county," line thirty-nine, the words, "together with a description of the whole of said tracks within the county, including the right of way by metes and bounds, or other description sufficient for identification."

Adopted.

Mr. Whipple moved to amend section one, line thirty-eight, by inserting "or tracks" after the word "track."

Adopted.

Mr. Paulk moved to amend, in line thirteen, printed bill, after the word "miles," insert the words "of railway."

Adopted.

Mr. Paulk moved to amend, in lines forty and forty-one, printed bill, strike out the words "property named in this section," and insert in place thereof the words "franchise, roadway, roadbed, rails, and rolling stock of such railway within this State."

Adopted.

Mr. Paulk moved to amend by striking out the word "cash," in line thirty-one.

Adopted.

Mr. Leake moved to amend, in section one, by striking out in line thirty-nine the word "taxing," and inserting instead "taxation."

Adopted.

Committee amendment to section two adopted.

Committee amendment to section three adopted.

Mr. Whipple moved to amend section three so as to read as follows: "Nothing in this Act shall be construed as affecting the validity of any assessment already made, or of any proceeding taken, or to be taken, to collect any taxes levied or due, or to become due, upon any such assessment."

Adopted.

The bill read second time.

Title amended.

The bill ordered engrossed, and to be read third time.

MOTIONS.

Mr. Platt moved to suspend the rules and take up Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

Lost.

Mr. Holden moved to suspend the rules and take up Assembly Bill No. 284—An Act for the relief of purchasers of State lands.

Lost.

Mr. Jones moved to suspend the rules and take up Assembly Bill No. 293—An Act to amend an Act entitled an Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property.

Lost.

Mr. McCallion moved to suspend the rules and take up Senate Bill No. 144—An Act to amend section one thousand one hundred and eighty-seven of the Political Code, in relation to the paper to be used for ballots.

Lost.

Mr. Matthews, of San Benito, moved to suspend the rules and take up Assembly Bill No. 224—An Act regulating the taking up of estray animals and posting the same.

Lost.

THIRD READING OF BILLS—RESUMED.

Assembly Bill No. 225—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baker of Sacramento, Baker of Yolo, Burney, Brown, Burns, Crank, Crumpton, Cunningham, Daggett, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, Noonan, O'Connor, Patterson of

Nevada, Patterson of San Joaquin, Pinder, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wasson of Mono, Wentz, Whipple, Wood, and Young—48

NOES—Messrs Anick, Cameron, Hartson, Hendrick, Jones, Kilburn, Leach, May, Paulk, Van Fleet, Wason of Ventura, Wertsbaugher, and Mr. Speaker—13.

Title approved.

Assembly Bill No 226—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Anick, Baker of Sacramento, Baker of Yolo, Birney, Brown, Burns, Coleman, Crumpton, Cunningham, Daggett, Estey, Fraser, Fleet, Gavigan, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McClure, McMurray, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—60.

NOES—None.

Title approved.

Assembly Bill No. 227—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to judgments in Justices' Courts.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Anick, Baker of Yolo, Birney, Brown, Burns, Crank, Crumpton, Cunningham, Daggett, Estey, Felton, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Sargent, Siebe, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—54.

NOES—None.

Title approved.

Assembly Bill No. 269—An Act to amend section seven hundred and thirty-nine of the Political Code, relating to officers of the Supreme Court.

Read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Branch, Brown, Cameron, Crank, Crumpton, Del Valle, Fleet, Garrity, Gavigan, Geary, Hoitt, Howard, Jones, Keating, Kellogg, Lane, Lewis, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Platt, Siebe, Streeter, Van Fleet, Wertsbaugher, Whipple, Young, and Mr Speaker—35

NOES—Messrs Coleman, Estey, Felton, Fraser, Gilmore, Griffith, Hartson, Hinshaw, Holden, Kilburn, Leach, Leake, Mason, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Sargent, Swift, Wason of Ventura, Wasson of Mono, and Wentz—22.

NOTICE.

Mr Kellogg gave notice of a motion to reconsider the vote by which the bill was declared lost.

SECOND READING.

Senate Bill No. 254—An Act to appropriate money to reimburse

the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes—ordered read second time.

The bill read second time, and ordered read third time

MOTION.

Mr. Leake moved that Senate messages be taken up.

So ordered.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 26, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February twenty-fifth, amended, and on February twenty-sixth, eighteen hundred and eighty-one, passed as amended Assembly Bill No. 150—An Act to amend sections six hundred and thirty-six and six hundred and thirty-four of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to fishing

Also adopted on February twenty-sixth, Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica

Also, on February twenty-fifth amended, and on February twenty-sixth passed as amended, Assembly Bill No 484—An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture.

Also, on February twenty-sixth, eighteen hundred and eighty-one, passed Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to escheated estates, or to provide for the sale thereof.

C. T. JOHNS, Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No 150—An Act to amend section six hundred and thirty-six of the Penal Code.

Amendment to the bill and title each read and concurred in.

Senate Concurrent Resolution No. 32—Relative to protecting adopted citizens who are natives of Costa Rica.

Read and adopted.

Assembly Bill No. 484—An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture.

The enacting clause inserted in the Senate, read and concurred in. The Senate amendments to the bill each read and concurred in Senate amendment to the title concurred in.

SECOND READING OF BILLS

Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one

thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools—ordered read second time.

Committee amendments to section one adopted.

Mr. Jones moved to amend by striking out the word "once," and insert the word "twice," in line thirty-eight.

Lost.

The committee amendments to section two adopted.

Mr Leach moved to amend by striking out section four.

Lost.

Mr. Hoitt moved to insert a new section, to be known as section nine, and renumber the remaining sections to correspond.

So ordered.

The amendment read and adopted.

The committee amendments to section ten adopted.

Mr. Hoitt moved to amend section twelve, by adding a third subdivision, as follows:

Third—He shall visit each habitation, house, residence, domicile, or other place of abode in his district, and by actual observation and interrogation, enumerate the census children of the same

Adopted.

Committee amendment to section twelve adopted.

Committee amendment to the bill inserting a new section, to be known as section seventeen, adopted.

Committee amendment to section eighteen adopted.

Committee amendment to section nineteen, in subdivision seven, adopted.

Committee amendment to sections twenty-one, twenty-two, and twenty-three adopted.

RECESS.

Mr. Daggett moved the Assembly take a recess until seven o'clock and thirty minutes P. M.

Carried.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M.

Speaker Parks in the chair.

Quorum present.

SECOND READING—RESUMED.

Consideration of Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred

and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

Committee amendments to section twenty-four adopted.

Committee amendment to section twenty-five adopted.

Committee amendments to section twenty-six adopted.

Mr. Hoitt moved to amend the committee amendment to section twenty-seven, as follows: "A new section is hereby added to the Political Code, to be known as section one thousand seven hundred and ninety-three."

Amendment adopted

The committee amendment to section twenty-seven, as amended, adopted.

Committee amendment to section twenty-eight adopted.

Mr. Hoitt moved to amend the committee amendment to section twenty-nine, as follows: Amend section one thousand eight hundred and fifty-seven to read as follows: "No Assessor, Tax Collector, or County Treasurer shall charge or receive any fees or compensation whatever for assessing, collecting, receiving, keeping, or disbursing any school moneys, but the whole money collected must be paid to the County Treasurer, except the fifteen per cent. allowed by law for collecting poll taxes."

Adopted.

Committee amendment to section twenty-nine, as amended, adopted.

Committee amendment to section thirty adopted.

Mr. Hoitt moved to amend printed bill as follows: In section thirty, line twenty-one, amend by striking out the word "fifteen," after the word "than," and in lieu thereof insert the words "twenty school." Also, in line twenty-three, strike out the word "fifteen," and in lieu thereof insert the word "twenty." Also, in line twenty-five, strike out the word "fifteen," and in lieu thereof insert the word "twenty." Also, in line twenty-five, strike out the word "not," after the word "having." Also, in line twenty-five, strike out the word "fifteen," and insert in lieu thereof the word "twenty."

Adopted.

Mr. Whipple moved to amend by inserting after the word "follows," line ten of section one thousand eight hundred and fifty-eight (section thirty, printed bill), the following, in parenthesis: ("Unless the Board of Supervisors of the county shall, by ordinance, fix a different rule, and the several Boards of Supervisors of the various counties, and cities and counties of the State, are hereby authorized and empowered, by ordinance, to fix different rules, which shall be uniform throughout the county, for the apportionment of school moneys by the County School Superintendents of their respective counties.")

The ayes and noes were demanded by Messrs. Whipple, Daggett, and Edwards, and the amendment was lost by the following vote:

Ayes—Messrs. Alviso, Baker of Yolo, Burney, Branch, Daggett, Edwards, Estey, Fraser, Freer, Garnity, Hinshaw, Leach, Leake, Matthews of San Benito, McDonald, Platt, Samuels, Sargent, Siebe, Whipple, and Wood—21

Noes—Messrs. Baker of Sacramento, Brown, Burns, Camron, Crank, Del Valle, Gavigan, Gay,

Geary, Griffith, Hale, Hartson, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, Mason, Mathews of Tehama, May, McCalhon, McClure, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Streeter, Swift, Van Fleet, Warkins, Wentz, Wertsbaugher, Young, and Mr. Speaker—41.

Mr. Whipple moved to amend by striking out "seventy," in line twelve, section thirty, printed bill, and insert instead "sixty."

Amendment lost.

Mr. Leach offered a substitute for subdivision five, section thirteen, printed bill:

Fifth—If at any time the County Superintendent has reason to believe that a correct report has not been returned, he may appoint a Census Marshal, have the census taken, and the compensation for the same shall be audited and paid as provided in section one thousand six hundred and thirty-nine of this Code.

Amendment adopted.

Mr. Leake offered as a substitute for subdivision third, of section one, the following: "On the order of the Board of Trustees, or Board of Education, to draw his requisition upon the County Auditor for all necessary warrants against the School Fund of any city, town, or district The requisitions must be drawn in the order in which the orders therefor are filed in his office. The aggregate amount of the requisitions drawn against any fund, in any one year, shall not exceed ninety per centum of the estimated amount of the fund for the year, calculated upon the basis of the preceding year's apportionment of State and county moneys, added to the estimated product of any taxes levied by authority of the district, until the final apportionment of funds for the year has been made, and then must not exceed that apportionment and such district tax. Each requisition must state on its face the estimated amount of the fund upon which it is drawn for the year, and the aggregate amount of the requisitions previously drawn against it. Each requisition must specify the purpose for which it is drawn. Upon receipt of such requisition the County Auditor shall draw his warrant upon the County Treasurer, specifying in each warrant the estimated amount of the fund upon which it was drawn for the year, the aggregate amount of the warrants previously drawn against it, and the purpose for which the money is required."

Adopted.

Mr. Leach moved to amend by striking out sections three, four, seven, and fifteen.

Lost.

Mr. May moved to reconsider the vote by which the amendment offered by Mr. Leake as a substitute for subdivision three, of section one, was adopted.

Motion carried.

The question recurring on the motion of Mr. Leake, it was declared lost.

Mr. Hoitt moved to add a new section, as follows:

Section 32. This Act shall take effect immediately.

Adopted.

Mr. Whipple moved to amend as follows: "Whenever the term "County Superintendent of Schools" occurs, it shall be made to read "Superintendent of Schools," in accordance with the terms used in the Constitution.

Amendment adopted.

Title amended.

The bill ordered engrossed, and to be read third time, and at the head of the file for Monday, February twenty-eighth.

Mr. McClure moved to suspend the rules, and take up Senate Bill No. 197—An Act to amend the Political Code, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue.

Messrs. Freer, Jackson, and Mathews of Tehama demanded the ayes and noes.

Mr. Del Valle rose to a point of order, that the motion to suspend the rules and take up Senate Bill No. 197 could not be made twice the same day.

The Speaker decided that it was not the same motion made in the earlier part of the day.

Mr. Del Valle appealed from the decision of the Chair.

Mr. McClure moved to lay the appeal upon the table.

Motion carried.

The roll was called, and the motion to suspend the rule declared carried by the following vote:

AYES—Messrs. Alviso, Anick, Birney, Brown, Burns, Camron, Crank, Daggett, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Geary, Gilmore, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Mason, May, McCallion, McClure, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Siebe, Van Fleet, Watkins, Wasson of Mono, Whipple, Wood, Young, and Mr. Speaker—48.

NOES—Messrs. Baker of Sacramento, Branch, Crumpton, Del Valle, Freer, Griffith, Hale, Hinshaw, Jones, Leach, Mathews of Tehama, Matthews of San Benito, McMurray, Mudgett, Murphy, Paulk, Samuels, Sargent, Streeter, Swift, Wason of Ventura, Wentz, and Wertsbaugher—23.

The question recurring upon the first reading of the bill, the ayes and noes were demanded by Messrs. Paulk, Leach, and Sargent, and the bill was ordered read first time by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Birney, Brown, Burns, Camron, Coleman, Crank, Daggett, Edwards, Felton, Garrity, Gavigan, Gay, Geary, Gilmore, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, Mason, May, McCallion, McClure, McDonald, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Siebe, Van Fleet, Watkins, Wasson of Mono, Whipple, Wood, Young, and Mr. Speaker—46.

NOES—Messrs. Branch, Crumpton, Del Valle, Freer, Griffith, Hale, Hartson, Hinshaw, Jones, Leach, Mathews of Tehama, Matthews of San Benito, McMurray, Mudgett, Murphy, Paulk, Samuels, Sargent, Streeter, Swift, Wason of Ventura, Wentz, and Wertsbaugher—23.

Mr. Camron moved that the rules be suspended, and the further consideration of Senate Bill No. 197 be made the special order for Monday, February twenty-eighth, eighteen hundred and eighty-one, at three o'clock P. M.

Mr. Hartson moved to amend the motion by striking out "three o'clock P. M." and inserting "seven o'clock and thirty minutes P. M."

Lost.

The question recurring on the original motion, the ayes and noes were demanded by Messrs. Griffith, Felton, and Mathews, of Tehama.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs Alviso, Anick, Birney, Brown, Burns, Camron, Coleman, Crank, Crumpton, Daggett, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Geary, Gilmore, Hartson, Holt, Holden, Howard, Jackson, Keating, Kellogg, Lane, Lewis, Mason, May, McCallion, McClure, McDonald, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr. Speaker—48.

NOES—Messrs. Baker of Sacramento, Branch, Del Valle, Griffith, Hale, Hinshaw, Jones, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McMurray, Mudgett, Paulk, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—22.

Mr. Hartson moved that the rules be suspended and Senate Bill No. 11—An Act to appropriate moneys for the payment of I S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State, in preparing bills adapting Codes to the Constitution—be taken up and considered.

At nine o'clock and thirty minutes P. M, Mr. Burns moved to adjourn.

Lost

Mr. Jackson moved a call of the House.

Lost.

The question recurred upon the motion to suspend the rules.

Motion carried.

Senate Bill No. 11 taken up, and ordered read first time.

Bill read first time.

Mr. Hartson moved the further consideration of the bill be made the special order for Tuesday, March first. eighteen hundred and eighty-one, at two o'clock P. M.

Mr. McDonald moved that further consideration of the bill be postponed till March fourth, eighteen hundred and eighty-one.

Mr. Sargent moved the bill be placed at the head of the file for Monday, February twenty-eighth, eighteen hundred and eighty-one.

At nine o'clock and thirty-seven minutes P. M., Mr. McDonald moved to adjourn.

Lost.

The question recurred upon the motion of Mr. Sargent, to place Senate Bill No. 11 at the head of the file for Monday, February twenty-eighth, eighteen hundred and eighty-one.

Motion carried.

Mr. O'Connor moved to suspend the rules, and take up Assembly Bill No. 377—An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claims of Daniel McNeil.

So ordered.

At nine o'clock and forty-five minutes P. M., Mr. Edwards moved to adjourn.

Lost.

Assembly Bill No. 377 ordered read first time.

Bill read first time, and made special order for Monday, February twenty-eighth, eighteen hundred and eighty-one, at twelve o'clock and thirty minutes P. M.

Mr. Estey moved to suspend the rule and take up Senate Bill No. 8—An Act making appropriations for deficiencies for the support of

the State Prison at San Quentin, prior to the thirty-second fiscal year.

Motion carried.

Bill ordered read second time.

Bill read second time, and ordered to third reading.

Mr. Wason, of Ventura, moved to suspend the rules and take up Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

The ayes and noes were demanded by Messrs. Hale, Sargent, and McDonald, and the motion was carried by the following vote:

AYES—Messrs. Brown, Crank, Edwards, Estey, Felton, Freer, Gilmore, Hartson, Hinshaw, Houtt, Holden, Jones, Kellogg, Kilburn, Leach, Leake, Matthews of San Benito, McCallion, McClure, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—39.

NOES—Messrs. Baker of Sacramento, Baker of Yolo, Burns, Garrity, Gay, Geary, Hale, Jackson, Keating, Mathews of Tehama, May, McDonald, Mein, Reynolds, Whipple, and Young—16.

Bill ordered read first time.

Bill read first time.

Mr. Wason moved the bill be placed next after Senate Bill No. 262 on file.

Upon this question the ayes and noes were demanded by Messrs. Hale, McDonald, and Van Fleet.

At nine o'clock and fifty-seven minutes P. M. Mr. Garrity moved to adjourn.

Upon which question the ayes and noes were demanded by Messrs. Burns, Jackson, and Coleman.

Motion lost by the following vote:

AYES—Messrs. Baker of Sacramento, Birney, Burns, Coleman, Crumpton, Del Valle, Freer, Garrity, Gavigan, Griffith, Hale, Holden, Jackson, Leake, May, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, O'Connor, Reynolds, Sargent, Van Fleet, Whipple, Wood, and Young—28.

NOES—Messrs. Anick, Baker of Yolo, Branch, Brown, Daggett, Edwards, Estey, Felton, Gay, Gilmore, Hartson, Hinshaw, Houtt, Jones, Kilburn, Lane, Leach, Mathews of Tehama, Matthews of San Benito, McClure, Noonan, Patterson of San Joaquin, Paulk, Samuels, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Mr. Speaker—33.

Pending announcement of vote upon adjournment, Mr. Baker, of Yolo, was granted leave of absence until Tuesday.

Mr. Baker, of Sacramento, granted leave of absence for the rest of the evening.

The question recurred upon the motion to place Senate Bill No. 239 next after Senate Bill No. 262 on file.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Birney, Branch, Brown, Crumpton, Del Valle, Edwards, Estey, Felton, Geary, Gilmore, Griffith, Hartson, Hinshaw, Houtt, Jones, Kilburn, Lane, Leach, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, and Mr. Speaker—39.

NOES—Messrs. Burns, Coleman, Daggett, Gay, Hale, Holden, May, McDonald, McMurray, Mein, Reynolds, Wentz, Whipple, Wood, and Young—15.

Mr. Lane moved to suspend the rules and take up Senate Bill No. 313—An Act making appropriations for deficiencies for the comple-

tion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Lost.

GENERAL FILE.

Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts—ordered read second time.

Committee amendment to section one rejected.

Bill read second time, ordered engrossed, and to third reading

Mr. Hoitt moved to suspend the rules and take up Assembly Bill No. 477—An Act to enable the Board of Supervisors, or other legislative body, of any city and county, or city, or town, in the State of California, to fix the standard illuminating power, and fix the price of gas.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., Mr. Whipple moved to adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 28, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs Alviso, Arick, Baker of Sacramento, Birney, Branch, Brown, Burns, Camron Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels Sargent, Siebe, Strecter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, February twenty-fifth, Mr. Hoitt moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 286—Entitled an Act to authorize the Board of State Harbor Commissioners to pay the claim of

the Pacific Transfer Company for wharfage illegally collected—beg leave to report the same back with recommendation that it do not pass

MAY, Chairman.

By Mr. Long:

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 465—An Act to amend section one thousand two hundred and forty-five of the Code of Civil Procedure, relative to the condemnation of land for public use—have had the same under consideration, and would now report it back without recommendation.

LONG, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills.

Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

Also, Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts.

MEIN, Chairman.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1881.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 24—Relative to asking our Senators and Representatives in Congress to procure the appropriation of twenty thousand dollars for the purpose of removing obstruction to navigation at the mouth of Smith River, in Del Norte County, California—have considered the same, and report it back recommending its adoption.

Also, Assembly Concurrent Resolution No. 23—Relative to asking our Senators and Representatives in Congress to appropriate at least five hundred thousand dollars, to secure our rivers and harbors against the damage of debris—we report the same back, recommending its adoption.

Also, Assembly Concurrent Resolution No. 21—Relative to asking our Senators and Representatives in Congress to procure the passage of the Regan bill, relative to the control and government of railroads—report the same back, recommending its adoption.

Also, Assembly Concurrent Resolution No. 13—Relative to the establishment of government savings banks—we report the same back, and recommend its passage.

Also, the petition of Daniel Inman and others, praying that the Legislature of the State of California memorialize the Congress of the United States in favor of the construction of an inter-oceanic canal connecting the Atlantic and Pacific Oceans—beg leave to present a committee resolution in relation to the above subject, and recommend its adoption.

JONES, Chairman.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881.

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 190—An Act to prevent hunting and shooting on private inclosed grounds in the State of California—have had the same under consideration, and now report it back with the recommendation that it do pass.

Also, Assembly Bill No. 93—An Act to amend section four hundred and twelve of the Code of Civil Procedure, relating to the publication of summons in civil actions—and recommend that it do pass.

Also, Assembly Bill No. 481—An Act to amend section eighty-four of an Act entitled an Act to repeal the several charters of the City of San Francisco, etc.—and recommend that it do pass.

Also, Senate Bill No. 43—An Act to amend section one thousand four hundred and sixty-eight of the Penal Code, in relation to appeals in criminal cases from Justice or Police Courts to the Superior Courts—and recommend that it do not pass.

Also, Senate Bill No. 150—An Act to amend sections fifteen and sixty-six of an Act entitled an Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors—and recommend that it do pass.

Also, Senate Bill No. 4—An Act to repeal an Act entitled an Act to provide for the organization, etc —and recommend that it do not pass

Also, Assembly Bill No 490—An Act to provide for the submission of proposed amendments to the Constitution, etc.—and recommend that it do pass.

The Judiciary Committee further recommend that the accompanying proposed amendments to the Constitution, numbered respectively five, six, seven, and eight, be submitted.

McCLURE, Chairman.

The proposed amendments to the Constitution were ordered printed.

Mr. Reynolds moved to suspend the rules and take up Assembly Bill No. 490, reported above.

Lost.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 26, 1881

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bill No. 12—An Act to amend section five hundred and ninety-five of the Civil Code of California, relating to religious, social, and benevolent corporations.

GEORGE C. PERKINS, Governor.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, February 26, 1881

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Substitute for Senate Bill No 258—An Act to amend sections eleven, seventeen, eighteen, and twenty, and to repeal section thirty of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April fifteenth, eighteen hundred and eighty.

Also, Senate Bill No. 344—An Act to provide for the completion of the wall around the State Prison at Folsom.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 258—An Act to amend sections eleven and seventeen of an Act entitled an Act to define, regulate, and govern the State Prison of California, approved April fifteenth, eighteen hundred and eighty.

Referred to Committee on State Prisons

Senate Bill No. 344—An Act to provide for the completion of the wall around the State Prison at Folsom.

Referred to Committee on State Prisons.

GENERAL FILE—THIRD READING.

Senate Bill No. 7—An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

Read third time.

The roll was called, and the bill passed by the following vote.

AYES—Messrs Alviso, Aniek, Baker of Sacramento, Birney, Branch, Brown, Camron, Chandler, Coleman, Crumpton, Cunningham, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn Lane, Leake, Lewis, Long, Mason, Matthews of Tehama,

Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—67.

NOES—None.

Title approved.

Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—63.

NOES—Mr. Leake—1.

Title approved.

MOTION.

Mr. Burns moved to suspend the rules and take up Senate Bill No. 27.

The previous question was demanded by Messrs. May, Freer, and Hoitt.

The ayes and noes thereon were demanded by Messrs. Paulk, Sargent, and Mathews, of Tehama.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Birney, Brown, Burns, Chandler, Coleman, Fraser, Freer, Garrity, Gavigan, Gilmore, Hale, Hartson, Hendrick, Hoitt, Howard, Jackson, Jones, Keating, Lane, Long, Mason, May, McCallion, Mein, Mudgett, Noonan, O'Connor Patterson of Nevada, Pinder, Reddick, Swift, Watkins, Wertsbaugher, Wood, Young, and Mr. Speaker—38

NOES—Messrs. Alviso, Branch, Cannon, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Geary, Griffith, Hinshaw, Holden, Kilburn, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, McClure, McDonald, Murphy, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, and Whipple—36.

The question recurred on the motion to suspend the rules and take up Senate Bill No. 27.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Birney, Brown, Burns, Chandler, Coleman, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Lewis, Long, Mason, Mathews of Tehama, May, McCallion, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pindet, Platt, Reynolds, Samuels, Swift, Van Fleet, Watkins, Wertsbaugher, Wood, and Young—53.

NOES—Messrs. Alviso, Cannon, Crank, Crumpton, Edwards, Estey, Hartson, Kilburn, Leake, Matthews of San Benito, McClure, McDonald, Murphy, Sargent, Siebe, Streeter, Wason of Ventura, Wasson of Mono, Wentz, and Whipple—20.

Mr. Reynolds moved that further consideration of the bill be the special order for two o'clock.

Mr. McClure moved to amend by striking out two o'clock and inserting instead seven o'clock and thirty minutes this evening.

Accepted.

The question being upon the motion as amended, the ayes and noes were demanded by Messrs. Paulk, Estey, and Sargent.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Arick, Birney, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Holt, Holden, Howard, Jackson, Kellogg, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, Mein, Mudgett, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—56.

NOES—Messrs. Baker of Sacramento, Cunningham, Felton, Freer, Hale, Jones, Keating, Kilburn, May, McDonald, McMurray, Noonan, Pindet, Reddick, Swift, Van Fleet, and Whipple—17.

Mr. Mudgett had leave to speak to a question of privilege, relative to a certain article published in the *San Francisco Chronicle*, charging him with inconsistency, and denying the charges.

SPECIAL ORDER.

The special order for this hour, Assembly Bill No. 377—An Act to authorize the State Board of Harbor Commissioners to adjust and pay the claims of Daniel McNeil, was taken up—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time.

On motion of Mr. Gilmore, the bill made special order for twelve o'clock to-morrow.

Mr. Mathews, of Tehama, moved to suspend the rules and take up Substitute for Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Carried.

The bill ordered read first time.

The bill read first time and ordered at the head of Second Reading File for to-morrow.

Mr Young moved to suspend the rules to make Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirty-first fiscal year, a special order for two o'clock P. M. to-morrow.

Lost.

Mr. Young moved to suspend the rules and take up Senate Bill No. 124—An Act to provide for the deficiency in the appropriation for the payment for stationery, lights, etc, for the Legislature and State officers during the thirty-first fiscal year.

Lost.

Mr. Whipple moved to suspend the rules and take up Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York, in eighteen hundred and eighty-three.

Lost.

THIRD READING—RESUMED.

Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Branch, Burns, Camron, Crank, Crumpton, Daggett, Del Valle, Edwards, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Leake, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Samuels, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, Whipple, Young, and Mr. Speaker—55.

NOES—Messrs. Brown, Coleman, Cunningham, Fraser, Jones, Long, Paulk, Sargent, Siebe, and Wentz—10.

RECONSIDERATION.

Mr. Kellogg, pursuant to notice, moved to reconsider the vote by which Assembly Bill No 269—An Act to amend section seven hundred and thirty-nine of the Political Code, relating to officers of the Supreme Court, was refused passage.

The ayes and noes were demanded by Kellogg, Cunningham, and Keating.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Branch, Brown, Cunningham, Del Valle, Geary, Griffith, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leake, Lewis, McCallion, McClure, McDonald, Platt, Van Fleet, Wood, Young, and Mr. Speaker—25

NOES—Messrs. Baker of Sacramento, Chandler, Coleman, Daggett, Estey, Fraser, Hartson, Hendrick, Kilburn, Long, Mason, Mathews of Tehama, Matthews of San Benito, McMurray Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—32.

RECESS.

At one o'clock P. M. the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

THIRD READING—RESUMED.

Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

Read third time.

Mr. Reynolds moved to refer to a special committee of one, with instructions to strike out all after the enacting clause, and insert the substitute offered by himself.

Mr. Del Valle in the chair.

The motion carried.

Mr. Hale moved that Mr. Reynolds be constituted the special committee, and the bill be referred to said committee.

So ordered

Senate Bill No. 254—An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have, by mistake, been withheld therefrom and appropriated to other State purposes.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick Baker of Sacramento, Branch, Burns, Camron, Chandler, Crank, Crumpton Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, Long, Mason, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Swift Watkins, Wason of Ventura, Wasson of Mono, Whipple, Young, and Mr. Speaker—56.

NOES—Messrs Cunningham and Leake—2.

Title approved.

MOTION.

Mr. Whipple moved to suspend the rules, and take up Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York, in eighteen hundred and eighty-three.

Lost.

THIRD READING—RESUMED.

Senate Bill No 8—An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, prior to the thirty-second fiscal year.

Read third time

Mr Gilmore moved to refer to a special committee of one, with special instructions to insert fifty-one thousand dollars.

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Birney, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick Hinshaw, Hoitt, Howard, Jackson, Jones, Kilburn, Lane, Leake, Long, Mason, Mathews of Tehama, May, McClure, McMurray, Mein, Mudgett, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr Speaker—57

NOES—Messrs. Daggett, Gilmore, Griffith, Holden, Keating, McCallion, Noonan, and Whipple—8

Title approved.

REPORT OF SPECIAL COMMITTEE.

By Mr. Reynolds:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881

MR. SPEAKER: The undersigned, appointed as a select committee, with special instructions to amend Assembly Bill No 415, respectfully reports that he has obeyed such instructions, and now reports the bill back amended as instructed.

REYNOLDS, Select Committee.

Mr. Patterson, of Nevada, moved to suspend the rules and take up Senate Bill No 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

The ayes and noes were demanded by Messrs Whipple, Daggett, and Griffith.

Speaker Parks in the chair.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Birney, Brown, Burns, Chandler, Crumpton, Del Valle, Edwards, Felton, Fraser, Gavigan, Geary, Gilmore, Hartson, Hinshaw, Holtt, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Long, Mason, Matthews of San Benito, May, McCallion, McMurray, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Streeter Swift, Van Fleet, Warkins, Wason of Ventura, Wentz Wertsbaugher, Wood, and Young—46.

NOES—Messrs Coleman, Cunningham, Daggett, Garrity, Gay, Griffith, Hendrick, Holden, Jackson, Mathews of Tehama, McDonald, Murphy, Pinder, Platt, Whipple, and Mr. Speaker—16

Mr. Patterson, of Nevada, moved the bill be made the special order for twelve o'clock to-morrow.

So ordered.

SPECIAL ORDER.

The special order for this hour: Substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue, was taken up and ordered read second time

Mr. Mathews, of Tehama, moved to amend by striking out all after the word "provided" in section one, line seven, printed bill.

The ayes and noes were demanded by Messrs. Cunningham, Branch, and Wason, of Ventura.

The roll was called, and the amendment was rejected by the following vote:

AYES—Messrs Branch, Cunningham, Hartson, Hinshaw, Leach, Mathews of Tehama, McMurray, Paulk, Samuels, Sargent, Siebe, Wason of Ventura, Wentz, and Whipple—14

NOES—Messrs Anick, Baker of Sacramento Bost, Brown, Burns, Cannon, Coleman, Crank Crumpton, Daggett, Edwards Felton, Fraser, Freel, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Holtt Holden, Howard Jackson, Jones, Keating, Kellogg, Kilburn Lane, Leake, Lewis, Matthews of San Benito, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Swift, Streeter, Van Fleet, Warkins, Wason of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—57

Mr. Mathews, of Tehama, moved to amend as follows: By adding to section ——: "But the taxation of moneys, credits, bonds, stocks, dues, and franchises shall not be deemed double taxation."

The ayes and noes were demanded by Messrs. Wason, of Ventura, Crumpton, and Mathews, of Tehama.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Branch, Crumpton, Cunningham, Griffith, Hale, Hartson, Hinshaw, Jones, Leach, Mason, Mathews of Tehama, Matthews of San Benito, McMurray, Murphy, Paulk, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertshaughet, and Whipple—23.

NOES—Messrs Anick, Baker of Sacramento, Bost, Brown, Burns, Cameron, Chandler, Coleman, Crank, Daggett, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hendrick, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Swift, Van Fleet, Watkins, Wason of Mono, Wood, Young, and Mr. Speaker—51.

Mr. Cunningham moved to strike out all of section two of the bill.

Mr. Hale moved to amend the amendment as follows, by striking out section two, and substituting the following as section two:

Section 2 Section three thousand six hundred and forty of the Political Code is hereby amended so as to read as follows

Section 3640 The capital stock or franchise of every corporation, association, and joint stock company organized under the laws of this State, shall be assessed to such corporation, association, and joint stock company, and not to its stockholders The value of such capital stock and franchise shall be ascertained by multiplying the market value of one of the shares of stock by the whole number thereof issued, and deducting from the product the total assessed value of all other property, real and personal, assessed to it for purposes of taxation in this State and elsewhere. Each person, firm, or corporation owning or having in its possession any of the shares of the capital stock of any corporation, association, or joint stock company not organized under the laws of this State shall be assessed therewith.

Mr. Hoitt in the chair.

Speaker Parks in the chair.

Pending discussion, Mr. Hale moved the bill be made the special order for two o'clock P. M., to-morrow.

Lost.

Mr McClure moved the further consideration of the bill be the special order for to-morrow, immediately after the reading of the Journal.

So ordered.

RECESS.

On motion of Mr. Hoitt, the House took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M.

Speaker Parks in the chair.

Quorum present.

REPORTS OF STANDING COMMITTEES.

By Mr Mein:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills

Assembly Bill No 475—An Act to add two new sections, to be numbered three thousand six hundred and sixty-four and three thousand six hundred and sixty-five to an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, which two new sections relate to the subject of providing revenue for the support of the government of the State and its political divisions, and especially in relation to the assessment of railroads by the State Board of Equalization.

Also, Assembly Bill No 377—An Act to authorize the State Board of Harbor Commissioners to adjust and pay the claims of Daniel McNeil.

MEIN, Chairman.

SPECIAL ORDER.

The special order for this hour: Senate Bill No. 27—An Act to repeal an Act entitled an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty, taken up.

The previous question was demanded by Messrs. Jackson, Platt, and Hoitt

At ten o'clock and fifty-five minutes Mr. Del Valle moved to adjourn.

The ayes and noes were demanded by Messrs. Wason, of Ventura, Whipple, and Hoitt.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Crumpton, Edwards, Estey, Griffith, Hendrick, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, Streeter, Wason of Ventura, and Wasson of Mono—13.

NOES—Messrs. Alviso, Anick, Burney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hale, Hartson, Hinshaw, Hoitt, Holden, Howard Jackson, Jones, Keating Kellogg, Kilburn, Lane, Lewis, Long, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe Swift, Van Fleet, Watkins, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—64.

The ayes and noes were demanded by Messrs. Whipple, Murphy, and Platt.

The roll was called, and the House refused to order the main question by the following vote:

AYES—Messrs Bost, Chandler, Freer, Gilmore, Hale, Hoitt, Jackson, Keating, Leach, May, Mein, Mudgett, O'Connor, Pinder, Platt, Reddick, Swift, Van Fleet, Wasson of Mono, Wertsbaugher, Young, and Mr. Speaker—22.

NOES—Messrs Alviso, Burney, Branch, Brown, Burns, Camron, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey Felton, Fraser, Garrity, Gavigan, Gay, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wentz, Whipple, and Wood—50.

The previous question was demanded by Messrs. Felton, Hoitt, and Hendrick.

The ayes and noes were demanded by Messrs. Whipple, Wentz, and Wason, of Ventura.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Anick, Bost, Brown, Burns, Chandler, Coleman, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Hale, Hendrick Hoitt, Holden, Howard, Jackson, Keating, Lane, Leach, Lewis, May, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Van Fleet, Watkins, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—42.

NOES—Messrs. Alviso, Burney, Branch, Camron, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Gay, Griffith, Hartson, Hinshaw, Kilburn, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, Murphy, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Wason of Ventura, Wentz, and Whipple—33.

Messrs. Jones and Mason paired, Mr. Jones voting aye, and Mr. Mason no.

The question recurred on the first reading of the bill.

The ayes and noes were demanded by Messrs. Hendrick, Estey, and Matthews, of San Benito.

Mr. Whipple moved a call of the House.

Lost.

The roll was called, and the bill refused first reading by the following vote:

AYES—Messrs. Alviso, Birney, Bost, Branch, Camron, Crank, Crumpton, Cunningham, Del Valle, Estey, Felton, Gay, Griffith, Hartson, Hendrick, Hinshaw, Holden, Kilburn, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McMurray, Murphy, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wertsbaugher, and Whipple—35

NOES—Messrs. Arick, Brown, Burns, Chandler, Coleman, Daggett, Edwards, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Hale, Hoitt, Howard, Jackson, Keating, Kellogg, Lane, Lewis, Long, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Pinder, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, and Young—39.

Messrs. Jones and Mason paired, and Messrs. Wentz and Baker, of Sacramento, paired, Mr Baker voting no, and Mr. Wentz aye.

Mr. Edwards gave notice of a motion to reconsider the vote by which the bill was refused first reading.

At twelve o'clock P. M, Mr. Kellogg moved to adjourn.

The ayes and noes were demanded by Messrs. Estey, Paulk, and Sargent.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Arick, Brown, Burns, Coleman, Daggett, Fraser, Freer, Garrity, Gavigan, Gilmore, Hale, Hoitt, Howard, Jackson, Keating, Kellogg, Lane, Long, May, McDonald, Mein, Mudgett, O'Connor, Patterson of Nevada, Pinder, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr Speaker—34.

NOES—Messrs Alviso, Birney, Bost, Branch, Camron, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Holden, Jones, Kilburn, Leach, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, and Whipple—42.

NOTICE.

Mr Edwards gave notice of a motion to reconsider the vote by which the bill was refused first reading.

ADJOURNMENT.

At twelve o'clock and three minutes, on motion of Mr. Felton, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 1, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs Alviso, Arick, Baker of Sacramento, Birney, Bost Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach,

Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, February twenty-sixth, Mr. Cunningham moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

SPECIAL ORDER.

The special order for this hour, Substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue, was taken up.

The question recurred on the amendment to the amendment of Mr. Cunningham, offered by Mr. Hale.

Pending discussion of the above, on motion of Mr. McClure, Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year, the special order for twelve o'clock M. this day, was made the special order for three o'clock and thirty minutes P. M., this day.

The previous question was demanded by Messrs Hoitt, May, and Pinder, and the House so ordered.

Mr. Hale's amendment to the amendment accepted.

The ayes and noes were demanded by Messrs. Hale, Griffith, and Hoitt.

The roll was called, and the amendment as amended was rejected by the following vote:

AYES—Messrs. Branch, Chandler, Crumpton, Cunningham, Del Valle, Estey, Fraser, Freer, Griffith, Hale, Hartson, Hinshaw, Jones, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McMurray, Paulk, Samuels, Sargent, Streeter, Wason of Ventura, Wentz, and Weitsbaugher—25.

NOES—Messrs. Arick, Baker of Sacramento, Birney, Bost, Brown, Burns, Camron, Coleman, Crank, Daggett, Edwards, Felton, Garnty, Gavigan, Gay, Geary, Gilmore, Hendrick, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, Mason, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wasson of Mono, Whipple, Wood, Young, and Mr. Speaker—51.

Mr. Cunningham offered an amendment to the bill.

The Speaker ruled that under the previous question no amendment was admissible.

Mr. Hale 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. Hale, Jones, and Cunningham.

The roll was called, and the Speaker's decision sustained by the following vote:

AYES—Messrs. Aiuck Burney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Daggett, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leach, Leake, Lewis, Long, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, O'Connor, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wasson of Mono, Wertsbaugher, Wood, and Young—57

NOES—Messrs. Crumpton, Cunningham, Edwards, Hale, Jones, Matthews of San Benito, Paulk, Samuels, Wason of Ventura, Wentz, and Whipple—11.

The bill read second time.

The question recurred upon the third reading of the bill.

The ayes and noes were demanded by Messrs. Hale, Wason, of Ventura, and Paulk, and the bill was ordered to third reading by the following vote:

AYES—Messrs Aiuck, Baker of Sacramento, Burney, Bost, Brown, Burns, Camron, Coleman, Crank, Crumpton, Daggett, Edwards, Estey, Felton, Garrity, Gavigan, Gay, Geary, Gilmore, Hendrick, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, Mason, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Siebe, Swift, Van Fleet, Watkins, Wasson of Mono, Wood, Young, and Mr Speaker—51

NOES—Messrs Branch, Cunningham, Del Valle, Freer, Griffith, Hale, Harrison, Hinshaw, Jones, Leach, Leake, Long, Mathews of Tehama, Matthews of San Benito, McMurray, Paulk, Samuels, Sargent, Streeter, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—23.

MOTION.

Mr McClure moved the further consideration of this bill be the special order immediately after reading of the Journal to-morrow.

Carried

Mr. May moved to reconsider the vote by which Senate Bill No. 27—An Act to repeal an Act entitled an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty—was refused first reading yesterday.

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

Mr. Edwards raised the point of order that the motion was not regularly before the House.

The Speaker ruled the point not well taken.

Mr. Edwards appealed from the decision of the Chair.

RECESS.

The hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of Mr. Hoitt's motion to lay the motion to reconsider the vote by which Senate Bill No. 27 was refused passage—withdrawn.

The question recurred on the motion to reconsider

Mr. Hoitt moved to lay the motion to reconsider on the table.

The Speaker assigning the floor to Mr. Hoitt in preference to Mr. Del Valle, Mr Del Valle appealed from the decision of the Speaker.

The question being: Shall the decision of the Speaker stand as the judgment of the House? the House sustained the Speaker.

The question recurring on the motion to lay on the table, the ayes and noes were demanded by Messrs. Wason, of Ventura, Hoitt, and Patterson, of San Joaquin.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Brown, Burns, Chandler, Coleman, Daggett, Fraser, Freer, Gaffney, Gavigan, Geary, Gilmore, Hale, Hoitt, Howard, Jackson, Keating, Kellogg, Lane, Lewis, Long, Mason, May, McCallum, McClure, McDonald, Mein, Mudgett Noonan, Patterson of Nevada, Pinder, Reddick, Swift, Van Fleet, Watkins, Wasson of Mono, Wertshaugher, Wood, and Young—40

NOES—Messrs Alviso, Birney, Bost, Branch, Cannon, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Griffith, Hartson, Hendrick, Hinshaw, Holden, Jones, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McMurray, Murphy, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, and Whipple—35

Messrs. Kilburn and O'Connor paired. Mr. O'Connor voting aye, and Mr. Kilburn no.

SPECIAL ORDERS.

The special order for twelve o'clock M.: Assembly Bill No 377—An Act to authorize the State Board of Harbor Commissioners to adjust and pay the claims of Daniel McNeil, was now taken up.

The question being upon the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Estey, Fraser, Freer, Gaffney, Gavigan, Gilmore, Hale, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating Kellogg, Kilburn, Lane, Leach, Leake, Lewis Mathews of Tehama, Matthews of San Benito, May, McCallum, McDonald, McMurray, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertshaugher, Wood, Young, and Mr. Speaker—60

NOES—Messrs. Griffith, Paulk, and Whipple—3.

Title approved.

MOTION.

Mr. Whipple moved to suspend the rules and take up Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroads and other property by the State Board of Equalization and County Assessors, for the purposes of taxation.

So ordered.

The bill read third time.

The roll was called, and the bill was passed by the following vote.

AYES—Messrs Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gaffney, Gavigan, Gay, Geary Griffith, Hale, Hartson, Hinshaw Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane Leach, Leake, Lewis, Mathews of Tehama,

Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Faulk, Platt, Reynolds, Samuels, Sargent, Siebe Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—68.

Noes—Mr. Cunningham—1.

Title approved.

Mr. Kellogg gave notice of motion to reconsider the vote by which Assembly Bill No. 475 was passed

REPORTS OF STANDING COMMITTEES

By Mr. Camron:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: Your Committee on Apportionment to whom was referred Assembly Bill No. 379—An Act entitled 'An Act to divide this State into Senatorial and Assembly Districts, and provide for the election of Senators and Assemblymen therein'—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CAMRON, Chairman.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the resolution hereto attached, submitted on the twenty-ninth day of January, by Mr. Leach, of Solano, beg leave to report that we have considered the subject, and recommend the passage of Substitute for Senate Bill No. 197—as forbidding double taxation, and therefore covering the subject matter of the resolution.

MAY, Chairman.

WHEREAS, By the unusual and unprecedented large yield of grain in this State last year, and the lack of tonnage to remove the crop, there is, of necessity, on storage in the various grain centers of California something like eight hundred thousand tons of wheat awaiting shipment to the foreign markets, and whereas, the greater part of this grain is on storage within the corporate limits of several cities and towns, and under the circumstances it cannot be removed before the first day of March next ensuing, and therefore, in addition to the State and county tax under the existing laws, it will be subject to municipal taxation by the authorities of the cities wherein it is stored, thereby subjecting the owners to an extra and onerous tax, not just in equity or principle, and one that promises to result in great injury both to individuals and the municipalities concerned, for the reason that the grain in question is really in course of transportation to market, and while in storage is only awaiting an opportune time for shipment to its final destination, and the levy of the above mentioned municipal tax at this time may possibly cause forced sales and the throwing on the market of a large quantity of grain, breaking down the present low prices, resulting in a loss to the producing community of this State amounting to millions of dollars, and inuring to the benefit of only a few speculators and shippers—and therefore, be it

Resolved, That the Committee on Ways and Means is hereby instructed to consider the matter and report to the House, by bill or otherwise, what action or remedy is necessary.

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred Assembly Resolution, relative to payment of Assistant Journal Clerk for extra services—have had the same under consideration, and find that he has performed extra services and worked over hours, and do now report the same back and recommend its adoption.

Also, Assembly Resolution, relative to the History of Assembly Bills, etc.—have had the same under consideration, and now report the same back and recommend that it be not adopted.

Also, Assembly Resolution, relative to the payment of J. F. Carter for lighting gas in Assembly Chamber—have had the same under consideration, and now report the same back and recommend that it be not adopted.

Also, Assembly Resolution, relative to the appointment of W. F. Brown as Porter of committee rooms—have had the same under consideration, and now report the same back and recommend its adoption.

Also, Assembly Resolution, relative to the compensation of clerk to the Sergeant-at-Arms for arranging papers, closing and balancing the books of account at the close of the present session—have had the same under consideration, and now report the same back and recommend its adoption.

PATTERSON, Chairman.

The report read and adopted.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: The undersigned, members of your Committee on Apportionment, beg leave to report the accompanying bill with amendments attached, and recommend that it do pass.

JOHN DAGGETT,
JOHN W. GILMORE,
JOHN W. BOST,
E. L. WHIPPLE.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled

Assembly Bill No. 68—Entitled an Act to amend section one thousand two hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to escheated estates, and to provide for the sale thereof;

And the same was, at two o'clock and ten minutes P. M., February twenty-eighth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled

Assembly Bill No. 150—Entitled an Act to amend sections six hundred and thirty-six and six hundred and thirty-four of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to fishing;

Also, Assembly Bill No. 484—Entitled an Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture,

And the same were, at two o'clock P. M., March first, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

REPORT OF SPECIAL COMMITTEE.

By Mr Mathews, of Tehama:

MR SPEAKER: Your special committee appointed to investigate certain charges preferred against Hon F. L Hatch, Superior Judge of Colusa County, beg leave to submit the following report

Your committee met and required specific charges to be filed, which was done. Said specific charges are made a part of the testimony herewith submitted.

It was found that to summon the witnesses (over one hundred) to Sacramento, would put the State to an expense of not less than six thousand dollars, and in order to avoid this expense, it was resolved by the full committee that a quorum should proceed to Colusa and hold the investigation there. Accordingly, Messrs Mathews, Leake, and Bost proceeded to Colusa. P K. Stockton was chosen shorthand reporter, and Thomas Allen, Sergeant-at-Arms. It was resolved that the prosecution and defense be allowed a reasonable number of attorneys, and that all points be submited without argument.

The committee also decided to confine the testimony to the conduct of Judge Hatch during his present term of office

From the evidence submitted (which is made a part of this report), your committee have arrived at the following conclusions

First—That upon the general charge of habitual intemperance, the evidence was conflicting, but the preponderance was in favor of the defendant, and we do not consider the charge substantiated

Second—That while there was direct testimony to the effect that the said F L Hatch has been seen under the influence of some stimulant on two or three occasions during his present term of office, the testimony failed to show that he has ever been under the influence of drink to such an extent as to incapacitate him from transacting the business of his office, and this conclusion is confirmed by the records and calendar, which show that the business of that Court has been kept up, and that of nine cases appealed to the higher Court, seven were affirmed.

Third—The charge of corruption was withdrawn

Fourth—The charge of drunkenness upon the bench was not established.

A large number of witnesses were examined, and many more were on hand ready to testify on behalf of the defense, but owing to the shortness of the time, they could not be heard.

Your committee are therefore of the opinion that while the evidence shows that the Judge uses intoxicating liquors to some extent, still it is not to an extent that would warrant the State to interfere; in other words, there are not sufficient grounds to justify impeachment proceedings.

We recommend, therefore, that no further proceedings be heard in the matter

MATHEWS, Chairman.

Report adopted.

By Mr. Mathews, of Tehama: A report of the expenses incurred by the special committee of investigation in the matter of certain charges against Hon. F. L Hatch was presented by Mr. Mathews, of Tehama, and ordered referred to the Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Gay:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: Your Committee on Public Grounds and Buildings beg leave to make a final report of all matters in their hands, and ask that it go to proper printing.

GAY, Chairman.

The report above mentioned ordered printed in the Appendix to the Journal.

By Mr. Edwards:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 126—An Act for the government, appointment, and regulation of a police force in the several counties, and cities and counties, where city and county governments are consolidated in one government, in this State, and for the appointment and election of Chief of Police and Boards of Police Commissioners—have had the same under consideration, and now report the same back without recommendation

Also, Assembly Bill No. 508—An Act for the better protection of public moneys belonging to cities and counties, or cities and towns, in this State—and report back the same without recommendation

EDWARDS, Chairman.

Mr. Lewis made a verbal report, handing in the joint resolution of the committees of the Senate and Assembly on State Hospitals and State Asylums, and asked that it be ordered printed.

So ordered.

By Mr. Hartson:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1881

MR. SPEAKER: Your Committee on State Prisons, to whom was referred Substitute for Senate Bill No. 258—An Act to amend sections eleven, seventeen, eighteen and twenty, and to repeal section thirty of an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April fifteenth, eighteen hundred and eighty—have had the same under consideration, and now report the same back, and recommend that it do pass

Also, Senate Bill No. 344—An Act to provide for the completion of the wall around the State Prison at Folsom—recommend to amend by striking out, in section one, line two, the words "twenty thousand," and inserting "ten thousand," and recommend that it do pass as amended.

HARTSON, Chairman.

SPECIAL ORDER.

The special order for three o'clock P. M., this day, Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body to perform the duties prescribed by section one, of Article XIV, of the Constitution, and prescribing penalties for the non-performance of such duties, taken up.

Mr. Felton moved to refer the bill to a special committee of one, with special instructions to amend by striking out section two of the bill.

Lost.

The bill read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Burns, Coleman, Edwards, Estey, Fraser, Freet, Garrity, Gavigan, Geary, Gilmore, Hale, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mason, Mathews of Tehama, Matthews of San Benito, McCallum, McClure, McMurray, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Sargent, Siebe, Strecter, Van Fleet, Wood, and Young—42

NOES—Messrs Birney, Brown, Chandler, Crank, Cunningham, Daggett, Del Valle, Felton, Gay, Griffith, Hartson, Hinshaw, Jones, Kilburn, Leach, Leake, Lewis, May, Murphy, Reynolds, Samuels, Swift, Watkins, Wentz, Wertsbaugher, and Mr Speaker—26.

Messrs. Mein and McDonald being paired.

Title approved.

The special order for this hour, Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year—taken up, and ordered read first time.

The bill read first time, and, on motion of Mr. Watson, made the special order for three o'clock P. M., to-morrow.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 1, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto.

ED. J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto.

Mr. Hartson moved to suspend the rules, and read the bill first time.

So ordered.

The bill read first time, and made special order for three o'clock and thirty minutes P M. to-morrow.

SENATE MESSAGES.

The following Senate messages were read:

SENATE CHAMBER, SACRAMENTO, February 28, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly Concurrent Resolution No 25—Relative to the adjournment *sine die* of the twenty-fourth session of the Legislature.

C. T. JOHNS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on February twenty-fifth, eighteen hundred and eighty-one, amended, and on the twenty-sixth passed as amended Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands.

Also, on February twenty-sixth, eighteen hundred and eighty-one, passed Assembly Bill No. 85—An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the Port of San Francisco.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 95—An Act to provide a system of drainage for agricultural lands—taken up, and Senate amendments thereto read and concurred in.

MOTION.

Mr. Gavigan moved to suspend the rules and take up Senate Bill No. 46—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code, defining what are common carriers.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Gavigan moved the bill be made the special order for to-morrow, to be considered immediately after the revenue bill.

The ayes and noes were demanded by Messrs. Gavigan, Felton, and Burns.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Baker of Yolo, Birney, Burns, Camron, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Hoitt, Holden, Howard, Jackson, Kellogg, Lane, Mathews of Tehama, McCallum, McClure, McDonald, Nooman, O'Connor, Patterson of San Joaquin, and Pinder—31

NOES—Messrs. Branch, Brown, Chandler, Crank, Edwards, Estey, Felton, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Jones, Keating, Kilburn, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Paulk, Reynolds, Sargent, Siebe, Swift, Watkins, Wentz, Wertsbaugher, Wood, and Mr. Speaker—37.

Mr. Camron moved to suspend the rules and take up Senate Bill No. 92—An Act to provide buildings and improvements for the deaf and dumb, and the blind.

So ordered.

The bill ordered read first time.

Read first time, and made the special order for two o'clock P. M. to-morrow.

Mr. Hoitt moved to suspend the rules and take up Senate Bill No. 156—An Act to add nine new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Hoitt moved that the bill be made the special order for two o'clock and thirty minutes P. M., to-morrow.

The ayes and noes were demanded by Messrs. Murphy, Burns, and Sargent.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Fraser, Freer, Garrity, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones,

Keating, Kellogg, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Patterson of Nevada, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Weitsbaugher, Wood, Young, and Mr Speaker—45.

Noes—Messrs Alviso, Burns, Coleman, Cunningham, Edwards, Felton, Gay, Lewis, McDonald, Mudgett, Murphy, Patterson of San Joaquin, Paulk, and Sargent—14

Mr. Freer moved to suspend the rules and take up Senate Bill No 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-three, one thousand nine hundred and ninety, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

So ordered.

The bill ordered read first time.

The bill read first time, and on motion of Mr. Freer, made the special order for seven o'clock and thirty minutes P. M. to-morrow night.

Mr. Daggett moved to suspend the rules and take up Assembly Bill No. 414—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

NOTICE.

Pending consideration of above, Mr. Sargent gave notice that he would, to-morrow, move to reconsider the vote by which Senate Bill No 272 was passed.

The ayes and noes were demanded by Messrs. Daggett and Baker, of Yolo.

The roll was called, and the motion to suspend the rules declared lost by the following vote.

Ayes—Messrs. Aiuck, Baker of Yolo, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garnity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, Pindel, Samuels, Swift, and Mr Speaker—35

Noes—Messrs Alviso, Baker of Sacramento, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser Gay, Hale, Hartson, Hendrick, Hotti, Kilburn, Leach, Lewis Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin Paulk, Reynolds Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Wood, and Young—38.

Messrs. Birney and Reddick paired, also Messrs. Jones and Whipple

Mr. Mudgett moved to suspend the rules and take up Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals.

Lost.

RECESS.

On motion of Mr. Lane, the House took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M. Speaker Parks in the chair.

Quorum present.

GENERAL FILE—THIRD READING.

Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts.

The bill read third time.

Mr. McClure in the chair.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Brown, Burns, Cannon, Chandler, Crumpton, Cunningham, Del Valle, Estey, Fraser, Freet, Garrity, Gavigan, Gay, Griffith, Hale, Hinshaw, Holtt, Jackson Jones, Keating Kilburn, Lane, Leach, Lewis, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Patterson of Nevada, Pinder, Reddick, Reynolds Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—54

NOES—None.

Title approved.

SECOND READING.

Senate Bill No. 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda—ordered read second time.

The bill read second time, ordered engrossed, and to be read third time, and ordered to head of the file for to-morrow.

Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition—ordered read second time.

The committee amendment to section two rejected

The bill read second time, and ordered read third time.

Senate Bill No 11—An Act to appropriate moneys for the payment of I. S Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State, in preparing bills adapting the Codes to the Constitution—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed—ordered read second time.

The bill read second time, and ordered read third time.

Assembly Bill No. 217—An Act to amend section five hundred and thirty-two of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to the obtaining money by false pretenses, and by false reports of wealth, etc.—read second time.

Mr. Paulk moved to amend, in lines nine and ten, printed bill, strike out the words "one year and by fine not exceeding three times the value of the money or property so obtained," and insert in place thereof the words "six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment."

Lost.

The committee amendment to section two adopted.

The bill ordered engrossed, and to be read third time

Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York, in eighteen hundred and eighty-three—ordered read second time.

The bill read second time, ordered engrossed and to be read third time.

Mr. Hartson moved the bill be made the special order for twelve o'clock and thirty minutes to-morrow.

So ordered.

Senate Bill No 32—An Act concerning the medical department of the University of California—ordered read second time.

The bill read second time, and ordered read third time.

Assembly Bill No. 284—An Act for the relief of purchasers of State lands.

Ordered passed on file

Mr Reynolds moved to suspend the rules and take up Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

The ayes and noes were demanded by Messrs. Burns, Gavigan, and Jackson.

The roll was called, and the motion declared carried by the following vote.

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Brown, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett, Edwards, Estey, Felton Fraser, Gay, Geary, Gilmore, Griffith, Hale, Hoitt, Howard, Jones, Kilburn, Leake, Mason May, McClure, McMurray Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—53.

NOES—Messrs. Burns, Garrity, Gavigan, Hinshaw, Jackson, Keating, Lewis, Mathews of Tehama, McDonald, and Pinder—10.

The question recurred on the passage of the bill.

The roll was called, and the bill passed by the following vote.

AYES—Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Branch, Brown, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hale, Hartson, Hoitt, Jones, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, May, McCallon, McClure, McDonald, Mein Mudgett, Murphy Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds Samuels, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—55

NOES—Messrs Burns, Hinshaw, Kellogg, and Pinder—4.

Mr. McDonald gave notice of a motion to reconsider the vote by which the bill was passed.

Title approved.

Mr. Murphy moved to suspend the rules and take up Assembly Bill No. 285—An Act to foster and encourage the legitimate mining interests of the State.

So ordered.

Mr. Camron had leave of absence for the evening.

Rules suspended and the bill considered in the House.

The bill ordered read second time

The bill read second time, ordered engrossed, and to be read third time.

Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the

compensation of executors and administrators—ordered read second time.

The bill read second time.

The question recurred on the committee amendment to section one.

Mr. Platt offered a substitute for the committee amendment as follows:

Amend Senate Bill No. 239, section one, by striking out all after the word "follows," in line five of the printed bill, down to and including the word "cent" in line twelve, and inserting in lieu thereof the following: "For the first thousand dollars, at the rate of seven per cent; for all above that sum and not exceeding ten thousand dollars, at the rate of five per cent.; for all above ten thousand dollars and not exceeding twenty thousand dollars, at the rate of four per cent.; for all above twenty thousand dollars and not exceeding fifty thousand dollars, at the rate of three per cent.; for all above fifty thousand dollars and not exceeding one hundred thousand dollars, at the rate of two per cent.; and for all above one hundred thousand dollars, at the rate of one per cent"

Adopted, and the amendment as amended adopted.

Committee amendment number two, to section one, adopted.

Committee amendment number three, to section one, adopted.

The question recurred on committee amendment number four, to section one.

The ayes and noes were demanded by Messrs. Hale, Murphy, and Whipple.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Anick, Bost, Del Valle, Felton, Freer, Griffith, Jones, Keating, McClure, McMurray, Noonan, Paulk, Platt, Swift, Watkins, Wason of Ventura, and Mr Speaker—17.

NOES—Messrs Baker of Sacramento, Baker of Yolo, Burney, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Cunningham, Edwards, Estey, Fitzer, Garrity, Gavigan, Gray, Gilmore, Hale, Hinshaw, Hoitt, Howard, Lane, Leach, Lewis, Mathews of Tehama, Matthews of San Benito, May, McDonald, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Van Fleet, Wentz, Weitsbaugher, Whipple, Wood, and Young—44.

Committee amendment to title rejected.

Mr. Reynolds moved to amend by striking out the following words from lines eighteen, nineteen, and twenty, of section one, printed bill: "In computing the compensations allowed by this section, no commissions shall be allowed an executor or administrator on property set apart for the use of the family of the deceased."

Adopted

Bill ordered read third time.

Mr. Matthews, of San Benito, moved to suspend the rules and take up Assembly Bill No. 224—An Act regulating the taking up of estray animals and posting the same.

Carried.

Bill ordered read second time.

Committee amendment to section four adopted.

Bill read second time, ordered engrossed, and to be read third time.

Mr. Matthews, of San Benito, moved the bill be declared a case of urgency, and read third time.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Alviso, Bost, Burns, Chandler, Coleman, Daggett, Del Valle, Edwards, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hinshaw, Hoitt, Howard, Jackson, Keating, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Sargent, Siebe, Swift, Watkins, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr Speaker—45.

NOES—Messrs Arick, Baker of Sacramento, Brown, Felton, Lane, Leach, Lewis, Murphy, Streeter, and Wertsbaugher—10.

GENERAL FILE—RESUMED.

Substitute for Senate Bill No. 217—An Act to provide for bridges across navigable streams—ordered read second time.

Mr. Lane moved to amend the bill by adding a new section, to be numbered section eight, and change the number of the present section eight, making it number nine:

Section 8 *The Board of Supervisors, or other governing body of any city and county, or* county in this State, shall have power to declare that it is necessary for the public convenience to have a bridge or bridges built across any estuary, swamp, pond, or arm of a bay that may be or extend into the county, or city and county and prescribe the points between which said bridge or bridges shall be built, and when they shall have specified the points between which it is in their judgment necessary to build the said bridge or bridges, they may let contracts to build the bridges, as aforesaid, and pay for the same out of the General Fund of the city and county, or county.

Adopted.

Title amended.

Bill read second time, and ordered read third time.

Mr. Garrity moved to suspend the rules and take up Assembly Bill No. 270—An Act to regulate fees of Clerks of Superior Courts in the State of California.

Bill ordered read second time.

Committee amendment number one, to section two, adopted.

Committee amendment number two, to section two, adopted.

Committee amendment number three, to section two, adopted.

Committee amendment number four, to section two, adopted.

Committee amendment number five, to section two, adopted.

Bill read second time, and ordered read third time.

Mr. Wertsbaugher moved to suspend the rules and take up Senate Bill No. 10—An Act to amend an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section three hundred and seven, relating to the sale and use of opium.

Carried.

Bill ordered read first time.

Bill read first time, and ordered at head of file for Wednesday, March second, eighteen hundred and eighty-one.

Mr Reynolds moved to reconsider the vote by which Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State, was passed.

Carried.

The bill read at length, and passed by the following vote:

AYES—Messrs Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Brown, Chandler, Coleman, Cunningham, Daggett Del Valle, Edwards, Felton, Fraser Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hoitt, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure,

McDonald, McMurray, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—52.

Noes—Messrs. Burns, Hinshaw, Lewis, and Murphy—4

Title approved.

At ten o'clock P. M., Mr. Jackson moved to adjourn.

Lost.

Mr. Hoitt moved to suspend the rules and take up Assembly Bill No. 477—An Act to enable the Board of Supervisors, or other legislative body of any city and county, or city, or town, in the State of California, to fix the standard illuminating power, and fix the price of gas.

Upon this question Messrs. Felton, Cunningham, and Kilburn demanded the ayes and noes.

The roll was called, and the motion was lost by the following vote:

Ayes—Messrs. Burns, Freer, Garrity, Gavigan, Griffith, Harison, Hoitt, Howard, Jackson, Leach, Matthews of San Benito, May, McClure, Noonan, Reddick, Swift, Wason of Ventura, and Mr. Speaker—18

Noes—Messrs. Baker of Yolo, Bost, Brown, Chandler, Crumpton, Cunningham, Daggett, Edwards, Felton, Fraser, Gay, Hinshaw, Keating, Kilburn, Lewis, Mathews of Tehama, McCallion, McDonald, McMurray, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Wertsbaugher, Whipple and Wood—30.

Mr. Hartson moved to suspend the rules, and take up Substitute for Senate Bill No. 258—An Act to amend sections eleven, seventeen, eighteen, and twenty, and to repeal section thirty, of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April fifteenth, eighteen hundred and eighty.

At ten o'clock and ten minutes P. M., Mr Burns moved to adjourn.

The ayes and noes were demanded by Messrs. Burns, Keating, and Fraser.

The roll was called, and the motion was lost by the following vote:

Ayes—Messrs. Baker of Yolo, Barney, Brown, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Gilmore, Griffith, Howard, Jackson, Keating, Kellogg, May, Noonan, Reddick, Swift, Wood and Mr Speaker—25.

Noes—Messrs. Bost, Chandler, Edwards, Estey, Geary, Hale, Hartson, Hinshaw, Hoitt, Jones, Lane, Leach, Lewis, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Young—25.

Mr. Cunningham moved a call of the House.

Messrs. Burns, Jackson, and Cunningham demanded the ayes and noes

The roll was called, and the motion was lost by the following vote:

Ayes—Messrs Barney, Bost, Brown, Burns, Coleman, Cunningham, Daggett, Fraser, Garrity, Gavigan, Gilmore, Griffith, Howard, Jackson, McCallion, Pinder, Platt, Swift, and Mr. Speaker—19

Noes—Messrs Anick, Baker of Yolo, Chandler, Crumpton, Edwards, Estey, Freer, Gay, Hartson, Hinshaw, Hoitt, Jones, Keating, Kilburn, Lane, Leach, Lewis, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Young—41

ADJOURNMENT.

At ten o'clock and eighteen minutes P. M, Mr. Howard moved to adjourn.

The ayes and noes were demanded by Messrs Howard, Garrity, and Jackson.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Baker of Yolo, Barney, Bost, Brown, Burns, Coleman, Crumpton, Cunningham, Daggett, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Howard, Jackson, Kilburn, Mathews of Tehama, May, McMurray, Pinder, Platt, Reddick, Sargent, Swift, Van Fleet, Watkins, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—35

NOES—Messrs. Alviso, Anick, Chandler, Edwards, Estey, Gay, Hale, Hartson, Houtt, Keating, Lane, Leach, Lewis, Matthews of San Benito, McCallion, McClure, McDonald, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Siebe, Streeter, Wason of Ventura, and Wentz—28.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 2, 1881.

The House met pursuant to adjournment at eleven o'clock A. M.
Speaker Parks in the chair.
Members present as follows:

Messrs Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Houtt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

RECONSIDERATION.

In accordance with notice duly given, Mr. Paulk moved to reconsider the vote by which Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroads and other property by the State Board of Equalization and County Assessors, for the purposes of taxation, was passed.

Mr. Camron moved to lay the motion to reconsider on the table.

Carried.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, February twenty-eighth, Mr. McDonald moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. McDonald:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 240—An Act entitled an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco—herewith return said bill without recommendation.

McDONALD, Chairman.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York, in eighteen hundred and eighty-three.

Also, Assembly Bill No. 270—An Act to regulate fees of Clerks of Superior Courts in the State of California.

Also, Assembly Bill No. 217—An Act to amend section five hundred and thirty-two of an Act entitled an Act to establish a Penal Code approved February fourteenth, eighteen hundred and seventy-two, relating to the obtaining money by false pretenses, and by false reports of wealth, etc.

Also, Assembly Bill No. 285—An Act to foster and encourage the legitimate mining interests of the State.

MEIN, Chairman.

MESSAGES FROM THE SENATE.

The following Senate messages were read:

SENATE CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

ED J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Mr. Birney moved to suspend the rule and take up Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant—above reported.

Upon which motion Messrs. Long, Hale, and Matthews, of San Benito, demanded the ayes and noes.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Aiuck, Baker of Sacramento, Birney, Bost, Branch, Brown, Camion, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Estey, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hoitt, Holden, Howard, Jackson, Kellogg, Kilburn, Lane, Leach, Leake, Mason, May, McCallum, McClure, Mein, Noonan, Patterson of Nevada, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker—50.

NOES—Messrs. Crumpton, Edwards, Hale, Hendrick, Hinshaw, Keating, Lewis, Long, Mathews of Tehama, Matthews of San Benito, Mudgett, Patterson of San Joaquin, Paulk, Swift, and Watkins—15.

Bill ordered read first time.

Bill read first time.

Mr. Birney moved to make the further consideration of the bill the special order for Thursday, March third, at two o'clock P. M.

So ordered.

SENATE MESSAGES—RESUMED.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following bills:

Assembly Bill No 176—An Act to amend section three hundred and eighty-six of the Code of Civil Procedure, relating to the practice on and the action of interpleader.

Also, Assembly Bill No 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

On February twenty-eighth, eighteen hundred and eighty-one, amended, and on this day passed, Assembly Bill No 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal actions prosecuted by indictment.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate amendments to Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to proceedings in criminal action prosecuted by indictment, concurred in.

SPECIAL ORDER—THIRD READING.

Substitute for Senate Bill No. 197—An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as section three thousand six hundred and eight of said Code, and by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-seven, three thousand six hundred and twenty-nine, three thousand six hundred and fifty, three thousand six hundred and fifty-one, and three thousand six hundred and fifty-two of said Code, and by repealing section three thousand six hundred and forty of said Code, all relative to revenue.

Read third time.

Mr. Cunningham moved to refer the bill to a special committee of one, with instructions to amend section five by striking out all after the word "State," in line thirty-six, printed bill. Also strike out section two, printed bill, known as section three thousand six hundred and eight.

Mr. Hale offered an amendment to the amendment of Mr. Cunningham, as follows: By adding the words "corporations" and "shall," in line thirty-seven, page three, printed bill.

Also, amend section three, subdivision six, by striking out all after the word "interest," in line thirty-eight, on page three, printed bill, to and including the word "thereof," at end of thirty-ninth line, and substitute therefor the following: "Belonging to and shall only be assessed to such depositor or creditor as the owner thereof; *provided*, that such corporations and associations shall be required, on request, to furnish to Assessors lists of their depositors."

Accepted.

The ayes and noes were demanded by Messrs. Hale, Wertsbaugher, and Matthews, of San Benito.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Baker of Yolo, Barney, Branch, Chandler, Crumpton, Cunningham, Del Valle, Fraser, Griffith, Hale, Harrison, Hinshaw, Jones, Leach, Leake, Long, Mathews of Tehama,

Matthews of San Benito, McMurray, Murphy, Paulk, Samuels, Sargent, Streeter, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Wood—29.

Noes—Messrs Arick, Baker of Sacramento, Bost, Brown, Burns, Cannon, Coleman, Crank, Daggett, Edwards, Estey, Felton, Garnity, Gavigan, Gay, Geary, Gilmore, Hendrick, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, Mason, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wasson of Mono, Young, and Mr Speaker—40.

The question recurred on the passage of the bill.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Arick, Baker of Sacramento, Bost, Brown, Burns, Cannon, Coleman, Crank, Daggett, Edwards, Estey, Felton, Garnity, Gavigan, Gay, Geary, Gilmore, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Lewis, Mason, May, McCallion, McClure, McDonald, Mein, Mudgett, Noonan, O'Connor Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Swift, Van Fleet, Watkins, Wasson of Mono, Young, and Mr. Speaker—47.

Noes—Messrs Baker of Yolo, Birney, Branch, Crumpton, Cunningham, Del Valle, Fraser, Freer, Griffith, Hale, Hartson, Hendrick, Hinshaw, Jones, Leach, Leake, Long, Mathews of Tehama Matthews of San Benito, McMurray, Murphy, Paulk, Samuels, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Wood—31.

Title approved.

RECESS.

The hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

SPECIAL ORDERS.

The special order for eleven o'clock and thirty minutes A. M.: Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three—taken up.

The Clerk was instructed to insert the enacting clause, on motion of Mr. Whipple.

The bill read third time.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs Alviso, Arick, Bost, Branch, Brown, Burns, Camron, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Howard, Jackson, Jones, Kilburn, Lane, Lewis, Long, Mason, Mathews of Tehama, May, McDonald, Mein, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—54

Noes—Messrs Baker of Yolo, Fraser, Hinshaw, Matthews of San Benito, McCallion, and Swift—6

Title approved.

The special order for two o'clock P. M. this day: Senate Bill No. 92—An Act to provide buildings and improvements for the deaf and dumb and the blind, taken up.

The question recurred on the second reading of the bill.

The ayes and noes were demanded by Messrs. Edwards, Hale, and Coleman.

The roll was called, and the bill ordered read second time by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Crank, Cunningham, Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hendrick, Hoitt, Holden, Jackson, Keating, Lane, Long, Mason, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Pinder, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—51.

NOES—Messrs. Baker of Yolo, Coleman, Daggett, Fraser, Gilmore, Hale, Hinshaw, Howard, Kilburn, Leach, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, McCallion, Murphy, Patterson of San Joaquin, Paulk, Platt, and Sargent—20

Mr. Murphy moved to amend section one, lines one and two, by striking out forty-five thousand five hundred dollars ($45,500), and insert in lieu thereof thirty thousand dollars ($30,000).

Lost

The bill read second time, and ordered read third time.

The special order for two o'clock and thirty minutes P. M.: Senate Bill No. 156—An Act to add nine new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same, taken up.

The bill ordered read second time.

The bill read second time.

Mr. Long moved to strike out the enacting clause of the bill.

Lost.

The question recurred on ordering the bill read third time.

The ayes and noes were demanded by Messrs. Murphy, Paulk, and Long.

The roll was called, and the bill ordered read third time by the following vote:

AYES—Messrs. Anick, Baker of Sacramento, Birney, Bost, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Freer, Geary, Griffith, Hartson, Hendrick, Hoitt, Holden, Jones, Keating, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mudgett, Pinder, Platt, Reynolds, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wertsbaugher, Young, and Mr. Speaker—40

NOES—Messrs. Alviso, Baker of Yolo, Brown, Burns, Cannon, Chandler, Crank, Felton, Garrity, Hinshaw, Howard, Jackson, Lewis, Long, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Samuels, Sargent, Van Fleet, Wasson of Mono, and Wood—27.

The special order for this day, at three o'clock P. M.: Senate Bill No. 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year—taken up

The bill ordered read second time

The bill read second time, and ordered read third time.

The special order for this day, at three o'clock and thirty minutes P. M.: Senate Bill No. 386—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute in the State Prison at San Quentin, and

other expenses incidental and relating thereto—taken up, and ordered read second time.

The bill read second time, and ordered read third time.

GENERAL FILE—THIRD READING.

Senate Bill No 225—An Act to provide for an additional Judge of the Superior Court of the County of Alameda.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Leach, Lewis, Long, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Samuels, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr Speaker—61.

NOES—None

Title approved.

Senate Bill No. 137—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, relating to the writ of prohibition.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Bost, Branch, Brown, Burns, Camron, Chandler, Crank, Crumpton, Del Valle, Edwards, Felton, Fraser, Freer, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holtt, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Samuels, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—61.

NOES—None

Title approved.

Senate Bill No. 11—An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A C. Freeman, for services to the State, in preparing bills adapting the Codes to the Constitution.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Freer, Gay, Geary, Griffith, Hartson, Hinshaw Holtt, Holden, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—62.

NOES—Messrs Burns, Garrity, Gilmore, Howard, and Kellogg—5.

Title approved.

Senate Bill No. 139—An Act to confer powers upon the Supervisors, or other governing bodies of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Edwards, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Pinder, Platt, Reynolds, Siebe, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—57

NOES—None.

Title approved.

Senate Bill No. 32—An Act concerning the medical department of the University of California.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hartson, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Sargent, Siebe Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—60.

NOES—None

Title approved.

Senate Bill No. 262—An Act to authorize the Boards of Supervisors of the several counties in the State to grant franchises and privileges to corporations, associations, or individuals.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Hale, Hartson, Hinshaw, Hoitt, Holden, Howard, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—57.

NOES—None.

Title approved.

Senate Bill No 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Mr. McClure moved to refer to a special committee of one, with special instructions to insert the following amendment, and report the bill back immediately: Add to the end of section one, line twenty-four, the following: "except where and to the extent that such estate consists of bonds and other securities to be distributed without extra expense in administration."

Adopted.

The bill referred to Mr. McClure as special committee.

Mr. McClure reported the bill back amended according to special instructions.

The bill, as amended, read third time, and ordered printed as amended.

Substitute for Senate Bill No. 217—An Act to provide for bridges across navigable streams.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hendricks, Hinshaw, Hoitt, Holden, Keating Kellogg, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray Mein, Mudgett, Nooman, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr Speaker—59.

NOES—Mr. Sargent.

Title approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill: Assembly Bill No. 224—An Act regulating the taking up of estray animals and posting the same

MEIN, Chairman.

By Mr. Watkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled

Assembly Bill No. 85—Entitled an Act to appropriate money for the purchase of a steam launch for the Quarantine Office of the Port of San Francisco.

Also, Assembly Bill No. 95—Entitled an Act to provide a system of drainage for agricultural, swamp, and overflowed lands.

Also, Assembly Concurrent Resolution No. 25—Relative to the adjournment sine die of the twenty-fourth session of the Legislature

And the same were, at two o'clock and forty-five minutes P. M., March second, eighteen hundred and eighty-one, presented to the Governor for his approval.

WATKINS, Chairman

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners.

Also, on February twenty-eighth, amended, and on this day passed Assembly Bill No 106—An Act to repeal an Act entitled an Act to confer certain powers upon the Board of Supervisors of the County of San Mateo, approved March twenty-ninth, eighteen hundred and seventy-eight.

Also, on this day, passed Assembly Bill No 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for hearing probate of wills, and relative to giving notice of such hearing

Also, on February twenty-eighth, amended, and on this day passed Assembly Bill No 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State.

ED. J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 106—An Act to repeal an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight.

Senate amendments to above bill read and concurred in.

Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of title three, chapter one, articles three and four, and section two hundred and forty-one of article — of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record in this State.

Senate amendments to above bill read and concurred in.

Mr. Hoitt had leave to speak to a question of privilege.

MOTION.

Mr. Del Valle moved to suspend the rules and take up Senate Bill No. 187—An Act to establish a Branch State Normal School.

The ayes and noes were demanded by Messrs. Paulk, Leach, and Sargent.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Camron, Crank, Daggett, Del Valle, Edwards, Estey, Felton, Freer, Garrity, Gay, Geary, Gilmore, Hendrick, Hoitt, Holden, Howard, Jackson, Keating, Lane, Leake, Mathews of Tehama, May, McCallion, McClure, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Platt, Reynolds, Van Fleet, Wason of Ventura, Weitshaugher, Whipple, Young and Mr. Speaker—44

NOES—Messrs. Chandler, Crumpton, Hinshaw, Jones, Kellogg, Kilburn, Leach, Lewis, Mason, Patterson of San Joaquin, Paulk, Siebe, Watkins, Wentz, and Wood—15.

The bill ordered read second time.

The bill read second time.

The question recurred on ordering the bill to third reading.

The ayes and noes were demanded by Messrs. Paulk, Coleman, and Sargent.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Mein:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

MEIN, Chairman.

The consideration of Senate Bill No. 187—An Act to establish a Branch Normal School, resumed.

The question recurred on ordering the bill read third time.

The roll was called, and the bill ordered read third time by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Camron, Crank, Daggett, Del Valle, Edwards, Garrity, Gavigan, Geary, Gilmore, Hendrick, Hoitt, Holden, Howard, Keating, Lane, Mason, May, McCallion, McDonald, McMurray, Reynolds, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, and Young—36

NOES—Messrs. Baker of Yolo, Chandler, Coleman, Crumpton, Felton, Fraser, Freer, Hinshaw, Jackson, Jones, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, McClure, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Watkins, Weitshaugher, Wood, and Mr. Speaker—34.

RECESS.

On motion of Mr. Burns, the House took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M. Speaker Parks in the chair.

Quorum present.

SECOND READING.

Senate Bill No. 10—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section three hundred and seven, relating to the sale and use of opium—ordered read second time.

The bill read second time, and ordered read third time.

SPECIAL ORDER.

The special order for seven o'clock and thirty minutes P. M.: Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-three, one thousand nine hundred and ninety, two thousand and eighteen, two thousand and twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard, taken up.

The bill ordered read second time.

The bill read second time, and ordered read third time.

MOTION.

Baker, of Sacramento, moved to suspend the rules and take up Assembly Bill No. 293—An Act to amend an Act entitled "An Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property."

So ordered.

The bill ordered read second time.

The bill read second time.

Title amended.

Mr. McClure moved the bill be declared a case of urgency, and the bill read third time.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Canton, Chandler, Crumpton, Cunningham, Daggett, Edwards, Estey, Felton, Fraser, Fleet, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hinshaw, Hoitt, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, Patterson of San Joaquin, Pinder, Reddick, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—61.

NOES—Messrs. Coleman, Faulk, Samuels, and Sargent—4.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Crumpton, Cunningham, Daggett, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, Matthews of San Benito, May, McClure, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—64.

NOES—None.

Title approved.

MOTION.

Mr. Platt moved to suspend the rules and take up Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

So ordered.

The bill ordered read first time.

The bill read first time, and ordered at head of file.

Mr. Freer moved to suspend the rules and take up Senate Bill No. 130—An Act to provide for the deficiency in the appropriation "for payment of rewards offered by Governor" during the thirty-first fiscal year.

So ordered.

The bill ordered read first time.

The bill read first time, and ordered at head of file.

Mr. Reynolds moved to suspend the rules and take up Assembly Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

The ayes and noes were demanded by Messrs. Paulk, Sargent, and Coleman.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Del Valle, Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hoitt, Howard, Jackson, Keating, Kellogg, Lane, Leach, Long, Matthews of San Benito, May, McCallion, McDonald, Mein, Patterson of Nevada, Pinder, Platt, Reddick, Reynolds, Streeter, Swift, Van Fleet, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Wood, and Young—48.

NOES—Messrs. Baker of Yolo, Coleman, Crumpton, Cunningham, Daggett, Fraser, Hinshaw, Holden, Jones, Lewis, Noonan, Paulk, Siebe, Whipple, and Mr. Speaker—15

Mr. Patterson, of Nevada, moved to reconsider the vote by which Senate Bill No. 272—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties, was passed yesterday.

Ruled out of order

Mr. Patterson, of Nevada, moved the Senate be requested to return Senate Bill No. 272 to the Assembly.

Mr. McClure moved to lay the motion on the table

The ayes and noes were demanded by Messrs. Jackson, Paulk, and Sargent.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Burns, Edwards, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hale, Hoitt, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, May, McCallion, McClure, McDonald, Noonan, Patterson of San Joaquin, Pinder, Reddick, Siebe, and Young—29.

NOES—Messrs. Birney, Bost, Branch, Brown, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Griffith, Hinshaw, Holden, Jones, Leach, Lewis, Long, Mason, Matthews of San Benito, Mein, Mudgett, Murphy, Patterson of Nevada, Paulk, Reynolds, Samuels, Sargent, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—38.

At eight o'clock and twenty minutes P. M. Mr. Jackson moved to adjourn.

Lost.

The question recurred on the motion of Mr. Patterson, of Nevada.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Birney, Bost, Branch, Brown, Camron, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Gay, Griffith, Hinshaw, Jones, Kilburn, Leach, Lewis, Long, Mason, Mein, Mudgett, Murphy, Patterson of Nevada, Paulk, Reynolds, Samuels, Sargent, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—39.

NOES—Messrs. Arick, Burns, Edwards, Freer, Garrity, Gavigan, Geary, Gilmore, Hale, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Lane, May, McCallion, McClure, McDonald, McMurray, Noonan, Patterson of San Joaquin, Pinder, Platt, Reddick, Siebe, Van Fleet, and Young—29.

Mr. Jackson raised the point of order, that the resolution of Mr. Daggett, heretofore adopted, relative to immediate transmission of bills, applied to the bill just disposed of.

The Chair ruled the point not well taken.

Mr. Jackson appealed from the decision of the Chair.

Speaker's decision sustained.

The consideration of Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds, resumed.

The question being: Shall the bill be read the first time? the ayes and noes were demanded by Messrs. McClure, Paulk, and Sargent.

The roll was called, and the bill ordered read first time by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Camron, Chandler, Del Valle, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Howard, Jackson, Keating, Kellogg, Lane, Leach, Long, Matthews of San Benito, May, McCallion, McClure, McDonald, O'Connor, Patterson of Nevada, Pinder, Reddick, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—41.

NOES—Messrs. Baker of Yolo, Burns, Coleman, Crumpton, Cunningham, Daggett, Estey, Felton, Fraser, Geary, Hartson, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lewis, Mason, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Sargent, Streeter, Whipple, and Mr. Speaker—30.

The bill read first time.

Mr. Reynolds moved the bill be made the special order for three o'clock to-morrow.

The ayes and noes were demanded by Messrs. Coleman, Paulk, and Sargent.

The roll was called, and the motion declared lost by the following vote.

AYES—Messrs. Arick, Baker of Sacramento, Bost, Brown, Burns, Camron, Chandler, Crumpton, Del Valle, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hoitt, Howard, Keating, Lane, Long, Matthews of San Benito, May, McCallion, McClure, McDonald, O'Connor, Patterson of Nevada, Pinder, Reynolds, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—41.

NOES—Messrs. Baker of Yolo, Branch, Coleman, Cunningham, Estey, Felton, Fraser, Hinshaw, Holden, Jones, Kilburn, Lewis, Mason, Mein, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Streeter, and Whipple—25.

Mr. Estey moved to suspend the rules and take up Substitute for Senate Bill No 258—An Act to amend sections eleven, seventeen, eighteen, and twenty, and to repeal section thirty of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April fifteenth, eighteen hundred and eighty.

The ayes and noes were demanded by Messrs. Howard, Garrity, and Jackson.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Chandler, Coleman, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Freer, Griffith, Hale, Hartson, Hinshaw, Hoitt, Jones, Keating, Kellogg, Kilburn Lane, Leach, Lewis, Long, Mason, Matthews of San Benito, May, McClure, McMurray, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wertsbaugher, and Young—49.

NOES—Messrs Baker of Sacramento, Burns, Garnty, Gavigan, Geary, Gilmore, Howard, Jackson, McCallion, McDonald, Mein, O'Connor, Van Fleet, Whipple, and Mr. Speaker—15.

The bill ordered read first time.

The bill read first time, and ordered third on file.

Mr. McMurray moved to suspend the rules, and take up Senate Bill No. 241—An Act to establish a Branch State Normal School.

The ayes and noes were demanded by Messrs. Paulk, Sargent, and Baker, of Yolo.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs Arick, Bost, Branch, Brown, Burns, Chandler, Coleman, Cunningham, Del Valle, Fraser, Freer, Gavigan, Geary, Griffith, Hoitt, Holden, Jones, Lane, Leach, Long, Mason, May, McCallion, McClure, McDonald, McMurray, O'Connor, Reynolds, Wason of Ventura, Whipple, and Young—31

NOES—Messrs Baker of Yolo, Crumpton, Estey, Garrity, Gay, Hartson, Howard, Jackson, Keating, Kellogg, Kilburn, Lewis Matthews of San Benito, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wasson of Mono, Wentz, and Mr. Speaker—30.

Mr. Van Fleet moved to suspend the rules and take up Assembly Concurrent Resolution No. 15—Relative to the destruction of forests in this State.

At nine o'clock and fifteen minutes Mr. Burns moved to adjourn. Lost

Mr. Burns moved a call of the House.

The ayes and noes were demanded by Messrs. Burns, Garrity, and Jackson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Arick, Bost, Branch, Burns, Cunningham, Fraser, Garrity, Gavigan, Howard, Jackson, Kellogg, and McCallion—12

NOES—Messrs. Baker of Yolo, Brown, Chandler, Crumpton, Del Valle, Edwards, Estey, Gay, Hale, Hartson, Hoitt, Holden, Jones, Keating, Leach, Lewis, Long, Mason, Matthews of San Benito, May, McClure, McDonald, Mein, Mudgett, Murphy, Noonan, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—41

The motion to take up Assembly Concurrent Resolution No. 15—Relative to the destruction of forests in this State—carried.

The resolution read and adopted.

Mr. Leach moved to suspend the rules and take up Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Leach moved the bill be ordered to the foot of the Special Second Reading File for to-morrow.

Messrs. Paulk, Sargent, and Jackson demanded the ayes and noes.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Bost, Branch, Brown, Chandler, Crumpton, Cunningham, Del Valle, Edwards, Felton, Fraser, Gay, Hale, Hoitt, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, Mudgett, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—49

NOES—Messrs. Garrity, Gavigan, Jackson, Noonan, Paulk, and Sargent—6

Mr. Matthews, of San Benito, moved to suspend the rules and take up Senate Bill No. 224—An Act regulating the taking up of estray animals and posting the same.

So ordered.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Bost, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Hoitt, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Long, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Paulk, Pinder, Platt, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—52

NOES—None.

Title approved.

Mr. Hoitt moved to suspend the rules and take up Senate Concurrent Resolution No. 10—Relative to transferring mineralogical specimens in the State Library to the Mining Bureau.

So ordered.

The resolution read and adopted.

Mr. Edwards moved to suspend the rules and take up Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property held by life estate.

So ordered.

The bill ordered read second time.

The bill read second time, and ordered read third time.

Mr. Keating moved to suspend the rules and take up Senate Joint Resolution No. 3—Relative to the inter-oceanic canal.

So ordered.

The resolution read, and amended as recommended by the committee, and adopted as amended.

Mr. Whipple moved to suspend the rules and take up Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the

Penal Code, relating to violations of the laws for the preservation of fish and game.

So ordered.

The bill ordered read first time.

The bill read first time.

Messrs. Felton and Jackson had leave of absence for the remainder of the evening.

Mr. Young moved to suspend the rules and take up Senate Bill No. 127—An Act to provide for the deficiency in the appropriation "for repairs to State Capitol building and furniture, and purchase of carpets," during the thirty-first and thirty-second fiscal years.

ADJOURNMENT.

At ten o'clock P. M., Mr. Sargent moved to adjourn.

Carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 3. 1881.

The House met pursuant to adjournment at eleven o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Harison, Hendrick, Hinshaw, Holtt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, March first, Mr. Mathews, of Tehama, moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

COMMUNICATION.

OFFICE OF THE BOARD OF STATE VITICULTURAL COMMISSIONERS,
SAN FRANCISCO, March 1, 1881.

Hon. W. H. Parks, Speaker of the Assembly, Sacramento, California

SIR: The Board of State Viticultural Commissioners, realizing the importance of making known to the people of the State the true representative types of varieties of grapes cultivated here, showing their botanical peculiarities as well as their beautiful artistic effects, has concluded to distribute to the honorable members of the Legislature and State officers, a number

of the oleographic representations, executed by Edward Bosqui & Co., under the auspices of the State Viticultural Society. It is the desire of the Board that the plates in their envelopes, be distributed upon the desks of members, as directed thereon, and that they be preserved by the members to be suitably framed at their homes, not only for their personal gratification, and to advance the cause of viticulture, but also in remembrance of the noble effort made this year by the Legislature to preserve our beloved industry from destruction, for which efforts the members of the Assembly and Senate of California are entitled to the gratitude of the entire State.

Very respectfully,

CHAS A. WETMORE,
Chairman of the Executive Committee Board of State Viticultural Commissioners.

REPORTS OF STANDING COMMITTEES

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bills Nos 143, 344, and 452, also, Senate Bills Nos. 64 and 176, beg leave to report the same back without recommendation.

Your committee also report back the memorial of the Pacific Social Science Association of San Francisco; also, statement of the Board of Regents of State University.

MAY, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled

Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to the practice on and the action of interpleader.

Also, Assembly Bill No 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

Also, Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to the taking and authentication of testimony on examination in criminal cases

And the same were, at ten o'clock A M on March third, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

By Mr. Streeter:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1881.

MR SPEAKER Your Committee on Irrigation, to whom was referred Assembly Bill No 142—Entitled an Act to amend section one thousand four hundred and fourteen of the Civil Code, relating to water rights,

Also, Assembly Bill No. 279—An Act to amend an Act entitled an Act authorizing the Boards of Supervisors of the counties in which water is sold for the purpose of irrigation, to fix rates at which water shall be sold, approved March twenty-sixth, eighteen hundred and eighty,

Also, Assembly Bill No. 373—An Act to divide the State into drainage and irrigation districts.

Also, Assembly Bill No 429—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure rights of way for the conveyance of such water to the place of use,

Also, Assembly Bill No. 464—An Act to promote irrigation, and regulating the distribution of water used therefor,

Also, Assembly Bill No. 466—An Act to amend section five hundred and fifty-two of the Civil Code of the State of California;

Also, Assembly Bill No. 499—An Act to repeal section twenty-four of an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty,

Also, Assembly Bill No. 506—An Act to prevent the filling up of the streams, rivers, and bays of the State of California, with the tailings and debris from hydraulic mines

Have had the same under consideration, and now report them back without recommendation

In accordance with a resolution of this House, we also return a petition from the citizens of San Mateo County, asking for the repeal of an Act entitled an Act to promote drainage, and also a petition from the citizens of Butte, protesting against the repeal of an Act to promote drainage, better known as the Debris Act, all without recommendation

STREETER, Chairman.

By Mr. Hartson:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR SPEAKER Your Committee on State Prisons beg leave to make a final report on the present condition and prospect of our State Prisons, containing rules and principles elsewhere recommended and adopted for the government of such institutions, and ask that twice the usual number of copies be printed.

HARTSON, Chairman.

Double the usual number of copies of above mentioned report ordered printed.

By Mr. Patterson, of Nevada.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. SPEAKER: Your Committee on Attaches and Contingent Expenses, to whom was referred *the accounts and expenses of the Sergeant-at-Arms of the Committee of Investigation, relative* to the Honorable F. L. Hatch, Superior Judge of the County of Colusa, California.

Also, *the claims of witnesses for per diem and mileage in the said investigation, as reported to* the Assembly by the said Committee of Investigation

Have had the same under consideration, and now report the same back, and recommend the allowance of the same as amended by your committee

And your committee therefore recommend the adoption of the following resolutions

Resolved, That the Controller of State be and is authorized and directed to draw his warrant upon the Contingent Fund of the Assembly for the sum of three hundred and twenty-eight dollars and thirty-five cents, in favor of Thomas Allen, for services as special deputy to Sergeant-at-Arms in the Hatch impeachment case.

Resolved, That the Controller of State be and is authorized and directed to draw his warrant upon the Contingent Fund of the Assembly for the sum of six hundred and eighteen dollars and fifty cents, in favor of W. P. Mathews, Chairman of Committee of Investigation in the Hatch impeachment case, for per diem and mileage of witnesses in said impeachment case.

PATTERSON, Chairman.

REPORT OF COMMITTEE ON HATCH IMPEACHMENT CASE.

SACRAMENTO, CALIFORNIA, February 26, 1881.

State of California Debtor to Thos. Allen, Special Deputy to Sergeant-at-Arms

To services as Sergeant-at-Arms in serving papers in the matter of the impeachment of the Hon. F. L. Hatch, Superior Judge of Colusa County, California, by Assembly Committee of State of California

Mileage, three hundred and three miles at twenty-five cents	$115 75	
Mileage, one hundred and sixty miles at twenty-five cents	40 00	
Service of one hundred subpœnas	100 00	
		$255 75
Per diem, eight days at eight dollars per day		64 00
Telegraph expenses		8 60
Total		$328 35

COLUSA, CALIFORNIA, February 22, 1881.

State of California. To witnesses in investigation case of Superior Judge F. L. Hatch, Dr.

J. W. Goad—Two days, at two dollars per day	$4 00	
J. W. Goad—One mile, at twenty-five cents per mile	50	
		$4 50
J. F. Rich—Two days, at two dollars per day	$4 00	
J. F. Rich—One mile, at twenty-five cents per mile	50	
		4 50
W. H. De Jarnett—Two days, at two dollars per day	$4 00	
W. H. De Jarnett—One mile, at twenty-five cents per mile	50	
		4 50
Jacob Myrer—Two days, at two dollars per day	$4 00	
Jacob Myrer—One mile, at twenty-five cents per mile	50	
		4 50
L. Robinson—Two days, at two dollars per day	$4 00	
L. Robinson—One mile, at twenty-five cents per mile	50	
		4 50
J. D. McNary—Two days, at two dollars per day	$4 00	
J. D. McNary—One mile, at twenty-five cents per mile	50	
		4 50
G. W. Nicholson—Two days, at two dollars per day	$4 00	
G. W. Nicholson—One mile, at twenty-five cents per mile	50	
		4 50
Tart. Smith—Two days, at two dollars per day	$4 00	
Tart. Smith—One mile, at twenty-five cents per mile	50	
		4 50
Amount carried forward		$36 00

Amount brought forward		$36 00
J. B. De Jarnett—Two days, at two dollars per day	$4 00	
J. B. De Jarnett—One mile, at twenty-five cents per mile	50	
		4 50
W T. Beville—Two days, at two dollars per day	$4 00	
W T. Beville—One mile, at twenty-five cents per mile	50	
		4 50
J H .Pope—Two days, at two dollars per day	$4 00	
J. H. Pope—One mile, at twenty-five cents per mile	50	
		4 50
Colonel Durfee—Two days, at two dollars per day	$4 00	
Colonel Durfee—One mile, at twenty-five cents per mile	50	
		4 50
E Unger—Two days, at two dollars per day	$4 00	
E. Unger—One mile, at twenty-five cents per mile	50	
		4 50
J J May—Two days, at two dollars per day	$4 00	
J. J. May—One mile, at twenty-five cents per mile	50	
		4 50
W. H Stevens—Two days, at two dollars per day	$4 00	
W. H. Stevens—One mile, at twenty-five cents per mile	50	
		4 50
G. G. Brooks—Two days, at two dollars per day	$4 00	
G. G. Brooks—One mile, at twenty-five cents per mile	50	
		4 50
Richard Jones—Two days, at two dollars per day	$4 00	
Richard Jones—One mile, at twenty-five cents per mile	50	
		4 50
Tipp. Marr—Two days, at two dollars per day	$4 00	
Tipp Marr—Four miles, at twenty-five cents per mile	2 00	
		6 00
B F Howard—Two days, at two dollars per day	$4 00	
B F. Howard—One mile, at twenty-five cents per mile	50	
		4 50
W. S. Green—Two days, at two dollars per day	$4 00	
W S Green—One mile, at twenty-five cents per mile	50	
		4 50
J C. Addington—Two days, at two dollars per day	$4 00	
J. C Addington—One mile, at twenty-five cents per mile	50	
		4 50
Samuel Houchings—Two days, at two dollars per day	$4 00	
Samuel Houchings—One mile, at twenty-five cents per mile	50	
		4 50
C Kopt—Two days at two dollars per day	$4 00	
C. Kopf—Six miles, at twenty-five cents per mile	3 00	
		7 00
W H Perdue—Two days, at two dollars per day	$4 00	
W H. Perdue—One mile, at twenty-five cents per mile	50	
		4 50
William Reynolds—Two days, at two dollars per day	$4 00	
William Reynolds—One mile, at twenty-five cents per mile	50	
		4 50
William Roche—Two days, at two dollars per day	$4 00	
William Roche—One mile, at twenty-five cents per mile	50	
		4 50
J. L Howard—Two days, at two dollars per day	$4 00	
J L Howard—One mile, at twenty-five cents per mile	50	
		4 50
F. B Hatch—Two days, at two dollars per day	$4 00	
F B Hatch—One mile, at twenty-five cents per mile	50	
		4 50
J. R. Totman—Two days, at two dollars per day	$4 00	
J. R. Totman—Six miles, at twenty-five cents per mile	3 00	
		7 00
Charles Perdue—Two days, at two dollars per day	$4 00	
Charles Perdue—One mile, at twenty-five cents per mile	50	
		4 50
James Bond—Two days, at two dollars per day	$4 00	
James Bond—One mile, at twenty-five cents per mile	50	
		4 50
Amount carried forward		$146 00

Amount brought forward		$146 00
J. L. Jackson—Two days, at two dollars per day	$4 00	
J. L. Jackson—One mile, at twenty-five cents per mile	50	
		4 50
J. P. McManus—Two days, at two dollars per day	$4 00	
J. P. McManus—One mile, at twenty-five cents per mile	50	
		4 50
A. Bond—Two days, at two dollars per day	$4 00	
A. Bond—One mile, at twenty-five cents per mile	50	
		4 50
Steve. H Allen—Two days, at two dollars per day	$4 00	
Steve. H. Allen—One mile, at twenty-five cents per mile	50	
		4 50
J. Bodefield—Two days, at two dollars per day	$4 00	
J. Bodefield—One mile, at twenty-five cents per mile	50	
		4 50
H. A. Logan—Two days, at two dollars per day	$4 00	
H. A. Logan—Sixteen miles, at twenty-five cents per mile	8 00	
		12 00
R. Barnett—Two days, at two dollars per day	$4 00	
R. Barnett—One mile, at twenty-five cents per mile	50	
		4 50
L. Keser—Two days, at two dollars per day	$4 00	
L. Keser—One mile, at twenty-five cents per mile	50	
		4 50
J. P. Ashby—Two days, at two dollars per day	$4 00	
J. P. Ashby—One mile, at twenty-five cents per mile	50	
		4 50
F. Z. Smith—Two days, at two dollars per day	$4 00	
F. Z. Smith—One mile, at twenty-five cents per mile	50	
		4 50
S. P. French—Two days, at two dollars per day	$4 00	
S. P. French—One mile, at twenty-five cents per mile	50	
		4 50
S. S Russell—Two days, at two dollars per day	$4 00	
S. S. Russell—One mile, at twenty-five cents per mile	50	
		4 50
H. M Alberry—Two days, at two dollars per day	$4 00	
H M Alberry—One mile, at twenty-five cents per mile	50	
		4 50
Jackson Hatch—Two days, at two dollars per day	$4 00	
Jackson Hatch—One mile, at twenty-five cents per mile	50	
		4 50
W. W. Wentworth—Two days, at two dollars per day	$4 00	
W. W. Wentworth—One mile, at twenty-five cents per mile	50	
		4 50
J. M. Steale—Two days, at two dollars per day	$4 00	
J. M. Steale—One mile, at twenty-five cents per mile	50	
		4 50
J. R. Samuels—Two days, at two dollars per day	$4 00	
J. R. Samuels—One mile, at twenty-five cents per mile	50	
		4 50
J. C. Mulligan—Two days, at two dollars per day	$4 00	
J. C. Mulligan—One mile, at twenty-five cents per mile	50	
		4 50
A. Montgomery—Two days, at two dollars per day	$4 00	
A. Montgomery—One mile, at twenty-five cents per mile	50	
		4 50
Richard Bane—Two days, at two dollars per day	$4 00	
Richard Bane—One mile, at twenty-five cents per mile	50	
		4 50
George Hager—Two days, at two dollars per day	$4 00	
George Hager—One mile, at twenty-five cents per mile	50	
		4 50
Steve. Addington—Two days, at two dollars per day	$4 00	
Steve. Addington—One mile, at twenty-five cents per mile	50	
		4 50
W J. Carpenter—Two days, at two dollars per day	$4 00	
W. J. Carpenter—One mile, at twenty-five cents per mile	50	
		4 50
Amount carried forward		$257 00

Amount brought forward		$257 00
W. H. Belton—Two days, at two dollars per day	$4 00	
W. H. Belton—One mile, at twenty-five cents per mile	50	
		4 50
J. Grover—Two days, at two dollars per day	$4 00	
J. Grover—One mile, at twenty-five cents per mile	50	
		4 50
J. Furth—Two days, at two dollars per day	$4 00	
J. Furth—One mile, at twenty-five cents per mile	50	
		4 50
J. Crutcher—Two days, at two dollars per day	$4 00	
J. Crutcher—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
Dr. Robe—Two days, at two dollars per day	$4 00	
Dr. Robe—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
George B. Harden—Two days, at two dollars per day	$4 00	
George B. Harden—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
Giles V. Sullivan—Two days, at two dollars per day	$4 00	
Giles V. Sullivan—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
D. Shepardson—Two days, at two dollars per day	$4 00	
D. Shepardson—Six miles, at twenty-five cents per mile	3 00	
		7 00
Total		$321 50

COLUSA, CALIFORNIA, February 22, 1881

State of California to Witnesses in the Investigation of Superior Judge F. L. Hatch Dr.—for fees and mileage.

J. C. Duel—Two days, at two dollars per day	$4 00	
J. C. Duel—One mile, at twenty-five cents per mile	50	
		$4 50
Zeke Farnsworth—Two days, at two dollars per day	$4 00	
Zeke Farnsworth—Forty miles, at twenty-five cents per mile	20 00	
		24 00
William Atherton—Two days, at two dollars per day	$4 00	
William Atherton—One mile, at twenty-five cents per mile	50	
		4 50
Charles Wilsey—Two days, at two dollars per day	$4 00	
Charles Wilsey—One mile, at twenty-five cents per mile	50	
		4 50
F. Bashore—Two days, at two dollars per day	$4 00	
F. Bashore—Thirty miles, at twenty-five cents per mile	15 00	
		19 00
J. Robinson—Two days, at two dollars per day	$4 00	
J. Robinson—One mile, at twenty-five cents per mile	50	
		4 50
R. Barnett—Two days, at two dollars per day	$4 00	
R. Barnett—One mile, at twenty-five cents per mile	50	
		4 50
J. S. West—Two days, at two dollars per day	$4 00	
J. S. West—One mile, at twenty-five cents per mile	50	
		4 50
Dr. Adan—Two days, at two dollars per day	$4 00	
Dr. Adan—One mile, at twenty-five cents per mile	50	
		4 50
J. C. White—Two days, at two dollars per day	$4 00	
J. C. White—Twenty miles, at twenty-five cents per mile	10 00	
		14 00
J. H. Leming—Two days, at two dollars per day	$4 00	
J. H. Leming—One mile, at twenty-five cents per mile	50	
		4 50
Jonas Spect—Two days, at two dollars per day	$4 00	
Jonas Spect—One mile, at twenty-five cents per mile	50	
		4 50
J. F. Wharton—Two days, at two dollars per day	$4 00	
J. F. Wharton—One mile, at twenty-five cents per mile	50	
		4 50
Amount carried forward		$102 00

Amount brought forward		$102 00
J. T. Harrington—Two days, at two dollars per day	$4 00	
J. T Harrington—One mile, at twenty-five cents per mile	50	
		4 50
T J. Hart—Two days, at two dollars per day	$4 00	
T J. Hart—One mile, at twenty-five cents per mile	50	
		4 50
F M. Putman—Two days, at two dollars per day	$4 00	
F. M Putman—One mile, at twenty-five cents per mile	50	
		4 50
Henry Wescott—Two days, at two dollars per day	$4 00	
Henry Wescott—One mile, at twenty-five cents per mile	50	
		4 50
William Frazier—Two days, at two dollars per day	$4 00	
William Frazier—One mile, at twenty-five cents per mile	50	
		4 50
B F. Howard—Two days, at two dollars per day	$4 00	
B F. Howard—One mile, at twenty-five cents per mile	50	
		4 50
P. L Washburn—Two days, at two dollars per day	$4 00	
P L. Washburn—One mile, at twenty-five cents per mile	50	
		4 50
R Wallace—Two days, at two dollars per day	$4 00	
R. Wallace—One mile, at twenty-five cents per mile	50	
		4 50
Jonathan Ping—Two days, at two dollars per day	$4 00	
Jonathan Ping—One mile, at twenty-five cents per mile	50	
		4 50
W G Dyas—Two days, at two dollars per day	$4 00	
W G. Dyas—One mile, at twenty-five cents per mile	50	
		4 50
B. Seube—Two days, at two dollars per day	$4 00	
B Seube—One mile, at twenty-five cents per mile	50	
		4 50
William Billups—Two days, at two dollars per day	$4 00	
William Billups—One mile, at twenty-five cents per mile	50	
		4 50
J. S. Jamison—Two days, at two dollars per day	$4 00	
J. S. Jamison—Thirty miles, at twenty-five cents per mile	15 00	
		19 00
Hiram Elliston—Two days, at two dollars per day	$4 00	
Hiram Elliston—One mile, at twenty-five cents per mile	50	
		4 50
Luban Ford—Two days, at two dollars per day	$4 00	
Luban Ford—One mile, at twenty-five cents per mile	50	
		4 50
Atherton & Books—Two days, at two dollars per day	$4 00	
Atherton & Books—One mile, at twenty-five cents per mile	50	
		4 50
William Miller—Two days, at two dollars per day	$4 00	
William Miller—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
Stewart Harris—Two days, at two dollars per day	$4 00	
Stewart Harris—One mile, at twenty-five cents per mile	50	
		4 50
B F. Wescott—Two days, at two dollars per day	$4 00	
B. F. Wescott—One mile, at twenty-five cents per mile	50	
		4 50
S. R Hart—Two days, at two dollars per day	$4 00	
S. R. Hart—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
A G. Hite—Two days, at two dollars per day	$4 00	
A G Hite—Forty miles, at twenty-five cents per mile	20 00	
		24 00
William Ash—Two days, at two dollars per day	$4 00	
William Ash—Seventeen miles, at twenty-five cents per mile	8 50	
		12 50
P Murphy—Two days, at two dollars per day	$4 00	
P. Murphy—Thirty miles, at twenty-five cents per mile	15 00	
		19 00
Amount carried forward		$275 00

Amount brought forward		$275 00
Fred. Miller—Two days, at two dollars per day	$4 00	
Fred. Miller—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
John Matthews—Two days, at two dollars per day	$4 00	
John Matthews—Fourteen miles, at twenty-five cents per mile	7 00	
		11 00
Total amount credit prosecution		$297 00

The report adopted.

REPORT OF STANDING COMMITTEE.

By Mr. Edwards:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 293—An Act to amend an Act entitled an Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property.

Also, Assembly Bill No. 108—An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen, of title three, chapter one, articles three and four and section two hundred and forty-one, of article ——, of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing jurors for the Courts of record of this State.

L. B. EDWARDS, for the Committee.

RESOLUTIONS.

By Mr. Patterson, of San Joaquin:

Resolved, That Washington Thomas, Rear Porter of the Assembly, be allowed the sum of one dollar per day, from the fourth day of January, eighteen hundred and eighty-one, payable out of the Contingent Fund of the Assembly, for extra services performed by him in cleaning the Post Office room during the session, and the Controller is hereby authorized to draw warrants in favor of said Thomas for the same.

Mr. Coleman moved to reject the resolution.

The ayes and noes were demanded by Mr. Coleman.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Burns, Coleman, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Gay, Hale, Harrison, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McMurray, Mein, Murphy, Platt, Reynolds, Samuels, Swift, Wason of Ventura, Wentz, and Whipple—34.

NOES—Messrs. Aiick, Baker of Yolo, Barney, Bost, Brown, Cannon, Edwards, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Howard, Kellogg, Leach, McCallion, McClure, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Sargent, Siebe, Streeter, Van Fleet, Wertsbaugher, Wood, Young, and Mr. Speaker—33.

The resolution referred to the Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Brown:

Resolved, For the purpose of equalizing the pay of watchman, that the Day Watchman, J. L. O'Brien, be paid a per diem of four dollars, to date from and after his appointment, payable out of the Assembly Contingent Fund.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. ——:

Resolved, That there be paid to F. J. Kearney, Clerk of Committee on County Governments, the sum of five dollars per day for two days' services as such clerk, before being placed upon the payroll of attachés of this House. Also, the further sum of two dollars per day from and including January twelfth, eighteen hundred and eighty-one, to March first, eighteen hundred and eighty-one, for services as such Clerk of the Committee on County Boundaries, all to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Freer:

WHEREAS, The Judiciary Committee of this House did, on the sixth day of January, decide upon having two clerks; and whereas, on January sixth, they did elect Will J. Beatty one of said clerks, the salary of said clerk being fixed by statute (section two hundred and sixty-eight, Political Code), at a per diem of eight dollars, and whereas, the Sergeant-at-Arms did not place the name of said clerk upon the payroll until the passage of a resolution by this House on the twelfth day of January, and drew his warrants at the per diem of six dollars, therefore, be it

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to draw his warrant in favor of Will J. Beatty for the sum of one hundred and forty-two dollars, the same to be paid out of the Contingent Fund of this House.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Leach:

Resolved, That the Journal Clerk of the Assembly be allowed the sum of fifty dollars for finishing, comparing, and ruling the Journal and the Controller of State be and he is hereby authorized to draw his warrant in favor of J. H. Riley for the above sum, and the Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Burns:

Resolved, That the Secretary of State be requested to furnish to the Assembly the amount of stationery drawn by each member, and every committee, with the date of the same; and that he give credit for books and stationery returned.

Adopted.

By Mr. Bost:

Resolved, That the thanks of this Assembly are hereby tendered to Mr. Charles A. Wetmore for the oleographs kindly furnished by him to each member of this House.

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 2, 1881.

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bill No. 68—An Act to amend section one thousand two hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to escheated estates, and to provide for the sale thereof.

Also, Assembly Bill No. 150—An Act to amend sections six hundred and thirty-six and six hundred and thirty-four of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to fishing.

GEO. C. PERKINS, Governor.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on March second, concurred in Assembly amendments to Substitute for Senate Bill No. 217—An Act to provide for bridges across navigable streams.

And amended, on February twenty-eighth, and on March second passed, Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to the election and the terms of office of county, city and county, and township officers, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code.

On March second, passed Senate Bill No. 234—An Act to provide for payment of rents for a hall for the use of Hastings College of the Law.

J. A. ORR, Secretary.

CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

Senate amendment striking out the words "of March," in line seven, section one, and inserting instead the words "after the first day of January," read.

The ayes and noes were demanded by Messrs. Burns, Garrity, and Howard, on concurrence therein.

The roll was called, and the amendment was concurred in by the following vote:

AYES—Messrs. Birney, Bost, Brown, Cannon, Chandler, Coleman, Crank, Cunningham, Daggett, Edwards, Felton, Fraser, Freer, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Kellogg, Kilburn, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—53.

NOES—Messrs. Arick, Burns, Garrity, Gavigan, Geary, Gilmore, Hale, Howard, Jones, Keating, Lane, McCallion, McDonald, Noonan, O'Connor, and Platt—16.

The Senate amendment adding a new section thereto, after section two, to be numbered section three, and to read as follows: "Section three. All Acts and parts of Acts in conflict with this Act are hereby repealed;" also, renumbering section three, section four, read.

The ayes and noes were demanded by Messrs. Jackson, Garrity, and O'Connor.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Brown, Cannon, Chandler, Coleman, Crank, Cunningham, Daggett, Edwards, Estey, Fraser, Freer, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Kilburn, Leach, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—49.

NOES—Messrs. Bost, Branch, Burns, Crumpton, Del Valle, Garrity, Gavigan, Geary, Gilmore, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leake, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Swift, and Whipple—26.

Senate Bill No. 234—An Act to provide for the payment of rents for a hall for the use of Hastings College of the Law.

Mr. Platt moved to suspend the rules, and also to declare this a case of urgency, and read the bill twice this day.

Lost.

The bill ordered on file.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 3, 1881.

To the Legislature of the State of California:

Assembly Concurrent Resolution No. 25, passed by your honorable body, officially brings to my notice your intention to adjourn on the fourth instant. I deem it my duty to call your attention to the fact that no Act for the appropriation of money to pay the necessary expenses of the State government for the ensuing two fiscal years has been passed.

The Constitution states, "no money shall be drawn from the treasury but in consequence of appropriations made by law." The passage of this Act is of vital importance to the welfare and best interests of the State. It has no political significance, it is an absolute and imperative necessity, the neglect of which must result disastrously. Either one of two results must follow this failure, viz. to open at the expiration of the present fiscal year our prisons and asylums, close our Courts, and generally stop the machinery of the government, or you compel the Executive to convene your body in extra session, at a great expense to the taxpayers, and in all probability at an inconvenient time to yourselves.

The merits and necessities of this measure are contained within itself, and cannot, under any circumstances, conflict with any other public or private measure, whether political or otherwise.

The amount in the General Fund February twenty-eighth, was six hundred and eighteen thousand four hundred and seventy-nine dollars and thirty-two cents. Bills appropriating money payable out of such fund passed at this session and approved, amount to one hundred and seven thousand and eighteen dollars. This amount, with others appropriated by Acts now on their final passage in your body, will aggregate the sum of four hundred thousand dollars, thus leaving a balance of only two hundred thousand dollars to carry on the government to the end of this fiscal year, an amount inadequate for the purpose.

In connection with the passage of an appropriation bill, the consideration of a tax levy Act is not the least important, as without it the State Board of Equalization would be powerless to fix the rate of taxation for State purposes.

Fortunately, the Constitution permits the dispensing of the several readings in cases of urgency, and it will certainly not be denied that the passage of the measures alluded to are emphatically urgent. There is no law or prohibition against the continuous extension of the Legislature, and but a few days devoted exclusively to the passage of Acts of great public importance would materially aid the interests of the State. I bear full testimony to your fidelity in the discharge of your duties, they have been onerous and burdensome. The great responsibilities resting upon you as legislators have been duly considered, and hasty action has not characterized your labors. Hence I feel in communicating with you on the necessity of not adjourning until you have passed an appropriation bill, and its adjunct, a tax levy Act, that I am acting in accord with your own patriotic motives and unselfish desire to promote the best interests of the State.

Respectfully,

GEORGE C. PERKINS, Governor.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Substitute for Senate Bill No. 105—An Act to create an additional Police Judge's Court for the City and County of San Francisco, to define its powers and jurisdiction.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Mr. McClure moved to suspend the rules and consider now Senate Bill No. 105, reported above.

The ayes and noes were demanded by Messrs. Jackson, Howard, and Garrity.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs Aitck, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Crumpton Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Gavigan, Gay, Hale, Hartson, Hendrick, Hoitt, Holden, Jones, Keating, Kellogg Kilburn, Lane, Leach, Lewis, Long, Mason, Mathews of Tehama May, McCallion, McClure, McDonald, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—50.

NOES—Messrs Coleman, Daggett, Garrity, Hinshaw, Howard, Jackson, Leake, Matthews of San Benito, Mudgett, Murphy, Noonan, Patterson of Nevada, Samuels, Swift, Watkins, and Whipple—16.

Senate Bill No 105—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction—ordered read first time.

The bill read first time, and ordered to head of the file.

MESSAGES FROM THE SENATE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, March 2, 1881

MR SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 40—An Act to establish a uniform system of county governments

ED J. SMITH, Assistant Secretary.

Senate Bill No. 40, mentioned in above message, was ordered on file.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, March 2, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed the following bills

Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also, Assembly Bill No 177—An Act to amend section four thousand and forty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the funding and refunding of county indebtedness

Also, Assembly Bill No 178—An Act to amend section four thousand four hundred and forty-five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the funding and refunding of city indebtedness.

Also, Assembly Bill No 82—An Act making appropriation to pay R P Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Also, Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges, during the thirty-first fiscal year

C. T. JOHNS, Assistant Secretary

GENERAL FILE—THIRD READING.

Senate Bill No. 92—An Act to provide buildings and improvements for the deaf and dumb and the blind.

Read third time.

Mr. Paulk moved to refer to a special committee of one, with instructions to amend as follows: In line one, printed bill, strike out the words "forty-five," and insert the words "twenty-five," and in line two, strike out the figures "forty-five thousand five hundred dollars," and insert the figures "twenty-five thousand five hundred dollars;" also, in line five, strike out the word "forty," and insert the

word "twenty," and in the same line strike out the figures "forty thousand dollars," and insert the figures "twenty thousand dollars."

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Barney, Bost, Branch, Burns, Camron, Chandler, Crank, Cunningham, Del Valle, Edwards, Felton, Freer, Gavigan, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Mason, McClure, McMurray, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reddick, Reynolds, Samuels Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Weitsbaugher, Wood, Young, and Mr. Speaker—48

NOES—Messrs Brown, Coleman, Crumpton, Daggett, Fraser, Garrity, Gilmore, Jones, Kilburn, Leach Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, Mein, Mudgett, Paulk, Platt, Siebe, and Whipple—24.

Title approved.

Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute in the State Prison at San Quentin, and other expenses incidental and relating thereto.

Read third time.

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

THIRD READING.

The special order for two o'clock P M. this day temporarily postponed, pending consideration of Senate Bill No. 368—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute in the State Prison at San Quentin, and other expenses incidental and relating thereto—the consideration of which was resumed.

REPORT OF STANDING COMMITTEE.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No 152—An Act to amend section four thousand one hundred and nine of the Political Code, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code, relating to the election and terms of office of county and township officers.

JOS. P JONES, of Committee.

The consideration of Senate Bill No. 386—An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute in the State Prison at San Quentin, and other expenses incidental and relating thereto, resumed.

The question recurred on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Edwards, Estey, Felton, Fraser, Freer, Gavigan, Gay, Geary, Hale, Hartson, Hendrick, Hoitt Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr Speaker—60

NOES—Messrs. Garrity, Gilmore, Griffith, Jackson, Long, McCallion, Murphy, and Swift—8.

Title approved.

SPECIAL ORDER.

The special order for this day, at two o'clock P. M.: Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant, taken up.

The bill ordered read second time.

The bill read second time, and ordered read third time.

Mr. McClure moved that the rules be suspended, and this bill be declared a case of urgency, and read third time immediately.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Birney, Bost, Branch, Brown, Cannon, Chandler, Crank, Cunningham, Daggett Del Valle, Edwards, Fraser, Freer, Gavigan, Griffith, Hartson, Hoitt, Holden, Howard, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Mason, May, McCallion, McClure, McMurray, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pindet, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr Speaker—51

NOES—Messrs. Garrity, Gilmore, Hendrick, Hinshaw, Long, Mathews of Tehama, Matthews of San Benito, Murphy, Paulk, and Swift—10.

Mr. Felton moved to suspend the rules and take up Senate Bill No. 9—An Act to add a new section to the Penal Code, to be known as section four hundred and two, to prevent the sale of adulterated milk.

So ordered.

The bill ordered read second time.

The bill read second time.

The committee amendment to section two rejected.

Mr. Howard moved to amend, in line seven, after the word "condition," the following: "or milk produced from cows fed on distillery slops."

Lost.

The bill ordered read third time.

Mr. Platt moved the bill be declared a case of urgency, and read third time and passed.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Cannon, Chandler, Coleman, Crumpton, Daggett, Edwards Estey, Felton, Fraser, Freer, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Mudgett Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pindet, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—67.

NOES—Messrs Cunningham, Garrity, Gavigan, Howard, and May—5

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Daggett, Edwards, Estey, Felton, Fraser, Freer, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Kellogg, Kilburn, Lane, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—60.

NOES—Messrs Gavigan and May—2.

Title approved.

THIRD READING—RESUMED.

Senate Bill No. 156—An Act to add nine new sections to the Political Code, to be known as sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, relating to the issuance of bonds by the trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

Read third time.

Speaker pro tem. Fraser in the chair.

The roll was called, and the bill passed by the following vote.

AYES—Messrs Arick, Birney, Bost, Brown, Burns, Chandler, Crank, Crumpton, Cunningham Daggett, Del Valle, Estey, Freer, Garrity, Geary, Griffith Hartson Hendrick, Hoitt, Holden, Howard, Keating, Kellogg, Kilburn, Leach, Leake, Mason, Matthews of Tehama, May, McCallion, McClure, McDonald, McMurray, Pinder, Siebe Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Young, and Mr. Speaker—45

NOES—Messrs Alviso, Baker of Sacramento, Branch, Cannon, Coleman, Gay, Gilmore, Hale, Hinshaw, Lane, Lewis, Long, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, and Wood—21

Senate Bill No 313—An Act making appropriations for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis Mason, May, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Paulk, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr Speaker—60

NOES—Mr. Whipple—1.

Title approved.

Mr. Sargent moved to take up Senate messages.

Lost.

THIRD READING—RESUMED.

Senate Bill No. 219—An Act to amend sections one thousand nine hundred and forty-one, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy-three, one thousand nine hundred and ninety, two thousand and eighteen, two thousand and

twenty-eight, two thousand one hundred and ten, and two thousand one hundred and seventeen of the Political Code of the State of California, relating to the National Guard.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—66.

NOES—Mr. Hinshaw—1.

Title approved.

REPORT OF ENROLLING COMMITTEE.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled:

Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Also, Assembly Bill No. 135—An Act to provide for the deficiency for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year.

Also, Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to funding and refunding county indebtedness.

Also, Assembly Bill No. 67—An Act to allow incorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purposes, and to create a Board of Fire Commissioners.

Also, Assembly Bill No. 82—An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due him for the twenty-ninth and thirtieth fiscal years.

Also, Assembly Bill No. 106—An Act to repeal an Act entitled an Act to confer certain powers upon the Board of Supervisors of the County of San Mateo, approved March twenty-ninth, eighteen hundred and seventy-eight.

Also, Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions.

And the same were, at three o'clock P. M., March third, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

THIRD READING—RESUMED.

Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

The Clerk directed to correct a clerical error, by substituting the word "this" for the word "their."

The correction made.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Bost, Branch, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Fraser, Freer, Garrity, Geary, Gilmore, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Lane, Leach, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McMurray, Mein,

O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—53.

NOES—Messrs. Gay, Kellogg, Leake, May, and Reddick—5.

Title approved.

RESOLUTION.

By Mr. Platt (by permission):

Resolved, That when the Assembly adjourns to-day it adjourns to meet at nine o'clock to-morrow (Friday) morning.

Adopted.

THIRD READING—RESUMED.

Senate Bill No. 10—An Act to amend an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section three hundred and seven, relating to the sale and use of opium.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crumpton, Cunningham, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Holden, Howard, Jones, Kellogg, Kilburn, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Murphy, O'Connor, Paulk, Platt, Reynolds, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—59.

NOES—None.

Title approved.

Assembly Bill No. 217—An Act to amend section five hundred and thirty-two of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two, relating to the obtaining money by false pretenses, and by false reports of wealth, etc.

Passed on file.

Assembly Bill No. 285—An Act to foster and encourage the legitimate mining interests of the State.

Passed on file.

Senate Bill No. 187—An Act to establish a Branch State Normal School.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Sacramento, Barney, Bost, Branch, Burns, Camron, Crank, Cunningham, Del Valle, Edwards, Estey, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Keating, Lane, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Nooman, O'Connor, Reddick, Reynolds, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Whipple, and Young—46.

NOES—Messrs. Baker of Yolo, Chandler, Coleman, Crumpton, Felton, Fraser, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, Mein, Paulk, Platt, Samuels, Sargent, Watkins, Wertsbaugher, Wood, and Mr. Speaker—23.

Title approved.

MOTION.

Mr. Hoitt moved that the Governor's message, relative to the pas-

sage of an appropriation bill, that was received this morning, be referred to the Committee on Ways and Means.

Messrs. Cunningham, Baker, of Yolo, and Birney, demanded the ayes and noes.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Alviso, Brown, Cannon, Coleman, Edwards, Estey, Felton, Fraser, Gay, Gilmore, Hale, Harrison, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, McDonald, Mein, Mudgett, Murphy, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—40

NOES—Messrs. Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Del Valle, Freer, Garrity, Gavigan, Geary, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Noonan, O'Connor, Platt, Swift, Whipple, and Young—31.

THIRD READING—RESUMED.

Senate Bill No. 17—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, relating to property held by life estate.

The bill read third time.

The Clerk was instructed to correct a clerical error, by substituting the word "recorded" for "recovered."

The bill so corrected.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Brown, Burns, Cannon, Chandler, Coleman, Crumpton, Cunningham, Edwards, Estey, Fraser, Freer, Gavigan, Griffith, Hale, Harrison, Hendrick, Holden, Jones, Keating, Leach, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, Noonan, O'Connor, Patterson of Nevada, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—51.

NOES—Messrs. McDonald and Mein—2

Title approved.

SECOND READING.

Assembly Bill No. 284—An Act for the relief of purchasers of State lands

Passed on file.

Assembly Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 130—An Act to provide for the deficiency in the appropriation "for payment of rewards offered by Governor" during the thirty-first fiscal year—ordered read second time.

The bill read second time

The committee amendment adopted.

The bill ordered read third time.

Substitute for Senate Bill No. 258—An Act to amend sections eleven, seventeen, eighteen, and twenty, and to repeal section thirty, of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April fifteenth, eighteen hundred and eighty—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game—ordered read second time.

The bill read second time.

MOTION.

At four o'clock and forty-five minutes, Mr. Murphy moved we do now adjourn.

The ayes and noes were demanded by Messrs. Hoitt, Felton, and Murphy.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Coleman, Cunningham, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Gearv, Hartson, Hoitt, Howard, Jones, Mason, May, McCallion, McDonald, Mein, Murphy, O'Connor, Swift, and Wasson of Mono—22

NOES—Messrs Alviso, Atlee, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Crumpton, Daggett, Freer, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holden, Kellogg, Kilburn, Lane, Leake, Lewis, McClure, McMurray, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—41.

RECESS.

On motion of Mr. Hartson, the House took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

The House reassembled at seven o'clock and thirty minutes P. M. Speaker Parks in the chair.

Quorum present.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on March second, eighteen hundred and eighty-one, amended, and on this day passed, Assembly Bill No 103—An Act entitled an Act to enable purchasers of State lands to redeem the same where their titles have been or may hereafter be foreclosed for non-payment of interest.

Also, on this day, passed Assembly Bill No 180—An Act to amend section one hundred and seventy-one of an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two, relating to Courts of justice, and various officers connected therewith, and to prohibit Justices, Judges of Courts of record, Justices of the Peace, and County Clerks, from practicing law, or from acting as attorneys or agents in certain cases.

Also, concurred in Assembly Concurrent Resolution No. 15—Relative to the destruction of forests in this State.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 103—An Act for the relief of purchasers of State lands, and to regulate the foreclosing of titles to State lands for the non-payment of interest.

Senate amendments to above bill read and concurred in.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 3, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Substitute for Senate Bills Nos. 94, 146, and 147—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

ED. J. SMITH, Assistant Secretary.

Substitute for Senate Bills Nos. 94, 146, and 147—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand

six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Mr. Sargent moved to suspend the rules and declare this bill a case of urgency, and order the bill read three times at length.

Lost.

MOTION.

Mr. McClure in the chair.

Mr. Van Fleet moved to suspend the rules and take up Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

Mr. Sargent moved to adjourn.

The ayes and noes were demanded by Messrs. Paulk, Sargent, and Coleman.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Burns, Cannon, Coleman, Felton, Fraser, Gaviglin, Geary, Holden, Jones, Kilburn, McDonald, Patterson of Nevada, Paulk, Pinder, Sargent, Wasson of Mono, and Whipple—17.

NOES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Barney, Branch, Brown, Crumpton, Del Valle, Edwards, Estey, Freer, Garrity, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holt, Kellogg, Lane, Leach, Leake, Lewis, Long, May, McCallum, McClure, McMurray, Mein, Mudgett, Nooman, Patterson of San Joaquin, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—47.

The question recurred on the motion to suspend the rules and consider Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

Messrs. Sargent, Paulk, and Coleman demanded the ayes and noes.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Chandler, Crumpton, Del Valle, Edwards, Freer, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hoitt, Keating, Kellogg, Lane, Leach, Long, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Pinder, Reddick, Reynolds, Samuels, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—45.

NOES—Messrs. Coleman, Estey, Felton, Fraser, Hale, Hinshaw, Jones, Kilburn, Leake, Lewis, Matthews of San Benito, Mudgett, Murphy, Paulk, Sargent, and Whipple—15.

The bill ordered read second time.

The amendment recommended by the committee adopted.

The bill read second time, and ordered read third time.

Mr. Kellogg moved to suspend the rules and take up Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

So ordered.

The bill ordered read second time.

The bill read second time, and ordered read third time.

Mr. Leach moved to suspend the rules and take up Senate Bill No. 38—An Act to authorize the Controller and Treasurer of the State to transfer certain funds.

So ordered.

The bill ordered read first time.

The bill read first time.

Mr. Leach moved to declare this bill a case of urgency in the constitutional sense.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs Alviso, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Jones, Keating, Kellogg, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—69.

NOES—None.

The bill ordered read second time.

The bill read second time.

The bill ordered read third time.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Baker of Yolo, Barney, Bost, Branch, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Del Valle, Estey, Felton, Fraser, Freer, Garrity, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Mudgett, Murphy Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Young—63.

NOES—None.

Title approved.

Mr. Freer moved to take up Senate Bill No. 105—An Act to create

an additional Police Judge's Court for the City and County of San Francisco, to define its powers and jurisdiction, and that it be declared a case of urgency in the meaning of the Constitution.

The roll was called, and the motion declared carried by the following vote:

AYES—Messrs Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Del Valle, Edwards, Estey, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Wood, and Young—56.

NOES—Messrs. Felton, Fraser, Mein, Noonan, Platt, Sargent, Swift, and Whipple—9.

The bill ordered read second time.

The bill read second time, and ordered read third time.

RESOLUTION.

By Mr. Freer (by permission):

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to deliver to the Secretary of State all printed bills in his possession at the close of this session, for future use of the members of the Assembly.

Adopted.

MOTION.

Mr. McCallion moved to suspend the rules and take up Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official duties.

So ordered.

The bill ordered read second time.

The bill read second time.

Mr. Paulk moved to amend the bill as follows: In line seventeen, section two, strike out the words "for one hundred dollars."

Lost.

The bill ordered read third time.

SENATE MESSAGE.

Mr. Hoitt moved to suspend the rules and take up Senate messages.

So ordered.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 3, 1881

MR SPEAKER: I am directed to inform your honorable body that the Senate, on March first, and second, amended, and, on this day, passed as amended, Assembly Bill No 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

JAMES A ORR, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and forty-eight, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and sixty-four, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and twelve, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, known as the Political Code, relating to public schools.

Each of the Senate amendments to above bill read and concurred in, except Senate amendment to the bill to add a new section, to be known as section thirty-two, which was read, and concurrence therein refused.

Senate amendment to the title read and concurred in.

RESOLUTION.

By Mr. Baker, of Yolo:

Resolved, That the Controller of State is hereby directed to draw his warrant in favor of John R. Samuels for the sum of ten dollars, for services as Porter and Bailiff to the special committee in the investigation of the Hon. F. L. Hatch, at Colusa, out of the Contingent Fund of the Assembly.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

Mr. Lane moved to suspend the rules and take up Assembly Bill No. 426—An Act to prevent the escape of stage robbers from the prisons of this State.

Lost.

Mr. Keating moved to suspend the rules and take up Assembly Concurrent Resolution No. 18—Relative to requesting Congress to make an appropriation for the improvement of the harbor and outlet of Clear Lake, California.

So ordered.

The resolution read and adopted.

Mr. Hartson moved to suspend the rules and take up Assembly Concurrent Resolution No. 19—Relative to asking Congress to appropriate money from the general government for the dredging of Napa River, between Mare Island and the City of Napa.

So ordered.

The resolution read and adopted.

Mr. Felton moved to suspend the rules and take up Assembly Bill No. 285—An Act to foster and encourage the legitimate mining interests of the State.

Lost

Mr Young moved to suspend the rules and take up Senate Bill

No. 127—An Act to provide for the deficiency in the appropriation for repairs to State Capitol building and furniture, and purchase of carpets, during the thirty-first and thirty-second fiscal years.

The ayes and noes were demanded by Messrs. Coleman, Burns, and Cunningham.

The roll was called, and the motion lost by the following vote

AYES—Messrs Baker of Yolo, Branch, Brown, Chandler, Crumpton, Estey, Gavigan, Gay, Hale, Hartson, Hoitt, Holden, Jones, Keating, Leach, Mason, May, McCallhon, McClure, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reynolds, Van Fleet, Wood, Young, and Mr Speaker—28

NOES—Messrs Bost, Burns, Coleman, Cunningham, Edwards, Felton, Fraser, Gilmore, Griffith, Kellogg, Kilburn, Leake, Long, Matthews of San Benito, McDonald, Mein, Noonan, Paulk, Platt, Samuels, Sargent, Siebe, Swift, Watkins, Wentz, and Whipple—26.

Messrs. Hartson and Murphy each had leave to speak to a question of privilege.

RESOLUTION.

By Mr. Kellogg:

Resolved, That the Clerks at the desk be and they are each hereby allowed fifty dollars for preparing the weekly history of Assembly bills, payable out of the Contingent Fund of the Assembly and the Chief Clerk is hereby directed to forward to the address of each member of this House, and of the Senate, two copies of the said history after the close of the present session. The Controller is hereby authorized and directed to draw his warrant in favor of said Clerks for the above amount

Mr. Whipple moved to adjourn.

The ayes and noes were demanded by Messrs. Sargent, Paulk, and Coleman

The roll was called, and the motion lost by the following vote:

AYES—Messrs Alviso, Birney, Brown, Chandler, Coleman, Felton, Fraser, Gavigan, Griffith, Hendrick, Hinshaw, Holden, Jones Kilburn, Lane, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McDonald Mein, Mudgett, Murphy, O'Connor, Patterson of Nevada, Paulk, Pinder, Platt, Reddick Samuels, Sargent, Watkins, Wentz, and Whipple—35.

NOES—Messrs Baker of Yolo, Bost, Branch, Burns, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Freer, Garrity, Gay, Gilmore, Hale, Hoitt, Howard, Keating, Kellogg, Leach, Leake, Mason, McCallhon, McClure, Noonan, Patterson of San Joaquin, Reynolds, Siebe, Streeter, Van Fleet, Wason of Ventura, Wertsbaugher, Wood, Young, and Mr. Speaker—35.

Mr. Paulk moved to lay the resolution on the table

The ayes and noes were demanded by Messrs. Gavigan, Paulk, and Coleman.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Coleman, Estey, Fraser, Griffith, Hinshaw, Holden, Keating, Lewis, Long, Mason, May, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, and Wood—26.

NOES—Messrs Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Crank, Cunningham, Del Valle, Edwards, Freer, Garrity, Gavigan, Gilmore, Hale, Hoitt, Howard, Jones, Kellogg, Lane, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McCallhon, McClure, Murphy, O'Connor, Platt, Samuels, Siebe, Streeter, Swift, Van Fleet, Wertsbaugher, and Mr. Speaker—36.

The question recurred on the adoption of the resolution.

Adopted.

At nine o'clock and thirty minutes, Mr. Cunningham moved to adjourn.

The presiding officer declared the motion carried, and the House adjourned.

Several members claimed the ayes and noes were demanded on the motion to adjourn, and refused to accept the ruling of the Chair.

Speaker Parks took the chair, and explained that though the presiding officer did not acknowledge the call for the ayes and noes on the motion to adjourn, he thought they had been called for and would receive a motion to adjourn, and order the roll called thereon.

At nine o'clock and thirty-five minutes P. M., Mr. Cunningham moved to adjourn.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Crank, Cunningham, Del Valle, Fraser, Freer, Griffith, Hendrick, Holden, Howard, Jones, Kellogg, Lewis, Matthews of San Benito, McCallion, McClure, Mudgett, O'Connor, Siebe, Streeter, Van Fleet, Wason of Ventura, and Mr Speaker—27.

NOES—Messrs Alviso, Burns, Chandler, Coleman, Crumpton, Edwards, Estey, Felton, Garrity, Gavigan, Geary, Gilmore, Hinshaw, Hoitt, Keating, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Swift, Watkins, Wasson of Mono, Wentz, Wertsbaugher, and Whipple—41.

Mr. Burns moved to reconsider the vote by which the resolution was carried.

Upon which the ayes and noes were demanded by Messrs. Paulk, Coleman, and Whipple.

Mr. Cunningham, at nine o'clock and forty minutes, moved to adjourn.

The ayes and noes were demanded by Messrs. Burns, Paulk, and Whipple.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Alviso, Birney, Bost, Branch, Brown, Crank, Cunningham, Del Valle, Holden, Jones, Keating, Kellogg, Lewis, McCallion, McClure, Mudgett, O'Connor, Pinder, Siebe, Streeter, Van Fleet, Wason of Ventura, and Mr Speaker—23.

NOES—Messrs. Baker of Yolo Burns, Chandler, Coleman, Crumpton, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, McDonald McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Swift, Watkins, Wentz, Wertsbaugher, Whipple, and Wood—46.

Mr. Cunningham moved a call of the House.

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

The ayes and noes were demanded by the required number.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Griffith, Hendrick, Hinshaw, Hoitt, Howard, Jones, Keating, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wentz, Wertsbaugher, Whipple, and Mr. Speaker—56

NOES—Messrs. Cunningham, Geary, Gilmore, Kellogg, McCallion, McClure, O'Connor, Van Fleet, Wason of Ventura, and Wood—10

The question recurred on Mr. Burns' motion to reconsider the vote by which the resolution was carried.

The previous question was demanded by Messrs. Edwards, Whipple, and Hendrick.

Mr. Cunningham, at nine o'clock and fifty-five minutes P. M., moved to adjourn.

The ayes and noes were demanded by the requisite number.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Crank, Cunningham, Del Valle, Freer, Jones, Kellogg, Lewis, McCallion, McClure, Mudgett, O'Connor, Platt, Siebe, Streeter, Van Fleet, and Mr. Speaker—21.

NOES—Messrs. Alviso, Burns, Chandler, Coleman, Crumpton, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Hinshaw, Howard, Keating, Lane, Leach, Leake, Long, Mason, Matthews of San Benito, McDonald, McMurray, Mem, Murphy, Nooman, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Swift, Watkins, Wentz, Weitsbaugher, Whipple, and Wood—41.

The motion for the previous question was withdrawn.

Mr. Cunningham moved a call of the House.

Mr. Del Valle had leave of absence for the remainder of the evening.

The ayes and noes were demanded by Messrs. Cunningham, Kellogg, and Mason.

The roll was called, and the House refused to order a call of the House by the following vote:

AYES—Messrs Alviso, Cunningham, Gilmore, O'Connor, and Wason of Ventura—5.

NOES—Messrs. Baker of Yolo, Bost, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jones, Keating Kellogg, Kilburn, Lane Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Murphy, Nooman, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wentz, Weitsbaugher, Whipple, Wood, and Mr Speaker—59.

Mr. Baker, of Yolo, moved the further consideration of this matter be the special order for immediately after the reading of the Journal to-morrow.

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

At ten o'clock and twenty-five minutes, Mr. Kellogg moved to adjourn.

The ayes and noes were demanded by Messrs. Paulk, Sargent, and Mason.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Birney, Brown, Cunningham, Jones, Keating, Kellogg, McCallion, O'Connor, Siebe, and Mr Speaker—10.

NOES—Messrs Baker of Yolo, Bost, Branch, Burns, Chandler, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Howard, Kilburn, Lane, Leach, Leake, Mason Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Murphy, Nooman, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wentz, Weitsbaugher, Whipple, and Wood—48.

The motion of Mr. Baker, of Yolo, to make the matter a special order, withdrawn.

The question recurred on the motion to reconsider the vote by which the resolution was declared adopted.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs Birney, Bost, Branch, Burns, Chandler, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, McClure, McDonald, McMurray, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Watkins, Wentz, Weitsbaugher, Whipple, Wood, and Mr Speaker—50

NOES—Messrs. Baker of Yolo, Brown, Cunningham, Freer, Gilmore, Jones, Kellogg, Lewis, McCallion, Siebe, Swift, Van Fleet, and Wason of Ventura—13.

Mr. Platt moved the resolution be adopted.

The ayes and noes were demanded by Messrs. Fraser, Paulk, and Whipple.

The roll was called, and the motion to adopt the resolution was carried by the following vote:

AYES—Messrs Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cunningham, Estey, Freer, Garrity, Gavigan, Gilmore, Griffith, Hoitt, Howard, Jones, Keating, Kellogg, Lane, Lewis, Long, Mason, Mathews of Tehama, McCallion, McClure, McDonald, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, and Mr. Speaker—41

NOES—Messrs Chandler, Coleman, Crank, Crumpton, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hinshaw, Kilburn, Leach, Leake, Matthews of San Benito, McMurray, Noonan, Paulk, Reynolds, Sargent, Wentz, Whipple, and Wood—23.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Mr. Estey, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 4, 1881.

The House met pursuant to adjournment at nine o'clock A. M.

Speaker Parks in the chair.

Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cameron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, March second, Mr. Hoitt moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

RESOLUTION.

By Mr. Keating (by permission):

Resolved, That the Engrossing Clerk be allowed the same amount as the Clerks at the desk for closing the affairs of his office at the close of the session, and that the Controller of State is hereby authorized and directed to draw his warrant on the State treasury for that amount, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

By Mr. Camron: A verbal report returning Assembly Bill No. 486—An Act to divide the State into Congressional districts.

By Mr. Wentz:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1881.

MR. SPEAKER: Your Committee on Culture and Improvement of the Grapevine and Fruit Trees, to whom was referred Assembly Bill No. 171, also Assembly Bill No. 319, have had the same under consideration, and now report the same back without recommendation.

C. WENTZ, Chairman.

By Mr. Brown:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1881.

MR. SPEAKER: Your Committee on Water Rights and Drainage, to whom was referred Assembly Bills Nos. 96, 191, 400, 451, 498, 500, and 505, together with several petitions, have had the same under consideration, and now report the same back without recommendation.

BROWN, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled:

Assembly Bill No. 178—Entitled an Act to amend section four thousand four hundred and forty-five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to funding and refunding of city indebtedness.

Also, Assembly Bill No. 108—Entitled an Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing grand and trial jurors for Courts of record in this State.

Also, Assembly Bill No. 152—Entitled an Act to amend section four thousand one hundred and nine of an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to the election and terms of office of county, city and county, and township officers, and to repeal sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of said Political Code.

And the same were, at nine o'clock and five minutes A. M. March fourth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 3, 1881.

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 making appropriation to pay R. P. Maynard, late Secretary to the Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

Also, Assembly Bill No. 95—An Act to provide a system of drainage for agricultural, swamp, and overflowed lands.

Also, Assembly Bill No. 106—An Act to repeal an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-fourth, eighteen hundred and seventy-eight.

Also, Assembly Bill No. 135—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year.

Also, Assembly Bill No. 176—An Act to amend section three hundred and eighty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to the practice on and the action of interpleader.

Also, Assembly Bill No. 177—An Act to amend section four thousand and forty-eight of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, in relation to funding and refunding county indebtedness.

Also, Assembly Bill No. 199—An Act to amend section eight hundred and sixty-nine of the Penal Code, relating to the taking and authentication of testimony on examinations in criminal cases.

Also, Assembly Bill No. 215—An Act to amend sections three hundred and ninety-four and three hundred and ninety-eight of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also, Assembly Bill No. 267—An Act to amend section one thousand three hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

GEO. C. PERKINS, Governor.

GENERAL FILE—THIRD READING.

Senate Bill No. 222—An Act to amend section two thousand four hundred and sixty-four of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

The bill was read third time.

Speaker pro tem. Fraser in the chair.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, May, McCallum, McClure, McMurray, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Young—58.

NOES—None.

Title approved.

Mr. Hoitt moved to take up Senate messages.

So ordered.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, refused to recede from its amendments to Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty, one thousand five hundred and fifty-two, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and fourteen, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-four, one thousand eight hundred and fifty-seven, one thousand eight hundred and thirty, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public schools, and to add a new section thereto, to be known as section one thousand seven hundred and ninety-three, relating to public schools, and appointed Senators Davis, Hill, and Wendell as a Committee on Free Conference, to meet a like committee from your body.

ED. J. SMITH, Assistant Secretary.

On motion of Mr. Hoitt, a Committee on Free Conference, on the above reported bill, was ordered appointed.

Speaker Parks in the chair.

APPOINTMENT OF COMMITTEE.

The Speaker announced Messrs. Hoitt, Leake, and Wason as a Committee on Free Conference on Assembly Bill No. 368.

THIRD READING—RESUMED.

Senate Bill No. 130—An Act to provide for the deficiency in the appropriation for payment of rewards offered by Governor during the thirty-first fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Birney, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Edwards, Fraser, Garrity, Gay, Gilmore, Griffith, Hendrick, Hoitt, Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, May, McCallion, McClure, McMurray, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—54.

NOES—None.

Title approved.

Substitute for Senate Bill No. 258—An Act to amend sections eleven, seventeen, eighteen, and twenty, and to repeal section thirty of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April fifteenth, eighteen hundred and eighty.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Fraser, Freer, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—61.

Title approved.

Senate Bill No. 250—An Act to amend section seven hundred and fifty-one of the Political Code, relative to Deputy Clerks of the Supreme Court.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, McMurray, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Streeter, Swift, Van Fleet, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—57.

NOES—Messrs. Coleman, Cunningham, Fraser, Jackson, Mathews of Tehama, McDonald, Mein, and Sargent—8

Title approved.

Senate Bill No. 213—An Act to amend section six hundred and thirty-one of the Penal Code, relating to violations of the laws for the preservation of fish and game.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Coleman, Crank, Crumpton, Daggett Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating,

Kellogg, Leach, Leake, Lewis, Mason, Mathews of Tehama, May, McCallion, McClure, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker—61.

NOES—Messrs. Cunningham, Matthews of San Benito, and McDonald—3.

Title approved.

REPORT OF COMMITTEE ON FREE CONFERENCE.

By Mr. Hoitt:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER: Your Committee on Free Conference, to whom was referred Assembly Bill No 368, as amended by the Senate, have had the same under consideration, and now report the same back, and recommend that section twenty-five (25) of said bill be stricken out, and sections twenty-six, twenty-seven, and twenty-eight be numbered respectively twenty-five, twenty-six, and twenty-seven.

Also, strike one thousand eight hundred and fifty-seven from the title, and concur in Senate amendment to section twenty-eight.

IRA G. HOITT, Chairman.

The report read and adopted.

THIRD READING—RESUMED.

Senate Bill No. 356—An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Anick, Burney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Holden, Howard, Keating, Kellogg, Lane, Leach, Leake, Mason, May, McCallion, McClure, McMurray, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Whipple, Wood, Young, and Mr Speaker—54

NOES—Messrs. Baker of Yolo, Hendrick, Hinshaw, Jones, Kilburn, Lewis, Mathews of Tehama, Matthews of San Benito, McDonald, Mudgett, Swift, and Wentz—12.

Title approved.

Assembly Bill No. 270—An Act to regulate fees of Clerks of Superior Courts in the State of California.

Passed on file.

Assembly Bill No. 217—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the obtaining money by false pretenses, and by false reports of wealth, etc.

Passed on file.

Assembly Bill No. 285—An Act to foster and encourage the legitimate mining interests of the State.

Passed on file.

Senate Bill No. 105—An Act to create a Police Judge's Court in and for the City and County of San Francisco, and to define its powers and jurisdiction.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Alviso, Arick Baker of Sacramento, Baker of Yolo, Burney, Bost, Branch, Brown, Burns, Cannon, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, May, McCallion, McClure, McMurray, Mein, Mudgett, Murphy, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—57.

NOES—Messrs Felton and Swift—2.

Title approved.

Senate Bill No. 44—An Act to provide for the permanent improvement of the State Capitol grounds.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Burney, Bost, Branch, Brown, Burns, Cannon, Chandler, Crumpton, Cunningham, Del Valle, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hale, Hendrick, Hoitt, Howard, Jackson, Keating, Kellogg, Lane, Long, Mason, May, McCallion, McClure, Mein, Noonan, O'Connor, Patterson of Nevada, Pinder, Reddick, Reynolds, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitshaugher, Wood, Young, and Mr. Speaker—50

NOES—Messrs. Baker of Yolo, Coleman, Daggett, Edwards, Estey, Felton, Fraser, Griffith, Hinshaw, Holden, Jones, Kilburn, Leake Lewis, Matthews of San Benito, McDonald, McMurray, Patterson of San Joaquin, Paulk, Platt, Sargent, and Whipple—22.

Title approved.

Senate Bill No. 52—An Act to amend section three hundred and forty of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Burney, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gay, Geary, Gilmore, Griffith, Hale, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Weitshaugher, Whipple, Wood, Young, and Mr Speaker—59

NOES—Messrs. Baker of Yolo, Burns, McClure, and Paulk—4.

Title approved.

Pending consideration of above, Mr. Baker, of Sacramento, handed in a report, as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No 341—An Act to amend sections three thousand four hundred and fifty-four, three thousand four hundred and fifty-six, and three thousand four hundred and sixty-one of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to reclamation of swamp and overflowed lands—have had the same under consideration, and now report the same back and recommend that it do not pass

BAKER, Chairman.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-

six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and fourteen, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-four, one thousand eight hundred and thirty, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public schools, and to add a new section thereto, to be known as section one thousand seven hundred and ninety-three, relating to public schools.

JOS. P. JONES, of Committee.

THIRD READING—RESUMED.

Senate Bill No. 31—An Act to provide for the removal of civil officers for a violation of official duties.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Birney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Estey, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Leach, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, Mudgett, Noonan, O'Connor, Patterson of San Joaquin, Platt, Samuels, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—55.

NOES—Messrs. Lane and Leake—2.

Title approved.

SENATE MESSAGES.

The following Senate messages were read:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

Also, Assembly Bill No. 293—An Act to amend an Act entitled "An Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property," relating to certain lands in the City and County of San Francisco.

Also, Assembly Bill No. 431—An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York, in eighteen hundred and eighty-three

And the Senate concurred in the report of the Free Conference Committee on Assembly Bill No. 368, and adopted the amendments thereto by striking from the bill section twenty-five, and renumbered sections twenty-six, twenty-seven, and twenty-eight.

ED. J. SMITH, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in the Assembly amendments to Senate Bill No. 239—An Act to amend section one thousand six hundred and eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators

And concurred in the following Assembly Concurrent Resolution No. 18, relative to requesting Congress to make an appropriation for the improvement of the harbor and outlet of Clear Lake, California

Also, Assembly Concurrent Resolution No. 19, relative to asking Congress to appropriate money from the General Government for the dredging of Napa River between Mare Island and the City of Napa.

And passed Assembly Bill No. 483—An Act to facilitate the equalization of assessments in reclamation districts.

Also, on March third, amended, and on this day passed as amended, Assembly Bill No 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five,

relating to assessments of railroads and other property, by the State Board of Equalization and County Assessors, for the purposes of taxation.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroad and other property, by the State Board of Equalization and County Assessors, for the purposes of taxation.

Senate amendments to above bill read.

RESOLUTION.

By Mr. McClure (by permission):

Assembly Concurrent Resolution No. 29—As follows:

Resolved by the Assembly, the Senate concurring, That the hour of adjournment of the twenty-fourth session of the Legislature of California be and the same is hereby extended until five o'clock P. M., March fourth, eighteen hundred and eighty-one, in order to give the State Printer time to enroll bills already passed by the Legislature.

The ayes and noes were demanded by Messrs. Paulk, Sargent, and Coleman.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Cannon, Chandler, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Gavigan, Gay, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mason, May, McCallum, McClure, McDonald, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—52

NOES—Messrs. Attick, Burns, Coleman, Daggett, Fraser, Garrity, Geary, Gilmore, Hinshaw, Howard, Jackson, Lane, Mathews of Tehama, Matthews of San Benito, Mein, Murphy, Noonan, O'Connor, Paulk, Pinder, Samuels, Sargent, and Whipple—23.

The consideration of Senate amendments to Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroads and other property, by the State Board of Equalization and County Assessors, for the purposes of taxation, resumed.

REPORT OF STANDING COMMITTEE.

By Mr. Patterson:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881

MR. SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred Assembly Resolution relative to pay of J. F. Carter, for lighting the gas in Assembly Chamber, have had the same under consideration, and now report the same back and recommend its adoption.

Also, Assembly Resolution relative to claim of F. J. Kearney, for services as Clerk of Committee on County Governments, have had the same under consideration, and now report the same back and recommend that he be allowed the sum of ten ($10) dollars only—the same being for two days' services rendered prior to the time he was placed upon the payroll.

Also, Assembly Resolution relative to equalizing the pay of Watchman J. L. O'Brien, have had the same under consideration, and now report the same back and recommend its adoption.

Also, Assembly Resolution relative to the payment of claim of John R. Samuels, as Porter of the Committee of Investigation relative to Honorable F L Hatch, have had the same under consideration, and now report the same back and recommend its adoption

Also, Assembly Resolution relative to claim of Journal Clerk of Assembly, for finishing, comparing, and ruling Journal, have had the same under consideration, and now report the same back and recommend its adoption

Also, Assembly Resolution relative to claim of Washington Thomas, as Rear Porter of the Assembly, have had the same under consideration, and now report the same back and recommend its adoption

Also, Assembly Resolution relative to claim of Assistant Clerk of Judiciary Committee, have had the same under consideration, and now report the same back and recommend that the same be adopted.

Your committee would further report that they have had Assembly resolution relative to the Engrossing Clerk, allowing him the same amount as the Clerks at the desk, under consideration, and now report the same back and recommend its adoption

Also, your committee recommend the adoption of the following resolution

Resolved, That A. N. Buchanan, Assistant Journal Clerk, be allowed two dollars per diem from the date of his appointment, as extra pay for work over hours, and for extra services performed by him, payable out of the Contingent Fund of the Assembly

J. B. PATTERSON, Chairman.

RESOLUTION.

By Mr. Leake:

Resolved, That the Speaker of this House be requested to notify his Excellency the Governor, that the Assembly will adjourn at twelve o'clock M., to-day, without time, and ascertain if he has any further communication to make to this House.

Laid on the table.

REPORT OF COMMITTEE.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER. Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled Assembly Bill No. 180—An Act to amend section one hundred and seventy-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to Courts of justice, and various officers connected therewith, and to prohibit Justices, Judges of Courts of record, Justices of the Peace, and County Clerks from practicing law or from acting as attorneys or agents in certain cases.

And the same was, at ten o'clock and forty-five minutes A. M., March fourth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled: Assembly Bill No. 175—An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

And the same was, at eleven o clock and thirty minutes A. M., March fourth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended, and adopted as amended, Assembly Concurrent Resolution No. 29—Relative to the adjournment *sine die* of the twenty-fourth session of the Legislature of California.

J. A. ORR, Secretary.

CONSIDERATION OF SENATE MESSAGE.

The Senate amendment to Assembly Concurrent Resolution No. 29, above reported, was read, as follows: "Provided, that no additional bills shall be passed except those now under discussion"

The ayes and noes, on concurrence therewith, were demanded by Messrs. Del Valle, Paulk, and Coleman.

The roll was called, and Senate amendment concurred in by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Cannon, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Freet, Garnty, Gay, Gilmore, Hartson, Hendrick, Holtt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, May, McCallum, McClure, McDonald, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—58.

NOES—Messrs Arick, Burns, Coleman, Cunningham, Fraser, Gavigan, Geary, Hale, Hinshaw, Howard, Jackson, Mathews of Tehama, Matthews of San Benito, McMurray, O'Connor, Paulk, Pinder, Platt, and Sargent—19.

The consideration of Senate amendment to Assembly Bill No. 475—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroads and other property, by the State Board of Equalization and County Assessors, for the purposes of taxation, resumed.

The previous question was demanded by Messrs. Edwards, Jackson, and Paulk.

The ayes and noes were demanded by Messrs. Paulk, Whipple, and Del Valle.

The roll was called, and the House refused to order the main question by the following vote:

AYES—Messrs Arick, Brown, Burns, Cannon, Crank, Daggett, Edwards, Gay, Geary, Gilmore, Hartson, Holtt, Holden, Jackson, Jones, Kellogg, Kilburn, Lane, May, McCallum, McClure, McDonald, Mein, Mudgett, Noonan, Patterson of San Joaquin, Reddick, Reynolds, Streeter, Swift, Wason of Ventura, Wasson of Mono, Young, and Mr. Speaker—34.

NOES—Messrs Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Chandler, Coleman, Crumpton, Cunningham, Del Valle, Felton, Fraser, Freet, Garnty, Gavigan, Griffith, Hale, Hendrick, Hinshaw, Howard, Keating, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, McMurray, Murphy, O'Connor, Patterson of Nevada, Paulk, Pinder, Platt, Samuels, Sargent, Siebe, Van Fleet, Wentz, Wertsbaugher, Whipple, and Wood—42.

RESOLUTION.

By Mr. Leach (by permission):

Resolved, That the Speaker and the Chief Clerk be and are hereby authorized and directed to sign the Journal of the Assembly, when completed by the Journal Clerk, and after the adjournment *sine die* of the Assembly.

Adopted.

MOTION.

Mr. Long moved the adoption of the report of the Committee on Attachés, Employés, and Contingent Expenses, heretofore read.

Carried.

The consideration of Senate amendments to Assembly Bill No. 475 resumed.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 4, 1881.

To the Assembly of the State of California.

I herewith return Assembly Bill No. 108 to your honorable body, without approval, entitled "An Act to amend sections two hundred and four, two hundred and five, two hundred and six, two hundred and eight, two hundred and nine, two hundred and eleven, and two hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure" approved March eleventh, eighteen hundred and seventy-two, relating to selecting, returning, and drawing Grand and trial jurors for the Courts of record in this State.

The Act amends sections two hundred and nineteen and two hundred and forty-one of the said Code, which are not included in the title, and as they are cognate to the other sections amended in the Act, confusion would follow by the approval of the bill as it stands, while constitutional objections also intervene to its approval; I therefore return it for correction of title.

GEORGE C. PERKINS, Governor.

The consideration of Senate amendments to Assembly Bill No. 475 resumed.

The question recurred on concurring therewith.

The ayes and noes were demanded by Messrs. Paulk, Sargent, and Wentz.

The roll was called, and the Speaker declared the House had concurred in the Senate amendments by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Birney, Bost, Brown, Burns, Crank, Daggett, Edwards, Estey, Felton, Garrity, Gavigan, Geary, Gilmore, Hartson, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mason, May, McCallon, McClure, McDonald, Mein, Nooman, O'Connor, Patterson of San Joaquin, Pinder, Reddick, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Young, and Mr. Speaker—39.

NOES—Messrs. Alviso, Baker of Yolo, Branch, Chandler, Coleman, Cunningham, Del Valle, Fraser, Gay, Griffith, Hale, Hendrick, Hinshaw, Jones, Leach, Leake, Lewis, Long, Matthews of San Benito, McMurray, Murphy, Patterson of Nevada, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Wood—32.

Messrs. Mathews, of Tehama, and Kilburn paired, Mr. Kilburn voting aye, and Mr. Mathews no.

Messrs. Camron and Crumpton paired, Mr. Camron voting aye, and Mr. Crumpton no.

REPORT OF STANDING COMMITTEE.

By Mr. Kilburn:

ASSEMBLY CHAMBER, February, 1881.

MR. SPEAKER: Your Committee on Agriculture, Mining, and Mechanic Arts, respectfully submit the following report of the departments of the State University at Berkeley, visited by us on Friday, February second, eighteen hundred and eighty-one.

The Mining and Mechanic Arts College we found well and ably conducted, and every advantage taken of the facilities placed in the hands of the Faculty to give the students a good and substantial knowledge of the course of studies followed in this branch of the institution, and recommend an appropriation of eight thousand dollars, to continue the operation and advance the instruction in these colleges.

In the Agricultural Department your committee was most favorably impressed with the effort to make the instruction, as far as possible, practical as well as theoretical, and deem it essential to the interest of the college that the library should be at once moved to their new quarters in the Bacon building, in order to allow this department to occupy the room originally intended for it. This will provide ample room for the further testing of the soils and waters of the State, which has of necessity been delayed. In connection with this department the practical growing of the various kinds of seeds, grains, vines, and trees, is a most valuable acquisition.

For the further investigation and operation in this department, your committee recommend an appropriation of ten thousand dollars.

Altogether our visit was a most interesting one, it being particularly satisfactory to the committee to note the interest taken in the several departments, and the effort made to make the course of instruction as practical as circumstances will permit.

(Signed) PARIS KILBURN, Chairman,
OSCAR LEWIS,
GEORGE WOOD,
M. McDONALD,
L. C. BRANCH.

RESOLUTION.

By Mr. McClure:

Assembly Concurrent Resolution, relative to authorizing the Chief Clerk to correct a clerical error in the title to Assembly Bill No. 108.

Read and adopted.

The consideration of Senate amendments to Assembly Bill No. 475 resumed.

The Speaker declaring that this was not the final action on the bill, and that the House had concurred in Senate amendments to Assembly Bill No. 475, by a vote of thirty-nine ayes to thirty-two noes.

Mr. Paulk appealed from the decision of the Chair, on the ground that forty-one votes were required for concurrence.

The question recurred as follows: "Shall the decision of the Chair stand as the judgment of the House?"

RECESS.

Pending discussion, at one o'clock P. M., the Speaker declared a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

COMMUNICATION.

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, March 4, 1881.

To Hon. W. H. Parks, Speaker of the Assembly.

SIR: Herewith find a statement showing the amount of stationery delivered to each member and committee of the Assembly.

D. M. BURNS, Secretary of State.

Alviso	$10 46	Estey	$5 65
Arick	5 77	Felton	15 85
Baker, J. E.	4 53	Fraser	8 64
Baker, F. E.	15 01	Freer	7 55
Birney	8 10	Garrity	10 57
Bost	11 63	Gavigan	12 76
Branch	6 35	Gay	13 38
Brown	10 33	Geary	10 50
Burns	3 27	Gilmore	13 99
Camron	10 01	Griffith	10 84
Chandler	4 61	Hale	6 49
Coleman	5 38	Hartson	13 35
Crank	9 84	Hendrick	5 06
Crumpton	3 49	Hinshaw	2 82
Cunningham	5 57	Hoitt	8 40
Daggett	22 11	Holden	12 67
Del Valle	6 72	Howard	3 87
Edwards	15 84	Jackson	13 52

Jones	$7 09	Committee on Agriculture	$10 93
Keating	10 61	Committee on Agriculture, Mining, and Mechanic Arts	1 30
Kellogg	7 56	Committee on Apportionment	14 41
Kilburn	8 13	Committee on Chinese Immigration and Emigration	11 45
Lane	10 09	Committee on Claims	31 99
Leach	9 79	Committee on Corporations	31 00
Leake	11 74	Committee on Commerce and Navigation	10 67
Lewis	7 23	Committee on Counties and County Boundaries	8 43
Long	2 67	Committee on County Governments	53 64
Mason	7 42	Committee on Culture and Improvement of the Grapevine	9 13
Matthews, W. P.	2 77	Committee on Education	26 43
Matthews, J. H	4 09	Committee on Elections	00 00
May	11 44	Committee on Enrollment	7 43
McCallion	16 01	Committee on Fish and Game	7 96
McClure	16 08	Committee on Federal Relations	16 31
McDonald	20 79	Committee on Irrigation	20 21
McMurray	3 57	Committee on Judiciary	51 44
Mein	2 72	Committee on Labor and Capital	00 00
Mudgett	4 25	Committee on Mines and Mining Interests	29 77
Murphy	7 59	Committee on Municipal Corporations	20 58
Noonan	10 25	Committee on Public Expenditures and Accounts	6 88
O'Connor	12 36	Committee on Public Buildings and Grounds	22 80
Parks	14 65	Committee on Public Morals	15 82
Patterson, J. B.	2 67	Committee on Public Printing	4 58
Patterson, Jno.	3 87	Committee on Roads and Highways	4 11
Paulk	4 03	Committee on State Hospitals	17 20
Pinder	14 16	Committee on State Library	15 95
Platt	10 86	Committee on State Prisons	30 48
Reddick	5 83	Committee on Swamp and Overflowed Lands	26 65
Reynolds	9 33	Committee on Ways and Means	42 53
Samuels	4 08	Committee on Water Rights and Drainage	28 36
Sargent	7 80	Committee on Yosemite Big Trees and Forestry	9 32
Siebe	6 78		
Streeter	8 10		
Swift	3 87		
Van Fleet	9 51		
Watkins	2 67		
Wason, M.	5 22		
Wasson, J.	5 47		
Wentz	9 75		
Wertsbaugher	6 12		
Whipple	10 13		
Wood	11 73		
Young	8 52		

The consideration of Senate amendment to Assembly Bill No. 475 resumed.

The question recurred on Mr. Paulk's appeal from the decision of the Chair.

Mr. Hoitt moved to lay the appeal on the table.

The ayes and noes were demanded by Messrs. Paulk, Coleman, and Sargent.

Mr. Arick moved a call of the House.

So ordered.

Quorum present.

Mr. Hale moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question recurred on the motion to lay the appeal on the table.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Burney, Bost, Brown, Burns, Chandler, Daggett, Estey, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hartson, Hoitt, Jackson, Keating, Kellogg, Lane, Leake, Long, May, McCallion, McClure, McDonald, Noonan, O'Connor, Patterson of San Joaquin, Pinder, Reddick, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, and Wood—38.

NOES—Messrs. Baker of Yolo, Branch, Coleman, Cunningham, Del Valle, Griffith, Hale, Hendrick, Hinshaw, Jones, Leach, Lewis, Matthews of San Benito, Patterson of Nevada, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Wasson of Mono, Wentz, and Wertsbaugher—23.

PROTEST.

By Mr. Hale:

MR. SPEAKER: I respectfully protest against the decision and action of the Speaker, made and taken on the fourth day of March, A. D. eighteen hundred and eighty-one, upon Assembly Bill No. 475—Entitled "An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessment of railroads and other property, by the State Board of Equalization and County Assessors, for the purposes of taxation," by which decision and action said bill was declared passed and adopted by said Assembly and so certified by said Speaker. The ground of this protest being that said bill, which after being first passed by this Assembly, on the first day of March, A. D. eighteen hundred and eighty-one, was, on the fourth day of March, eighteen hundred and eighty-one, in a material matter amended by the Senate, and as so amended, was passed by the Senate and returned to this Assembly for its further action. That on the vote taken on the motion to concur in said Senate amendments, and the only action taken by this Assembly on said bill as amended in the Senate whereby it was passed by this Assembly, there was less than a majority of the members of the Assembly voting therefor; and, therefore, said bill having upon such final vote received less than a constitutional majority of the Assembly, I protest as aforesaid, that said bill should have been declared lost.

J. E. HALE.

The Speaker stated that the action on Senate amendments to the bill was not a final action on the bill, and consequently concurrence or non-concurrence in the amendments required a majority vote only.

PROTEST.

By Mr. Griffith:

MR. SPEAKER: The decision of the Speaker and the House to the effect that less than a majority of the whole House can concur in an amendment which may take all the virtue out of a bill, I regard as dangerous. Thus, twenty-one members might concur and a majority of the people not be represented as a necessary consequence. Such decision is certainly not in harmony with our Constitution, nor with our republican institutions. Wherefore I desire to enter my solemn protest against such proceeding.

E. J. GRIFFITH.

March 4, 1881.

PROTEST.

By Mr. Kellogg:

I desire to have my protest entered upon the Journal of this Assembly against the decision of the Speaker in declaring that the Assembly had concurred in the Senate amendments to Bill No. 152, for the reason that the Journal shows that forty-one members did not vote aye in concurring with said amendments.

W. W. KELLOGG, Plumas and Lassen.

Mr. Lane in the chair.

Mr. Van Fleet moved that a committee of three be appointed to wait upon the Governor and, informing him the House would shortly adjourn, ascertain if he had any further communications to make to this Assembly.

Carried.

Messrs. Van Fleet, McCallion, and Freer were appointed such committee.

Mr. Parks in the chair.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, March 4, 1881.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 484—An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture.

Also, Assembly Bill No. 178—An Act to amend section four thousand four hundred and forty-five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—in relation to the funding and refunding of city indebtedness.

Also, Assembly Bill No. 183—An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

Also, Assembly Bill No. 67—An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purposes, and to create a Board of Fire Commissioners.

Also, Assembly Bill No. 368—An Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and fourteen, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-four, one thousand eight hundred and thirty, and one thousand eight hundred and fifty-eight of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to public schools, and to add a new section thereto, to be known as section seventeen hundred and ninety-three, relating to public schools.

GEO. C. PERKINS, Governor.

SENATE MESSAGES.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following: Assembly Bill No. 415—An Act to protect and promote the horticultural interests of the State.

Also, Assembly Bill No. 59—An Act to amend an Act entitled "An Act for the protection of settlers on public lands claimed by the State," approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 249—An Act to amend section four hundred and sixteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to fees for services performed in the office of the Secretary of State.

And concurred in Assembly Concurrent Resolution No. 11—Relative to the grant of the lands of the sixteenth and thirty-sixth sections made to the State of California.

Also, passed Senate Bill No. 360—An Act to amend sections three hundred and fifty-four, one thousand four hundred and eighty-seven, and one thousand four hundred and eighty-eight of the Political Code, relating to State Normal Schools and Boards of Trustees thereof.

Also, concurred in Assembly amendments to Senate Bill No. 130.

C. T. JOHNS, Assistant Secretary.

Senate Bill No. 360, reported above, was laid on the table.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly amendments to Senate Bill No. 44.

Also, on March first, indefinitely postponed Assembly Bill No. 184—An Act to pay the holders of certain Indian war bonds, out of any money appropriated by Congress for the suppression of Indian hostilities, now in the "War Bond Fund" in the State treasury, and not otherwise appropriated.

Also, on this day, passed Assembly Bill No. 202—An Act to provide a State hospital and asylum for miners.

C. T. JOHNS, Assistant Secretary.

RESOLUTION.

By Mr. Leake:

Resolved, That the thanks of this Assembly are hereby tendered to the members and representatives of the Press for their thorough and impartial report of the proceedings of this House, and their uniform courtesy to officers and members of this Assembly.

Adopted.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly Concurrent Resolution No. 30, relative to instructing the Chief Clerk of the Assembly to correct a clerical error in the title of Assembly Bill No. 108.

ED. J. SMITH, Assistant Secretary.

Mr. McClure in the chair.

REPORT.

The committee appointed to wait upon the Governor, appeared at the bar of the House, reported that they had waited upon his Excellency, and that he had made answer that he had no further official communications to make to this body.

Mr. Parks in the chair.

MOTION.

Mr. Leake moved a committee of three members be appointed to wait upon the Senate and ascertain if they had any further communication to make to this body.

Messrs. Leake, Alviso, and Reynolds were appointed such committee.

REPORTS OF COMMITTEE ON ENROLLMENT.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled:

Assembly Bill No. 368—Entitled an Act to amend sections one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty, one thousand five hundred and seventy-seven, one thousand five hundred and ninety-three, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand seven hundred and one, one thousand seven hundred and fourteen, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-four, one thousand eight hundred and thirty, and one thousand eight hundred and fifty-eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public schools, and to add a new section thereto, to be known as section one thousand seven hundred and ninety three, relating to public schools, and the same was, at eleven o'clock and forty-five minutes A. M., March fourth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled:

Assembly Bill No. 293—Entitled an Act to amend an Act entitled an Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property.

Also, Assembly Bill No 249—Entitled an Act to amend section four hundred and sixteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to fees for services performed in the office of the Secretary of State

Also, Assembly Bill No. 415—Entitled an Act to protect and promote the horticultural interests of the State

Also, Assembly Concurrent Resolution No. 19—Relative to asking Congress to appropriate money from the General Government for the dredging of Napa River, between Mare Island and the City of Napa.

Also, Assembly Bill No. 103—Entitled an Act to enable purchasers of State lands to redeem the same where their titles have been or may hereafter be foreclosed for non-payment of interest.

Also, Assembly Bill No 431—Entitled an Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York in eighteen hundred and eighty-three

Also, Assembly Concurrent Resolution No. 15—Relative to the destruction of forests in this State

Also, Assembly Bill No. 483—Entitled an Act to facilitate the equalization of assessments in reclamation districts.

And the same were, at three o'clock and five minutes P. M., March fourth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly bills have been correctly enrolled

Assembly Bill No 202—Entitled an Act to provide a State hospital and asylum for miners.

Also, Assembly Bill No. 59—Entitled an Act to amend an Act entitled an Act for the protection of settlers on public lands claimed by the State, approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Concurrent Resolution No. 11—Relative to the grant of the lands of the sixteenth and thirty-sixth sections made to the State of California.

Also, Assembly Concurrent Resolution No 18—Relative to requesting Congress to make an appropriation for the improvement of the harbor and outlet of Clear Lake, California

And the same were, at three o'clock and fifty-five minutes P M., March fourth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1881.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled:

Assembly Bill No 475—An Act to amend an Act entitled 'An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to assessments of railroads and other property by the State Board of Equalization and County Assessors for the purpose of taxation.

And the same was, at four o'clock and thirty-five minutes P. M., March fourth, eighteen hundred and eighty-one, presented to the Governor for his approval.

WARKINS, Chairman

The committee appointed to wait upon the Senate and ascertain their pleasure, appeared and reported that the Senate would shortly communicate with this body by a special committee.

SENATE MESSAGE.

The Senate, by the Secretary of the Senate, made verbal report to the Assembly that they had no further communication to make to the Assembly.

THE VALEDICTORY.

THE SPEAKER Gentlemen of the Assembly: The last duty that devolves upon me as Speaker of this session is now about to be discharged, and before we part I desire to express my grateful acknowledgments to each and every member of this body for the courtesy they have extended to me, and for their aid in preserving the order, the decorum, and the dignity of this House. I have been taught many years ago to believe that it was impossible for one man to govern a body

without its consent Therefore whatever credit may be given to the Chairman for the order of this House, it must be shared largely with its members. It has been demonstrated frequently, in our sharp contests, but good-natured, that without the consent of the members no presiding officer could have preserved order. Therefore, I say, I desire to tender to you—to each of you—my heartiest thanks for your assistance

I desire to extend my thanks to the officers of this body and to the attachés. I believe it has not become my duty during the whole session to reprimand any of them or even call the attention of one of them to their duty. Each has executed his part well. And, now, it remains for us only to adjourn and return to our constituents, there to receive the approval or disapproval that awaits us I believe that this body has performed its duty well It may not have done all it ought to have done, but it has done nothing, in my opinion, nothing inimical to the best interests of the State. The short period allotted to us in which to legislate has proven conclusively to me, and I presume to you all, that sixty days is too short a period in which to consider the great subjects that are now before us. And if we had to take up the measures that are yet left without legislation, we must necessarily have been hasty in our conclusions and perhaps the result would have been much worse than the failure to enact the laws at all. When men are called upon to enact laws involving the interests of individuals, associations, and communities under which men are tried for their honor, their lives, and their property, it requires deliberation—serious deliberation When you are called on to legislate upon such questions as the proper distribution of political power, giving to each section of the country its proper representation, when you come to enact laws for the government of cities, where all the diversity of interests is concerned, from the highest to the lowest, it must take time When you come to legislate upon the government of your different sections of country, your county governments, that regulate all the internal affairs of the State, fixing the tenure of office, that requires time That has been left until another day, and I believe wisely so.

I am not one of those to accede to the clamor that we should have hastily passed upon these measures, and given the people laws that would have been unsatisfactory to them after their enactment I believe that our constituents, whenever they come to review the matter, will say that it is better that these interests were segregated from general legislation, and a sufficient time taken, even if the expense should be a little greater That every member here has been actuated by the purest motives, I have no doubt We have been partisan to some extent—not in a political sense, because that has hardly entered this hall this session—but partisan on measures, and at times have been heated, each thinking the other persistent, perhaps, in his opinion; each thinking the other wrong, but they were friendly contests, and when in our sober thoughts we come to weigh each other's intentions, I think we will each consider that they were honorable, right and just.

I can say this, gentlemen, because I have occupied this chair almost entirely during the session, not participating in the debates and discussions upon the floor. I have watched your proceedings carefully, and I am willing to accord to each of you that you have acted honorably and faithfully to your constituents, each striving with the other to so act that his own immediate neighborhood should be well represented, without intending to encroach upon the interests of the State at large. Now, as the time has arrived when we must adjourn, I hope that we may soon be called together again to legislate upon those matters which we have concluded to postpone, and that each will return here revived from the sixty days of labor ready to perform these duties. Until that time comes I bid you farewell, gentlemen. I declare the House adjourned *sine die*.

ADJOURNMENT.

At the hour of five o'clock P. M., pursuant to the terms of Assembly Concurrent Resolution heretofore adopted, the Speaker's gavel fell, and the twenty-fourth session of the Assembly of the State of California was declared adjourned *sine die*.

W. H. PARKS,
Speaker of the Assembly.

G. E. McSTAY, Chief Clerk.
F. N. PAULY, Minute Clerk.

JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

EXTRA SESSION.

CALIFORNIA LEGISLATURE—ASSEMBLY.

TWENTY-FOURTH (EXTRA) SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, April 4, 1881.

Pursuant to the terms of the proclamation issued by his Excellency Governor George C. Perkins, the Assembly of the State of California convened in extra session on the fourth day of April, eighteen hundred and eighty-one, at the hour of twelve o'clock M., and was called to order by Speaker Parks.

Chief Clerk George E. McStay, Sergeant-at-Arms E. Walters, Minute Clerk F. N. Pauly, and the several other officers and clerks of the Assembly, occupied their respective positions.

The roll was called, and the following members answered to their names:

Messrs. Alviso, Baker of Yolo, Bost, Brown, Burns, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garnity, Gavigan, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin Paulk, Pinder, Platt, Reddick, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer was offered by the Chaplain, Rev. Mr. Deal.

The proclamation of the Governor, under which the Legislature convened, was read by the Clerk, as follows:

PROCLAMATION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

WHEREAS, It is considered by me that an extraordinary occasion now exists for convening the Legislature, now, therefore, under and by virtue of the authority in me vested by section nine, of article five, of the Constitution of the State of California, I do hereby convene the Legislature in extra session for a period of twenty days, at the State Capitol, on Monday, the fourth day of April, A. D. eighteen hundred and eighty-one, at the hour of twelve o'clock M.

The purposes for which I have by this proclamation convened the Legislature in extra session aforesaid are as follows:

First—To enact a general appropriation bill, which shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State, for the thirty-third and thirty-fourth fiscal years.

Second—To levy the rates of taxation, or, in the discretion of the Legislature, to provide that the State Board of Equalization shall fix such an ad valorem rate of taxation upon each one hundred dollars of taxable property of this State, which, after allowing the per cent. required by law to be allowed for delinquencies in and cost of collection of taxes, shall be sufficient to raise the specific amount of revenue determined upon and directed to be raised by the Legislature for the thirty-third and thirty-fourth fiscal years.

Third—To appropriate money to pay the deficiencies in appropriations for the support of the civil government of this State for the thirty-first and thirty-second fiscal years.

Fourth—To divide the State into Senatorial, Assembly, and Congressional Districts.

Fifth—To enact a general road law

Sixth—To send appointments to the Senate for their confirmation.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed, at Sacramento, this twenty-fourth day of March, in the year of our Lord eighteen hundred and eighty-one.

[SEAL.]

GEORGE C. PERKINS, Governor.

By the Governor:

D. M. BURNS, Secretary of State.

RESOLUTION.

By Mr. Hoitt:

Resolved, That the Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated March twenty-fourth, A. D. eighteen hundred and eighty-one, and ready for the transaction of legislative business.

Mr. Kellogg offered the following substitute:

Resolved, That we do now proceed with the organization of the Assembly by the election of a Speaker, Chief Clerk, Assistant Clerk, Journal Clerk, Minute Clerk, Engrossing Clerk, Sergeant-at-Arms, Assistant Sergeant-at Arms, and Postmaster.

Mr. Wason, of Ventura, in the chair.

The previous question was demanded by Messrs. Platt, Jackson, and Van Fleet.

Upon which the ayes and noes were demanded by Messrs. Gilmore, Howard, and Coleman.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Alviso, Bost, Brown, Camron, Chandler, Crank, Cunningham, Daggett, Del Valle, Felton, Fraser, Hendrick, Hoitt, Holden, Jackson, Jones, Kilburn, Leake, Lewis, Long, Mason, May, McMurray, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Samuels, Stteeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, and Wood—38.

NOES—Messrs. Baker of Yolo, Burns, Coleman, Edwards, Estey, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Howard, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, Noonan, O'Connor, Paulk, Pinder, Sargent, and Young—27.

The question recurred on the adoption of Mr. Kellogg's substitute.

The ayes and noes were demanded by Messrs. Coleman, Howard, and Garrity.

The roll was called, and the substitute rejected by the following vote:

AYES—Messrs. Burns, Camron, Coleman, Del Valle, Edwards, Fraser, Garrity, Gavigan, Geary, Gilmore, Holden, Howard, Kellogg, McCallion, McClure, O'Connor, and Pinder—17.

NOES—Messrs Alviso, Baker of Yolo, Bost, Brown, Chandler, Crank, Cunningham, Daggett, Estey, Felton, Freer, Hale, Hendrick, Hinshaw, Hoitt, Jackson, Jones, Keating, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McMurray, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reddick, Samuels, Sargent, Stteeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Young—47.

The question recurred upon Mr. Hoitt's resolution.

The ayes and noes were demanded by Messrs. Burns, Lane, and Jones.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Alviso, Bost, Brown, Burns, Chandler, Crank, Daggett, Estey, Fraser, Freer, Hale, Hendrick, Hoitt, Jackson, Jones, Kilburn, Lane, Leake, Long, Mason, May, McMurray, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—36.

NOES—Messrs. Baker of Yolo, Cameron, Coleman, Cunningham, Del Valle, Edwards, Felton, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Kellogg, Lewis, Mathews of Tehama, Matthews of San Benito, McCallion, Noonan, O'Connor, Paulk, Pinder, Samuels, Sargent, and Whipple—28.

Mr. Jackson moved we do now take a recess for one hour.

The ayes and noes were demanded by Messrs. Leake, Whipple, and Garrity.

Speaker Parks in the chair.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bost, Cunningham, Felton, Freer, Hale, Jackson, Jones, Kellogg, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, Patterson of Nevada, Reddick, Streeter, Watkins, Wason of Ventura, Wasson of Mono, and Wood—20.

NOES—Messrs. Baker of Yolo, Brown, Burns, Cameron, Chandler, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Howard, Keating, Kilburn, Lane, Leake, May, McCallion, McMurray, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Samuels, Sargent, Van Fleet, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—45.

RESOLUTIONS.

By Mr. Leake:

Resolved by the Assembly, the Senate concurring, That a joint committee, consisting of three members of the House and two of the Senate, be appointed to wait upon his Excellency the Governor, and inform him that the Legislature is now duly organized and ready for the transaction of business.

Read and laid on the table.

By Mr. Felton:

Resolved, That the Clerks and Porters of all committees of this Assembly, except the Committees on Ways and Means, Apportionment, and Roads and Highways, are hereby discharged.

Mr. Freer moved to amend so as also to except the Judiciary Committee.

Mr. Howard moved to adjourn.

Lost.

The amendment offered by Mr. Freer was lost.

The question recurred on the adoption of Mr. Felton's resolution.

Mr. Edwards moved to amend so as to discharge all committee Clerks, and all committee Porters.

Lost.

Mr. Felton's resolution was then adopted.

ADJOURNMENT.

At one o'clock and forty minutes, on motion of Mr. Gavigan, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, April 5, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallon, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Three days leave of absence was granted to Mr. Felton, and indefinite leave of absence to Messrs. Del Valle and Murphy.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

The Journal of yesterday read and approved.

RESOLUTION.

By Mr. Leake:

Resolved, That a committee of three be appointed to wait upon his Excellency the Governor, and inform him that this Assembly is now organized, and ready for the transaction of legislative business.

Adopted.

APPOINTMENT.

The Speaker appointed Messrs. Leake, Hoitt, and Alviso as a committee to wait upon the Governor pursuant to above resolution.

INTRODUCTION OF BILLS.

By Mr. McClure:
An Act to divide the State of California into Senatorial and Assembly Districts.
Mr. Reynolds moved the rules be suspended and the bill be now read the first time.
The ayes and noes were demanded by Messrs. McCallion, Gilmore, and Jackson.
The roll was called, and the motion was declared lost by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Camron, Chandler, Crank, Edwards, Estey, Fraser, Freer, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—36.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Crumpton, Cunningham, Daggett, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallum, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, and Wood—38.

Mr. Sargent being paired with Mr. Murphy. Mr. Sargent would have voted aye, and Mr. Murphy no.

The bill was referred to the Committee on Apportionment.

By Mr. Griffith: An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundered and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March

twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Referred to Committee on Roads and Highways.

By Mr. Baker of Sacramento: An Act concerning roads and highways in this State.

Referred to Committee on Roads and Highways.

By Mr. May: An Act to divide the State of California into Congressional Districts.

Referred to Committee on Apportionment.

Also:

An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction, during the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also:

An Act making an appropriation for deficiency in the stationery, fuel, lights, etc., fund, for the fiscal year ending June thirtieth, eighteen hundred and eighty-one.

Referred to Committee on Ways and Means.

GOVERNOR'S MESSAGE.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, April 4, 1881.

To the Assembly of the State of California:

I herewith transmit to your honorable body a copy of an executive proclamation, calling an extra session of the Legislature, and accompanying message.

GEO. C. PERKINS, Governor.

PROCLAMATION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

WHEREAS, It is considered by me that an extraordinary occasion now exists for convening the Legislature, now, therefore, under and by virtue of the authority in me vested by Section 9, of Article V, of the Constitution of the State of California, I do hereby convene the Legislature in extra session for a period of twenty days, at the State Capitol, on Monday, the fourth day of April, A. D eighteen hundred and eighty-one, at the hour of twelve o'clock M.

The purposes for which I have by this proclamation convened the Legislature in extra session aforesaid, are as follows:

First—To enact a general appropriation bill, which shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State, for the thirty-third and thirty-fourth fiscal years

Second—To levy the rates of taxation, or, in the discretion of the Legislature, to provide that the State Board of Equalization shall fix such an ad valorem rate of taxation upon each one hundred dollars of taxable property of this State, which, after allowing the per cent. required by law to be allowed for delinquencies in and cost of collection of taxes, shall be sufficient to raise the specific amount of revenue determined upon and directed to be raised by the Legislature for the thirty-third and thirty-fourth fiscal years.

Third—To appropriate money to pay the deficiencies in appropriations for the support of the civil government of this State for the thirty-first and thirty-second fiscal years

Fourth—To divide the State into Senatorial, Assembly, and Congressional Districts.

Fifth—To enact a general road law.

Sixth—To send appointments to the Senate for their confirmation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the State of California to be affixed, at Sacramento, this twenty-fourth day of March, in the year of our Lord eighteen hundred and eighty-one.

[Seal.] GEORGE C. PERKINS, Governor.

By the Governor:

D. M. BURNS, Secretary of State.

To the Senate and Assembly of the State of California:

Section 9, of Article V, of the Constitution, empowers the Executive to convene the Legislature on "extraordinary occasions," stating the purpose for which he so convenes it, and prohibiting the Legislature from legislating on any subjects other than those specified in the proclamation.

For the first time in the history of the State has this power been exercised. It is due to your honorable body, as well as to the people whom you represent, that the reasons urging this extra session should be given. Prior to the adoption of the new Constitution the session of the Legislature was fixed at a period of one hundred and twenty days. Under our present organic law it is limited to sixty days. It was supposed that the abolishing of special legislation would have a tendency to materially reduce the number of bills which this character of legislation necessarily required, and comprise in very small compass the duties of general legislation.

The Legislature, at its twenty-second session—the last one under the old Constitution—had introduced in the Assembly eight hundred and fifty-six bills, and in the Senate six hundred and eighty-eight, the session, as has been stated, being one hundred and twenty days. At the last session (the twenty-fourth), under the new Constitution, there were introduced in the Assembly five hundred and twelve bills, and in the Senate three hundred and sixty-eight bills, being about the same ratio But a provision in our present Constitution, which has been judicially determined, compels three separate readings of bills in full, unless dispensed with by a two-thirds vote of the House in which the bill may be pending, and then only on the ground of urgency.

The sixty-day term includes Sundays, which, deducted, leaves but fifty-one working days To this we must add the time occupied in organizing, appointment of committees, and all

necessary preparatory work requisite for large deliberative bodies to act systematically, and with some appearance, at least, of established method Taking into consideration all of these drawbacks, the wonder is, that so much has been accomplished, and not that so little has been done.

The failure, under the circumstances, to meet the required demand for legal enactments on subjects calling for legislative action, has been the theme of considerable comment, and I know of no better or surer method of obviating this difficulty, and enabling the Legislature at its future sessions to dispose of all matters presented for their consideration, than in the appointment of a commission to revise, codify, and put in shape and form the several Codes on the subjects incidental to their respective parts. A commission selected with a view to this end, would present their labors in a compact and well defined body of laws. Understanding the character of the whole work, they would be better able to comprehend its several parts, and adjust and fit them in their proper places. An accurate system of laws would be the result of their labors, and the intent and spirit of the new Constitution would meet with a proper and clear interpretation. While you may not be permitted to enact any law authorizing the appointment of such a commission at the present time, you can, however, give expression of your opinion by resolution, through which the Executive may act, and be ready at the next regular session of the Legislature to present, in well digested and prepared bills, the necessary changes demanded by the alterations in our constitutional form.

The causes which compel me to convene your honorable body again in extra session at this time are set forth in my proclamation of the twenty-fourth of March, of which the following is a copy:

"*First*—To enact a general appropriation bill, which shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State, for the thirty-third and thirty-fourth fiscal years.

"*Second*—To levy the rates of taxation, or, in the discretion of the Legislature, to provide that the State Board of Equalization shall fix such an ad valorem rate of taxation upon each one hundred dollars of taxable property of this State, which, after allowing the per cent. required by law to be allowed for delinquencies in and cost of collection of taxes, shall be sufficient to raise the specific amount of revenue determined upon and directed to be raised by the Legislature for the thirty-third and thirty-fourth fiscal years.

"*Third*—To appropriate money to pay the deficiencies in appropriations for the support of the civil government of this State for the thirty-first and thirty-second fiscal years.

"*Fourth*—To divide the State into Senatorial, Assembly, and Congressional Districts.

"*Fifth*—To enact a general road law

"*Sixth*—To send appointments to the Senate for their confirmation."

The necessity for the passage of a law on the first proposition named will be found in Section 22, Article IV, of the Constitution, viz.

"No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn by the Controller."

Section 433, Subdivision 17, Political Code, defining the duties of the Controller, says:

"To draw warrants on the Treasurer for the payment of moneys directed by law to be paid out of the treasury, but no warrant must be drawn unless authorized by law, and upon unexhausted specific appropriation provided by law to meet the same."

It is thus clearly seen, that only by and through legislative action can the expenses of the civil government of the State be paid. This omission of the last session is of itself a cause for an extraordinary convening of your honorable body The remedy is alone in your hands. Constitutional and statutory law alike locks the door of the treasury, and only the key of legislation can open it to dispense its treasure in the support of the State institutions. The second proposition requires you to levy the rate of taxation, or to authorize the Board of Equalization to fix a rate sufficient to meet the demands as appropriated by you. The principle involved was arrived at by our Anglo-Saxon ancestors long before the date of our Declaration of Independence, that is, the power to levy a tax can be exercised only by the direct representatives of the people, duly elected and lawfully assembled. Therefore, without your legislative action no revenue can be derived for the ensuing two years to provide for the support of our Courts, public schools, orphan asylums, prisons, and other State institutions This would be a calamity that every good citizen who feels an interest in the State desires to see averted.

In regard to the third purpose named I hold it the sacred duty of the State to be scrupulously honorable in its dealings with its citizens—remembering that the creditor of the State has no recourse to recover any debt from it unless by legislative permission. Claims for labor and material performed and furnished the State during the past two years on exhausted appropriations, allowed by the Board of Examiners as just and legal, await your action for their payment, and unless passed upon now must go over for two years. The hardship and injustice which such treatment would occasion, by a neglect to cancel these obligations, would result disastrously to many of those directly interested I believe the same rule on a business proposition should apply to the State as to the individual citizen, that is, to incur no indebtedness that is not warranted by the necessities of the occasion, or that is not demanded by the people, but when the obligation has been lawfully incurred, we should in honor promptly meet it at maturity.

It will also be required of you to make additional appropriations in some of the items contained in the general appropriation bill for the support of the government for the thirty-second fiscal year, such as for the transportation of the insane, and for prisoners, for expenses of the

Supreme Court, for official advertising, etc., all of which appropriations were underestimated and are now exhausted.

"The census taken under the direction of the Congress of the United States, in the year eighteen hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature *shall*, at its first session after each census, adjust such districts, and reapportion the representation so as to preserve them as nearly equal in population as may be."

The same section makes it obligatory upon the Legislature to divide the State into forty Senatorial and eighty Assembly Districts.

This is a question that directly concerns the civil rights of the people of the State. The right of representation is the keystone in the arch of a republican form of government; and great care should be exercised that the interest of all may be equally and fairly represented. This adjudication is entirely in your hands, and I have every confidence you will consider it in the light of justice and impartiality.

The division of the State into Congressional Districts will also require your attention. The great area of our State, its immense coast bordering on the Pacific Ocean, its inexhaustible mineral wealth, its great agricultural and other diversified interests, with an increase of population, gives us additional representation in the National Council. The bill that passed one branch of Congress at its last session—and which will doubtless become a law—entitles California to six members of Congress. I am of the opinion the State should be divided into six Congressional Districts; but to guard against a possible contingency, an alternate bill may be passed providing for the districting of the State into five Congressional Districts, to be availed of should California be allowed but five Congressmen.

In calling your attention to the passage of a general road law, I was governed by the fact that all special road laws have been repealed by the new Constitution, and that the general road law passed at the twenty-third session has been declared void and of no force. The lack of a proper system governing and controlling our public highways has given rise to considerable trouble and much annoyance, and it was almost the unanimous wish of every county in the State—especially those devoted to agriculture—that I should request you to devise a plan which would permit each county to understandingly direct and exercise its supervision over its system of public highways.

It has been suggested that in order to avoid in the future the necessity of calling an extra session of the Legislature, that various amendments to the Constitution should be proposed at this session. But I have not deemed it expedient to include them, for the reason that the new organic law has been but recently adopted by a large majority of the people of the State; and I believe it should have a fair and impartial trial, both in spirit and letter, before any change is attempted.

I have also been urged to include in the call for an extra session many other subjects that are of great importance to the State, and upon which legislation is doubtless required. But your honorable body having adjourned its regular session at the expiration of the term named by the Constitution without taking action upon them, I can but assume that you do not consider the measures of sufficient importance to demand your legislative attention at this time. I have, therefore, felt at liberty to name only those subjects which I deem imperative in order to maintain the honor and dignity of the commonwealth.

The purposes for which you have been convened, although important and absolutely necessary in order to maintain the State government, are, nevertheless, of a character easily solved, and will not, I trust, occupy much of your time.

Respectfully,

GEORGE C. PERKINS, Governor.

RESOLUTIONS.

By Mr. Griffith:

Resolved, That the Apportionment Committee be increased by the addition of six members, raising the number from nine to fifteen.

Laid over one day, and referred to the Committee on Rules.

By Mr. Jackson:

Resolved, That the Committee on Roads and Highways be increased by adding five members to it.

Laid over one day, and referred to Committee on Rules.

INTRODUCTION OF BILLS—RESUMED.

By Mr. Daggett: An Act making appropriations for the support of the Government of the State of California, for the thirty-third and thirty-fourth fiscal years.

Mr. Lane moved to suspend the rules and read the bill the first time.

ADJOURNMENT.

Pending discussion of above motion, at twelve o'clock and fifty-five minutes, Mr Van Fleet moved to adjourn.

The ayes and noes were demanded by Messrs. Platt, Kellogg, and Gavigan.

The roll was called and the motion carried, by the following vote:

AYES—Messrs. Alviso, Baker of Sacramento, Birney, Bost, Camron, Chandler, Coleman, Daggett, Edwards, Estey, Fraser, Garnity, Gay, Geary, Gilmore, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Kilburn, Leach, Leake, Lewis Long, May, McCallum, McClure, Mein, *O'Connor, Patterson of Nevada, Patterson of San Joaquin*, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Young, and Mr. Speaker—52.

NOES—Messrs Arick, Baker of Yolo, Branch, Burns, Crumpton, Cunningham, Gavigan, Griffith, Keating, Kellogg, Lane, Mason, Mathews of Tehama, Matthews of San Benito, McMurray, Mudgett, Noonan, Platt, Warkins, Wentz, and Wood—21.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, April 6, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Edwards, Estey, Fraser, Freer, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr. Reddick had indefinite leave of absence granted on account of sickness.

READING AND APPROVAL OF THE JOURNAL.

Mr. Hoitt moved that further reading of the Journal be dispensed with.

Lost.

Pending further reading of the Journal of yesterday, Mr. Estey moved that further reading of the Journal be dispensed with.

So ordered.

At eleven o'clock and ten minutes A. M., Mr. Jackson moved to adjourn.

Lost.

REPORT OF COMMITTEE ON RULES.

By Mr. Fraser:

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1881.

MR. SPEAKER: The Committee on Rules, to whom was referred resolutions increasing the Committee on Apportionment to fifteen, and the Committee on Roads and Highways to eleven members—respectfully report the same back, and recommend that the Committee on Apportionment be increased by adding two members thereto, and that the Committee on Roads and Highways be increased by adding three members thereto.

FRASER, Chairman.

The following resolution reported above was read:

Resolved, That the Apportionment Committee be increased by the addition of six members, raising the number from nine to fifteen.

The amendment recommended by the committee adopted.
The resolution as amended was then adopted.
The second resolution reported above read as follows:

Resolved, That the Committee on Roads and Highways be increased by adding five members to it.

The amendment recommended by the committee lost.
The resolution was then adopted.

INTRODUCTION OF BILLS.

An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years. Introduced by Mr. Daggett yesterday.

Withdrawn.

By Mr. May: An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years.

Mr. McClure moved that the rules be suspended, and the bill read first time.

Upon which motion the ayes and noes were demanded by Messrs. Paulk, Arick, and Gilmore.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Hartson, Hendrick, Himshaw, Hoitt, Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pindel, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Wood, Young, and Mr. Speaker—68.

NOES—Messrs. Baker of Yolo, Crumpton, Gilmore, Griffith, and Paulk—5.

The bill read first time and referred to Committee on Ways and Means.

By Mr. Platt: An Act to divide the State into Senatorial and Assembly Districts, and provide for the election of Senators and Assemblymen therein.

Referred to the Committee on Apportionment.

By Mr. May: An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political

Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Mr. McClure moved the rules be suspended and the bill read first time.

So ordered.

The bill read first time and referred to the Committee on Ways and Means.

By Mr. May: An Act making appropriation to pay deficiencies for the support of the government of the State of California for the thirty-first fiscal year.

Mr. Hoitt moved the rules be suspended, and the bill read the first time.

So ordered.

The rules suspended, bill read first time, and referred to the Committee on Ways and Means.

By Mr. May: An Act making appropriations to pay deficiencies for the support of the government of the State of California, for the thirty-second fiscal year.

The rule was suspended, the bill read first time, and referred to the Committee on Ways and Means.

By Mr. Wasson, of Mono: An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges, during the thirty-first fiscal year.

The rule was suspended, the bill read first time, and referred to the Committee on Ways and Means.

By Mr. Griffith: An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred

and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six

hundred and seventy-one, two thousand six hundred and seventy-two, and two thousand six hundred and seventy-three.

Referred to Committee on Roads and Highways.

By Mr. Hendrick: An Act to divide the State of California into Congressional Districts.

Referred to Committee on Apportionment.

APPOINTMENTS.

The Speaker announced the following appointments of additional members of the Committee on Roads and Highways: Messrs. Baker, of Sacramento, Baker, of Yolo, Griffith, Crank, and Gay.

On Apportionment: Messrs. Platt and Van Fleet.

REPORT OF COMMITTEE ON MILEAGE.

By Mr. Mason: Report of Committee on Mileage of members of Assembly:

MR. SPEAKER: Your committee appointed to ascertain amounts due the members of this House for mileage, beg leave to report that the following amounts are due members of this House for mileage to and from their residences to the Capitol at Sacramento, for the extra session of the California Legislature. We have taken the legal distances as established by part two, title three, of the Political Code, as amended, as a basis, and have calculated the mileage and amounts in accordance with the provisions of the statutes

NAME	County	Miles	Amount
Alviso, Valentin	Alameda	182	$18 20
Arick, R. E	Kern	556	55 60
Baker, J. E.	Sacramento	120	12 00
Baker, F. E.	Yolo	40	4 00
Birney, T. C.	Tuolumne	200	20 00
Bost, J. W.	Merced	228	22 80
Branch, L. C.	Stanislaus	154	15 40
Brown, J. P	Yuba	194	19 40
Burns, Jno.	San Francisco	168	16 80
Camron, W. W.	Alameda	182	18 20
Chandler, A. L.	Sutter	76	7 60
Coleman, C.	Alpine	450	45 00
Crank, J. F.	Los Angeles	980	98 00
Crumpton, H. J.	Lake	408	40 80
Cunningham, J. F.	Santa Cruz	410	41 10
Daggett, Jno.	Siskiyou	570	57 00
Del Valle, R. F.	Los Angeles	956	95 60
Edwards, L. B.	Alameda	182	18 20
Estey, G. L.	Marin	216	21 60
Felton, C. N.	San Mateo	210	21 00
Fraser, Thos.	El Dorado	122	12 20
Freer, L. D.	Butte	156	15 60
Garnity, P.	San Francisco	168	16 80
Gavigan, W. J.	San Francisco	168	16 80
Gay, M. H.	Santa Clara	256	25 60
Geary, D.	San Francisco	168	16 80
Gilmore, J. H.	San Francisco	168	16 80
Griffith, E. J.	Fresno	338	33 80
Hale, J. E.	Placer	74	7 40
Hartson, C.	Napa	122	12 20
Hendrick, E. W	San Diego	1 132	113 20
Hinshaw, E. C.	Sonoma	314	31 40
Hoitt, I. G.	San Francisco	168	16 80
Holden, Wm.	Mendocino	410	41 00
Howard, M. B.	San Francisco	168	16 80
Jackson, H. J	San Francisco	168	16 80
Jones, J. P.	Contra Costa	178	17 80

Name	County	Miles	Amount
Keating, Ed.	San Francisco	165	$16 80
Kellogg, W. W.	Plumas	272	27 20
Kilburn, P.	Monterey	392	39 20
Lane, M	San Francisco	168	16 80
Leach, T. E	Solano	120	12 00
Leake, E E.	Solano	40	4 00
Lewis, Oscar	San Francisco	168	16 80
Long, W. D	Nevada	142	14 20
Mason, W B	Del Norte	728	72 80
Mathews, W P	Tehama	246	24 60
Matthews, J. H.	San Benito	436	43 60
May, W. B.	San Francisco	168	16 80
McCallion, J. J.	San Francisco	168	16 80
McClure, David	San Francisco	168	16 80
McDonald, J. W	San Francisco	168	16 80
McMurray, J. N.	Trinity	434	43 40
Mem, Thos.	Nevada	142	14 20
Mudgett, G C	Humboldt	652	65 20
Murphy, P. W.	San Luis Obispo	566	56 60
Noonan, J G.	San Francisco	168	16 80
O'Connor, T	San Francisco	168	16 80
Parks, W. H.	Yuba	104	10 40
Patterson, J. B	Nevada	162	16 20
Patterson, John	San Joaquin	120	12 00
Paulk, C C	San Joaquin	96	9 60
Pinder, T J.	San Francisco	168	16 80
Platt, H G.	San Francisco	168	16 80
Reddick, J. B	Calaveras	146	14 60
Reynolds, John	Santa Clara	256	25 60
Samuels, James	Sonoma	370	37 00
Sargent, R C	San Joaquin	96	9 60
Siebe, J. D	San Francisco	168	16 80
Streeter, H M.	San Bernardino	1,196	119 60
Swift, C. B	Amador	94	9 40
Van Fleet, W. C.	Sacramento		
Watkins, C.	Amador	118	11 80
Wason, M.	Ventura	802	80 20
Wasson, Jos	Mono	632	63 20
Wentz, C.	Santa Clara	322	32 20
Wertshaugher, J. C	Butte	206	20 60
Whipple, E. L	Sonoma	282	28 20
Wood, George	Sierra	308	30 80
Young, J. N	Sacramento		

Your committee would respectfully recommend the adoption of the following resolution:

Resolved, That the Controller be ordered to draw warrants in favor of the above named persons for the amount set opposite each of their names respectively, and that the Treasurer pay the same from the moneys appropriated to the General Fund for the per diem and mileage of Assemblymen for the thirty-second fiscal year, extra session.

Your committee beg leave, further, to submit the following

WHEREAS, Application has been made to the Mileage Committee by the several clerks of this body for an allowance for mileage, for attendance on the extra session; and, whereas, your committee are in doubt regarding the legality of said claim, your committee would respectfully recommend the adoption of the following resolution:

Resolved, That the Judiciary Committee of this House be instructed to give to this House its opinion as to what officers and attachés connected therewith, if any, are entitled to receive mileage for attendance upon this extra session of the Legislature, to report same at as early a day as convenient.

MASON, Chairman

The report read, and the question being upon its adoption, it was rejected.

Mr. Estey moved to reconsider the vote by which the above report was rejected.

So ordered.

Mr. Fraser moved to lay the report on the table until to-morrow Lost.

The report was then adopted.

Mr. Camron gave notice of the meeting of the Committee on Apportionment, at four o'clock P. M. to-day.

RESOLUTIONS.

By Mr. Estey:

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms for the sum of one hundred dollars, to pay Post Office box rent, ice bills, and repairs to desks, locks, and chairs; the same to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Patterson, of Nevada:

Resolved, That the sum of twenty-five dollars be allowed each member of the Assembly for contingent expenses, payable out of the fund for the contingent expenses of the Assembly.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Gilmore:

Resolved, That the Secretary of State be requested to furnish the Assembly officials information from the census of eighteen hundred and eighty, as to the population of the various counties, towns, cities, and wards of this State.

Adopted.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Camron, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, April 7, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

The following members had leave of absence as stated below:

Mr. Leach, five days; Messrs. Lewis and Burns, three days each; Mr. Daggett, one day.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

The Journal of yesterday read and approved.

PRIVILEGED STATEMENT.

By Mr. Mathews, of Tehama, as follows:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1881.

MR. SPEAKER: The members of your committee appointed to investigate the charges against Hon. F. L. Hatch desire to return the sum of thirty dollars now in our hands, with the following statement: On the third of March the Assembly adopted the following resolution:

"*Resolved*, That the Controller of State be and is authorized and directed to draw his warrant upon the Contingent Fund of the Assembly for the sum of three hundred and twenty-eight dollars and thirty-five cents, in favor of Thomas Allen, for services as special deputy to Sergeant-at-Arms in the Hatch impeachment case.

"*Resolved*, That the Controller of State be and is hereby authorized and directed to draw his warrant upon the Contingent Fund of the Assembly for the sum of six hundred and eighteen dollars and fifty cents, in favor of W. P. Mathews, Chairman of Committee of Investigation in the Hatch impeachment case, for per diem and mileage in the Hatch impeachment case."

The money was drawn by the Chairman of the committee, and by him given to Senator Glascock, of Colusa, with instructions to distribute it in accordance with the list of witnesses, and amounts due, furnished by said Deputy Sergeant-at-Arms Allen. Information has since come into the possession of your committee that said Allen did defraud the State by charging per diem and mileage for persons that were not summoned before the committee, and by charging for and collecting fees for subpœnas that were never served. We further find that said Allen forged the signatures of parties in Colusa County to a power of attorney presented with his report to this committee.

Your committee recommend that immediate steps be taken by this House to recover all moneys illegally paid out, and for the arrest and detention of said Allen until these charges have been duly investigated.

W. P. MATHEWS.
ED E. LEAKE.
JOHN W. BOST,
E. J. GRIFFITH.

Read.

Mr. Van Fleet moved that the statement above be referred to the Judiciary Committee, with instructions to report to-morrow morning.

Adopted.

RESOLUTION.

By Mr. Griffith:

Resolved, That the Speaker immediately issue a warrant to the Sergeant-at-Arms of the Assembly for the arrest of Thomas Allen.

Mr. Arick moved that the resolution be referred to the Judiciary Committee.

So ordered.

REPORTS OF STANDING COMMITTEES.

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1881.

MR. SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred Assembly resolution relative to the payment to the Sergeant-at-Arms of the Assembly of the sum of one hundred dollars, with which to pay for Post Office box rent, ice bills, and repairs to desks

and chairs, the same to be paid out of the Contingent Fund of the Assembly—have had the same under consideration, and now report the same back and recommend its adoption.

Also, Assembly resolution relative to the allowance to each member of the Assembly the sum of twenty-five dollars for contingent expenses, payable out of the fund for the contingent expenses of the Assembly—have had the same under consideration, and now report the same back and recommend its adoption.

J. B. PATTERSON, Chairman.

The report was read, and the accompanying resolutions adopted.

RESOLUTIONS.

By Mr. Kellogg:

Resolved, That the Committee on Attachés and Contingent Expenses be and they are hereby authorized to appoint a Clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Assembly, and that the Clerk appointed by said committee be required to act as Assistant Clerk of the Committee on Roads and Highways.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

Also:

Resolved, That on and after Monday, April eleventh, eighteen hundred and eighty-one, this Assembly hold evening sessions, and that the hour of such meetings shall be seven o'clock and thirty minutes.

Referred to Committee on Rules.

By Mr. Gavigan:

Resolved, That all the Clerks and Porters who were discharged by this House on April fourth, be paid one day's salary, and the Controller is hereby directed to draw his warrants accordingly, payable out of the Contingent Fund of the Assembly

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Whipple:

Resolved, That the Committee on Rules be required to have printed, and furnish to the members, one copy to each, the Rules of the House, revised, so as to include the amendments made at the last session.

Lost.

ADJOURNMENT.

At eleven o'clock and forty minutes, on the motion of Mr. Hoitt, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, April 8, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs Alviso, Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Messrs McDonald and Felton had two days, and Mr. Cunningham one day's leave of absence.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. May moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.
At eleven o'clock and five minutes, Mr. Jackson moved that we do now adjourn until two o'clock Monday next.
Lost
Mr. Jackson appealed from the decision of the Chair.
The Speaker's decision was sustained by the House.

REPORT OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1881.

MR. SPEAKER: Your Judiciary Committee, to whom was referred the following:

Resolved, That the Judiciary Committee of this House be instructed to give to this House its opinion as to what officers and attachés connected therewith, if any, are entitled to receive mileage for attendance upon this extra session of the Legislature, to report the same at as early a day as convenient

Have had the same under consideration and report That under the statute the Chief Clerk, Minute Clerk, and Sergeant-at-Arms are the only officers entitled to mileage.

Also, had the following under consideration

Resolved, That the Speaker immediately issue a warrant to the Sergeant-at-Arms of the Assembly for the arrest of Thomas Allen.

And report that the Speaker has no authority to issue the warrant.

Also, had the written statement of Mr Mathews in relation to Thomas Allen under consideration, and report their unanimous opinion that the Assembly has no jurisdiction in the matter.

If the person named in the statement has committed a public offense he is amenable to a criminal prosecution in the State Courts of competent jurisdiction.

McCLURE, Chairman.

COMMUNICATION FROM SECRETARY OF STATE.

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, April 8, 1881.

To Hon. Wm. H. Parks, Speaker of the Assembly.

SIR: Herewith find statement showing population of the State of California, according to returns from the United States Census Office.

The following includes Chinese and Japanese.

	Total	Males	Females.	Native	Foreign	White	Colored
Alameda	62,972	34,679	28,293	40,229	22,743	57,787	5,185
Alpine	539	383	156	314	225	521	18
Amador	11,386	7,218	4,168	7,459	3,927	9,932	1,454
Butte	18,721	12,754	5,967	12,491	6,230	14,273	4,448
Calaveras	9,094	5 985	3,109	5,745	3,349	7,833	1,261
Colusa	13,118	8,513	4,605	10,197	2,921	11,703	1,415
Contra Costa	12,525	7,603	4,922	8,145	4,390	11,712	813
Del Norte	2,584	1,774	810	1,749	835	1,731	853
El Dorado	10,685	7,088	3,597	6,973	3,712	8,878	1,807
Fresno	9,478	6,054	3,424	7,207	2,271	7,896	1,582
Humboldt	15,510	8,887	6,623	11,988	3,522	13,309	2,201
Inyo	2,928	1,863	1,065	2,247	681	2,198	730
Kern	5,601	3,708	1,893	3,764	1,837	4,563	1,038
Lake	6,596	3,832	2,764	5,537	1,059	5 340	1,256
Lassen	3,340	2,002	1,338	2,969	371	2,958	382
Los Angeles	33,779	18,486	14,893	26,138	7,241	31,699	1,680
Marin	11,325	7,910	3,415	6,318	5,007	9,793	1,532
Mariposa	4,339	3,009	1,330	2,508	1,831	3,397	942
Mendocino	12,800	7,530	5,270	10,393	2,407	11,187	1,613
Merced	5,656	3,800	1,856	3 958	1,698	5,021	635
Modoc	4,399	2,612	1,787	4,000	399	3,956	443
Mono	7,499	6,184	1,315	4,081	3,418	7,083	416
Monterey	11,302	6,656	4,646	8,637	2,665	10,648	654
Napa	13,235	7,873	5,362	9,024	4,211	12,151	1,084
Nevada	20,827	13,389	7,438	12,352	8,475	17,571	3,256
Placer	14,226	9,515	4 711	9 015	5,211	11,871	2,355
Plumas	6,180	4,404	1,776	3,697	2,483	4,764	1,416
Sacramento	34,391	21,387	13,004	21,897	12,494	28,926	5,465
San Benito	5,584	3,279	2,305	4,252	1,332	5,256	328
San Bernardino	7,786	4,351	3,435	6,699	1,087	6,990	796
San Diego	8,618	5,053	3,565	6,728	1,890	6,677	1,941
San Francisco	233,956	132,632	101,324	129,783	104,173	210,515	23,441
San Joaquin	24,354	14,800	9,554	17,187	7,167	21,999	2,355
San Luis Obispo	9,142	5,413	3,729	7,179	1,963	8,765	357
San Mateo	8,669	5,348	3,321	5,135	3,534	8,032	637
Santa Barbara	9,522	5,212	4,310	8,124	1,398	9,144	378
Santa Clara	35,039	20,073	14,966	23,648	11,391	32,114	2,925
Santa Cruz	12,801	1,248	5,553	9,638	3,163	12,084	717
Shasta	9,492	6,066	3,426	7,238	2,254	7,066	2,426
Sierra	6,623	4,740	1,883	3,457	3,166	5,338	1,285
Siskiyou	8,610	5,871	2,739	5,620	2,990	6 466	2,144
Solano	18,475	10,995	7,480	12,564	5,911	17,391	1,084
Sonoma	25,926	14,611	11,315	19,832	6,094	24,626	1,300
Stanislaus	8,751	5,605	3,146	6,725	2,026	8,186	565
Sutter	5,159	3,063	2,096	4 201	958	4,845	314
Tehama	9,302	5,901	3,401	7,558	1,744	8,231	1,071
Trinity	4,998	3,908	1,090	2,307	2 691	2 779	2,219
Tulare	11 281	6,542	4,739	9,891	1,390	10,757	524
Tuolumne	7,848	5,073	2,775	4,954	2,894	6,612	1,236
Ventura	5,073	2,865	2,208	4,153	920	4,850	223
Yolo	11,772	7,155	4,617	9,099	2,673	11,017	755
Yuba	11,270	7,369	3,901	7,012	4,258	8,805	2,465
Totals	864,686	518,271	346,415	572,006	292,680	767,266	97,420

Following shows population, exclusive of Chinese and Japanese, and including Indians not on reservations

Alameda	58,573
Alpine	522
Amador	10,271
Butte	14,957
Calaveras	8,057
Colusa	12,147
Contra Costa	11,799
Del Norte	2,150
El Dorado	9,197
Fresno	8 774
Humboldt	15,263
Inyo	2,838
Kern	4,898
Lake	6,127
Lassen	3,290
Los Angeles	32,209
Marin	9,993
Mariposa	3,642
Mendocino	12 455
Merced	5,080
Modoc	4,383
Mono	7,140
Monterey	10,931
Napa	12,329
Nevada	17,822
Placer	12,050
Plumas	5,312
Sacramento	29,512
San Benito	5,342
San Bernardino	7,663
San Diego	8,389
San Francisco	212,165
San Joaquin	22,370
San Luis Obispo	8,954
San Mateo	8,074
Santa Barbara	9 206
Santa Clara	32,351
Santa Cruz	12,277
Shasta	8,156
Sierra	5,373
Siskiyou	7,049
Solano	17,480
Sonoma	25,020
Stanislaus	8,232
Sutter	4,893
Tehama	8,528
Trinity	3,052
Tulare	10 949
Tuolumne	7,043
Ventura	4,944
Yolo	11,166
Yuba	9,121
Total	789,557

POPULATION OF CITY AND COUNTY OF SAN FRANCISCO, INCLUDING CHINESE AND JAPANESE.

First Ward	9,736
Second Ward	14,350
Third Ward	3,991
Fourth Ward	19 247
Fifth Ward	1,501
Sixth Ward	13,715
Seventh Ward	8,874
Eighth Ward	21,035
Ninth Ward	16,899
Tenth Ward	29,547
Eleventh Ward	55,418
Twelfth Ward	39,640
Total	233,953

POPULATION OF SACRAMENTO CITY, INCLUDING CHINESE AND JAPANESE.

First Ward	3,612
Second Ward	4,956
Third Ward	5,966
Fourth Ward	6,892
Total	21,420

The foregoing is all the information in my possession regarding the census of California.

Very respectfully,

D. M. BURNS, Secretary of State.

At eleven o'clock and ten minutes, Mr. Jackson moved we do now adjourn until Monday, at two o'clock.

The ayes and noes were demanded by Messrs. Edwards, Hartson, and Warkins.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bost, Crumpton, Del Valle, Garrity, Gavigan, Geary, Gilmore, Howard, Jackson, Keating, Leake, Mathews of Tehama, and Matthews of San Benito—13.

NOES—Messrs. Alviso, Arick, Baker of Yolo, Barney, Branch, Brown, Chandler, Coleman, Crank, Daggett, Edwards, Estey, Fraser, Freer, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Lane, Long, Mason, May, McCallion, McClure, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weirshaugher, Whipple, Wood, Young, and Mr. Speaker—55.

MINORITY REPORT.

By Mr. Kellogg:

MR SPEAKER: The undersigned, members of the Judiciary Committee, dissent from the opinion and report of a majority of said committee in reply to the question submitted to it by order of the Assembly, viz. "As to what officers and attachés connected therewith, if any, are entitled to receive mileage for attendance upon the extra session of the Legislature." We are of the opinion that, by the action of the Assembly in declaring that the organization continued, and all of the officers and attachés held over until removed or discharged, that all of the officers named in section two hundred and forty-six of the Political Code, viz: Speaker, Speaker pro tem., Chief Clerk, two Assistant Clerks, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, one Enrolling Clerk, one Engrossing Clerk, four Porters, four Pages, one Postmaster, are each legally entitled to mileage.

Further, that while there is no express law upon the subject relating to Gate-keepers, Porters, Committee Clerks, and other attachés not above enumerated, we recommend that in accordance with the action of the Assembly above referred to, that said attachés, who were in attendance at the opening of the session, be allowed mileage from their respective homes.

W. W. KELLOGG.
L. D. FREER,
R. E. ARICK.

I agree with the above minority report, with the exception of that portion contained in the last paragraph.

W. C. VAN FLEET

Mr. Mathews, of Tehama, moved the adoption of the minority report.

The ayes and noes were demanded by Messrs. Paulk, Howard, and Wentz.

Mr. Young addressed the Chair.

Mr. Sargent raised the point of order that as the Clerk had begun calling the roll, Mr. Young was out of order.

The Speaker decided Mr. Young entitled to the floor.

Mr. Sargent appealed from the decision of the Chair.

The question being put, the House sustained the Speaker's decision.

The roll was called, and the motion to adopt the report was lost by the following vote.

AYES—Messrs. Aiuck, Baker of Yolo, Barney, Bost, Brown, Crumpton, Freer, Garnty, Gavigan, Gilmore, Griffith, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, McCallion, O'Connor, Pinder, Siebe, Swift, Young, and Mr Speaker—25.

NOES—Messrs Alviso, Cannon, Chandler, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Fraser, Gay, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Leake, Long, Mason, Matthews of San Benito, May, McClure, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, and Wood—42.

Both reports of the Judiciary Committee in relation to mileage of officers and employés of the Assembly were then referred to the Committee on Mileage

RESOLUTION.

By Mr. Gavigan:

WHEREAS, O S Freese, Porter to the Sergeant-at-Arms, has performed, and does perform duties in the Sergeant-at-Arms' office, such as taking charge of and distributing bills, journals, etc., and whereas, he does perform duties as Assistant Clerk to the Sergeant-at-Arms, besides doing his work as Porter, therefore,

Resolved, That he be allowed the sum of five dollars instead of three dollars per day, from the date of his appointment, to compensate him for said extra services, and the Controller of State is hereby directed to draw his warrant accordingly, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

INTRODUCTION OF BILLS.

By Mr. Jackson: An Act concerning roads and highways.
Referred to the Committee on Roads and Highways.

RESOLUTIONS.

By Mr. Hartson:

Resolved, That a thousand additional copies of the Assembly Prison Report of the last session be printed.

Referred to Committee on Public Printing.
By Mr. Freer:

Resolved, That the Judiciary Committee of the Assembly be and is hereby authorized to appoint a Clerk, to date from April fifth, eighteen hundred and eighty-one

Referred to Committee on Attachés, Employés, and Contingent Expenses.

Mr. May moved the House take a recess until three o'clock P. M.

At eleven o'clock and fifty minutes Mr. Jackson moved to adjourn until Monday, at two o'clock P. M.

The ayes and noes were demanded by Messrs. Camron, Chandler, and Warkins.

Mr. Reynolds had leave of absence until Tuesday morning.

At twelve o'clock and twenty minutes, Mr. Edwards moved to adjourn.

The ayes and noes were demanded by Messrs. Edwards, Warkins, and Wentz.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Edwards, Estey, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Mason, May, McClure, Mein, Noonan, Patterson of Nevada, Siebe, Streeter, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr Speaker—28.

NOES—Messrs Anick, Baker of Yolo, Barney, Bost, Branch, Crank, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Swift, Van Fleet, Wason of Ventura, Whipple, and Young—44.

ADJOURNMENT.

The question recurring upon the motion to adjourn until Monday, at two o'clock P. M., the previous question was demanded by Messrs. Daggett, Gavigan, and Howard, and the House so ordered.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Barney, Bost, Branch, Crumpton, Daggett, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Samuels, Sargent, Swift, and Whipple—38.

NOES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Mason, May, McClure, Noonan, Patterson of Nevada, Reynolds, Siebe, Streeter, Van Fleet Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—33.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, April 11, 1881.

The House met at two o'clock P. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs Alviso, Anick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker.

Quorum present.
Messrs. Kellogg and Mein had each one day's leave of absence.
Prayer by the Chaplain.
Mr. Cunningham had one day's leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, April eighth, Mr. Hoitt moved that the further reading thereof be dispensed with.
Lost.

The Journal of Friday, April eighth, read, corrected, and approved.

REPORTS OF STANDING COMMITTEES.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 10—Entitled an Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith—beg leave to report the same back with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No. 5—Entitled an Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction, during the thirty-second fiscal year.

Also, Assembly Bill No 6—Entitled an Act making an appropriation for deficiency in the stationery, fuel, lights, etc., fund, for the fiscal year ending June thirtieth, eighteen hundred and eighty-one.

Also, Assembly Bill No. 13—Entitled an Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year.

Beg leave to report the same back with recommendation that the authors be allowed to withdraw the same.

Your committee also considered Assembly Bill No. 11—Entitled "An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-first fiscal year;"

Also Assembly Bill No 12—Entitled "An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year."

Also, Assembly Bill No. 8—Entitled "An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years,"

And report the same back with amendments, and recommend that they do pass as amended.

MAY, Chairman.

By Mr. Leach:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1881.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred the following resolution, beg leave to report that they have duly considered the same, and recommend its adoption

Resolved, That a thousand additional copies of the Assembly Prison Report of the last session be printed.

The resolution was read and adopted.

INTRODUCTION OF BILLS.

By Mr. Hoitt: An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction during the thirty-first fiscal year.

Referred to Committee on Ways and Means.

By Mr. Leake: An Act to divide the State of California into Congressional Districts.

Referred to Committee on Apportionment.

By Mr. Fraser: An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-

nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-eight new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred

and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, two thousand six hundred and seventy-three, two thousand six hundred and seventy-four, two thousand six hundred and seventy-five, and two thousand six hundred and seventy-six.

Referred to Committee on Roads and Highways.

By Mr. Van Fleet: An Act to divide the State of California into Congressional Districts

Referred to Committee on Apportionment.

RESOLUTION.

By Mr. Jackson (by permission):

Resolved, That a thousand additional copies of the report of State Board of Agriculture be printed.

Referred to Committee on Printing.

SECOND READING OF BILLS.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

The bill ordered read second time.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. May, the House went into Committee of the Whole, with the Speaker in the chair, for the purpose of considering the bill.

The bill considered in Committee of the Whole.

The committee rose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

Speaker Parks in the chair.

ADJOURNMENT.

At four o'clock and fifty-five minutes, on the motion of Mr. Jackson, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, April 12, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Anick, Baker of Sacramento, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Chandler moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday corrected and approved.
Mr. Reynolds had one day's leave of absence, and Mr Apgar, Assistant Sergeant-at-Arms, had indefinite leave of absence on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Mr. Camron:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1881.

MR. SPEAKER: Your Committee on Apportionment, to whom was referred Assembly Bill No. 9—Entitled an Act to divide the State into Senatorial and Assembly Districts, and provide for the election of Senators and Assemblymen therein—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass.

Also, Assembly Bill No. 1—An Act to divide the State into Senatorial and Assembly Districts—and report the same back without recommendation.

CAMRON, Chairman

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1881.

MR SPEAKER: Your Committee on Attaches and Contingent Expenses to whom was referred resolution giving O. S Freese, Porter to Sergeant-at-Arms, pay for additional services performed by him—have had the same under consideration, and now report the same back and recommend its adoption.

Also, resolution giving one day's salary to those Assembly Clerks and Porters who were discharged on April fourth, eighteen hundred and eighty-one, and recommend that the resolution be so amended as to give one day's salary to those of said Clerks and Porters only who were in attendance on April fourth, eighteen hundred and eighty-one, and that it be adopted as so amended.

Also, resolution authorizing the Committee on Attaches and Contingent Expenses to employ a clerk, and report the same back and recommend that it be not adopted

Also, resolution authorizing the Judiciary Committee to employ a clerk, and report the same back and recommend that it be not adopted

PATTERSON, Chairman.

WHEREAS, O. S. Freese, Porter to the Sergeant-at-Arms, has performed and does perform *duties in the Sergeant-at-Arms' office, such as taking charge of and distributing bills, journals*, etc., and whereas, he does perform duties as Assistant Clerk to the Sergeant-at-Arms, besides doing his work as Porter, therefore,

Resolved, That he be allowed the sum of five dollars, instead of three dollars, per day, from the date of his appointment, to compensate him for said extra services. And the Controller of State is hereby directed to draw his warrant accordingly, payable out of the Contingent Fund of the Assembly.

Read.

Mr. Fraser moved to amend the resolution by striking out the words "from the date of his appointment," and inserting instead, "from the fourth day of April."

Lost.

The question recurred on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Felton, Cunningham, and Hendrick.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Bost, Branch, Brown, Burns Chandler, Crank, Crumpton, Del Valle, Edwards, Estey, Freer, Garrity, Gavigan, Geary, Griffith, Holden, Howard, Keating, Kellogg, Lane, Lewis, Mathews of Tehama, McCallion, McClure, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Streeter, Watkins, Wason of Mono, Wood, Young, and Mr. Speaker—38.

NOES—Messrs. Birney, Cannon, Coleman, Cunningham, Felton, Fraser, Gay, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Kilburn, Leach, Leake, Long, Matthews of San Benito, May, McDonald, McMurray, Murphy, Noonan, Samuels, Sargent, Siebe, Swift, Wason of Ventura, Wentz, Wertshaugher, and Whipple—30.

Resolved, That all the Clerks and Porters who were discharged by this House on April fourth, be paid one day's salary, and the Controller is hereby directed to draw his warrants accordingly, payable out of the Contingent Fund of the Assembly.

Read.

The question being on the amendment recommended by the committee in the report above, the ayes and noes were demanded by Messrs Coleman, Whipple, and Felton.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Arick, Baker of Sacramento, Birney, Bost, Brown, Crumpton, Del Valle, Estey, Freer, Garrity, Gay, Geary, Gilmore, Griffith, Hartson Holden, Howard, Keating, Kellogg, Lewis, Mathews of Tehama, May, McCallion, McClure, Murphy, O'Connor, Patterson of Nevada, Paulk, Pinder, Sargent, Siebe, Swift, Wasson of Mono, Wentz, Wood, Young, and Mr Speaker—37.

NOES—Messrs. Burns, Cannon, Chandler, Coleman, Cunningham, Edwards, Felton, Fraser, Gavigan, Hendrick, Hinshaw, Hoitt, Jackson, Kilburn, Lane, Leach, Leake, Long, Mason, Matthews of San Benito McDonald, Noonan, Patterson of San Joaquin, Samuels, Streeter, Van Fleet, Watkins, Wason of Ventura, and Whipple—29

The question recurred on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Sacramento, Birney, Bost, Brown, Chandler Crumpton, Del Valle, Estey, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Holden, Howard, Jones, Keating Kellogg, Lewis, Mathews of Tehama, McCallion, McClure, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Sargent, Swift, Van Fleet, Wasson of Mono, Wentz, Wood, and Young—38.

NOES—Messrs. Burns, Cannon, Coleman, Cunningham, Edwards, Felton Fraser Griffith, Hendrick, Hinshaw, Hoitt, Jackson, Kilburn, Lane, Leach, Leake, Long, Mason, Matthews of San Benito, May, McDonald, Noonan, Platt, Samuels, Siebe, Streeter, Watkins, Wason of Ventura, Wertshaugher, Whipple, and Mr. Speaker—31.

Resolved, That the Committee on Attachés and Contingent Expenses be and they are hereby authorized to appoint a clerk at a per diem of five dollars, payable out of the Contingent Fund of the Assembly, and that the clerk appointed by said committee be required to act as assistant clerk of the Committee on Roads and Highways.

Read and rejected.

Resolved, That the Judiciary Committee of the Assembly be and is hereby authorized to appoint a clerk, to date from April third, eighteen hundred and eighty-one.

Read and rejected.

By Mr. Leach:

SACRAMENTO, April 12, 1881.

MR SPEAKER: Your Committee on Public Printing, to whom was referred the following resolution, asking that one thousand additional copies of the report of the State Board of Agriculture be printed, beg leave to report that they have inquired into the matter, and recommend the resolution do not pass.

LEACH, Chairman.

Resolved, That a thousand additional copies of the report of the State Board of Agriculture be printed.

Rejected.

On motion of Mr. Platt, the apportionment bills reported back this morning with amendments were ordered printed as amended.

Mr. McClure asked to be excused from further service on the Apportionment Committee.

Denied.

GENERAL FILE—SECOND READING.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years.

Mr. Mathews, of Tehama, moved to suspend the rules, and consider the bill in the Assembly.

Lost.

On motion of Mr. Hoitt, the House went into Committee of the Whole, with the Speaker in the chair, to consider above bill.

The bill considered in Committee of the Whole.

On motion of Mr. Camron, the committee rose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

Speaker Parks in the chair.

RECESS.

The House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

On motion of Mr. May, the House went into Committee of the Whole, with the Speaker in the chair, to consider Assembly Bill No. 8—An Act making appropriations for the support of the govern-

ment of the State of California for the thirty-third and thirty-fourth fiscal years.

The bill was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Parks in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

By the Chairman, pursuant to instructions of the committee: Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—with amendments, and recommending its passage as amended.

ADJOURNMENT.

Pending consideration of the amendments recommended by the committee, on motion of Mr. Baker, of Yolo, at five o'clock and ten minutes P. M. the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, April 13, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siehe, Steeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Lewis moved that the further reading thereof be dispensed with.

So ordered.

The Journal of yesterday approved.

REPORTS OF STANDING COMMITTEES.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 17—Entitled an Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction for the thirty-first fiscal year—beg leave to report the same back, and recommend that it do pass.

MAY, Chairman.

Mr. McClure had two days' leave of absence.

Mr. Jackson moved to suspend the rules and take up Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California, for the thirty-second fiscal year.

So ordered.

The bill ordered read second time.

On motion of Mr. May, the House went into Committee of the Whole, with the Speaker in the chair, to consider the bill.

The bill considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Parks in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

By the Chairman, pursuant to instructions of the committee: Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year, reported with amendments, and passage recommended as amended.

The committee amendments concurred in.

Mr. Paulk moved to amend the bill by striking out all contained in line six of the printed bill.

Upon which the ayes and noes were demanded by Messrs. Sargent, Paulk, and Whipple.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Cannon, Chandler, Coleman, Crumpton, Cunningham, Daggett, Edwards, Estey, Felton, Fraser, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Wentz, and Whipple—36

NOES—Messrs. Arick, Baker of Sacramento, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Crank, Del Valle, Freer, Garrity, Gavigan, Gay, Hale, Hendrick, Hoitt, Jones, Keating, Kellogg, Kilburn, Lane, Long, May, Mudgett, O'Connor, Patterson of Nevada, Pindet, Reynolds, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—39.

The bill read second time, and ordered engrossed, and to be read third time.

GENERAL FILE—SECOND READING.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

Committee amendment number one, striking out "five hundred dollars," in line six of printed bill, concurred in.

Committee amendment number two, striking out "four hundred dollars," and inserting instead "two hundred dollars," concurred in.

Committee amendment number three, striking out lines sixty and sixty-one, and inserting instead, "For the copying and purchase of maps in the Surveyor-General's office, eight hundred dollars," concurred in.

Committee amendment number four, striking out "three thousand dollars," and inserting instead "one thousand five hundred dollars," concurred in.

Committee amendment number five, striking out "one hundred and seventy-five thousand six hundred and twenty-four dollars," and inserting instead "one hundred and thirty-five thousand dollars," concurred in.

Committee amendment number six, striking out "five thousand dollars," in line one hundred and nineteen, and inserting instead, "four thousand dollars," concurred in.

Committee amendment number seven, striking out "three hundred and eighteen thousand two hundred and eighty dollars," and inserting instead "three hundred and forty-four thousand five hundred dollars," in lines one hundred and twenty-four and one hundred and twenty-five, concurred in.

Committee amendment number eight, striking out "one thousand five hundred dollars," and inserting instead "three thousand dollars," concurred in.

Committee amendment number nine, striking out "for fitting up and furnishing the attics," concurred in.

Committee amendment, adding after "dollars," in line one hundred and forty-one, "and for the construction of hay barn and stable, two thousand five hundred dollars," concurred in.

Committee amendment in line one hundred and forty-two, by striking out "three hundred thousand dollars," and inserting instead "two hundred and eighty-five thousand dollars," concurred in.

Committee amendment in line one hundred and forty-four, striking out "forty-five," and inserting instead "forty," concurred in.

Committee amendment striking out "three thousand dollars," and inserting "one thousand dollars," concurred in.

Committee amendment in lines one hundred and sixty-four and one hundred and sixty-five, striking out "fifty," and inserting "thirty," concurred in.

Committee amendment to insert after line one hundred and sixty-five, "for salaries of Consulting Engineers, six thousand dollars," concurred in.

Committee amendment in line one hundred and seventy-three, striking out "ten thousand dollars," and inserting instead "seven thousand five hundred dollars," concurred in.

Committee amendment in line one hundred and seventy-seven, striking out "seventy-five," and inserting the word "eighty," concurred in.

Committee amendment in lines one hundred and eighty-three and one hundred and eighty-four, striking out "twelve thousand dollars," and inserting "nine thousand six hundred dollars," concurred in.

Committee amendment in lines one hundred and eighty-eight and one hundred and eighty-nine, striking out "four thousand dollars," and inserting instead "two thousand dollars," concurred in.

Upon concurring in committee amendment to insert, after line one hundred and ninety, "For the improvement of the ventilation of the State Capitol building, to be expended under the direction of the Board of State Capitol Commissioners, one thousand dollars," the ayes and noes were demanded by Messrs Jackson, McDonald, and Garrity.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Alviso, Arick, Birney, Bost, Branch, Brown, Burns, Camron, Coleman, Crank Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Griffith, Hale, Hinshaw, Hoitt, Holden, Keating Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McMurray, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—58.

NOES—Messrs. Felton, Gay, Geary, Gilmore, Hendrick, Howard, Jackson, Jones, McDonald, Noonan, Samuels, Watkins, and Whipple—13.

Committee amendment to line two hundred and three, by striking out "seven hundred dollars" and inserting "five hundred dollars," concurred in.

Committee amendment in lines two hundred and five and two hundred and six, by striking out "fifteen thousand dollars" and inserting "ten thousand dollars," concurred in.

Committee amendment, to insert, after the close of section one. "For the furnishing and support of the Normal School at Los Angeles, ten thousand dollars, for the thirty-fourth fiscal year;" "For the support of the Mining Bureau, twelve thousand dollars," concurred in.

Mr. Edwards moved to amend by adding after the word "grounds" in line two hundred and thirteen, "and repairs of monument erected by the State to the memory of ex-Governor John Bigler."

Concurred in.

Mr. Paulk moved to amend, in line one hundred and nine, by striking out "six" and inserting instead the word "two."

The ayes and noes were demanded by Messrs. Paulk, Jackson, and Gilmore.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Coleman, Cunningham, Felton, Fraser, Gay, Gilmore, Griffith, Hinshaw, Holden, Jackson, Jones, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, and Wentz—31.

NOES—Messrs. Arick, Bost, Brown, Burns, Camron, Chandler, Crank, Crumpton, Del Valle, Edwards, Freer, Garrity, Gavigan, Hartson, Hendrick, Hoitt, Howard, Keating, Kellogg, Kilburn, Lane, Long, May, McCallion, Mudgett, Noonan, O'Connor, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—35.

Mr. Griffith moved to amend section one by adding after the word "dollars," in line seventeen, page two, the following: "*Provided*, that this fund shall be used for secret service, and no other purpose whatever; *and provided further*, that the Governor shall account for the disbursements of the same to the Senate, at the next session of the Legislature."

Lost.

Mr. Estey moved to amend by inserting after line one hundred and forty-three, page six, the following: "For the construction of a stone

wall inclosing the State Prison grounds at Folsom, to provide against escapes of prisoners, the sum of ten thousand dollars."

Mr. Van Fleet moved to amend the amendment as follows: "For the purchase of lime, cement, and other articles necessary for the construction of a wall about the State Prison at Folsom, ten thousand dollars."

Accepted.

The question recurred upon the amendment as amended.

The ayes and noes were demanded by Messrs. Platt, Coleman, and Birney.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Brown, Burns, Cannon, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gray, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Long, May, McCallion, Mudgett, Patterson of Nevada, Paulk, Reynolds, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wettsbaugher, Whipple, Wood, Young, and Mr. Speaker—41.

NOES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Chandler, Coleman, Cunningham, Felton, Geary, Griffith, Howard, Jackson, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Murphy, Noonan, Patterson of San Joaquin, Platt, and Siebe—29.

RECESS.

Pending the consideration of the bill, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Jones:

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bill

Assembly Bill No. 12—An Act making appropriation to pay deficiencies for the support of the government of the State of California, for the thirty-second fiscal year.

JOS. P. JONES, of Enrolling Committee.

Roll called, on motion of Mr. Lane.

Quorum present.

The consideration of Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—resumed.

Mr. Mathews of Tehama moved to amend by striking out from lines one hundred and eighty-six and one hundred and eighty-two, "thirty thousand dollars," and inserting instead "twenty-five thousand dollars."

Adopted.

Mr. Lane moved to amend, after line one hundred and thirty-two, by adding: "*Provided*, That all work performed shall be done by day's work."

The Chair ruled the amendment out of order.

Messrs. Lane and Gilmore appealed from the decision of the Chair.

The question being put, "Shall the decision of the Chair stand as the judgment of the House?" the Speaker was sustained.

Mr. Burns moved to amend section one, page two, by striking out lines forty-three and forty-four.

The ayes and noes were demanded by Messrs. Burns, McDonald, and Garrity.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Burns, Cameron, Chandler, Coleman, Crumpton, Cunningham, Edwards, Felton, Garrity, Gavigan, Geary, Gilmore, Griffith, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Leach, Matthews of San Benito, McDonald, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Siebe, Swift, Wentz, and Wertsbaugher—36.

NOES—Messrs. Anick, Brown, Crank, Del Valle, Estey, Fraser, Freer, Gay, Hoitt, Lane, Long, Mason, May, McCallion, O'Connor, Patterson of Nevada, Pinder, Reynolds, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wood, and Mr Speaker—24.

Mr. Leach moved to amend by striking out all contained in lines one hundred and ninety-two to two hundred and two, inclusive.

Lost.

The bill read second time, ordered engrossed, and to be read third time.

Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Ordered read second time.

Committee proposed to amend by striking out, in line eight, "six hundred and fifty thousand dollars," and inserting instead "eight hundred and sixty-eight thousand eight hundred and seventy dollars."

Mr. Gilmore moved to amend the amendment by striking out "one million six hundred and fifty thousand dollars," and inserting "seven hundred and fifty thousand dollars."

Lost.

The committee amendment was then adopted.

The committee amendment to line thirteen of printed bill, to strike out "seven hundred thousand dollars," and insert instead, "eight hundred and sixty-eight thousand eight hundred and seventy dollars."

Adopted.

Committee amendment to line fifteen, by striking out "three hundred and fifteen," and inserting instead, "three hundred and ninety-eight."

Adopted.

Mr. Daggett moved to amend, in line nine, by striking out "two," and inserting instead, "three."

The ayes and noes were demanded by Messrs. Freer, Cunningham, and Hendrick.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Birney, Burns, Crumpton, Cunningham, Daggett, Del Valle, Freer, Garrity, Gavigan, Gay, Griffith, Hendrick, Hinshaw, Holden, Howard, Jones, Keating, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Mudgett, Sargent, Swift, Wason of Ventura, Wasson of Mono, Wentz, and Wood—28.

NOES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Geary, Gilmore, Hartson, Hoitt, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, May, McDonald, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Siebe, Streeter, Watkins, Wertsbaugher, Young, and Mr. Speaker—39.

Mr. Reynolds moved to amend line nine, page one, by striking out "one million two hundred thousand dollars," and inserting instead, "one million four hundred and ninety-five thousand dollars."

Lost.

The bill read second time, ordered engrossed, and to be read third time.

MOTION.

Mr. May moved to suspend the rules, and that Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year, be declared a case of urgency and read the third time to-day.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Garrity, Gavigan, Geary, Griffith, Howard, Jones, Keating, Lane, Matthews of San Benito, May, McDonald, McMurray, Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Pinder, Streeter, Swift, Watkins, Wasson of Mono, Wood, Young, and Mr Speaker—37.

NOES—Messrs. Burns, Camron, Crank, Edwards, Felton, Freer, Gay, Gilmore, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Kellogg, Kilburn, Leach, Lewis, Mathews of Tehama, McCallon, Noonan, Patterson of Nevada, Reynolds, Sargent, Siebe, Wason of Ventura, and Wentz—26.

MOTION.

At four o'clock and five minutes P. M. Mr. Cunningham moved to adjourn.

The ayes and noes were demanded by Messrs. Cunningham, Howard, and Wentz.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Burns, Cunningham, Fraser, Garrity, Gavigan, Gilmore, Howard, Keating, McDonald, O'Connor, and Swift—11.

NOES—Messrs. Alviso, Bost, Branch, Brown, Camron, Chandler, Crank, Del Valle, Edwards, Estey, Felton, Freer, Gay, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McCallon, McMurray, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reynolds, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—50.

Assembly Bill No. 5—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction during the thirty-second fiscal year, withdrawn.

Assembly Bill No. 6—An Act making an appropriation for deficiency in the stationery, fuel, lights, etc., fund, for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, withdrawn.

Assembly Bill No. 13—An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year, withdrawn.

Assembly Bill No. 11—An Act making appropriations to pay defi-

ciencies for the support of the government of the State of California for the thirty-first fiscal year.

Ordered read second time.

Rules suspended.

Committee amendment to amend in section one, line fifteen, by inserting "For payment of rewards offered by the Governor, three hundred dollars."

Mr. McDonald moved to strike out the entire section.

Lost.

The question recurred on the committee amendment, which was adopted.

Mr. McDonald moved to strike out lines eleven and twelve of the bill.

Lost.

The bill read second time, ordered engrossed, and to be read third time.

ADJOURNMENT.

At four o'clock and twenty minutes, on motion of Mr. May, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, April 14, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Mr. Mein had indefinite leave of absence on account of sickness.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Wertsbaugher moved that the further reading thereof be dispensed with.

So ordered.

The Journal of yesterday approved.

MOTION.

Mr. Kilburn moved that when we adjourn to-day we adjourn to meet at ten o'clock to-morrow morning.

Mr. Burns moved to amend so as to meet at eight o'clock.

Lost.

The question recurred on Mr. Kilburn's motion.

Upon which the ayes and noes were demanded by Messrs. Cunningham, Felton, and Kilburn.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Birney, Bost, Branch, Camron, Chandler, Crank, Crumpton, Cunningham, Del Valle, Estey, Felton, Gay, Geary, Hinshaw, Hoitt, Jones, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mason, May, McMurray, Murphy, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Siebe, Streeter, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—39.

NOES—Messrs. Arick, Brown, Burns, Coleman, Daggett, Gavigan, Gilmore, Griffith, Hale, Holden, Howard, Jackson, Keating, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Mem, Mudgett, Noonan, O'Connor, Paulk, Pinder, Platt, Samuels, Sargent, Swift, and Whipple—29.

Mr. Van Fleet had one day's leave of absence.

REPORTS OF STANDING COMMITTEES.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and found correctly engrossed the following Assembly bills:

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

Also, Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Also, Assembly Bill No. 11—An Act making appropriations to pay deficiencies for the support of the government of the State of California, for the thirty-first fiscal year.

JOS. P. JONES, of Committee.

GENERAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 12—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-second fiscal year.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freet, Gavigan, Griffith, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, Mudgett, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—59.

NOES—Messrs. Cunningham, Felton, Kilburn, and Watkins—4.

Title approved.

INTRODUCTION OF BILL.

By Mr. Platt (by permission): An Act to divide the State of California into Congressional Districts.

Referred to Committee on Apportionment.

THIRD READING—RESUMED.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

Passed on file.

Mr. Baker, of Sacramento, had indefinite leave of absence.

Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes, for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Read third time.

Mr. Mathews, of Tehama, moved to recommit the bill to the Chairman of the Committee on Ways and Means, with special instructions to amend as follows: In line ten of the amended bill, strike out "one million two hundred thousand dollars," and insert instead, "one million five hundred and eleven thousand eight hundred and forty-six dollars."

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

THIRD READING.

The consideration of Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith, resumed.

The question recurred on the amendment of Mr. Mathews, of Tehama.

Pending discussion, Mr. Camron had indefinite leave of absence.

The ayes and noes were demanded by Messrs. Hendrick, Daggett, and Mathews, of Tehama.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Birney, Branch, Burns, Chandler Coleman, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freel, Garnity, Gavigan, Gay, Griffith, Hale, Hendrick, Hinshaw, Holden, Howard, Jones, Kellogg, Leach, Leake, Long, Mason, Mathews of Tehama,

McCallion, Mudgett, O'Connor, Patterson of Nevada, Pinder, Samuels, Sargent, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, and Wood—45.

NOES—Messrs. Bost, Brown, Crank, Edwards, Estey, Felton, Hartson, Hoitt, Keating, Kilburn, Lane, Lewis, May, McDonald, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Siebe, Young, and Mr. Speaker—22.

Mr. McMurray paired with Mr. Camron—Mr. McMurray voting aye, and Mr. Camron no.

REPORT OF SPECIAL COMMITTEE.

By Mr. May: A verbal report returning Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith, amended, pursuant to special instructions.

The consideration of the bill resumed.

Mr. Whipple moved to re-refer the bill with special instructions to amend as follows: By striking out the following words in the first three lines of the bill: "Section three thousand seven hundred and thirteen of the Act entitled an Act to establish a Political Code, is amended so as to read as follows: Three thousand seven hundred and thirteen."

Pending further discussion Mr. Leach moved that the House now take up Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

So ordered.

The bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bunce, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Murphy, Noonan, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—63.

NOES—Mr. Gilmore—1.

Title approved.

The consideration of Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith, resumed.

The question recurred on Mr. Whipple's motion to re-refer with special instructions.

Mr. Lane moved that the further consideration of this bill be postponed until ten o'clock and five minutes to-morrow.

Lost.

The question being put on Mr. Whipple's motion to amend with special instructions, it was carried.

The question recurred on the motion of Mr. Mathews, of Tehama,

to re-refer with special instructions, as follows: To strike out "one million two hundred thousand dollars," in line sixteen of printed bill, and insert instead "one million five hundred and eleven thousand eight hundred and forty-six dollars," which was carried.

REPORT OF SPECIAL COMMITTEE.

By Mr. May: Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Reported back, amended pursuant to special instructions.

MOTION.

At four o'clock Mr. Lane moved to adjourn.

Lost.

Assembly Bill No. 11—An Act making appropriations to pay deficiencies for the support of the government of the State of California for the thirty-first fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holt, Holden, Howard, Jones, Kilburn, Lane, Leach, Lewis, Mason, Matthews of San Benito, May, McCallion, McMurray, Mudgett, Patterson of Nevada, Pinder, Reynolds, Sargent, Siebe, Streeter, Swift, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—53.

NOES—Messrs. Burns, Gilmore, Mathews of Tehama, McDonald, Noonan, and Paulk—6.

Title approved.

Assembly Bill No. 17—An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction during the thirty-first fiscal year, withdrawn.

Assembly Bill No. 18—An Act to divide the State of California into Congressional Districts, withdrawn.

INTRODUCTION OF A BILL.

By Mr. Leake (by permission): An Act to divide the State of California into Congressional Districts.

Referred to the Committee on Apportionment.

ADJOURNMENT.

At four o'clock and eight minutes, on motion of Mr. Gavigan, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, April 15, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Arick moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.

CONCURRENT RESOLUTION.

By Mr. Kellogg (by permission): Concurrent resolution relative to adjournment sine die of the extra session of the Twenty-fourth Legislature of California.
Mr. Murphy moved it be referred to the Committee on Apportionment.
So ordered.

REPORT OF STANDING COMMITTEES.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined the following Assembly Bill, No. 10, and find it correctly engrossed. Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes, for the thirty-third and thirty-fourth fiscal years; and the duties of the State Board of Equalization in connection therewith.

JOS. P. JONES,
ED. E. LEAKE,
Of Committee.

THIRD READING.

Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes, for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

Mr. Whipple moved a reference of Assembly Bill No. 10 to the Chairman of the Committee on Ways and Means, with instructions to amend the same by striking out of the title the following words: "To amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two."

So ordered.

REPORT OF SPECIAL COMMITTEE.

By Mr. May: A verbal report returning Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith, with title amended, pursuant to special instructions.

Assembly Bill No. 9—An Act to divide the State into Senatorial and Assembly Districts, and provide for the election of Senators and Assemblymen therein, taken up.

Mr. Kellogg asked permission to introduce a resolution relating to above bill.

The question recurring upon granting permission, the ayes and noes were demanded by Messrs. Kellogg, Lane, and Gilmore.

The roll was called, and permission refused by the following vote:

AYES—Messrs. Aiuck, Baker of Yolo, Burney, Branch, Cunningham, Daggett, Del Valle, Garnity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, O'Connor, Pinder, Samuels, Swift, and Whipple—32.

NOES—Messrs. Alviso, Bost, Brown, Burns, Chandler, Crank, Estey, Felton, Gay, Hartson, Hoitt, Jackson, Jones, Kilburn, Leach, Lewis, Long, May, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—34.

The question recurred on the first reading of Assembly Bill No. 9—An Act to divide the State into Senatorial and Assembly Districts, and provide for the election of Senators and Assemblymen therein.

Mr. Hartson moved that the above bill and Assembly Bill No. 1—An Act to divide the State into Senatorial and Assembly Districts, be recommitted to the Committee on Apportionment.

The ayes and noes were demanded by Messrs. Burns, Cunningham, and Matthews of San Benito.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Del Valle, Estey, Fraser, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Kilburn, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, May, McCallion, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Siebe, Swift, Watkins, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—51

NOES—Messrs. Aiuck, Burns, Cunningham, Freer, Kellogg, Murphy, Paulk, and Wason of Ventura—8.

MOTION.

Mr. Jackson moved that when the House adjourns to-day, it adjourns to meet on Monday next, at two o'clock P. M.

The ayes and noes thereon were demanded by Messrs. Felton, Hartson, and Patterson, of San Joaquin.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Burns, Crumpton, Garrity, Gavigan, Howard, Jackson, Kellogg, Lane, McCallion, McDonald, O'Connor, and Swift—15.

NOES—Messrs. Alviso, Baker of Yolo, Barney, Bost, Branch, Brown, Chandler, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McMurray, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—38.

MOTION.

Mr. Griffith moved that when we adjourn to-day we adjourn to meet to-morrow, at ten o'clock A. M.

The ayes and noes were demanded by Messrs. Paulk, Sargent, and Estey.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Barney, Bost, Branch, Burns, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Felton, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, Noonan, Patterson of Nevada, Platt, Reynolds, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—48.

NOES—Messrs. Brown, Coleman, Daggett, Estey, Freer, Garrity, Gavigan, Geary, Gilmore, Jackson, Keating, Kellogg, Mathews of Tehama, McDonald, Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Sargent, Swift, and Whipple—23.

RESOLUTION.

By Mr. Kellogg: A resolution relative to apportionment.

Referred to the Committee on Apportionment.

MOTION.

Mr. Paulk moved we do now adjourn.

Lost.

RECESS.

On motion of Mr. Del Valle, a recess was declared until eleven o'clock and thirty minutes A. M.

REASSEMBLED.

The House reassembled at eleven o'clock and thirty minutes A. M.

Speaker Parks in the chair.

Quorum present.

Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith, taken up.

The question recurred on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Jones, Kellogg, Kilburn, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McMurray, Mudgett, Murphy, Patterson of

Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—53.

NOES—Messrs Burns, Garrity, Gilmore, Howard, Jackson, Lane, May, McDonald, Noonan, and Paulk—10.

Title approved.

At eleven o'clock and forty minutes A. M., Mr. Mathews, of Tehama, moved to adjourn.

Lost.

RECESS.

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

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

MOTION.

Mr. Mathews, of Tehama, moved that the Committee on Roads and Highways be requested to report back the bills on roads and highways.

Carried.

Mr. Leake had one day's leave of absence.

Messrs. Freer and Hoitt asking for one day's leave of absence, the ayes and noes were demanded by Messrs. Burns, McDonald, and Garrity.

The roll was called, and leave of absence granted by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Brown, Chandler, Daggett, Del Valle, Estey, Felton, Freer, Gay, Hendrick, Hinshaw, Hoitt, Kellogg, Kilburn, Lane, Leach, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McMurray, Noonan, Patterson of Nevada, Paulk, Samuels, Wentz, Wertsbaugher, Wood, and Mr. Speaker—34

NOES—Messrs Arick, Burns, Coleman, Garrity, Gilmore Howard, Jackson, Jones, Long, May, McDonald, Mudgett, Murphy, Platt, Swift, and Van Fleet—16.

Mr. Howard moved to reconsider the vote by which the House this morning decided that when it should adjourn to-day it would be to meet at ten o'clock A. M. to-morrow.

So ordered.

The question recurred on the motion to fix the hour to which the House should adjourn this day.

The ayes and noes were demanded by Messrs. Reynolds, Paulk, and Garrity.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Birney, Bost, Chandler, Daggett, Del Valle, Estey, Felton, Gay, Griffith, Hartson, Hendrick, Jones, Kilburn, Leach, Mason, Matthews of San Benito, McClure, McMurray, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Streeter, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Mr. Speaker—32.

NOES—Messrs Arick, Baker of Yolo, Brown, Burns, Coleman, Fraser, Garrity, Gavigan, Geary, Gilmore, Howard, Jackson, Kellogg, Lane, Lewis, Long, Mathews of Tehama, McCallion, McDonald, Mudgett, Murphy, Noonan, and Swift—23.

MOTION.

At two o'clock and fifteen minutes, Mr. McDonald moved to adjourn.

Lost

RESOLUTION.

By Mr. Streeter (by permission):

Resolved, That leave of absence shall not be granted any member of the Assembly during the remainder of this session, except in case of sickness.

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

Carried.

REPORT OF STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1881.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No 16—Entitled an Act concerning roads and highways, report it back without recommendation.

LONG, Chairman.

CONSIDERATION OF ABOVE REPORT.

Assembly Bill No. 16—An Act concerning roads and highways.

The bill ordered read first time.

Mr. Lane moved a call of the House.

Lost.

Mr. Garrity moved to postpone the further consideration of this bill until Monday.

Lost

Mr. Burns moved that the bill be indefinitely postponed.

So ordered.

At two o'clock and forty-five minutes P. M. Mr. Howard moved to adjourn.

Lost.

At two o'clock and fifty minutes P. M. Mr. Howard moved to adjourn.

Lost.

REPORT OF COMMITTEE ON ROADS AND HIGHWAYS.

By Mr. Long: A verbal report returning Assembly Bill No. 19—An Act concerning roads and highways.

ADJOURNMENT.

At two o'clock and fifty-five minutes, Mr. Kellogg moved to adjourn.

The ayes and noes were demanded by Messrs. Lane, Howard, and Burns.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Baker of Yolo, Birney, Brown, Coleman, Daggett, Felton, Griffith, Hendrick, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Long, Matthews of San Benito, McCallion, McMurray, Mudgett, Platt, Samuels, Swift, Watkins, Wood, and Mr. Speaker—25.

NOES—Messrs Alviso, Bost, Burns, Chandler, Crumpton, Estey, Fraser, Hale, Jones, Leach, Mathews of Tehama, McClure, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, and Young—23

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, April 16, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Barney, Bost, Branch, Brown, Burns, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Long, Mathews of Tehama, Matthews of San Benito, McCallum, McClure, McMurray, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Caulk, Pinder, Platt, Reynolds, Samuels, Sargent, Strecter, Swift, Van Fleet, Watkins, Wilson of Ventura, Wasson of Mono, Wentz, Wetzbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Messrs. Baker, of Yolo, McDonald, Siebe, and Murphy had each one day's leave of absence, and Mr. Cunningham had two days leave of absence, on account of sickness in his family.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Howard moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.

MESSAGE FROM THE SENATE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, April 16, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on April fifteenth, passed the following bills, viz:

Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Also, Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways.

JAS. A. ORR, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

The Speaker indicated its reference to the Committee on Apportionment.

Mr. Edwards moved that the rules be suspended, and the bill be read the first time.

The ayes and noes were demanded by Messrs. Arick, Jackson, and Howard.

The roll was called, and the motion declared lost by the following vote:

AYES—Messrs. Alviso, Brown, Chandler, Crank, Edwards, Kilburn, Long, McClure, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Streeter, Watkins, Wentz, Wertsbaugher, and Young—17.

NOES—Messrs. Arick, Birney, Branch, Burns, Crumpton, Daggett, Del Valle, Felton, Fraser, Garrity, Gay, Gilmore, Griffith, Hartson, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Matthews of San Benito, McCallion, McMurray, Mudgett, Patterson of Nevada, Pinder, Platt, Samuels, Swift, Wason of Ventura, Whipple, Wood, and Mr. Speaker—34.

Mr. Estey paired with Mr. Baker, of Yolo; Mr. Hendrick with Mr. Cunningham; and Mr Van Fleet with Mr. Mathews, of Tehama.

The bill was referred to the Committee on Apportionment.

Senate Bill No. 4—Section one, chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, are hereby repealed, and a new chapter two, of title six, of part three, of said Political Code, is hereby enacted and substituted in place of said repealed chapter.

Mr. McClure moved to suspend the rules, and read the bill the first time.

The ayes and noes were demanded by Messrs. Lane, Burns, and Howard.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Birney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Gay, Hartson, Hendrick, Hinshaw, Jones, Keating, Kellogg, Kilburn, Lane, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McMurray, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—47.

NOES—Messrs. Burns, Garrity, Gilmore, Griffith, Holden, Howard, Jackson, Samuels, and Swift—10.

The bill read first time, and ordered on file.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Mr. McCallion, the House adjourned until Monday, at two o'clock P. M.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, April 18, 1881.

The House met at two o'clock P. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, April sixteenth, Mr. Estey moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Mason:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1881.

MR SPEAKER: *Your Committee on Mileage respectfully submit the following:* In accordance with the tenor of the minority report of your Judiciary Committee in the matters pertaining to mileage of employes and attachés of this body, to this committee referred on the eighth day of April, eighteen hundred and eighty-one, we herewith submit the names of said attachés, their county of residence, and the several sums which would be due each of them respectively, should this report be adopted by your honorable body, and now report the same back without recommendation:

NAME	County.	Amount
Geo. E McStay	San Joaquin	$9 60
Frank J Higgins	San Francisco	16 80
Jno G Howell	Alameda	18 20
R. M. Apgar	San Francisco	16 80
G. O. Green	Santa Clara	25 60
O. S. Freese	Sacramento	10 00
J H. Riley	Solano	12 00
A. W. Buchanan	Alameda	18 20
Jacob Shaen	San Francisco	16 80
D H. Rand	Alameda	18 20
Peter Palty	Alameda	18 20
F. R. Favor	Alameda	18 20
Jno. Williams	San Francisco	16 80
Robt. Farrell	Santa Clara	25 60
J S O'Brien	Yuba	10 40
W. Proctor	San Francisco	16 80
Sam'l Redmond	Calaveras	14 60
E. Johnson	San Francisco	16 80
Jno McGraw	El Dorado	12 80
Chas. Marple	San Francisco	16 80
Richard Hall	San Francisco	16 80
Geo. Diesser	Napa	12 20
A. Mason	San Francisco	16 80
W. Thomas	San Joaquin	9 60
F. N. Pauly	San Diego	113 20

And following would be the amounts due in accordance with the tenor of the majority report of your Judiciary Committee, to us submitted on April eighth, eighteen hundred and eighty-one, and which your committee now reports back without recommendation:

NAME.	County	Amount
Geo. E. McStay	San Joaquin	$9 60
F. N. Pauly	San Diego	113 20

MASON, Chairman.

MOTION.

By Mr. Kellogg:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1881.

MR SPEAKER: *I move that the Committee on Apportionment be requested to immediately report back to this Assembly all resolutions heretofore referred to the committee by this House.*

Lost.

GENERAL FILE—SECOND READING.

Assembly Bill No. 19—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundered and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-eight new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand

six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, two thousand six hundred and seventy-three, two thousand six hundred and seventy-four, two thousand six hundred and seventy-five, and two thousand six hundred and seventy-six.

Passed on file.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways—ordered read second time.

Mr. Cunningham moved to amend as follows in article one, section two thousand six hundred and twenty, by striking out the word "forty," in line two, printed bill, and insert instead thereof "sixty."

Lost.

Mr. Edwards moved to amend article one, section two thousand six hundred and twenty, by adding after the word "bridges," in line one, the words "alleys, lanes."

Adopted.

Mr Gilmore moved to amend article two, in line three, of section two thousand six hundred and thirty-two, by striking out in line three, "and any person," etc., to the end of line five.

Lost.

Mr. Jackson moved to amend in line two, section two thousand six hundred and thirty-three, by striking out the word "may," and insert instead "shall."

Lost.

Mr. Long moved to amend section two thousand six hundred and forty-one by striking out all after the words "properly executed," in line five.

Adopted.

Mr Alviso moved to amend by striking out sections two thousand six hundred and forty-one and two thousand six hundred and forty-two, and insert instead: "The Board of Supervisors of each county, by proper ordinance, must divide into suitable and convenient number of road districts, and appoint therefor annually, or whenever vacancies occur. Overseers, upon the petition of the majority of the property taxpayers of the road district, with power to remove for cause."

Mr. Del Valle offered as a substitute the following: Amend section two thousand six hundred and forty-two, by striking out the whole section and inserting the following:

SEC. 2642 A Road Overseer shall be elected in each road district at the general election in eighteen hundred and eighty-two, and every two years thereafter, who shall hold office for two years, commencing on the first Monday in January next ensuing after his election, *provided*, that Road Overseers now in office shall hold until the expiration of their terms; and any vacancies occurring, or existing prior to the first Monday in January, eighteen hundred and eighty-three, shall be filled by appointment by the Board of Supervisors. The Road Overseer shall, under the direction of the Road Commissioners of his district, perform the duties hereinafter in this chapter specified.

The ayes and noes were demanded by Messrs. Jackson, Fraser, and Daggett.

The roll was called, and the substitute rejected by the following vote:

AYES—Messrs Arick, Burns, Coleman, Crank, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Gilmore, Hinshaw, Howard, Jackson, Jones, Lane, Leake, Matthews of San Benito, McCallum, Mudgett, O'Connor, Pinder, Samuels, Streeter, Swift, Watkins, Wason of Ventura, Wertsbaugher, and Young—30.

NOES—Messrs Alviso, Baker of Yolo, Barney, Bost, Branch, Brown, Camron, Chandler, Crumpton, Cunningham, Daggett, Edwards, Felton, Gay, Griffith Hale, Hartson, Hendrick, Hoitt, Holden, Keating, Kellogg, Kilburn, Leach, Long, Mason, May, McClure, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Siebe, Van Fleet Wasson of Mono, Wentz, Whipple, Wood, and Mr. Speaker—45

The question recurred on Mr. Alviso's amendment.

Mr. Griffith offered the following as a substitute: Amend section two thousand six hundred and forty-two by striking out the last sentence of said section; also, amend further, by striking out in lines one and two, the words: "when they deem it necessary."

Lost.

The question again recurred on Mr. Alviso's amendment.

The ayes and noes were demanded by Messrs. Griffith, Wertsbaugher, and Camron

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs Alviso, Coleman, Cunningham, Edwards, Estey, Fraser, Hartson, Hoitt, Jones, O'Connor, and Wason of Ventura—11

NOES—Messrs Arick, Barney, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holden, Howard, Keating, Kellogg, Kilburn, Lane, Leach, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallum, McClure, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—59.

Mr. Edwards moved to reconsider the vote by which the last sentence of section two thousand six hundred and forty-one was stricken out.

MOTIONS.

Mr. Camron moved to take a recess until seven o'clock and thirty minutes P. M.

At four o'clock and fifty minutes P. M. Mr. Burns moved to adjourn.

The ayes and noes were demanded by Messrs. Burns and Felton.

The roll was called. and the motion lost by the following vote:

AYES—Messrs. Baker of Yolo, Bost, Burns, Crumpton, Cunningham, Daggett, Fraser, Garrity, Gavigan Howard, Kellogg, Lane, Leake, Mason, Mathews of Tehama, McDonald, Noonan, O'Connor, Pinder, Platt, Swift, Whipple, and Mr. Speaker—23

NOES—Messrs Alviso, Anick, Branch, Camron, Chandler, Coleman, Crank, Del Valle, Edwards, Estey, Felton, Freer, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Leach, Long, Matthews of San Benito, May, McClure, McMurray, Mein, Patterson of Nevada, Patterson of San Joaquin, Faulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Weitsbaugher, and Wood—42.

The question recurred on the motion to take a recess, which was withdrawn.

ADJOURNMENT.

At five o'clock, on the motion of Mr. Felton, the House adjourned until ten o'clock A. M. to-morrow.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, April 19, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs Alviso, Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Faulk, Pinder, Platt Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Hoitt moved that the further reading thereof be dispensed with.

The Journal approved.

Mr McCallion had indefinite leave of absence on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Mr. Camron:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1881.

MR. SPEAKER: Your Committee on Apportionment, to whom was referred Senate Bill No. 2—Entitled an Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended.

CAMRON, Chairman

Mr. Camron moved that the bill be ordered printed as amended. So ordered.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1881.

MR SPEAKER: Your Committee on Apportionment, to whom was referred the resolution introduced by Mr Kellogg, have had the same under consideration, and now report the same back, and recommend that it be referred to the Judiciary Committee

CAMRON, Chairman.

MINORITY REPORT.

By Mr. Platt:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1881.

MR SPEAKER The minority of the Committee on Apportionment beg leave to dissent from the report of the majority, and report back Senate Bill No 2, with a recommendation that it do not pass; also, Assembly Bill No. 9, as amended by committee, with a recommendation that it do pass.

H. G. PLATT,
JOHN W BOST,
I H. GILMORE,
E. L WHIPPLE,
JOHN DAGGETT.

By Mr. Mason:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1881.

MR. SPEAKER Your Mileage Committee would respectfully submit the following as the names of the Committee Clerks of this House who would be entitled to receive mileage, and the amount thereof, should the minority report of the Judiciary Committee of this House be adopted as the basis of action in the premises, to wit

NAME.	County	Amount
S. N. Bostwick	San Francisco	$16 80
I. Brown	Yolo County	4 00

Respectfully submitted.

MASON, Chairman.

RESOLUTION.

By Mr. Kellogg:

Resolved, That the Controller is hereby authorized to draw his warrant in favor of the following officers and attachés of the Assembly for mileage due for attendance at the extra session, payable out of the Contingent Fund of the Assembly:

Name	County	Amount.
Geo E. McStay	San Joaquin	$9 60
Frank J Higgins	San Francisco	16 80
Jno. G. Howell	Alameda	18 20
R. M Apgar	San Francisco	16 80
G O. Green	Santa Clara	25 60
O. S. Freese	Sacramento	10 00
J. H Riley	Solano	12 00
A W Buchanan	Alameda	18 20
F N Pauly	San Diego	113 20
Jacob Shaen	San Francisco	16 80
D H. Rand	Alameda	18 20
Peter Falty	Alameda	18 20
F. R Favor	Alameda	18 20
Jno Williams	San Francisco	16 80
Robt. Farrell	Santa Clara	25 60
J S O'Brien	Yuba	10 40
W. Proctor	San Francisco	16 80
Sam'l Redmond	Calaveras	14 60
E Johnson	San Francisco	16 80
John McGraw	El Dorado	12 80
Chas Maiple	San Francisco	16 80
Richard Hall	San Francisco	16 80
Geo Dresser	Napa	12 20
A. Mason	San Francisco	16 80
W. Thomas	San Joaquin	9 60
S N. Bostwick		16 80
I. Brown		4 00

Mr. Kellogg moved the adoption of the resolution.

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

The ayes and noes thereon were demanded by Messrs. Kellogg, Howard, and Van Fleet.

The roll was called, and the motion lost by the following vote:

Ayes—Messrs Crank, Fraser, Gay, Hartson, Hott Jones, Long, Matthews of San Benito, McClure, McDonald, Mein, Noonan, Pinder, Sargent, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Mr. Speaker—19

Noes—Messrs. Aiuck, Baker of Yolo, Birney, Bost Branch, Brown, Burns, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett Del Valle Edwards, Estey, Felton, Freer, Garnity, Gavigan, Geary, Griffith, Hendrick, Hinshaw, Holden, Howard, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Mathews of Tehama, May, Mudgett, Murphy, O'Connor Patterson of Nevada, Paulk, Platt, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Whipple, and Young—48.

The question recurred on the adoption of the resolution.

Mr. McClure moved to amend by striking out all of the resolution except such portion as refers to the Chief Clerk and Minute Clerk.

The ayes and noes were demanded by Messrs. Howard, Coleman, and Matthews of San Benito

The roll was called, and the amendment adopted by the following vote:

Ayes—Messrs. Baker of Yolo, Birney, Chandler, Coleman, Crank, Cunningham, Felton, Fraser, Gay, Geary, Hendrick, Hinshaw, Hott, Jackson, Jones, Kilburn, Leach, Leake, Long, Mason, Matthews of San Benito, McClure, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Sargent, Watkins, Wentz, Wertsbaugher, Whipple, and Wood—45

Noes—Messrs Aiuck, Branch, Burns, Crumpton, Daggett, Del Valle, Edwards, Freer, Garnity, Gavigan, Gilmore, Griffith, Hale, Holden, Howard, Keating, Kellogg, Lane, Mathews of Tehama, May, McDonald, O'Connor, Platt, Siebe, Swift, Van Fleet, Wason of Ventura, Young, and Mr Speaker—29.

The question recurred on the resolution as amended.

The ayes and noes were demanded by Messrs. Kellogg, Howard, and Garrity.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Burney, Bost, Branch, Camron, Chandler, Coleman, Crank, Cunningham, Edwards, Felton, Fraser, Freer, Gay, Hendrick, Hinshaw, Jackson, Jones, Kilburn, Leach, Long, Mason, Matthews of San Benito, McClure, McDonald, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Sargent, Watkins, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—42.

NOES—Messrs Anick, Baker of Yolo, Burns, Crumpton, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hoitt, Holden, Howard, Keating, Kellogg, Lane, Leake, May, O'Connor, Platt, Siebe, Swift, Van Fleet, and Wasson of Mono—25.

Mr. Lane moved to take up Senate messages.

So ordered.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, April 19, 1881

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on April sixteenth amended, and on April eighteenth passed as amended, Assembly Bill No. 12—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

JAS. A. ORR, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate amendments to the title and bill read, and the question being on concurrence therewith, the ayes and noes were demanded by Messrs. Estey, Hale, and Fraser

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Burney, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McMurray, Mein, Mudgett, Murphy, O'Connor, Patterson of Nevada, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—60.

NOES—Messrs Felton, Gilmore, Hale, Kilburn, McClure, McDonald, Patterson of San Joaquin, Paulk, and Van Fleet—9.

The resolution introduced by Mr. Kellogg and referred to the Committee on Apportionment, and by said committee reported back this morning, taken up and read.

The question being on referring the resolution to the Judiciary Committee.

The ayes and noes were demanded by Messrs. Burns, Gilmore, and Garrity.

The roll was called, and the resolution referred to the Judiciary Committee, by the following vote:

AYES—Messrs. Alviso, Bost, Brown, Camron, Chandler, Crank, Daggett, Edwards, Estey, Felton, Gay, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Jones, Kilburn, Lane, Leach, Long, Mason, May, McClure, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Young—45.

NOES—Messrs. Baker of Yolo, Branch, Burns, Crumpton, Cunningham, Del Valle, Freer, Garrity, Gavigan, Geary, Gilmore, Griffith, Holden, Howard, Keating, Kellogg, Leake, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, O'Connor, Swift, and Whipple—24.

Speaker pro tem. Fraser in the chair.

MOTION.

Mr. Howard moved to take a recess until two o'clock P. M.
Lost.

GENERAL FILE—SECOND READING.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Taken up.

The question recurred on Mr. Edwards' motion to reconsider the vote by which the last sentence of section two thousand six hundred and forty-one was ordered stricken out.

The ayes and noes thereon were demanded by Messrs. Edwards, Matthews of San Benito, and Howard.

The roll was called, and the motion to reconsider prevailed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Lane, Mason, Mathews of Tehama, Matthews of San Benito, Noonan, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Streeter, Swift, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Whipple—42.

NOES—Messrs. Arick, Gay, Gilmore, Hale, Howard, Leach, Leake, Long, McMurray, Mein, Patterson of Nevada, Paulk, Sargent, Van Fleet, and Wood—15.

The question recurred on the motion to strike out all of section two thousand six hundred and forty-one, after the word "executed" in line five.

The ayes and noes were demanded by Messrs. Wason, of Ventura, Burns, and Matthews of San Benito.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Brown, Burns, Garrity, Gay, Hale, Howard, Lane, Leach, Long, McClure, Mein, Patterson of Nevada, Paulk, Samuels, Wood, and Young—16.

NOES—Messrs. Baker of Yolo, Bost, Branch, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Griffith, Hartson, Hendrick, Hoitt, Holden, Jones, Kellogg, Kilburn, Leake, Mathews of Tehama, Matthews of San Benito, May, McMurray, Mudgett, Murphy, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Whipple—43.

REPORT OF COMMITTEE ON ENGROSSMENT.

By Mr. Mein:

SENATE CHAMBER, SACRAMENTO, April 19, 1881.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and find correctly reengrossed Assembly Bill No. 12—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

MEIN, Chairman.

Pending consideration of Senate Bill No. 4, Mr. Kellogg moved that the House take a recess until two o'clock P. M.

Lost.

Mr. Hale moved to amend section two thousand six hundred and forty-one by adding after the word "executed" in line five, the following: "*Provided*, when in any county the members of the Board of Supervisors thereof are not elected by districts it shall be the duty of such Board, by proper order to be entered in its records, to divide such county into Supervisor Districts to correspond with the number of members of such Board, and to assign to each member thereof one of such districts, of which he shall be such Road Commissioner."

Adopted.

Mr. Long moved to amend section two thousand six hundred and forty-one by striking out in lines five and six the words "no compensation" and insert the words "three hundred dollars per annum in case they perform all the duties of Road Commissioner."

Mr. Reynolds moved to amend the amendment by adding the following words: "*Provided*, that such additional compensation shall not increase the whole annual compensation of a Supervisor to a sum exceeding eight hundred dollars."

Mr. Baker, of Yolo, offered a substitute, as follows: Amend section two thousand six hundred and forty-one by striking out all occurring after Mr. Hale's amendment, and insert in lieu thereof the following. "Said Road Commissioners shall receive the sum of three dollars per day, for each day he is actually engaged in such duties; *provided, however*, the amount of such compensation for such services shall not exceed the sum of two hundred and fifty dollars per annum."

RECESS.

Pending discussion, the hour of one o'clock P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, resumed.

The question recurred on the amendment of Mr. Baker, of Yolo, which was withdrawn.

Mr. Long's amendment withdrawn.

Mr. Gay moved to amend section two thousand six hundred and forty-two, in line eight: "*Provided*, that all Road Overseers or Road Masters now in office by election, must hold office and exercise the duties thereof for the terms for which they were elected."

Adopted.

Mr. Leake moved to amend by adding after the word "counties," in line three of section two thousand six hundred and forty-two, "such Overseer to be an elector of the district for which he is appointed."

Adopted.

Mr Cunningham moved to amend article three, section two thousand six hundred and forty-three, subdivision five, to read as follows: "Let out by contract the construction of all bridges, when the amount of work to be done by contract exceeds two hundred dollars"

The ayes and noes were demanded by Messrs. Cunningham, Gilmore, and Howard.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Arick, Burns, Coleman, Crumpton, Cunningham, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Howard, Jackson, Keating, Lane, Mathews of Tehama, Matthews of San Benito, May, Pinder, and Siebe—20

NOES—Messrs Baker of Yolo, Birney, Bost, Branch, Brown, Cannon, Chandler, Crank, Del Valle, Edwards, Estey, Felton, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Leach, Long, Mason, McClure, McDonald, McMurray, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—46.

Mr. Griffith moved to amend subdivision five, of section two thousand six hundred and forty-three, by striking out the words "by contract" in lines fifteen and sixteen.

Mr. Whipple moved as a substitute to amend subdivision five, of section two thousand six hundred and forty-three, so as to read as follows: "5. Let out by contract the construction, maintenance, and improvement of the highways, and the construction, maintenance, and repair of bridges, or other adjuncts of highways, when the amount of work to be done exceeds two hundred dollars."

Adopted

Mr. Cunningham moved to amend the amendment as follows: Between the words "contract" and "the" insert "when they deem it advisable."

Lost

Mr. Wertsbaugher moved to amend by striking out "two hundred dollars," and inserting "one hundred dollars."

Lost.

Mr. Whipple's amendment was then adopted.

Mr. Griffith moved to amend section two thousand six hundred and forty-three by adding after subdivision eleven, and to be numbered subdivision twelve, the following: "12. They may, when the time has expired for which any road franchise has been granted, grant an extension of the franchise on such terms and for such time as they may deem proper; *provided*, that it be for not more than ten years."

Lost.

Mr. Kellogg moved to amend as follows: By inserting on page five, line thirty, printed bill: "12. They may also enter into contracts for keeping in repair any of the county wagon roads, when, by the unanimous vote of the members of the Board, they shall determine that it is for the best interest of the county, and may establish rates of toll on such roads, which rates shall not, in the estimated aggregate receipts therefrom, exceed the estimated amount of the expense for such repairs and the cost of collecting. No contract shall be entered into for a longer term than one year, and no Supervisor shall be interested in any such contract."

Lost.

Mr. Arick moved to amend by adding, after subdivision eleven, on page five, printed bill, the following, as subdivision twelve: "12. Compel railroad corporations to keep in repair such public highways as by the provisions of the Civil Code of California they are required; but whenever such highways shall have been or may be hereafter accepted by said Supervisors, the same shall be maintained and repaired as in all other cases of accepted highways"

Lost.

Mr. Mathews, of Tehama, moved to amend as follows:

In line twenty-six strike out the word "public," and insert the word "private."

Lost.

Mr. Van Fleet moved to amend subdivision eleven of section two thousand six hundred and forty-three by inserting in line twenty-six after the word "also" the words "in their discretion."

Adopted.

Mr. Fraser moved to amend section two thousand six hundred and forty-four by striking out "Chairman of the Board," line seven, and insert "Board of Supervisors."

Adopted.

REPORT OF STANDING COMMITTEE.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1881.

MR. SPEAKER: Your Committee on Enrollment respectfully report that Assembly Bill No. 12—An Act making appropriations to pay the expenses of the extra session of the Legislature and other matters incidental thereto, of the State of California, during the thirty-second fiscal year, has been correctly enrolled, and the same was this day, April nineteenth, eighteen hundred and eighty-one, at half-past two o'clock P. M., presented to the Governor for his approval.

WARKINS, Chairman.

Mr. Daggett had leave to speak to a question of privilege.

The consideration of Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, resumed.

Mr. Kellogg moved to amend: In section two thousand six hundred and forty-five, subdivision three, add to line six the following: "He shall not employ Chinese or Mongolians in doing any work herein mentioned."

The ayes and noes was demanded by Messrs. Kellogg, Howard, and Jackson.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Burns, Cunningham, Garnity, Gavigan, Geary, Gilmore, Hale, Hoitt, Howard, Jackson, Keating, Kellogg, Lane, Long, May, Patterson of Nevada, Pinder, Siebe, and Young—21.

NOES—Messrs. Barney, Bost, Branch, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hartson, Hendrick, Hinshaw, Holden, Jones Kilburn, Leach, Mason, Mathews of Tehama, Matthews of San Benito, McClure, McDonald, McMurray, Mudgett, Murphy, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—45.

Mr. Felton moved to amend in line fifteen, page six, printed bill, as follows: Add after the word "per day," in line ten, page six, printed

bill, "filing therewith a receipt or receipts signed by each or all persons who have performed labor, stating the number of days of labor performed, and the amount received for the same."

Adopted.

Mr. Matthews of San Benito moved to amend by adding to subdivision two, section two thousand six hundred and forty-five, the following: "and destroy, or cause to be destroyed, at least once a year, all thistles, Mexican cockleburs, or cockleburs of any kind, and all Mexican weeds growing or being on any portion of the public highways or public roads in their respective districts."

The ayes and noes were demanded by Messrs. Howard, Jackson, and Kellogg.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Burns, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Garrity, Griffith, Hale, Hartson, Hinshaw, Holt, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mason, Mathews of Tehama, Matthews of San Benito, May, McMurray Mudgett, Pinder, Platt, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Whipple, Wood, Young, and Mr. Speaker—39

NOES—Messrs. Birney, Cannon, Crumpton, Fraser, Gay, Hendrick, Leach McClure, Mein, Murphy, Patterson of Nevada, Paulk, Reynolds, Sargent, Siebe, Streeter, Swift, Wentz, and Wertsbaugher—19.

Mr. Jackson moved to amend by striking out in line thirteen the words "seventy-five" and inserting the words "one hundred and fifty."

Mr. Paulk moved to amend as follows: In line thirteen strike out the words "seventy-five" and insert the words "one hundred."

Adopted.

Mr. Wertsbaugher moved to amend as follows: In line twelve strike out the words "two dollars and fifty cents" and insert the words "three dollars."

Adopted.

Mr. Felton moved to amend line fifteen, page six, by inserting between the words "poll tax" and "and," "*provided*, they shall have paid into the County Treasury to the credit of the respective District Road Fund the sum of all moneys so collected."

Adopted.

Mr. Felton moved to amend as follows: Add to line ten, page six, printed bill:

SEC. 2651. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this Act, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county. And all officers of said county are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same

All Supervisors, and any other officer, authorizing, or aiding to authorize, or auditing or allowing any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of this Act, shall be liable in person, and upon their several official bonds, to the person or persons damaged by such illegal authorization, to the extent of his loss by reason of the non-payment of his claim.

The Treasurer paying any claim authorized, allowed, or audited, in violation of this provision, shall be liable on his official bond to refund the same to the county treasury.

Adopted.

Mr. Kellogg moved to amend as follows: Section two thousand six hundred and fifty-one, line two, strike out the word "twenty" and insert "forty."

Lost.

Mr. Gay moved to amend on page six, printed bill, section two thousand six hundred and fifty-one, line one, by striking out the word "may" and inserting in lieu thereof the word "shall;" also, same page and section, line four, after the word "they," strike out the word "may" and insert in lieu thereof the word "shall."

Lost.

Mr. Paulk moved to amend by inserting in line two, after the word "twenty," the word "five."

Mr. Camron moved to amend by striking out "twenty-five" and inserting instead "fifteen," in line two of section two thousand six hundred and fifty-one.

MOTION.

At four o'clock and fifteen minutes P. M., Mr. Howard moved to adjourn.

Lost.

Mr. Camron's amendment withdrawn.

The question recurred on Mr. Paulk's amendment, which was lost.

At four o'clock and thirty minutes P. M., Mr. Mathews, of Tehama, moved we do now adjourn

Lost.

Mr Mathews, of Tehama, moved that when we adjourn to-day, that we adjourn until to-morrow, at ten o'clock.

The ayes and noes were demanded by Messrs. Howard, Jackson, and Garrity.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Birney, Bost, Blanch, Brown, Camron, Chandler, Crank, Crumpton, Cunningham, Daggett Del Valle, Edwards, Felton, Fraser, Gay, Griffith, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McMurray, Mein, Murphy Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Stuetel, Swift, Van Fleet, Wason of Ventura, Wentz, Wertshaugher, Whipple, Young and Mr Speaker—46.

NOES—Messrs. Baker of Yolo Burns, Coleman, Garrity, Gavigan, Hale, Holden, Howard, Jackson, Keating, Kellogg, McDonald, Paulk, Siebe, Watkins, and Wood—16.

At four o'clock and thirty-three minutes, Mr. Gavigan moved to adjourn.

Lost.

Mr. May moved to take up Senate messages.

So ordered.

At four o'clock and thirty-five minutes, Mr. Jackson moved to adjourn.

Lost.

SENATE MESSAGES.

The following Senate messages were read.

SENATE CHAMBER, SACRAMENTO, April 19, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed the following bills, viz

Senate Bill No 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 15—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

JAS. A. ORR, Secretary.

SENATE CHAMBER, SACRAMENTO, April 19, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following bills, viz:

Senate Bill No. 21—An Act making an appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Also Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

JAMES A. ORR, Secretary.

Mr. Hoitt moved to suspend the rules and read the above bills the first time.

The ayes and noes were demanded by Messrs. Howard, Jackson, and Garrity.

At four o'clock and thirty-seven minutes Mr. Garrity moved to adjourn

Lost.

The roll was called, and the motion to suspend the rules prevailed by the following vote:

AYES—Messrs. Baker of Yolo, Barney, Bost, Branch, Brown, Cameron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Gay, Geary, Hendrick, Hoitt, Kilburn, Lane, Leach, Leake, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Murphy, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Whipple, Young, and Mr. Speaker—47

NOES—Messrs. Burns, Garnity, Gavigan, Hale, Holden, Howard, Jackson, Jones, Paulk, Wellsbaugher, and Wood—12.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and referred to Committee on Ways and Means.

At four o'clock and forty minutes Mr. Jackson moved to adjourn.

The ayes and noes were demanded by Messrs. Jackson, Howard, and Garrity.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Burns, Daggett, Garnity, Gavigan, Kellogg, and Mathews of Tehama—8.

NOES—Messrs. Anick, Baker of Yolo, Barney, Bost, Branch, Brown, Cameron, Chandler, Coleman, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Fraser, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lane, Leach, Leake, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siehe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wellsbaugher, Whipple, Wood, Young, and Mr. Speaker—51.

Senate Bill No. 15—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

At four o'clock and forty-five minutes, Mr. Jackson moved to adjourn.

Lost

Mr Burns moved a call of the House.

The ayes and noes were demanded by Messrs. Burns, Lane, and Jackson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Burns, Garnity, Gavigan, Howard, Jackson, and Mathews of Tehama—6.

NOES—Messrs. Baker of Yolo, Burney, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Griffith, Hale, Hatson, Hendrick, Hinshaw, Hoitt, Holden, Kellogg, Kilburn, Lane, Leach, Leake, Mason, Matthews of San Benito, May, McClure, McMurray, Mem, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—56.

Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

At four o'clock and fifty minutes, Mr. Gavigan moved to adjourn.

Lost.

Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

At four o'clock and fifty-three minutes Mr. Jackson moved to adjourn.

The ayes and noes were demanded by Messrs. Jackson, Gavigan, and Howard.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bost, Burns, Daggett, Garnity, Gavigan, Howard, Jackson, Kellogg, and Mathews of Tehama—9.

NOES—Messrs Arick, Baker of Yolo, Burney, Branch, Brown, Camron, Chandler, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary Griffith, Hale, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lane, Leach, Leake, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mem, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—53

Senate Bill No. 21—An Act making an appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time and referred to Committee on Ways and Means.

At four o'clock and fifty-five minutes P. M., Mr. Howard moved to adjourn.

Lost.

Senate Bill No. 23—An Act making an appropriation for a deficiency in the appropriation for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read first time, and referred to Committee on Ways and Means.

ADJOURNMENT.

At four o'clock and fifty-nine minutes P. M., on motion of Mr. Hoitt, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, April 20, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Anick, Baker of Yolo, Barney, Bost, Branch, Brown, Burns, Camron Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Strecter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weit-laugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Reynolds moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

Two days' leave of absence granted to Mr. Freer, and one day's leave of absence to each Mr. McCallion and Mr. Keating.

REPORT OF STANDING COMMITTEES.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1881.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bills Nos. 14, 15, 17, 18, 19, 20, 21, 23, 24, and 26, each bill entitled "An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year, beg leave to report the same back with recommendation that they do pass.

Your committee also considered Senate Bill No. 25, entitled "An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year," and report the same back with amendment and recommend it do pass as amended.

MAY, Chairman.

INTRODUCTION OF A BILL.

By Mr. Paulk: An Act to divide the State of California into Senatorial Districts.

Referred to Committee on Apportionment.

FIRST READING OF BILLS.

Assembly Bill No 19—An Act to repeal sections numbered two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and eighty, two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-three, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-seven, two thousand six hundred and eighty-eight, two thousand six hundred and eighty-nine, two thousand six hundred and ninety-eight, two thousand six hundred and ninety-nine, two thousand seven hundred, two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and five, two thousand seven hundred and six, two thousand seven hundred and seven, two thousand seven hundred and eight, two thousand seven hundred and nine, two thousand seven hundred and ten, two thousand seven hundred and eleven, two thousand seven hundred and twelve, two thousand seven hundred and thirteen, two thousand seven hundred and fourteen, two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, two thousand seven hundred and twenty-six, two thousand seven hundred and twenty-eight, two thousand seven hundred and twenty-nine, two thousand seven hundred and thirty, two thousand seven hundred and thirty-one, two thousand seven hundred and thirty-two, two thousand seven hundred and forty-three, two thousand seven hundred and forty-four, two thousand seven hundred and forty-five, two thousand seven hundred and forty-six, two thousand seven hundred and forty-seven, two thousand seven hundred and forty-eight, two thousand seven hundred and forty-nine, two thousand seven hundred and fifty, two thousand seven hundred and fifty-one, two thousand seven hundred and fifty-two, two thousand seven hundred and fifty-three, two thousand seven hundred and fifty-four, two thousand seven hundred and fifty-five, two thousand seven hundred and fifty-six, and two thousand seven hundred and fifty-seven, of an Act entitled an Act to establish a Political Code, approved March

twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-eight new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen, two thousand six hundred and nineteen, two thousand six hundred and twenty, two thousand six hundred and twenty-one, two thousand six hundred and twenty-two, two thousand six hundred and twenty-three, two thousand six hundred and twenty-four, two thousand six hundred and twenty-five, two thousand six hundred and twenty-seven, two thousand six hundred and twenty-eight, two thousand six hundred and twenty-nine, two thousand six hundred and thirty, two thousand six hundred and thirty-one, two thousand six hundred and thirty-two, two thousand six hundred and thirty-three, two thousand six hundred and thirty-four, two thousand six hundred and thirty-five, two thousand six hundred and thirty-six, two thousand six hundred and thirty-seven, two thousand six hundred and thirty-eight, two thousand six hundred and thirty-nine, two thousand six hundred and forty, two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-four, two thousand six hundred and forty-five, two thousand six hundred and forty-six, two thousand six hundred and forty-seven, two thousand six hundred and forty-eight, two thousand six hundred and forty-nine, two thousand six hundred and fifty, two thousand six hundred and fifty-one, two thousand six hundred and fifty-two, two thousand six hundred and fifty-three, two thousand six hundred and fifty-four, two thousand six hundred and fifty-five, two thousand six hundred and fifty-six, two thousand six hundred and fifty-seven, two thousand six hundred and fifty-eight, two thousand six hundred and fifty-nine, two thousand six hundred and sixty, two thousand six hundred and sixty-one, two thousand six hundred and sixty-two, two thousand six hundred and sixty-three, two thousand six hundred and sixty-four, two thousand six hundred and sixty-five, two thousand six hundred and sixty-six, two thousand six hundred and sixty-seven, two thousand six hundred and sixty-eight, two thousand six hundred and sixty-nine, two thousand six hundred and seventy, two thousand six hundred and seventy-one, two thousand six hundred and seventy-two, two thousand six hundred and seventy-three, two thousand six hundred and seventy-four, two thousand six hundred and seventy-five, and two thousand six hundred and seventy-six.

Indefinitely postponed.

SECOND READING OF BILLS.

Consideration of Senate Bill No 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Mr. Cunningham moved to amend by striking out the word "two," line four, section two thousand six hundred and fifty-two, article four, and insert in lieu thereof the word "three"

The ayes and noes were demanded by Messrs. Cunningham, Long, and Daggett.

The roll was called, and the amendment was rejected by the following vote:

AYES—Messrs Birney, Bost, Branch, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Fraser, Gay, Gilmore, Griffith, Holden, Mason, Matthews of San Benito, McMurray, Mein, Whipple, Wood, and Mr. Speaker—22

NOES—Messrs. Alviso, Arick, Baker of Yolo, Brown, Cameron, Crumpton, Estey, Felton, Hartson, Hendrick, Hinshaw, Howard, Jones, Kellogg, Kilburn, Long, Mathews of Tehama, May, McDonald, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—34.

Mr. Mathews, of Tehama, moved to strike out section two thousand six hundred and fifty-two, and insert:

SEC 2652 The Board of Supervisors may annually levy upon every male inhabitant of a road district over twenty-one, and under fifty-five years of age, must pay a commutation fee, or road poll tax of two dollars, annually, which tax shall be collected in the same manner, and at the same time, and by the same officers and process, as State poll taxes are collected

Lost.

Mr. McClure in the chair.

Mr. Cunningham moved to amend section two thousand six hundred and fifty-two, line six, by striking out the word "two" and inserting in lieu thereof the word "one."

The ayes and noes were demanded by Messrs. Lane, Jackson, and Howard.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs Arick, Burns, Cunningham, Daggett, Gavigan, Gilmore, Howard, Jackson, Kellogg, Lane, Leach, Leake, Mason, Mathews of Tehama, May, Noonan, O'Connor, Pinder, Swift, and Watkins—20.

NOES—Messrs Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Del Valle, Edwards, Estey, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Long, Matthews of San Benito, McClure, McDonald, McMurray, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Young—44.

Mr. Griffith moved to amend section two thousand six hundred and fifty-two by striking out the word "may," in line one, and inserting instead the word "must."

Lost.

Mr. Matthews, of San Benito, moved to amend in line three, section two thousand six hundred and fifty-two, by striking out the word "five."

The ayes and noes were demanded by Messrs. Matthews, of San Benito, Howard, and Murphy.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Brown, Estey, Gay, Gilmore, Lane, Mason, Matthews of San Benito, May, Murphy, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, and Wertsbaugher—19

NOES—Messrs Bost, Branch, Cameron, Chandler, Coleman, Crank, Crumpton, Cunningham, Fraser, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Leach, Leake, Long, Mathews of Tehama, McClure, McDonald, Mudgett, Patterson of Nevada, Paulk, Reynolds, Sargent, Van Fleet, Whipple, Wood, and Young—34

Section two thousand six hundred and fifty-two temporarily passed over.

Mr. Hendrick moved to strike out of line three, section two thousand six hundred and fifty-four, the word "thirty," and insert "forty."

Mr. Whipple moved to amend the amendment by striking out "forty" and inserting "fifty."

Accepted.

Pending consideration of the amendment, Mr. Jackson moving to take a recess, the Chair ruled the question out of order.

Mr. Jackson appealed from the decision of the Chair.

The House sustained the Speaker's decision.

Mr. Edwards moved as a substitute for the preceding amendments to amend section two thousand six hundred and fifty-four by striking out of lines two and three the words: "and must not exceed thirty cents on each one hundred dollars in value of taxable property."

The ayes and noes were demanded by Messrs. Edwards, Whipple, and Mason.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Branch, Brown, Camron, Crank, Daggett, Del Valle, Edwards, Gay, Griffith, Hartson, Hinshaw, Hoitt, Holden, Howard, Kellogg, Lane, Leake, Mason McClure, McDonald, McMurray, Patterson of Nevada, Reynolds Samuels, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—36.

NOES—Messrs Alviso, Bost, Chandler, Coleman, Crumpton, Cunningham, Estey, Fraser, Hale, Hendrick, Jones, Kilburn, Leach, Long, Mathews of Tehama, Matthews of San Benito, May, Mein, Mudgett, Murphy, Patterson of San Joaquin, Paulk, Sargent, and Swift—24.

MOTION.

Mr. Jackson moved to take a recess until two o'clock P. M.

Lost.

Mr. Hendrick moved to amend section two thousand six hundred and fifty-five by adding these words: "*Provided*, the Supervisors may transfer the surplus money which may remain in the Road Fund of any district at the end of the year, into the general Road Fund of the county, to be used for the aid of weak or impoverished districts."

Pending discussion, Mr. Baker, of Yolo, moved the House take a recess until two o'clock P. M.

The ayes and noes were demanded by Messrs. May, Hoitt, and Chandler.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Bost, Burns, Camron, Coleman, Crumpton, Daggett, Fraser, Gilmore, Griffith, Holden, Jackson, Kellogg, Leake, Mathews of Tehama, McMurray, Murphy, Patterson of San Joaquin, Pinder, Samuels, Swift, and Whipple—24.

NOES—Messrs. Alviso, Branch, Brown, Chandler, Crank, Cunningham, Del Valle, Edwards, Estey, Felton, Gay, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jones, Kilburn, Lane, Leach, Long, May, McClure, Patterson of Nevada, Paulk, Reynolds, Siebe, Streeter, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—35.

The question recurred on Mr. Hendrick's amendment.

The ayes and noes thereon were demanded by Messrs. Cunningham, Kellogg, and Whipple.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Baker of Yolo, Chandler, Crumpton, Gay, Gilmore, Griffith, Hendrick, Howard, Kellogg, Mathews of Tehama, McClure, McMurray, Patterson of Nevada, Paulk, and Whipple—15.

NOES—Messrs Arick, Birney, Bost, Branch, Brown, Camron, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Hartson, Hinshaw, Hoitt, Jones, Kilburn, Lane, Leach, Leake, Long, May, Murphy, Reynolds Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36.

Mr. Kellogg moved to take a recess until two o'clock.

Lost.

The question recurred on amending section two thousand six hundred and fifty-five.

Mr. Long moved to amend article four, section two thousand six hundred and fifty-five, by striking out the words "subject only to the exemption in section two thousand six hundred and fifty-six mentioned," and inserting in lieu thereof the words, "subject to the provisions of section two thousand six hundred and fifty-one."

Mr Howard moved to adjourn.

Lost.

Mr. Long moved to amend section two thousand six hundred and fifty-six by substituting as follows:

2656. The Board of Supervisors of each county in this State are hereby authorized and directed by proper order in that behalf, to turn over to the corporate authorities of any and every incorporated city or town within their respective counties, fifty per cent of all the road property tax collected within the corporate limits of such cities or towns All moneys so turned over shall be used by the corporate authorities of such cities and towns exclusively in the improvement of the highways and streets therein The Boards of Supervisors shall fix the amount of moneys to be turned over under this section by proper order, and shall order the proper warrants drawn therefor in favor of the proper authorities of such cities or towns

RESOLUTION.

By Mr. Reynolds:

Resolved, That the further consideration of section two thousand six hundred and fifty-six be deferred until to-morrow, and that the Judiciary Committee be requested to report, at the opening of the House to-morrow morning, its opinion as to the constitutionality of the section and the amendment offered by Mr. Long and that it also report such amendment as, in its judgment, will be constitutional in accordance with the principles of this amendment.

Mr. Lane moved to amend the resolution as follows: That the road bill be referred to the Judiciary Committee for consideration.

Lost.

The resolution was then adopted.

RECESS.

The House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

SECOND READING.

Mr. Del Valle in the chair.

Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 15—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

Mr. Gilmore moved to strike out seven thousand dollars and insert eight thousand dollars.

Lost.

The bill read second time, and ordered read third time.

Senate Bill No. 19—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time

The bill read second time, and ordered read third time.

Senate Bill No. 21—An Act making an appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

The bill read second time, and ordered read third time.

Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time

The bill read second time, and ordered read third time.

Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

Committee amendment to strike out the word "eight," and insert "eighty" instead, adopted.

The bill read second time, and ordered read third time.

Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

The bill read second time, and ordered read third time.

SENATE MESSAGES.

On motion of Mr. Whipple, Senate messages were taken up.

The following Senate message was read.

SENATE CHAMBER, SACRAMENTO, April 20, 1881

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following bills, viz:

Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

ED. J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read first time

The bill read first time, and ordered on file.

Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read first time.

The bill read first time, and ordered on file.

The consideration of Senate Bill No 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, resumed.

Mr. Cunningham moved to return to section two thousand six hundred and forty-three, for amendment.

Lost.

Mr. Gay moved to amend, at the end of section two thousand six hundred and eighty-two, page nine, after the word "way:" "The joining of any person in such petition shall be a waiver of all right to damages of every kind and nature arising from the location, alteration, or vacation asked for."

Lost

Mr. Baker, of Yolo, moved to amend section two thousand six hundred and eighty-two, by inserting between the words "altered" and "or," in the second line of said section, the words "laid out."

Adopted.

Mr. Paulk moved, in line five, strike out the word "way," and insert the word "road."

Adopted.

Mr. Griffith moved to amend section two thousand six hundred and eighty-three, by striking out the consecutive words, "Chairman of the," in line two of said section.

Adopted.

Mr Paulk moved to insert in line four, the word "of" at commencement of line.

Lost.

Mr. Gay moved to amend, on page nine, section two thousand six hundred and eighty-four, line two, by striking out the words "one of whom must be a surveyor." and insert in lieu thereof, the words: "as follows, one from their own number, one a practical surveyor, and one disinterested person from the body of the county."

Lost.

Mr. Baker, of Yolo, moved to amend in section two thousand six hundred and eighty-four, by inserting in line three, between the words "road" and "and" "to be made in accordance with the description of the petition."

Lost

Mr. Van Fleet moved to amend subdivision two, of section two thousand six hundred and eighty-six, by adding at the end of line five, after the word "road" the following: "After deducting from such estimated damage the amount of any benefits that will, in their

judgment, accrue to such owner or owners by reason of the proposed alteration or new road."

Lost.

Mr. Bost moved to amend as follows: After the word "owners" in subdivision four, insert the words "or the agents of said owners."

Adopted.

Mr. Bost moved to amend as follows: After the word "owners" in subdivision three, insert the words "or the agents of said owners."

Adopted.

Mr. Murphy moved to reconsider the vote by which the last amendment was adopted.

So ordered.

The amendment then rejected.

Mr. Reynolds moved to reconsider the vote by which the preceding amendment was adopted.

So ordered.

The amendment then rejected.

Mr Griffith moved to amend section two thousand six hundred and eighty-seven by striking out the consecutive words "a per diem of five dollars," in line three, and insert the following: "Such compensation per day as the Board of Supervisors may agree upon."

Mr. Edwards moved to amend the amendment by striking out "such compensation per day as the Board of Supervisors may agree upon," and insert "legal fees."

Lost.

The question recurred on Mr. Griffith's amendment.

The ayes and noes were demanded by Messrs. Edwards and Mason.

The roll was called, and the amendment rejected by the following vote:

AYES—Messrs. Bost, Branch, Crumpton, Cunningham, Edwards, Felton, Fraser, Griffith, Holden, Howard, Kellogg, Leake, Mason, Mein Patterson of Nevada, Patterson of San Joaquin, Platt, Samuels, Sargent, Siebe, Van Fleet, Watkins, Wentsbaugher, Whipple, and Wood—25.

NOES—Messrs Birney, Brown, Cannon, Chandler, Del Valle, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Lane, Leach, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Murphy, Paulk, Reynolds, Swift, Wason of Ventura, and Young—25.

Mr. Griffith moved to amend section two thousand six hundred and eighty-seven by striking out the words "three dollars per day," in line one, and inserting "such compensation as the Board of Supervisors may agree upon."

Mr. Young moved to amend the amendment: Add to the proposed amendment the following: "Not exceeding three dollars per day."

Lost.

Mr. Griffith's amendment was rejected.

Mr. Felton moved to amend section two thousand six hundred and eighty-nine, of printed bill, by inserting after the word "improvements," and before the word "if," in line nine, a new sentence to read as follows: "Any moneys set apart, as herein provided for, shall be returned to the fund from which it was so set apart, if not paid to or accepted by the proper owner or claimant."

Adopted.

Mr. Reynolds moved to amend section two thousand six hundred and ninety, on page twelve, by striking out all said section after and including the word "but," in line seven.

Mr. Kellogg moved a call of the House.

Lost.

At three o'clock and fifty-five minutes P. M. Mr. Griffith moved to adjourn.

Lost.

Mr. Platt moved a call of the House.

Carried.

Roll called.

Quorum present.

Mr. Leach moved that further proceedings under the call be dispensed with.

So ordered.

The question recurred on Mr. Reynolds' amendment to section two thousand six hundred and ninety.

Adopted.

Mr. Griffith, at the request of Mr. Freer, moved to amend section two thousand six hundred and ninety-two, by adding thereto as follows: "*Provided*, that the petitioners must accompany the petition with the bond mentioned in section two thousand six hundred and eighty-three, conditioned as provided in said section, and with a further condition that the bondsmen will pay to the person over whose land said road is sought to be opened his necessary costs and disbursements in contesting the opening of such road, in case the petition be not granted and the road finally not opened."

Adopted.

Mr. Leake moved to strike out the word "them," in line five, section two thousand six hundred and ninety-one, and add in lieu thereof "said districts."

Adopted.

Mr. Paulk moved to amend by adding to section two thousand seven hundred and thirteen the following. "Bridges crossing the line between counties must be constructed by the counties into which such bridges reach; and each of the counties into which any such bridge reaches shall pay such proportion of the cost of such bridge as shall have been previously agreed upon by the Boards of Supervisors of said counties."

Adopted.

At four o'clock and thirty minutes P. M., Mr. Howard moved to adjourn.

Mr. Leach moved that when the House adjourn, it adjourn to meet at ten o'clock A. M. to-morrow.

Mr. Howard withdrew the motion to adjourn.

Mr Leach's motion was lost.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on the motion of Mr. Howard, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, April 21, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Mr. Long had two days leave of absence.
Prayer by the Chaplain.
Messrs. Howard and Garrity had each one day's leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Chandler moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

STATE OF CALIFORNIA EXECUTIVE DEPARTMENT,
SACRAMENTO, April 20, 1881.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 12—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

GEO. C. PERKINS, Governor.

GENERAL FILE—THIRD READING.

Senate Bill No. 14—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.
Read third time.
The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Kilburn, Leach, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—54.
NOES—Mr. Gilmore—1.

Title approved.

Senate Bill No. 15—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Estey, Felton, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Kilburn, Leach, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—50.

NOES—Messrs. Gilmore and Jackson—2.

Title approved.

Senate Bill No. 17—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Griffith, Hendrick, Hoitt, Holden, Kellogg, Kilburn, Leach, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Young—53

NOES—Messrs. Gilmore, Jackson, and Lane—3.

Mr. McClure in the chair.

Title approved.

Senate Bill No. 18—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Kilburn, Lane, Leach, Mason, Mathews of San Benito, McClure, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Young—56.

NOES—Mr. Gilmore—1.

Title approved.

Senate Bill No 19—An Act making appropriation for deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lane, Leach, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Young—56

NOES—Mr Gilmore—1.

Title approved.

Senate Bill No 20—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Cannon, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lane, Leach, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Young—57.

NOES—Mr. Gilmore—1.

Title approved.

Messrs. May and Platt had each leave to speak to a question of privilege.

Senate Bill No. 21—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Cannon, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Fraser, Gavigan, Gay, Geary, Griffith, Hendrick, Hinshaw, Hoitt, Holden, Lane, Leach, Leake, Mathews of Tehama, May, McClure, McMurray, Mein, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wood, and Young—46

NOES—Messrs. Felton, Jackson, Mason, Matthews of San Benito, Paulk, Siebe, and Wentz—7.

Title approved.

Senate Bill No. 23—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Platt, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Young—55.

NOES—None.

Title approved.

Senate Bill No. 24—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Cannon, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lane, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Young—55.

NOES—Mr. Paulk—1.

Title approved.

Senate Bill No. 26—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Young—55.
NOES—None.

Title approved.

Senate Bill No. 25—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gavigan, Gay, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Paulk, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, and Young—55.
NOES—None.

Title approved.

On motion of Mr. Camron, Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year, was taken up, and ordered read second time.

Mr. Jackson moved to strike out the enacting clause of the bill.

Upon which the ayes and noes were demanded by Messrs. Cunningham, Coleman, and Matthews, of San Benito.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Coleman, Cunningham, Estey, Felton, Fraser, Hinshaw, Jackson, Mason, Mathews of Tehama, Matthews of San Benito, McDonald, McMurray, Murphy, Noonan, Paulk, Platt, Samuels, Sargent, Siebe, Swift, Wentz, and Whipple—22.
NOES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Edwards, Gay, Griffith, Hale, Hendrick, Hoitt, Kellogg, Kilburn, Lane, Leach, Leake, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Streeter, Van Fleet, Warkins, Wason of Ventura, Wertsbaugher, Wood, and Young—34.

Mr. Whipple moved to amend the title of Senate Bill No. 12, as follows: Insert after the word "appropriation" "for salary of bookkeeper in the office of Secretary of State."

Lost.

The bill read second time, and ordered read third time.

On motion of Mr. Camron Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year, was taken up and ordered read second time.

Mr. Jackson moved to strike out the enacting clause of the bill.

Lost.

The bill was read second time and ordered read third time.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

The question recurred on the adoption of the substitute offered by Mr. Baker, of Yolo, for section two thousand six hundred and fifty-two.

On motion of Mr. Leach, the section was ordered temporarily passed over and the proposed amendment ordered printed.

Mr. Griffith moved to amend section two thousand seven hundred and thirty-one by striking out all of said section and inserting the following: "If any highway duly laid out or erected, is encroached upon by any water-ditch, flume, or water from any ditch, either from seepage, break in the levee or otherwise, by fences, buildings, or any other obstruction, the Commissioner of Highways, or the Road Overseer of the district, shall, orally or in writing, require the encroachment to be removed from the highway."

Lost.

Mr. Baker, of Yolo, moved to amend section two thousand seven hundred and thirty-two by striking out the words "the breadth of the highway" occurring in the third line of said section.

Lost.

Mr. Kellogg moved to strike out the following words: Commencing at the word "or" in line two, to and including the word "dams" in line three, in section two thousand seven hundred and thirty-seven, viz.: "Or drains water from his land upon any highway, by means of ditches or dams."

Lost.

RECESS.

The House took a recess of one hour, until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Roll called.

Quorum present.

Mr. Kellogg moved that hereafter the House take a recess daily from twelve o'clock and thirty minutes until two o'clock P. M.

Carried by a two-thirds vote.

MOTION.

By Mr. Paulk: I move to amend Rule One to read as follows: The sessions of this House shall begin at ten o'clock A. M., unless otherwise ordered by a vote of the House, and there shall be a recess from twelve o'clock and thirty minutes P. M. until two o'clock P. M. each day, unless otherwise ordered by a vote of the House.

Referred to Committee on Rules.

Mr. Kellogg moved that the Committee on Judiciary be instructed to report forthwith a concurrent resolution, relating to adjourning sine die.

Mr. Patterson, of Nevada, moved to lay it on the table.

The ayes and noes were demanded by Messrs. Kellogg, Cunningham, and Gilmore.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Alviso, Camron, Chandler, Crank, Edwards, Estey, Fraser, Gay, Hendrick, Hoitt, Jones, Kilburn, May, McClure, Mein, Patterson of Nevada, Paulk, Reynolds, Sargent, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Mr. Speaker—27.

NOES—Messrs. Baker of Yolo, Binney, Bost, Branch, Brown, Crumpton, Cunningham, Del Valle, Gilmore, Griffith, Hinshaw, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, Platt, and Whipple—20.

Mr. Hoitt moved that when we adjourn to-day that it be to meet at ten o'clock A. M. to-morrow.

The ayes and noes were demanded by Messrs. Hoitt, Edwards, and Wason of Ventura.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Burney, Bost, Branch, Camron, Chandler, Crank, Del Valle, Edwards, Felton, Fraser, Gay, Griffith, Hendrick, Hoitt, Jones, Kilburn, May, Mein, Mudgett, Noonan, Patterson of Nevada, Platt, Reynolds, Samuels, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertshaugher, and Wood—33.

NOES—Messrs. Arick, Baker of Yolo, Brown, Crumpton, Cunningham, Daggett, Gilmore, Jackson, Keating, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, Paulk, Sargent, Whipple, and Mr. Speaker—17.

The consideration of Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, resumed.

Mr. Kellogg moved to amend section two thousand seven hundred and thirty-seven by inserting in line two, between the words "highway" and "by," the words "to the injury thereof."

Adopted.

Mr. Griffith moved to amend by inserting in line six, between "overflow" and "any," the words "or saturate by seepage," and between "highway" and "shall," insert the words "to the injury thereof," and in lines seven and eight insert after the word "overflow," the words "or seepage."

Adopted.

Mr. Kilburn moved to amend section two thousand seven hundred and forty-two, in line two, by striking out the word "planted."

Adopted.

Mr. Baker, of Yolo, moved to amend section two thousand seven hundred and forty-one, by striking out "five dollars" in lines two and three, and inserting instead "six dollars."

Adopted.

Mr. Gay moved to amend, page eighteen, printed bill, section two thousand seven hundred and forty-six, by striking out all after the word "indebtedness," in line six, down to and including the word "incurred," at end of line nine.

Adopted.

Mr. Patterson moved to amend by striking out section two thousand seven hundred and forty-five.

Adopted.

Mr. Arick moved to amend by striking out the word "shall," in line four of section two thousand seven hundred and forty-six, and inserting the word "may."

Adopted.

Mr. Murphy moved to amend, on page three, section two thousand six hundred and twenty-one, as follows: Add, at the end of section: "And no route of travel used by one or more persons over another's land shall become a public road or by-way by user, or until so declared by the Board of Supervisors, in accordance with the provisions of this Act."

Adopted.

Mr. Whipple moved to amend subdivision five, section two thou-

sand six hundred and forty-three, by adding to line fourteen, before the word "let," "in their discretion."

Adopted.

Mr. Whipple moved to strike out, in lines three and four, section two thousand seven hundred and thirteen, the words, "must be let out to the lowest bidder," and insert instead, "may in their discretion be let out, and if let, it must be."

Adopted.

Mr. Edwards moved to amend page thirteen, section two thousand seven hundred and twelve, by adding to the section the words: "or out of the General County Fund, or both."

Lost.

Mr. Whipple moved to amend, by adding a new section, numbered two thousand seven hundred and forty-seven, after section two thousand seven hundred and forty-six, as follows:

2747. Any person who shall turn out or abandon upon any public highway or public road, any diseased, superannuated, or broken-down horse, mare, or other species of stock, or who, being the owner of any such animal, shall knowingly permit the same to remain or graze upon any public road or highway, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by confinement in the County Jail not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Mr. Baker, of Yolo, moved to amend the amendment, by striking out all after the word "misdemeanor."

Lost.

The question recurred upon Mr. Whipple's amendment, which was rejected.

Mr. Whipple moved to amend by adding to section one of the bill a new section, numbered two thousand seven hundred and forty-eight, as follows:

2748. Every wagon hereafter used upon any of the public highways in this State, hauling freight of any kind (except those now in actual use for such purposes) shall have all of its tires conform in width to the following provisions: If the wagon has a carrying capacity of one ton of freight its tires shall be at least three inches in width, and for each additional ton of carrying capacity one half inch is added to the required width of the tires. Any person who violates any provision of this section is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

Lost.

At three o'clock and fifty-five minutes P. M., Mr. Lane moved to adjourn.

Lost.

Mr. Jackson offered to amend the bill by adding thereto the matter contained in Assembly Bill No. 16.

Ruled out of order by the Chair.

Mr. Jackson appealed from the decision of the Chair.

The question being put, "Shall the decision of the Chair stand as the judgment of the House?" the House sustained the Speaker.

The previous question was demanded by Messrs. Camron and May.

The ayes and noes thereon were demanded by the requisite number.

The roll was called, and the House refused to order the main question, by the following vote:

AYES—Messrs Camron, Crank, Gilmore, Hartson, Hoitt, Keating, Kilburn, Lane, May, Patterson of Nevada, Watkins, and Wason of Ventura—11.

NOES—Messrs. Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Gavigan, Gay, Griffith,

Hendrick, Hinshaw, Holden, Jackson, Jones, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Sargent, Swift, Van Fleet, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—47.

Mr. Leake paired with Mr. Leach.

Mr. Paulk moved to amend section two thousand six hundred and ninety-two to read as follows:

2692. Private or by-roads may be opened, laid out, or altered for the convenience of one or more residents or freeholders of any road district, in the same manner as public roads are opened, laid out, or altered, except that only one petitioner shall be necessary, who must be either a resident or freeholder in said road district, and the Board of Supervisors may for like cause, order the same to be reviewed, opened, laid out, or altered, the person for whose benefit said road is required paying the damages awarded to land owners, and keeping the same in repair. *provided*, that the petitioners must accompany the petition with the bond mentioned in section two thousand six hundred and eighty-three, conditioned as provided in said section, and with a further condition that the bondsmen will pay to the person over whose land said road is sought to be opened his necessary costs and disbursements in contesting the opening of such road, in case the petition be not granted and the road finally not opened.

Adopted.

Mr. Hale moved to amend section two thousand six hundred and twenty-two by striking out the word "road" where it occurs in line four, printed bill, and in lieu thereof insert the following words: "public highway in the county."

Adopted.

Mr. Pinder had two days leave of absence.

Mr. Hale moved to amend section two thousand six hundred and thirty-three as amended, printed bill, by striking out the words "six rods," where they occur in line five, and insert the following: "eighty feet"

Adopted.

Mr. Hale moved to amend section two thousand six hundred and thirty-three, printed bill, by striking out the words "three rods," at end of line one and beginning of line two, and insert the words "forty-two feet."

Lost.

Mr. Fraser moved to amend section two thousand seven hundred and twelve by inserting in line three after the words "bridge," the words "or the purchase of toll roads."

Adopted.

Mr. Whipple moved to amend section two thousand six hundred and fifty-one, so as to read as follows:

2651. The Board of Supervisors may annually set apart from the property road tax collected from all sources, a sum not exceeding fifty per cent. of the aggregate for general county road purposes, to be known as the General Road Fund of the county, from which sum so set apart they may direct such amounts to be paid as may be found necessary for general county road purposes, and to assist weak or impoverished districts in keeping their roads in repair, to be applied as the said Board may order or direct, *provided*, that the Boards of Supervisors in the several counties shall have no power to create a debt on any road district in excess of the estimated amount of receipts from said district for the current year.

Speaker Parks in the chair.

ADJOURNMENT.

Pending discussion of Mr. Whipple's amendment, at four o'clock and fifty-three minutes, on the motion of Mr. Kellogg, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, April 22, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.
Roll called.
Members present as follows:

Messrs. Alviso, Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Two days leave of absence granted to Mr. Leach.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Hoitt moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.

REPORTS OF STANDING COMMITTEES.

By Mr. McClure:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1881.

MR. SPEAKER: Your Judiciary Committee, to whom was referred the question of the constitutionality of section two thousand five hundred and fifty-six of Senate Bill No. 4, and the amendment offered by Mr. Long to said section, have considered the same, and report as follows:

First—That they are of the opinion that the section as it now stands is constitutional.

Second—That they are of the opinion that the amendment proposed by Mr. Long is unconstitutional. And,

Third—That the committee are of the opinion that any amendment to said section vesting the power in Boards of Supervisors of counties to levy and collect a road tax, in accordance with the principle embodied in Mr. Long's amendment, from the inhabitants or property of incorporated towns and cities, would be in conflict with section twelve, of article eleven, of the Constitution, which forbids the Legislature to exercise directly the taxing power upon counties, cities, towns, or other municipalities, for county, city, town, or other municipal purposes, and requires the power to be vested in the corporate authorities thereof. Under this section of the Constitution, the Legislature is not permitted to exercise the power itself, nor to vest it anywhere save in the authorities of the community affected thereby.

McCLURE, Chairman.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, April 21, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

JAMES A. ORR, Secretary.

Consideration of Senate message.
Senate Bill No. 22—An Act making appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Ordered read first time.
The bill read first time and ordered on file.

GENERAL FILE—THIRD READING.

Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.
Read third time.
The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Anick, Birney, Brown, Chandler, Crank, Crumpton, Del Valle, Gavigan, Gay, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn Leach, Leake, Long, McDonald, O'Connor, Patterson of Nevada, Pinder, Reynolds, Samuels, Swift, Watkins, Wason of Ventura, Wasson of Mono, and Mr. Speaker—33.
NOES—Messrs. Alviso, Baker of Yolo, Branch, Burns, Camion, Coleman, Cunningham, Edwards, Estey, Felton, Fraser, Gilmore, Griffith, Howard, Mason, Matthews of San Benito, May, McClure, McMurray, Mein, Noonan, Paulk, Platt, Siebe, Wentz, Weitsbaugher, Whipple, and Wood—28.

Mr. McClure gave notice that he would, to-morrow, move to reconsider the vote by which the bill was refused passage.
Senate Bill No. 13—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.
Read third time.
Mr. McClure in the chair.
The previous question was demanded by Messrs. Hoitt, Cunningham, and Wentz.
The ayes and noes thereon were demanded by Messrs. Jackson, Garrity, and Howard.
The roll was called, and the House ordered the main question, by the following vote:

AYES—Messrs. Camion, Chandler, Crank, Cunningham, Daggett, Del Valle, Edwards, Fraser, Gay, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Long, Mason, Matthews of San Benito, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, and Young—35.
NOES—Messrs. Anick, Birney, Bost, Branch, Brown, Burns, Coleman, Crumpton, Garrity, Gavigan, Gilmore, Griffith, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Mathews of Tehama, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Paulk, Pinder, Platt, and Wood—30.

The question recurred on the passage of the bill.
The roll was called, and the bill passed by the following vote:

AYES—Messrs Anick, Baker of Yolo, Birney, Bost, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Gavigan, Gay, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Long, May, McCallion, McClure, McDonald, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reynolds, Samuels, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Weitsbaugher, Wood, and Young—43.
NOES—Messrs. Branch, Burns, Coleman, Cunningham, Edwards, Estey, Felton, Fraser, Gilmore, Griffith, Holden, Howard, Jackson, Mason, Mathews of Tehama, Matthews of San Benito, McMurray, Mein, Mudgett, Noonan, Paulk, Platt, Sargent, Siebe, Wentz, and Whipple—26.

MINORITY REPORT.

By Mr. Platt (by permission:)

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1881.

MR SPEAKER We cannot agree with the report of your Judiciary Committee in its opinion as to the constitutionality of section two thousand six hundred and fifty-six of Senate Bill No. 4.
We do not think said section constitutional. The inhabitants of incorporated cities and towns

are also inhabitants of counties. In the matter of county affairs there can be no distinction between inhabitants of the county. Any classification would be special and unconstitutional. The Board of Supervisors have jurisdiction throughout the whole county and every part thereof.

Incorporated cities and towns have certain powers under their charters, but not such as to exempt them from county duties and burdens. Their municipal duties and burdens are additional, and are the price they pay for municipal privileges. The incorporated cities can no more be exempted from a county tax than can the inhabitants of the valleys or of the hills.

If the provisions of section twelve of article eleven of the Constitution must be construed as the majority of your committee report, it must follow that the Board of Supervisors can levy no county tax in incorporated cities and towns, and these municipalities would therefore be exempted from all the burdens imposed upon the rest of the county. We are not prepared to adopt such a construction. There are difficulties in the way of so drafting this bill as to reconcile the conflict of jurisdiction between the county and municipal authorities in the matter of street and road building, and repairing, but they are difficulties that will have to be met in the various counties by local compromises.

The bill can be so drawn, probably, as to obviate these difficulties, but we are not at present prepared to suggest the proper amendments.

We would recommend that section two thousand six hundred and fifty-six be stricken out, and think that the bill would be constitutional without it.

H. G. PLATT.
W. D. LONG.
JOS. P JONES.
E. L. WHIPPLE.
W. W. KELLOGG.
R. F. DEL VALLE.

I concur in that portion of the minority report which recognizes the right of the Legislature to authorize the Board of Supervisors to levy a tax for road purposes upon all property within the county, whether situated within or without the corporate limits of any city or town in such county.

F. E. BAKER.

SECOND READING.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

The question recurred on Mr. Whipple's amendment to section two thousand six hundred and fifty-one.

RECESS.

At twelve o'clock and thirty minutes the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, resumed.

The question recurred on Mr. Whipple's amendment.

Mr. Platt in the chair.

Mr. Camron moved to amend the amendment by striking out "fifty per cent.," and inserting "twenty per cent."

Lost.

The question recurred on the amendment of Mr. Whipple.

The ayes and noes were demanded by Messrs. Hartson, Arick, and Whipple.

Mr. Matthews, of San Benito, moved to amend the amendment by striking out "fifty" and inserting instead "thirty."

Lost.

The roll was called, and Mr. Whipple's amendment rejected by the following vote:

AYES—Messrs. Arick, Birney, Brown, Chandler, Crumpton, Griffith, Hinshaw, Holden, Kellogg, McCallion, McMurray, Mudgett, Paulk, Samuels, Sargent, Wason of Ventura, and Whipple—17.

NOES—Messrs. Baker of Yolo, Branch, Camron, Coleman, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McDonald, Mein, Murphy, Patterson of Nevada, Platt, Reynolas, Siebe, Streeter, Swift, Van Fleet, Watkins, Wentz, Wertsbaugher, Wood, and Young—39.

Mr. Cunningham moved to amend section two thousand six hundred and fifty-one, lines two and three, by striking out the words, "not exceeding twenty per cent. of the aggregate for general county road purposes," and insert, "any amount in their judgment necessary."

Lost.

Mr. Chandler moved to amend section two thousand six hundred and fifty-one by striking out, in line two, the words "twenty per cent.," and inserting instead "thirty per cent."

Lost.

The question recurred upon the substitute for section two thousand six hundred and fifty-two, offered by Mr. Baker, of Yolo, as follows:

SEC. 2652. The Board of Supervisors may, annually, at any regular meeting held between the first days of January and March of each year, levy, upon each male person over twenty-one and under fifty-five years of age, found in each road district during the time for the collection of road poll taxes for that year, an annual road poll tax not exceeding two dollars, and every such person in a road district who has not paid the same in some other district, must pay the amount of road poll tax so levied. *provided*, that any person may work out his road poll tax so levied by two days labor under the direction of the Road Overseer or Road Commissioner. The Board of Supervisors shall fix, by ordinance, the time during which all persons liable for road poll tax may, at their option, perform such labor. The Road Overseer, or Road Commissioner, shall give each person performing such labor a certificate therefor. At the expiration of the time fixed by the Board for the performance of such labor, said poll tax shall be due from every person, liable as aforesaid, not holding a certificate that he has performed such labor, and shall be collected by the same person and in the same manner that State poll taxes are collected. Road poll tax receipts, in blank, signed and numbered in the same manner that other poll tax receipts are signed and numbered, shall be delivered by the Auditor of the county to the person charged with the collection of road poll taxes, on or before the first Monday of March of each year, and he shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, in the same manner as he is charged and credited with other poll tax receipts, and shall settle with the Auditor, and pay over the amounts collected in the manner provided by section three thousand eight hundred and fifty-three of this Code. Twenty per cent. of all road poll taxes so collected shall be apportioned to the General Road Fund, and the balance shall be apportioned among the road districts of the county in proportion to the amount of property tax for road purposes levied and collected in each.

Mr. Wentz moved to amend the amendment by inserting the words "able-bodied" after the words "upon each," in line two.

Lost.

Mr. Cunningham moved to amend substitute for section two thousand six hundred and fifty-two of Senate Bill No. 4, line five, by striking out the word "two," and inserting in lieu thereof the word "three."

Upon this the ayes and noes were demanded by Messrs. Cunningham, Holden, and Daggett, and the amendment was adopted by the following vote:

AYES—Messrs. Arick, Birney, Branch, Brown, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett, Felton, Fraser, Gay, Gilmore, Hinshaw, Holden, Keating, Kellogg, Kilburn, Leake, Long, Mason, Matthews of San Benito, McMurray, Mein, Pinder, Samuels, Siebe, Wason of Ventura, Wertsbaugher, and Wood—31.

NOES—Messrs. Burns, Estey, Griffith, Hendrick, Hoitt, Howard, Mathews of Tehama, McCallion, McDonald, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Streeter, Swift, Van Fleet, Warkins, Wentz, Whipple, and Young—25.

Mr. Whipple moved to amend line fourteen of substitute by striking out "by the same person," and insert instead, "by the various Road Overseers, or Road Commissioners (when there is no Road Overseer), in their respective districts."

Mr. Kellogg moved that we now adjourn until next Monday.

The ayes and noes were demanded by Messrs. Hartson, Hoitt, and Howard.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Brown, Crumpton, Daggett, Gilmore, Howard, Kellogg, Mathews of Tehama, McCallion, McDonald, O'Connor, and Pinder—12.

NOES—Messrs. Baker of Yolo, Branch, Burns, Camron, Chandler, Crank, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Lane, Long, Mason, Matthews of San Benito, May, McDonald, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Young—41.

At four o'clock and twenty-five minutes, Mr. Kellogg moved to adjourn.

The ayes and noes were demanded by Messrs. Hartson, Daggett, and Wason.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs Brown, Camron, Coleman, Crumpton, Daggett, Felton, Fraser, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Matthews of San Benito, McCallion, Murphy, Streeter, Whipple, and Mr. Speaker—22.

NOES—Messrs. Arick, Baker of Yolo, Birney, Branch, Burns, Chandler, Crank, Cunningham, Del Valle, Edwards, Estey, Gay, Geary, Hartson, Hendrick, Hoitt, Jones, Kilburn, Long, Mason, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—42.

The question recurred on the amendment to the amendment.

The previous question was demanded by Messrs. Hartson, Camron, and Hoitt.

The ayes and noes were demanded by Messrs. Paulk, Estey, and Wentz.

The roll was called, and the House refused to order the main question, by the following vote:

AYES—Messrs. Camron, Crank, Edwards, Hartson, Hoitt, Jones, Lane, May, McClure, McDonald, Mein, Patterson of Nevada, Pinder, Reynolds, Siebe, Warkins, Wason of Ventura, and Young—19

NOES—Messrs Arick, Baker of Yolo, Birney, Branch, Brown, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Gay, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Keating, Kellogg, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Mudgett, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Streeter, Swift, Van Fleet, Wentz, Wertsbaugher, and Whipple—42.

The ayes and noes were demanded on the amendment to the amendment by Messrs. Matthews, of San Benito, Arick, and Whipple.

Mr. Paulk raised the point of order that the House having refused to order the previous question, it was not in order to consider the bill further this day.

The Chair ruled the point not well taken.

Mr. Paulk appealed to the House, and the House sustained the Chair.

The roll was then called, and the amendment to the amendment adopted by the following vote:

AYES—Messrs Arick, Branch, Brown, Burns, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gilmore, Griffith, Hinshaw, Hoitt, Holden, Howard, Jones, Lane, Leake, Mason, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, Mudgett, Murphy, Paulk, Platt, Samuels, Sargent, Siebe, Swift, Watkins, Wason of Ventura, Wertsbaugher, and Whipple—40.

NOES—Messrs. Baker of Yolo, Birney, Camron, Crumpton, Gay, Hale, Hartson, Hendrick, Keating, Kilburn, Long, May, McDonald, McMurray, Mein, Patterson of Nevada, Reynolds, Wentz, and Young—19.

The question recurred on the amendment as amended.

Mr. Kellogg moved to strike out the word "property," in line twenty-five, and insert "poll" instead.

Adopted.

Mr. Parks in the chair.

Mr. Fraser moved to amend substitute for section two thousand six hundred and fifty-two, in line fifteen, by inserting after the word "collected," the following: "*Provided*, that the collection of said tax shall not be subject to enforcement against any person or corporation until after two days notice from the Road Overseer, or Road Commissioner for said district, to commute the same by performing the labor as herein provided for, shall have been given."

ADJOURNMENT.

At four o'clock and fifty minutes, on motion of Mr. Birney, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, April 23, 1881.

The House met at eleven o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs Arick, Baker of Yolo, Birney, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Freer, Gaffney, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Messrs. Bost, Alviso, Jackson, and Fraser had each one day's leave of absence.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Cunningham moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Long:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1881.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 2—An Act to repeal certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways—report the same back without recommendation.

Also, Assembly Bill No. 3—An Act concerning roads and highways in this State—report it back without recommendation.

Also, Assembly Bill No. 14—An Act to repeal certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to roads and highways, and to add fifty-five new sections to said Code, relating to roads and highways—report it back without recommendation.

LONG, Chairman.

The bills reported above laid upon the table.

RESOLUTIONS.

By Mr. Kellogg:

WHEREAS, The twenty days limitation for the extra session of this Legislature, as expressed in the Governor's proclamation, expires on this day; and, whereas, during all of said time the only Act that has been passed and approved by the Governor is one providing for paying the per diem, mileage, and contingent expenses (?) of the members of the Senate and Assembly, and, whereas, the indications are most favorable that the Legislature will fight it out on the same line, viz eight dollars per day, if it takes all of the Summer, unless an adjournment of this Assembly sine die is had, thereby compelling the Governor to prorogue the Legislature: therefore, be it

Resolved, That the Speaker of this Assembly shall, on Wednesday, April twenty-seventh, eighteen hundred and eighty-one, at twelve o'clock noon, declare this Assembly adjourned sine die.

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

The ayes and noes thereon were demanded by Messrs. Burns, Howard, and McDonald.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Baker of Yolo, Brown, Chandler, Crank, Estey, Felton, Garrity, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Long, Mason, May, McClure, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr Speaker—36.

NOES—Messrs. Birney, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Murphy, Noonan, Pinder, Platt, Samuels, Swift, and Whipple—28.

Mr. Leake paired with Mr. Leach, and Mr. Freer with Mr. Alviso, Mr. Reddick with Mr. Bost.

RECONSIDERATION.

Mr. McClure, pursuant to notice, moved to reconsider the vote by which the House refused to pass Senate Bill No. 12—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year, yesterday.

The roll was called, and the motion to reconsider prevailed by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Freer, Gavigan, Hale, Hendrick, Hoitt, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Long, Mason, Mathews of Tehama, May, McCallion, McClure, McDonald, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reddick, Reynolds, Streeter, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, Wood, Young, and Mr. Speaker—43.

NOES—Messrs. Burns, Coleman, Cunningham, Edwards, Felton, Garrity, Gay, Gilmore, Griffith, Hinshaw, Holden, Matthews of San Benito, McMurray, Murphy, Paulk, Samuels, Sargent, Swift, Wentz, and Whipple—20.

The question recurred upon the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Freer, Gavigan, Gay, Hale, Hartson, Hendrick, Hoitt, Howard, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Long, Mason, May, McCallion, McClure, McDonald, Mein, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reddick, Reynolds, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—46.

NOES—Messrs. Burns, Coleman, Cunningham, Edwards, Estey, Felton, Gilmore, Griffith, Hinshaw, Holden, Mathews of Tehama, Matthews of San Benito, McMurray, Murphy, Paulk, Platt, Samuels, Sargent, Swift, Wentz, and Whipple—21.

GENERAL FILE—SECOND READING.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways.

The question recurred on Mr. Fraser's amendment to the amendment of Mr. Baker, of Yolo.

Lost.

The question recurred on the amendment of Mr. Baker, of Yolo, as amended.

Mr. Cunningham moved to amend the amendment by striking out all after the word "Code" in line twenty-two.

RECESS.

At twelve o'clock and thirty minutes P. M. the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

On motion of Mr. McClure, Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year, taken up, and ordered read second time.

The bill read second time, and ordered read third time.

ADJOURNMENT.

Mr. McClure moved that we do now adjourn until two o'clock Monday.

Upon which the ayes and noes were demanded by the requisite number.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Brown, Burns, Coleman, Crank, Crumpton, Daggett, Garrity, Gilmore, Hoitt, Kellogg, Lane, Matthews of San Benito, McClure, McDonald, Pinder, Platt, Samuels, Siebe, Swift, Van Fleet, Wertsbaugher, Wood, and Mr. Speaker—26

NOES—Messrs Chandler, Del Valle, Edwards, Gay, Griffith, Hendrick, Holden, Jones, Long, Mathews of Tehama, McCallion, Mudgett, Murphy, Patterson of Nevada, Paulk, Reynolds, Streeter, Watkins, Wason of Ventura, Wentz, and Whipple—21.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, April 25, 1881.

The House met at two o'clock P. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Cameron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker.

Quorum present.

Leave of absence granted as follows: Two days to Mr. Watkins, and one day each to Messrs. Arick, Leach, Fraser, Mein, Wood, McDonald, Kellogg, Wertsbaugher, and Siebe.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, April twenty-third, Mr. Long moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Daggett:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1881.

MR. SPEAKER. The Committee on Rules, to whom was referred the following resolution, proposing a change in Standing Rule One, respectfully report the same back, and recommend that it be adopted.

THOS. FRASER, Chairman.

Resolved, That Rule One be amended to read as follows:

Hours of Meeting.

The sessions of this House shall begin at ten o'clock A. M., unless otherwise ordered by a vote of the House, and there shall be a recess from half-past twelve P. M. until two o'clock P. M., each day, unless otherwise ordered by a vote of the House.

Mr. Jackson moved to amend the resolution, making the hour of meeting thirty minutes past ten o'clock A. M.

Lost.

The question recurred on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Gilmore, McCallion, and Jackson.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Hale, Harrison, Hendrick, Hinshaw, Hoitt, Keating, Kilburn, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McMurray, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Young, and Mr Speaker—45.

NOES—Messrs. Burns, Coleman, Crumpton, Garrity, Gavigan, Gilmore, Howard, Jackson, McCallion, O'Connor, Pinder, and Reddick—12

SENATE MESSAGES.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, April 25, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on April twenty-third, passed the following bills, viz.:

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year.

Also, Senate Bill No. 27—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 28—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 32—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Also, Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

ED. J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 16—An Act making appropriation for a deficiency in the appropriations for the thirty-second fiscal year—ordered read first time.

The bill read first time and ordered on file.

Senate Bill No. 27—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read first time.

The bill read first time and ordered on file.

Senate Bill No. 28—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read first time.

Read first time and ordered on file.

Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read first time.

Read first time and ordered on file.

Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read first time.

The bill read first time and ordered on file.

Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read first time.

Read first time and ordered on file.

Senate Bill No. 32—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read first time.

Read first time and ordered on file.

Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year—ordered read first time.

The bill read first time and ordered on file.

INTRODUCTION OF BILLS.

By Mr. Lewis: An Act to divide the State of California into Senatorial and Assembly Districts.

Referred to the Committee on Apportionment.

RESOLUTION.

By Mr. Mathews, of Tehama: Assembly Concurrent Resolution relative to adjournment sine die.

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

The ayes and noes were demanded by the requisite number.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Chandler, Coleman, Crank, Edwards, Estey, Felton, Hale, Hartson, Hendrick, Hoitt, Jones, Mason, May, McClure, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wertshaugher, Young, and Mr. Speaker—27.

NOES—Messrs Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Crumpton, Cunningham, Daggett, Del Valle, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Reddick, Wentz, and Whipple—36.

The question recurred on the resolution.

The ayes and noes were demanded by Messrs. Estey, Hoitt, and Gilmore.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Long,

Mathews of Tehama, Matthews of San Benito, May, McCallion, McMurray, Murphy, Noonan, O'Connor, Platt, Reddick, Samuels, Streeter, Wentz, Whipple, and Young—44.

Noes—Messrs. Chandler, Hale, Harrison, Hoitt, Mason, McDonald, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Wason of Ventura, Wasson of Mono, Wertsbaugher, and Mr. Speaker—15.

Mr. Freer paired with Mr. Alviso.

Mr. May gave notice that he would, to-morrow, move a reconsideration of the vote by which the resolution was adopted.

GENERAL FILE—THIRD READING.

Senate Bill No. 22—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

Ayes—Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Crank, Crumpton, Cunningham, Daggett, Edwards, Estey, Felton, Griffith, Harrison, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Lane, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McMurray, Mudgett, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Young, and Mr Speaker—47.

Noes—Messrs. Burns, Geary, and Gilmore—3.

Title approved.

SECOND READING OF BILLS.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways.

The question recurred on Mr. Cunningham's amendment to the amendment of Mr. Baker, of Yolo.

The ayes and noes were demanded by Messrs. Cunningham, Garrity, and Jackson.

The roll was called, and the amendment to the amendment was rejected by the following vote:

Ayes—Messrs. Bost, Burns, Chandler, Cunningham, Garrity, Griffith, Howard, Jackson Keating, Lane, McCallion, Mudgett, Pinder, Wason of Ventura, Wentz, Wertsbaugher, and Young—17.

Noes—Messrs. Baker of Yolo, Birney, Branch, Brown, Crumpton, Daggett, Edwards, Felton, Gay, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Lewis, Long, Mason, Matthews of San Benito, May, McMurray, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Swift, Van Fleet, and Mr. Speaker—32.

The question recurred on the amendment of Mr. Baker, of Yolo, as amended, which was adopted.

The question recurred on Mr. Long's amendment to section two thousand six hundred and fifty-six.

Mr. Jackson offered a substitute for section two thousand six hundred and fifty-six, and moved that further consideration of the section be postponed, and his substitute ordered printed.

The ayes and noes were demanded by Messrs. Mason, Howard, and Lane.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baker of Yolo, Bost, Burns, Coleman, Crumpton, Cunningham, Daggett, Fraser, Garrity, Gavigan, Howard, Jackson, Kellogg, Lane, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, Murphy, Noonan, O'Connor, Pinder and Swift—23

NOES—Messrs. Birney, Branch, Brown, Camron, Chandler, Crank, Edwards, Felton, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lewis, Long, Mason, May, McMurray, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Young, and Mr. Speaker—34.

The question recurred on Mr. Jackson's substitute for section two thousand six hundred and fifty-six.

The ayes and noes were demanded by Messrs. Jackson, Howard, and Garrity.

Mr. Platt in the chair.

The roll was called, and the substitute rejected by the following vote:

AYES—Messrs Bost, Burns, Garrity, Gavigan, Gilmore, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, McCallion, O'Connor, Pinder, Swift, and Young—17

NOES—Messrs Baker of Yolo, Birney, Branch, Camron, Chandler, Crumpton, Edwards, Felton, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Leake, Lewis Long, Mason, Matthews of San Benito, May, McMurray, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Samuels, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Mr. Speaker—37.

The question recurred on Mr. Long's substitute for section two thousand six hundred and fifty-six, which was withdrawn.

Mr. Cunningham moved to amend section two thousand six hundred and fifty-six, by striking out lines one and two, and down to and including the word "thereof" in line three of the printed bill.

Mr. Kellogg moved a call of the House.

Lost.

At five o'clock, Mr. Jackson moved to adjourn.

Lost.

Mr. Murphy moved an amendment to Mr. Cunningham's amendment, so as to order the whole of section two thousand six hundred and fifty-six stricken out.

Mr. Hale moved to refer the bill to the Committee on Roads and Highways, with instructions to report the same back to-morrow morning.

Mr. Felton moved as an amendment that the bill be referred to a special committee of seven, to be appointed by the Chair.

At five o'clock and ten minutes P. M., Mr. Burns moved to adjourn.

The ayes and noes were demanded by Messrs. Howard, Burns, and Jackson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Baker of Yolo, Birney, Bost, Brown, Burns, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Garrity, Gavigan, Griffith, Holden, Howard, Jackson, Keating, Kellogg Lane, Long, Matthews of San Benito, McClure, McMurray, Murphy, Noonan, O'Connor, Samuels, Swift, and Whipple—29

NOES—Messrs Branch, Chandler, Crank, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Kilburn, Lewis, Mason May, Patterson of Nevada, Patterson of San Joaquin Paulk, Pinder, Platt, Reddick, Reynolds, Van Fleet, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, and Young—29.

The question recurred on Mr. Hale's motion to refer the bill.

Mr. Burns raised the point of order that Mr. Hinshaw should be allowed to change his vote, and being ruled out of order appealed from the decision of the Chair.

His appeal being ruled out of order for not having been made at the proper time, Mr. Burns again appealed.

The ayes and noes were demanded on the appeal.

The question being: Shall the Speaker's decision stand as the judgment of the House?

The roll was called, and the Speaker sustained by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Lewis, Long, Mason, May, McCallion, McMurray, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Young, and Mr. Speaker—53.

NOES—Messrs. Burns, Cunningham, Garrity, Jackson, Lane, Leake, Matthews of San Benito, and Swift—8.

ADJOURNMENT.

At five o'clock and twenty-five minutes P. M. Mr. Felton moved to adjourn.

The ayes and noes were demanded by Messrs. Burns, Lane, and Garrity.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Camron, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hinshaw, Holden, Keating, Kellogg, Kilburn, Lewis, Long, Mason, Matthews of San Benito, McClure, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Platt, Reddick, Samuels, Swift, Wasson of Mono, Wertshaugher, Young, and Mr. Speaker—41.

NOES—Messrs. Burns, Chandler, Garrity, Gavigan, Hale, Hartson, Hendrick, Hoitt, Howard, Jackson, Jones, Lane, May, Patterson of Nevada, Paulk, Pinder, Reynolds, Streeter, Wason of Ventura, and Wentz—20.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, April 26, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows.

Messrs. Baker of Yolo, Birney, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Murphy, O'Connor, Patterson of Nevada, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Leave of absence was granted as follows: One day each to Messrs. Lane, Garrity, Mason, Patterson of San Joaquin, Freer, Leach, Edwards, Arick, and Brown.

Mr. Paulk asked for two days leave of absence.

The ayes and noes thereon were demanded by Messrs. Hartson, Wason, of Ventura, and Jackson.

The roll was called, and the request granted by the following vote:

AYES—Messrs Baker, Birney, Bost, Branch, Burns, Coleman, Crumpton, Cunningham, Del Valle, Estey, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Keating, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, O'Connor, Paulk, Pinder, Platt, Samuels, Swift, Whipple, and Young—33.

NOES—Messrs. Camron, Chandler, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, May, McClure, Patterson of Nevada, Reynolds, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, and Mr Speaker—21.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Hoitt moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

MOTION.

Mr. Del Valle moved to reconsider the vote by which Assembly Concurrent Resolution relative to adjournment was adopted, yesterday.

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

The roll was called, and the motion to lay on the table prevailed, by the following vote:

AYES—Messrs Baker of Yolo, Birney, Bost, Branch Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Gilmore, Griffith, Hinshaw, Holden, Jackson, Keating, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, O'Connor, Platt, Reddick, Samuels, and Whipple—27

NOES—Messrs Chandler, Crank, Edwards, Estey, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, May, McClure, Patterson of Nevada, Paulk, Pinder, Reynolds, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Young, and Mr. Speaker—23

On motion of Mr. McClure, Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two of said Code, relating to roads and highways.

Also, Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

Were passed on file.

SECOND READING.

Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 28—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 16—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 32—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 27—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year—ordered read second time.

Read second time, and ordered read third time.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

The question recurred on Mr. Hale's motion to recommit the bill, which was withdrawn.

The question then recurred on Mr. Murphy's amendment to Mr. Cunningham's amendment.

The previous question was demanded by Messrs. Felton, Kilburn, and Hoitt.

The ayes and noes thereon were demanded by Messrs. Del Valle, Griffith, and Hoitt.

The roll was called, and the House refused to order the main question by the following vote:

AYES—Messrs. Camron, Chandler, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, May, McClure, Mein, Patterson of Nevada, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Wason of Ventura, Wentz, Young, and Mr. Speaker—27.

NOES—Messrs Baker of Yolo, Birney, Bost, Branch, Burns, Coleman, Crumpton, Cunningham, Daggett, Del Valle, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Jackson, Keating, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—31.

Mr. Griffith in the chair.

At twelve o'clock and twenty minutes P. M., Mr. Jackson moved to adjourn.

The ayes and noes thereon were demanded by Messrs. Felton, Chandler, and Camron.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Daggett, Gilmore, Jackson, Keating, Mathews of Tehama, McCallion, and Whipple—7

NOES—Messrs Baker of Yolo, Birney, Bost, Branch, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kilburn, Lewis, Long, Matthews of San Benito, May, McClure, McMurray, Mein, Murphy, Patterson of Nevada, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, and Young—47.

The question recurred on Mr. Murphy's substitute for Mr. Cunningham's amendment, as follows: I move as a substitute for the amendment of Mr. Cunningham that the whole of section two thousand six hundred and fifty-six be stricken out.

The ayes and noes were demanded by Messrs. Edwards, Gilmore, and Matthews, of San Benito.

The roll was called, and the amendment to the amendment adopted by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Gay, Griffith, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McMurray, Mein, Murphy, O'Connor, Patterson of Nevada, Paulk, Platt, Reddick, Samuels, Sargent, Streeter, Swift, Wason of Ventura, Wentz, Whipple, and Young—41.

NOES—Messrs. Camron, Coleman, Crank, Edwards, Fraser, Hale, Hartson, Hendrick, McClure, Pinder, and Reynolds—11.

At twelve o'clock and twenty-five minutes P. M., Mr. Baker, of Yolo, moved to adjourn.

The ayes and noes were demanded by Messrs. Felton, Hartson, and Hoitt.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baker of Yolo, Bost, Burns, Crumpton, Cunningham, Daggett, Gilmore, Griffith, Holden, Jackson, Keating, Mathews of Tehama, McCallion, McDonald, O'Connor, Platt, and Whipple—18

NOES—Messrs. Birney, Branch, Camron, Chandler, Coleman, Crank, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jones, Kilburn, Leake, Lewis, Long, Matthews of San Benito, May, McClure, McMurray, Mein, Patterson of Nevada, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Streeter, Van Fleet, Wason of Ventura, Wentz, and Young—40.

RECESS.

At twelve o'clock and thirty minutes P. M., the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, resumed.

The question recurred on Mr. Cunningham's amendment as amended, which was adopted.

Mr. Cunningham moved to amend Senate Bill No. 4 by adding a new section, to be known as section two thousand six hundred and ninety-six, as follows:

SEC. 2696. No report of Viewers must be approved by the Board of Supervisors which, without the consent of the owner and occupant, runs the road:

First—Through an orchard of two or more years' growth;

Second—Through a garden or yard of two or more years' growth.

Third—Through buildings or fixtures for the purposes of residence, trade, or manufacture;

Fourth—Through inclosures necessary for the use or enjoyment of the buildings or fixtures;

Unless the Board of Supervisors are satisfied from personal examination, observation, or from the sworn statement of at least ten respectable residents of the road district that the opening of

such road through such premises is an absolute necessity, a great public benefit, or a great convenience to a moiety of the inhabitants of the district.

Lost.

Mr. Baker, of Yolo, moved to amend section two thousand six hundred and forty-one by inserting after the word "thereof," in line two of said section, the following words: "*Provided*, that no municipal corporation, or any part of such corporation, shall be included in any road district."

Mr. McClure in the chair.

Mr. Edwards offered the following substitute for Mr. Baker's amendment: Add to section two thousand six hundred and forty-one, at the close thereof, "*Provided*, that incorporated cities and towns, which provide for a municipal tax for the improvement of streets and highways, shall constitute a road district."

Lost.

The question recurred on the amendment of Mr. Baker, of Yolo, which was lost.

Mr. Wason, of Ventura, moved to reconsider the vote by which the words "Chairman of the Board" were stricken out, and the "Board of Supervisors" inserted instead in section two thousand six hundred and forty-four.

So ordered.

The question recurred on the adoption of the amendment.

Mr. Wason, of Ventura, moved to amend the amendment by striking out "Board of Supervisors" and inserting instead the words "a Judge of the Superior Court."

Lost.

The amendment was then adopted.

Mr. Gay moved to amend by striking out from the caption of article four, the words and numbers "two thousand six hundred and fifty-six," "cities and towns not to pay taxes."

Adopted.

Mr. Baker, of Yolo, moved the bill be ordered printed as amended.

Adopted.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., Mr. Whipple moved to adjourn.

The ayes and noes were demanded by Messrs. Paulk, Estey, and Daggett.

The roll was called, and the motion adopted by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Burns, Coleman, Crumpton, Daggett, Del Valle, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Jackson, Keating, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Murphy, O'Connor, Platt, Samuels, Whipple, Young, and Mr. Speaker—34.

NOES—Messrs. Cannon, Chandler, Crank, Cunningham, Edwards, Estey, Felton, Fraser, Gay, Harrison, Hoitt, Jones, Kilburn, Patterson of Nevada, Paulk, Pinder, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, and Wentz—24.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, April 27, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Arick, Baker of Yolo, Binney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt Holden, Howard, Jackson, Jones, Kellogg, Kilburn, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Hoitt moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.

REPORTS OF STANDING COMMITTEES.

By Mr. Camron:

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1881.

MR. SPEAKER: Your Committee on Apportionment, to whom was referred Assembly Bill No. 24—Entitled an Act to divide the State of California into Senatorial and Assembly Districts—have had the same under consideration, and now report the same back without recommendation.

Also, Assembly Bill No. 1—And report the same back without recommendation.

Also, Assembly Bill No. 9—As amended, without recommendation.

Also, Assembly Bill No. 4—An Act to divide the State of California into Congressional Districts—and report the same back without recommendation.

Also, Assembly Bill No. 15—And report the same back without recommendation.

Also, Assembly Bill No. 21—An Act to divide the State into Congressional Districts—and report the same back without recommendation.

Also, Assembly Bill No. 22—An Act to divide the State into Congressional Districts—and report the same back without recommendation.

CAMRON, Chairman.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, April 27, 1881.

MR. PRESIDENT: I am directed to inform your honorable body that the Senate, on April twenty-fifth, eighteen hundred and eighty-one, amended, and on April twenty-sixth passed as amended, Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

ED. J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

MOTION.

By Mr. May: I move to refer the Senate amendments to Assembly Bill No. 8, to the Committee on Ways and Means.

Mr. Jackson moved that it be referred to the Committee of the Whole.

The ayes and noes were demanded by Messrs. Howard, Jackson, and Garrity.

The roll was called, and some members who were paired having voted by mistake, and asking to withdraw their votes, Mr. Platt moved to take a new roll-call on the question.

So ordered.

The roll was again called and the House refused to refer to Committee of the Whole by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, O'Connor, Pinder, Platt, and Samuels—30.

NOES—Messrs Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Wood, Young, and Mr. Speaker—36.

The question recurred on the motion to refer to the Committee on Ways and Means.

Mr. Edwards raised the point of order that the question was not debatable.

The Speaker ruling the point of order well taken, Mr. Del Valle appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the House?"

The previous question was demanded by Messrs. Felton, Hendrick, and Camron.

Mr. Jackson moved a call of the House.

The ayes and noes were demanded by Messrs. Howard, Jackson, and Garrity.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—35

NOES—Messrs Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lane, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36.

At eleven o'clock and forty minutes A. M., Mr. Jackson moved to adjourn.

The ayes and noes thereon were demanded by Messrs. Howard, Jackson, and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cunningham, Daggett, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Murphy, O'Connor, Pinder, Platt, Swift, and Whipple—21.

NOES—Messrs. Alviso, Arick, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lane, Leake, Long, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Samuels, Sargent Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—45.

Mr. McDonald moved a call of the House.

The ayes and noes were demanded by Messrs. Jackson, McDonald, and Baker, of Yolo, and the House refused to order the call by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, and Swift—34

NOES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Long, Mason, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36.

At twelve o'clock M. Mr. Howard moved to adjourn.

The ayes and noes were demanded by Messrs. Howard, Jackson, and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Bost, Crumpton, Daggett, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, and Swift—26.

NOES—Messrs. Alviso, Birney, Branch, Brown, Camron, Chandler, Coleman, Crank, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lane, Long, Mason, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—40.

Mr. McDonald moved a call of the House.

The ayes and noes were demanded by Messrs. Howard, Jackson, and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Birney, Bost, Branch, Burns Cunningham, Daggett, Del Valle, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Swift, and Whipple—31.

NOES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Edwards, Estey, Felton, Fraser, Gay, Geary, Hartson, Hendrick, Hoitt, Jones, Kilburn, Mason, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—38.

The question recurred on the motion for the previous question.

The ayes and noes were demanded by Messrs. Felton, Jackson, and McDonald.

The roll was called, and the main question ordered by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Long, Mason, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—35.

NOES—Messrs. Arick, Birney, Bost, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garnity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Sargent, Swift, and Whipple—34.

The question recurred on the question, "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called, and the House sustained the Speaker's decision, by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Coleman Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—34

NOES—Messrs. Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Platt, Samuels, Swift, and Whipple—32

The question recurred on the motion of Mr. May to refer the bill to the Committee on Ways and Means.

Mr. Del Valle moved to amend the motion so as to read "to commit," instead of "to refer."

Ruled out of order.

Mr. Del Valle appealed from the decision of the Chair.

The question being, "Shall the decision of the Speaker stand as the judgment of the House?" the ayes and noes were demanded by Messrs. Howard, Jackson, and McCallion.

RECESS.

At twelve o'clock and thirty minutes P. M. the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The question recurred upon Mr. Del Valle's appeal from the decision of the Chair.

Mr. Felton moved to lay the appeal on the table.

The ayes and noes were demanded by Messrs. Jackson, McCallion, and Garrity.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, and Mr. Speaker—33.

NOES—Messrs Arick, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—33

The ayes and noes were demanded on Mr. Del Valle's appeal, by Messrs. Del Valle, Daggett, and Jackson.

The roll was called, and the Speaker's decision sustained by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Reynolds, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—34.

NOES—Messrs. Arick, Birney, Bost, Branch, Burns, Crumpton, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Samuels, and Whipple—30.

The question recurred on Mr. May's motion to refer the bill to the Committee on Ways and Means.

Mr. Del Valle moved to amend the motion so as to include special instructions to report the bill back to-morrow morning.

The amendment to the amendment accepted.

The previous question was demanded by Messrs. Camron and Hoitt.

The ayes and noes were demanded thereon by the requisite number.

The roll was called, and the main question was ordered by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Long, Mason, May, McClure, McDonald, Mein, Mudgett, Patterson of Nevada Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—38

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Noonan, Pinder, Platt, and Samuels—30.

The roll was called, and the motion to refer to the committee with special instructions prevailed by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Edwards, Estey, Felton, Fraser, Gay, Geary, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Long, Mason, May, McClure, McDonald, Mein, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—41.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Daggett, Del Valle, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Mudgett, Murphy, and Samuels—26.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, April 26, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No 1—Relative to the pardon of the Mussel Slough prisoners.

JAMES A. ORR, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 1—Relative to the pardon of the Mussel Slough prisoners.

Mr. Jackson moved that the resolution be respectfully returned to the Senate without action.

The previous question was demanded by Messrs. Camron, Hoitt, and Hartson.

The ayes and noes were demanded by Messrs. Howard, Garrity, and Jackson.

The roll was called, and the House refused to order the main question by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Chandler, Crank, Edwards, Hartson, Kilburn, May, McClure, Streeter, Watkins, Wasson of Mono, Wertsbaugher, and Wood—15.

NOES—Messrs. Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Lewis, Mathews of Tehama, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Pinder, Platt, Sargent, Siebe, Swift, Van Fleet, Wason of Ventura, Whipple, Young, and Mr. Speaker—51.

Mr. Jackson's motion withdrawn.

The question recurred on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Howard, Sargent, and Hendrick.

Mr. Griffith in the chair.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hartson, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kilburn, Lane, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Whipple—63.

NOES—Messrs. Hale, Hendrick, Van Fleet, Wasson of Mono, Wood, and Young—6.

GENERAL FILE—THIRD READING.

Senate Bill No. 29—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time.

Mr. Gilmore moved to recommit to a committee, with instructions to strike out three hundred and eighteen dollars and thirty-eight cents, and insert fifty dollars.

Lost.

Mr. Parks in the chair.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Gay, Griffith, Hale, Hartson, Hoitt, Holden, Lane, Leake, Lewis, Mason, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—47.

NOES—Messrs. Burns, Cunningham, Garrity, Gilmore, Howard, Jackson, Keating, Kellogg, Mathews of Tehama, Matthews of San Benito, and Pinder—11.

Title approved.

Senate Bill No. 30—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time.

Mr. Gilmore moved to recommit to a committee, with instructions to strike out "twenty-two dollars and forty cents," and insert "two dollars and forty cents."

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Camron, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gay, Griffith, Hartson, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McMurray, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—53.

NOES—Messrs. Gilmore, Howard, Jackson, and Mathews of Tehama—4.

Title approved.

Senate Bill No. 28—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year.

Read third time.

Mr. Gilmore moved to recommit to a committee, with instructions to strike out "three thousand and thirty-three dollars and fourteen cents," and insert "five hundred dollars."

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Garrity, Gay, Griffith, Hartson, Hinshaw, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, May, McCallion, McMurray, Murphy, Patterson of Nevada, Pinder, Platt, Reynolds, Sargent, Siebe, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—46.

NOES—Messrs. Gilmore, Howard, Jackson, and Mathews of Tehama.

Title approved.

Senate Bill No. 33—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gay, Griffith, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, May, Mein, Mudgett, Murphy, Patterson of Nevada, Pinder, Reynolds, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—50.

NOES—Messrs. Gilmore and Mathews of Tehama—2.

Title approved.

Senate Bill No. 31—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-first fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Garrity, Gay, Griffith, Hinshaw, Holden, Howard, Kilburn, Leake, Lewis, May, McDonald, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Siebe, Streeter, Swift Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—46

NOES—Messrs. Gilmore and Mathews of Tehama—2.

Title approved.

Senate Bill No. 16—An Act making appropriation to pay a deficiency in the appropriations for the thirty-second fiscal year.

Read third time.

Mr. Gilmore moved to recommit to a committee, with instructions

to strike out "ten thousand three hundred dollars," and insert "one thousand dollars."

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Gay, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Kellogg, Kilburn, Lane, Leake, Matthews of San Benito, May, McClure, McDonald, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Young, and Mr. Speaker—47.

NOES—Mr. Swift—1.

Title approved.

Senate Bill No. 32—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year.

Read third time.

Mr. Gilmore moved to recommit to a committee with instructions to strike out "two hundred and thirty dollars and seventy-five cents," and insert "twenty-five dollars."

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Del Valle, Edwards, Felton, Fraser, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leake, Lewis, Matthews of San Benito, May, McClure, McDonald, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wood, Young, and Mr. Speaker—49

NOES—Mr. Gilmore—1.

Title approved.

Senate Bill No. 27—An Act making appropriation for a deficiency in the appropriations for the thirty-first fiscal year.

Read third time.

Mr. Jackson moved to recommit to a special committee, with instructions to strike out the words, "three hundred," and insert the words, "two dollars and fifty cents."

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Bost, Branch, Brown, Camron, Chandler, Crank, Crumpton, Del Valle, Fraser, Gay, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Lane, Lewis, Mason, Matthews of San Benito, May, McClure, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wood, Young, and Mr. Speaker—46.

NOES—Mr. Gilmore—1.

Title approved.

Mr. Camron moved that Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, be passed on file.

Mr. Daggett raised the point of order that it would require a two-thirds vote to carry the motion.

The Speaker ruled the point not well taken

Mr. Daggett appealed from the Speaker's decision

The previous question was demanded by Messrs. Edwards, Camron, and Hoitt.

At four o'clock and fifteen minutes P. M., Mr. Platt moved to adjourn.

The ayes and noes were demanded by Messrs. Jackson, McDonald, and Howard.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, and Swift—36.

NOES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—37.

Mr. Leake moved a call of the House.

The ayes and noes were demanded by Messrs. Jackson, Pinder, and Howard.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Noonan, O'Connor, Pinder, Samuels, and Swift—32

NOES—Messrs Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt Jones, Kilburn, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—37.

At four o'clock and thirty minutes P. M., Mr. Kellogg moved to adjourn.

The ayes and noes were demanded by Messrs. Kellogg, Jackson, and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Del Valle, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Platt, Samuels, and Swift—31.

NOES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—37.

Mr. Jackson moved a call of the House.

The ayes and noes were demanded by Messrs. Kellogg, Jackson, and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Branch, Burns, Daggett, Del Valle, Gavigan, Gilmore, Griffith, Holden, Keating, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, Pinder, Platt, and Swift—20.

NOES—Messrs. Alviso, Brown, Camron, Chandler, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—36.

ADJOURNMENT.

At four o'clock and forty minutes P. M., Mr. McDonald moved to adjourn.

The ayes and noes were demanded by Messrs. Jackson, Garrity, and Kellogg.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Crumpton, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Mr Speaker—37.

NOES—Messrs Alviso, Camron, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—34.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, April 28, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.

Speaker pro tem. Fraser in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Wertsbaugher moved that the further reading thereof be dispensed with.

So ordered

The Journal of yesterday approved.

Mr. Kellogg asked leave to introduce a bill out of order.

Granted.

Mr. Kellogg offered the following bill: An Act to repeal an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty.

Ruled out of order, as not coming within the terms of the Governor's proclamation.

Mr. Kellogg 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. Pinder, Jackson, and Arick.

The roll was called, and the Speaker sustained by the following vote:

AYES—Messrs Alviso, Arick, Baker of Yolo, Barney, Bost, Branch, Brown, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Garnty, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake Lewis, Mason, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mein, Mudgett, O'Connor, Patterson of Nevada Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—60.

NOES—Messrs Burns, Jackson, McClure, Murphy, Reddick, Siebe, and Van Fleet—7.

Speaker Parks in the chair.

INTRODUCTION OF A BILL.

By Mr. Young (by permission): An Act to appropriate money to pay the deficiency in the appropriation for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of Wm. Laufkotter.

Referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1881.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Senate amendments to Assembly Bill No. 8, have duly considered the same, and beg leave to report:

We recommend concurrence in amendments numbers one, two, thirteen, fourteen, fifteen, sixteen, nineteen, twenty, twenty-one, and twenty-two, and non-concurrence in amendments numbers three, four, five, six, seven, eight, nine, ten, eleven, twelve, seventeen, and eighteen; and on non-concurrence, that the Senate be notified and asked for the appointment of a committee of free conference.

MAY, Chairman.

The question recurred on concurrence in Senate amendments to above reported bill.

RESOLUTION.

By Mr. Jackson (by permission):

Resolved, That the Governor be requested to inform this body why section three thousand two hundred and thirty-three of the Political Code is not enforced.

The ayes and noes thereon were demanded by Messrs. Burns, McCallion, and Mason.

The roll was called, and the resolution rejected by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Barney, Bost, Branch, Burns, Coleman, Crumpton, Cunningham, Del Valle, Felton, Garnty, Gealy, Gilmore, Griffith, Hinshaw, Howard, Jackson, Keating, Kellogg, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, O'Connor, Platt, and Swift—30.

NOES—Messrs. Alviso, Brown, Camron, Chandler, Crank, Edwards, Estey, Fraser, Freer, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reddick, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—38.

The consideration of Senate amendments to Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years, resumed.

Senate amendment number one, to amend section one, line seventy-eight, page four, printed bill, by adding after the word "dollars:" "*Provided*, that the whole amount may be expended in either of the fiscal years," read.

Mr. Del Valle in the chair.

The ayes and noes thereon were demanded by the requisite number.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Alviso, Arick, Birney, Bost, Branch, Brown Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holtt, Holden, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Young—66.

NOES—Messrs Geary, Howard, Jackson, and Kellogg—4.

Senate amendment number two: Strike out the words "eight thousand" and insert in place thereof the words "seventy-five hundred" in line ninety-one, page four, printed bill, read.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs Alviso, Arick, Birney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey Felton, Fraser, Freer, Garrity, Gavigan, Gay, Hale, Hartson, Hendrick, Hinshaw, Holtt, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, Mein, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—63.

NOES—Messrs. Baker of Yolo, Gilmore, Griffith, Holden, Jackson, Keating, McCallion, and McMurray—8

Senate amendment number three, to strike out the word "deputy," and insert in place thereof the words "clerk of;" also strike out the word "six," and insert in place thereof the word "two," in line one hundred and seven, page four, printed bill, read.

The roll was called, and concurrence in the amendment refused by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Branch, Burns, Camron, Coleman, Crank, Cunningham, Estey, Felton, Fraser, Garrity, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Jackson, Kilburn, Lane, Lewis, Mason, Matthews of San Benito, McCallion, McDonald, Mudgett, Patterson of San Joaquin, Platt, Reynolds, Samuels, Sargent, Swift, Watkins, and Wentz—35

NOES—Messrs. Arick, Bost, Brown, Chandler, Crumpton, Del Valle, Edwards, Gay, Holtt, Holden, Keating, Kellogg, Mathews of Tehama, May, McClure, O'Connor, Patterson of Nevada, Streeter, Van Fleet, Wason of Ventura, Wertsbaugher, Wood, and Mr. Speaker—23.

Mr. McDonald raised the point of order that the amendment was concurred in, as it had received a majority of the votes given.

The Chair ruled the point not well taken, as forty-one votes are required to concur in a Senate amendment.

Mr. McDonald appealed from the decision of the Chair.

Mr. Reynolds moved a call of the House.

The ayes and noes thereon were demanded by Messrs. Howard, Jackson, and Fraser.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Burney, Bost, Branch, Brown, Camron, Chandler, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Freer, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Kilburn, Lane, Leach, Lewis, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, and Wood—64.

NOES—Messrs. Burns, Crumpton, Garrity, Hartson, Mason, May, Samuels, Watkins, and Young—9.

Roll called.

The absentees were Messrs. Baker, of Sacramento, and Paulk, who were absent by permission of the House.

Mr. Camron moved to dispense with further proceedings under the call.

So ordered.

The question recurred on Mr. McDonald's appeal from the decision of the Chair.

RECESS.

At twelve o'clock and thirty minutes P. M., the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The question recurred on Mr. McDonald's appeal from the decision of the Chair.

Mr. Del Valle in the chair.

The previous question was demanded by Messrs. Patterson, of Nevada, Pinder, and Camron.

The ayes and noes thereon were demanded by Messrs. Cunningham, Lane, and Jackson.

The roll was called, and the House refused to order the main question by the following vote:

AYES—Messrs. Camron, Crank, Cunningham, Estey, Felton, Fraser, Jackson, Jones, Kilburn, Lewis, Mason, Patterson of Nevada, Patterson of San Joaquin, Reddick, Siebe, Watkins, Wason of Ventura, Wentz, and Wertsbaugher—19.

NOES—Messrs. Anick, Baker of Yolo, Burney, Bost, Branch, Brown, Burns, Chandler, Coleman, Crumpton, Daggett, Del Valle, Edwards, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Keating, Kellogg, Lane, Leach, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Paulk, Platt, Reynolds, Samuels, Streeter, Swift, Van Fleet, Whipple, and Young—51.

The previous question was demanded by Messrs. Jackson, McDonald, and Howard.

Carried, on division of the vote. Ayes, 30; noes, 29.

The question recurred on Mr. McDonald's appeal from the Speaker's decision.

The question being, "Shall the decision of the Chair stand as the judgment of the House?"

The roll was called, and the Speaker's decision sustained by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Birney, Branch, Brown, Camron, Chandler, Coleman, Crumpton, Cunningham, Daggett, Fraser, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holden, Jackson, Jones, Kellogg, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McMurray, Mem, Mudgett, Murphy, O'Connor, Patterson of Nevada, Paulk, Platt, Samuels, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker—48.

NOES—Messrs. Alviso, Bost, Burns, Crank, Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Hartson, Hoitt, Howard, Keating, Kilburn, Lane, Lewis, McClure, McDonald, Noonan, Patterson of San Joaquin, Pinder, Reddick, Reynolds, Sargent, Watkins, and Wentz—28.

ADJOURNMENT.

At five o'clock and twenty minutes, on motion of Mr. Baker, of Yolo, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, April 29, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mem, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
The Chaplain had one day's leave of absence, and Mr. Whipple had two days leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Patterson, of Nevada, moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.

RESOLUTION.

By Mr. Baker, of Yolo (by permission):

WHEREAS, The Hon. J. E. Baker, of Sacramento, has for some time past, and is now, confined to his bed with dangerous illness, and owing to the demands of their legislative duties the members of the Assembly cannot pay him that personal attention they could wish; therefore, be it

Resolved, That the Speaker be authorized to employ a nurse for said member, at a per diem

of three dollars, to be paid out of the Contingent Fund of the Assembly, and to date from April twenty-seventh, eighteen hundred and eighty-one; and that the Controller of State be directed to draw his warrant in favor of said nurse, upon the certificate of the Speaker, of the number of days service rendered.

Adopted.

RESOLUTION.

By Mr. Felton (by permission):

Resolved, That no member of this House shall hereafter speak more than ten minutes, and but twice on the same question.

Mr. McCallion moved that the resolution be indefinitely postponed.

Mr. Patterson, of Nevada, moved to amend by inserting the words "unless otherwise ordered by the House."

The resolution referred to the Committee on Rules.

Mr. Daggett had leave to speak to a question of privilege

MESSAGES FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, April 29, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on April twenty-seventh, eighteen hundred and eighty-one, amended, and on April twenty-eighth, eighteen hundred and eighty-one, passed as amended, Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

JAMES A. ORR, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

The question recurred on concurrence in Senate amendments to the bill.

Mr. Lane moved that the consideration of the Senate amendments to the bill be postponed until after the Senate amendments to the appropriation bill be disposed of.

So ordered.

The consideration of Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years, resumed.

The question recurred upon concurrence in Senate amendment number four.

Mr. Camron moved to reconsider the vote by which the House refused to concur in Senate amendment number three, to strike out the word "deputy" and insert in place thereof the words "clerk of;" also, to strike out the word "six," and insert in place thereof the word "two," in line one hundred and seven, page four, printed bill.

So ordered.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Branch Burns, Camron, Chandler, Coleman, Crank, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Hendrick, Holden, Howard, Jackson, Jones, Kilburn, Lane, Leach, Lewis, Matthews of San Benito, McCallon, McClure, McDonald, McMurray, Mein, Mudgett, Patterson of Nevada Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Swift, Watkins, and Wentz—47.

NOES—Messrs. Arick, Bost, Brown, Crumpton, Daggett, Del Valle, Edwards, Freer, Hinshaw, Hoitt, Keating, Kellogg, Leake, Long Mathews of Tehama, May, Noonan, O'Connor, Streeter, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—27.

Senate amendment number four: Strike out the words "five thousand," and insert in place thereof the words "two thousand five hundred," in line one hundred and nine, page five, printed bill, read.

The roll was called, and the House refused to concur in the amendment by the following vote.

AYES—Messrs. Alviso, Burns, Chandler, Coleman, Estey, Felton, Fraser, Garrity, Gavigan, Gilmore, Griffith, Holden, Jackson, Kilburn, Lane, Leach, Lewis, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Paulk, Pinder, Platt, Reynolds, Sargent, Siebe, Watkins, and Wentz—31.

NOES—Messrs Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Crumpton, Daggett, Del Valle, Edwards, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jones, Keating, Kellogg, Leake, Long, Mathews of Tehama, May, McClure, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Samuels, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—40

Senate amendment number five: Strike out all of this article, page five, lines one hundred and thirty-one and one hundred and thirty-two, printed bill.

Read, and concurrence therein refused by the following vote:

AYES—Messrs Baker of Yolo, Coleman, Griffith, Jackson, Keating, Lane, Mason, McCallion, Murphy, and Platt—10.

NOES—Messrs. Alviso, Arick, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Gilmore, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Leach, Leeke, Lewis, Long, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Paulk, Pinder, Reynolds, Sargent, Siebe, Swift, Van Fleet, Watkins, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—58.

Senate amendment number six: Strike out all of this article, page five, lines one hundred and thirty-three and one hundred and thirty-four, printed bill.

Read, and concurrence therewith refused by the following vote:

AYES—Messrs. Bost, Burns, Lane, Mason, and McCallion—5.

NOES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Branch, Brown, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Keating, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mathews of Tehama, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—66.

Senate amendment number seven: Strike out all of this article, page five, lines one hundred and thirty-eight and one hundred and thirty-nine, printed bill.

Read, and concurrence therewith refused by the following vote:

AYES—Messrs. Camron, Coleman, Crank, Edwards, Estey, Felton, Fraser Griffith, Jackson, Jones, Lane, Mason, McCallion, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Sargent, Watkins, Wentz, Wertsbaugher, and Wood—23

NOES—Messrs. Arick, Baker of Yolo, Bitney, Bost, Brown, Chandler, Crumpton, Daggett, Freer, Gavigan, Gay, Gilmore, Hale, Hartson, Hendrick, Hinshaw, Holtt, Holden, Howard, Kellogg, Kilburn, Leach, Leake, Lewis, Long, Mathews of Tehama, May, McClure, McDonald, Mein, Mudgett, O'Connor, Patterson of Nevada, Pinder, Samuels, Siebe Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Whipple, Young, and Mr. Speaker—44.

Senate amendment number eight: Strike out all of this article, page six, lines one hundred and forty and one hundred and forty-one, printed bill.

Read, and concurrence therein refused by the following vote:

AYES—Messrs. Bitney, Burns, Cannon, Coleman, Edwards, Estey, Felton, Fraser, Garrity, Gay, Jackson, Lane, Leach, Mason, McCallion, Patterson of San Joaquin, Paulk, Platt, Reynolds, Warkins, and Wertsbaugher—21.

NOES—Messrs. Bost, Brown Crumpton, Freer, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holtt, Holden, Howard, Jones, Keating, Kellogg, Kilburn, Leake, Lewis, Long, May, McClure, McDonald, McMurray, Mein, Murphy, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wentz, Whipple, Wood, Young, and Mr. Speaker—37.

Senate amendment number nine: Substitute for lines one hundred and forty-two and one hundred and forty-three, page five, printed bill: "For support of State Prison at San Quentin, one hundred and sixty thousand dollars for the thirty-third fiscal year, and for the support of the State Prison at San Quentin, one hundred thousand dollars for the thirty-fourth fiscal year."

Read, and concurrence therein refused by the following vote:

AYES—Messrs. Alviso, Burns, Cannon, Coleman, Crank, Edwards, Freer, Griffith, Jackson, Kellogg, McCallion, McDonald, and Noonan—13.

NOES—Messrs. Arick, Bitney, Bost, Branch, Brown, Crumpton, Del Valle, Estey, Fraser, Garrity, Gavigan, Gay, Gilmore, Hartson, Hinshaw, Holtt, Holden, Howard, Jones, Keating, Kilburn, Lane, Leach, Leake, Lewis, Mason, May, McClure, McMurray, Mein, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—50.

Senate amendment number ten: Strike out line one hundred and sixty-five, page six, printed bill.

Read, and concurrence therein refused by the following vote:

AYES—Messrs Burns, Cannon, Coleman, Crank, Edwards, Estey, Garrity, Jackson, Keating, Lane, McDonald, Pinder, Sargent, Siebe, and Wentz—15

NOES—Messrs. Arick, Baker of Yolo, Bitney, Bost, Branch, Brown, Chandler, Crumpton, Daggett, Del Valle, Felton, Fraser, Freer, Gay, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holtt, Holden, Howard, Kellogg, Kilburn, Leach, Leake, Long, Mason, Mathews of Tehama, May, McCallion, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Paulk, Platt, Samuels, Streeter, Swift, Van Fleet, Warkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker—52

Senate amendment number eleven: Strike out all of this article, lines one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, page six, printed bill.

Read.

Pending discussion, at twelve o'clock and thirty minutes P. M., recess was declared until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The question recurred on concurrence in Senate amendment num-

ber eleven, to strike out all of this article, lines one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, page six, printed bill.

Mr. Griffith in the chair.

Mr. Camron had indefinite leave of absence.

The roll was called, and the House refused to concur in the Senate amendment by the following vote:

AYES—Messrs. Alviso, Burney, Burns, Coleman, Cunningham, Edwards, Estey, Felton, Fraser, Garrity, Gay, Hinshaw, Howard, Jackson, Jones, Keating, Lane, Leach, Leake, Lewis, McDonald, McMurray, Noonan, Patterson of San Joaquin, Paulk, Pinder, Reddick, Reynolds, Samuels, Sargent, Siebe, Watkins, and Wentz—33.

NOES—Messrs. Anick, Baker of Yolo, Bost, Branch, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Freer, Gilmore, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Kellogg, Kilburn, Long, Mason, Mathews of Tehama, May, McCallion, McClure, Mein, Mudgett, Murphy, Patterson of Nevada, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—39.

Speaker Parks in the chair.

Senate amendment number twelve: Strike out all of this article, line one hundred and sixty-nine, page six, printed bill.

Read, and concurrence therein refused by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Burns, Chandler, Crank, Crumpton, Cunningham, Edwards, Estey, Felton, Fraser, Garrity, Gay, Hinshaw, Howard, Jackson, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Mason, McCallion, McDonald, McMurray, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Watkins, and Wentz—35

NOES—Messrs. Anick, Burney, Bost, Branch, Brown, Daggett, Gilmore, Griffith, Hale, Hendrick, Hoitt, Holden, Long, Mathews of Tehama, May, McClure, Mein, Mudgett, Noonan, Patterson of Nevada, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr Speaker—29.

Senate amendment number thirteen: Insert after the word "school" the words "at San Jose," line one hundred and eighty, page seven, printed bill.

Read, and concurred in by the following vote:

AYES—Messrs. Alviso, Anick, Baker of Yolo, Bost, Branch, Brown, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—59.

NOES—None.

Senate amendment number fourteen: Strike out the word "ten," and insert in lieu thereof the word "fifteen," line one hundred and ninety-eight, page seven, printed bill.

Read and concurred in by the following vote:

AYES—Messrs. Anick, Burney, Bost, Branch, Brown, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freer, Gavigan, Gay, Hartson, Hoitt, Holden, Jackson, Keating, Kellogg, Kilburn, Leach, Leake, Mason, Mathews of Tehama, May, McCallion, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reddick, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Young, and Mr. Speaker—42.

NOES—Messrs. Alviso, Burns, Felton, Garrity, Gilmore, Griffith, Hinshaw, Howard, Jones, Lane, Lewis, McClure, McDonald, McMurray, Mudgett, Paulk, Pinder, Reynolds, Samuels, Siebe, Wentz, and Wertsbaugher—22.

At four o'clock and twelve minutes P. M., Mr. Lane moved we do now adjourn.

The ayes and noes were demanded by Messrs. Lane, Burns, and Fraser.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Burns, Cunningham, Garrity, Gavigan, Gay, Gilmore, Griffith, Hartson, Holden, Howard, Jackson, Keating, Lane, Leach, Leake, Lewis, McClure, O'Connor, Pinder, and Swift—20.

NOES—Messrs. Alviso, Arick, Birney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Felton, Freer, Hendrick, Hinshaw, Hoitt, Kellogg, Mason, Mathews of Tehama, May, McCallion, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—44.

Consideration of Senate amendments to Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years, resumed.

Senate amendment number fifteen: Amend line two hundred and twelve, page eight, printed bill, by adding thereto the words "for the thirty-first fiscal year."

Read, and concurred in by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Crank, Cunningham, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Keating, Lane, Leach, Leake, Mason, Mathews of Tehama, May, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—54.

NOES—Messrs. Gilmore, Hinshaw, Jackson, Kellogg, McClure, and Swift—6.

Senate amendment number sixteen: Amend lines two hundred and nineteen and two hundred and twenty of the printed bill, to read as follows: "For the furnishing Branch State Normal School at Los Angeles, two thousand five hundred dollars. For support of Branch State Normal School at Los Angeles, for the thirty-fourth fiscal year, seven thousand five hundred dollars."

Read, and concurred in by the following vote:

AYES—Messrs. Alviso, Arick, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Jones, Lane, Leach, Leake, Lewis, Mason, Mathews of Tehama, May, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Pinder, Reddick, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—53.

NOES—Messrs. Gilmore, Howard, Kellogg, McClure, and Patterson of San Joaquin—5.

Senate amendment number seventeen: Strike out all of this article, line two hundred and twenty-one, page eight, printed bill.

Read, and concurrence therein refused by the following vote:

AYES—Messrs. Baker of Yolo, Burns, Cunningham, Edwards, Felton, Lane, McClure, Noonan, Paulk, Pinder, Platt, Siebe, and Wentz—13.

NOES—Messrs. Arick, Birney, Bost, Branch, Brown, Crank, Crumpton, Daggett, Del Valle, Estey, Fraser, Garrity, Gavigan, Gay, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Kellogg, Leach, Leake, Long, Mason, May, McCallion, McDonald, Mein, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—47.

Senate amendment number eighteen: Amend section two, by adding thereto: "No moneys appropriated for the support of the institu-

tions of the State shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the Commissioners or Directors having charge of the same, when such salaries or expenses are allowed by law, the salaries of employés, the purchase of materials and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions."

Read, and concurrence therein refused by the following vote:

AYES—Messrs. Burns, Edwards, Felton, Garnity, Gavigan, Howard, Jackson, Jones, Keating, Lane, Leach, Mason, McCallion, McClure, McDonald, Noonan, Patterson of San Joaquin, Pinder, Platt, Reddick, Sargent, Siebe, and Watkins—23.

NOES—Messrs. Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Crank, Crumpton, Cunningham, Fraser, Gay, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Kellogg, Long, Mathews of Tehama, May, Mein, Mudgett, O'Connor, Patterson of Nevada, Reynolds, Streeter, Van Fleet, Wason of Ventura, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—35

Senate amendment number nineteen: Insert after the words "State offices," the words "and the officers of all institutions under the control of the State," line one, section three, page eight, printed bill.

Read, and concurred in by the following vote:

AYES—Messrs. Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Crank, Crumpton, Cunningham, Del Valle, Fraser, Freer, Gay, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jones, Kellogg, Lane, Leach, Lewis, Long, Mason, Mathews of Tehama, May, McCallion, McClure, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Paulk, Platt, Reddick, Reynolds, Sargent, Swift, Van Fleet, Watkins, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—52.

NOES—Mr. Keating—1.

Senate amendment number twenty: After the word "whom," insert the words "and for which," page eight, section three, line one, printed bill.

Read, and concurred in by the following vote

AYES—Messrs. Anick, Baker of Yolo, Birney, Bost, Branch, Brown, Crumpton, Cunningham, Del Valle, Fraser, Freer, Gay, Gilmore, Griffith, Hale, Hinshaw, Hoitt, Holden, Howard, Jones, Keating, Lane, Leach, Lewis, Long, Mason, Mathews of Tehama, May, McCallion, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Sargent, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—51.

NOES—None

Mr. Felton moved to reconsider the vote by which the House refused to concur in Senate amendment number eighteen.

So ordered.

At five o'clock and fifteen minutes P. M., Mr. Long moved to adjourn.

Lost.

The roll was called, and Senate amendment number eighteen, to amend section two by adding thereto: "No moneys appropriated for the support of the institutions of the State shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the Commissioners or Directors having charge of the same, when such salaries or expenses are allowed by law, the salaries of employés, the purchase of materials and supplies for the use of the said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions."

Concurred in by the following vote:

AYES—Messrs. Baker of Yolo, Birney, Bost, Branch, Burns, Chandler, Crank, Cunningham, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gay, Gilmore, Griffith, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Keating, Lane, Leach, Lewis, Mason, McClure, McDonald, McMurray, Noonan, Patterson of San Joaquin, Paulk, Pinder, Sargent, Siebe, Streeter, Watkins, Wason of Ventura, Wasson of Mono, Wentz, and Wertsbaugher—43.

NOES—Messrs Brown, Crumpton, Hale, Hoitt, Jackson, Long, Mathews of Tehama, May, Swift, Van Fleet, Wood, Young, and Mr Speaker—13.

ADJOURNMENT.

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

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, April 30, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Baker of Yolo, Birney, Bost, Branch, Brown, Burns, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Hoitt moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.
Mr. Branch granted one day's leave of absence.
Mr. Mudgett granted leave of absence till Tuesday morning.

INTRODUCTION OF BILLS.

By Mr. Long: An Act to divide the State of California into Congressional Districts.
Referred to Committee on Apportionment.
Consideration of Senate amendments to Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years, resumed.
Senate amendment number twenty-one: After the word "departments," insert the words "and institutions," page eight, line four, section three, printed bill.

Read, and concurred in by the following vote:

AYES—Messrs Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Howard, Jones, Keating, Kellogg, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, Wood, Young, and Mr. Speaker—58.

NOES—None.

Senate amendment number twenty-two: After the word "rendered," insert the words "by whom performed," page eight, line six, section three, printed bill.

Read, and concurred in by the following vote:

AYES—Messrs. Baker of Yolo, Bost, Brown, Chandler, Crank, Crumpton, Cunningham, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kellogg, Lane, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—58.

NOES—Mr. Gilmore—1.

Mr. May moved that the Clerk be instructed to inform the Senate of the action of the Assembly upon Senate amendments to Assembly Bill No 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—and to request the Senate to unite with the Assembly in the appointment of a Committee of Free Conference upon the same.

So ordered.

Mr. Felton granted two days' leave of absence.

Mr. Siebe asked indefinite leave of absence.

Upon this, the ayes and noes were demanded by the requisite number, and leave refused by the following vote:

AYES—Messrs Baker of Yolo, Birney, Bost, Branch, Burns, Crumpton, Cunningham, Daggett, Del Valle, Felton, Freer, Garrity, Gavigan Gay, Gilmore, Griffith, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leach, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McMurray, Murphy, Noonan, O'Connor, Platt, Samuels, Swift, and Wentz—35.

NOES—Messrs Brown, Chandler, Crank, Edwards, Estey, Fraser, Hale, Hartson, Hendrick, Jones, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—25.

Mr. Siebe asked two days' leave of absence.

So ordered.

CONSIDERATION OF SENATE AMENDMENTS.

The consideration of Senate amendments to Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith, taken up.

Mr. Lane moved to postpone consideration of said amendments until such time as the road bill shall have been disposed of.

Upon this the ayes and noes were demanded by Messrs. Garrity, Lane, and Murphy.

Mr. Patterson, of Nevada, moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Garrity, Lane, and Murphy, and the motion of Mr. Lane was tabled by the following vote:

AYES—Messrs. Alviso, Baker of Yolo, Birney, Bost, Branch, Brown, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McDonald, McMurray, Mein, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—54

NOES—Messrs. Burns, Edwards, Estey, Garrity, Gavigan, Gay, Geary, Gilmore, Keating, Kellogg, Lane, Mason, McCallion, and Reynolds—14.

Senate amendment number one: Amend the title to read as follows: "An Act to amend section three thousand seven hundred and thirteen of the Political Code, and to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years."

Read, and concurred in by the following vote:

AYES—Messrs. Bost, Brown, Burns, Chandler, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Lane, Lewis, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Noonan, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Samuels, Siebe, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Mr. Speaker—46.

NOES—Messrs. Baker of Yolo, Crumpton, Hale, Kellogg, Leach, Leake, Long, Murphy, Patterson of Nevada, Paulk, Van Fleet, and Young—12.

Senate amendment, as follows, to section one: "Section three thousand seven hundred and thirteen of the Political Code is hereby amended to read as follows: 3713. The State Board of Equalization must, for State purposes, for the thirty-third and thirty-fourth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars of value of taxable property of this State, as, after allowing twelve per cent. for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of this Code, will raise for the thirty-third fiscal year."

Read, and concurred in by the following vote:

AYES—Messrs. Alviso, Birney, Bost, Brown, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Freer, Garrity, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Leach, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Mr. Speaker—52.

NOES—Messrs. Crumpton, Fraser, Kellogg, Lane, Paulk, Sargent, and Young—7

Senate amendment, to read as follows: "*First*—For the General Fund, two million one hundred and ninety thousand and eighty-four dollars."

Read, and concurrence therein refused, by the following vote:

AYES—Messrs. Alviso, Burns, Edwards, Estey, Felton, Fraser, Garrity, Hartson, Jones, Lane, McClure, McDonald, Murphy, Paulk, Platt, Reynolds, Sargent, Siebe, and Wentz—19

NOES—Messrs. Birney, Bost, Brown, Chandler, Crank, Crumpton, Cunningham, Daggett, Del Valle, Freer, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—48.

Senate amendment, to strike out the words "five hundred and

eleven thousand eight hundred and forty-six," and insert in place thereof "three hundred thousand," so as to make that part of the bill read: "*Second*—For the School Fund, one million three hundred thousand dollars."

Read, and concurrence therein refused, by the following vote:

AYES—Messrs. Alviso, Bost, Burns, Crank, Edwards, Estey, Felton, Garrity, Harlson, Jackson, Lane, McDonald, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Sargent, Siebe, Watkins, and Young—21.

NOES—Messrs. Baker of Yolo, Birney, Brown, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Freer, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Kellogg, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McMurray, Mein, O'Connor, Patterson of Nevada, Pinder, Reynolds, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Wood, and Mr. Speaker—46.

Senate amendment to read as follows: "And for the thirty-fourth fiscal year: *First*—For the General Fund, one million four hundred and eighty-eight thousand seven hundred and thirty-five dollars."

Read, and concurrence therein refused, by the following vote:

AYES—Messrs. Alviso, Bost, Burns, Coleman, Crumpton, Edwards, Estey, Felton, Garrity, Harlson, Jackson, Jones, Lane, Mason, McDonald, Murphy, Noonan, Paulk, Platt, Sargent, and Siebe—21.

NOES—Messrs. Baker of Yolo, Brown, Chandler, Crank, Cunningham, Del Valle, Fraser, Gavigan, Gay, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Keating, Kellogg, Leach, Leake, Lewis, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, Mein, O'Connor, Patterson of Nevada, Streeter, Swift, Van Fleet, Watkins, Wentz, Weitsbaugher, Wood, Young, and Mr. Speaker—39.

Senate amendment, to read as follows: "*Second*—For the School Fund, one million three hundred thousand dollars."

Read, and concurrence therein refused, by the following vote:

AYES—Messrs. Alviso, Bost, Burns, Crank, Edwards, Estey, Felton, Garrity, Harlson, Jackson, Lane, McClure, McDonald, Murphy, Noonan, Patterson of San Joaquin, Paulk, Platt, Sargent, Siebe, Watkins, and Young—22.

NOES—Messrs. Baker of Yolo, Brown, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Fraser, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Kellogg, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, Mein, O'Connor, Patterson of Nevada, Samuels, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Weitsbaugher, Wood, and Mr. Speaker—40.

Senate amendment to add to section one the following: "*Provided*, that the State Board of Equalization, in so fixing said ad valorem rate or rates of taxation for said thirty-third and thirty-fourth fiscal years, shall not include any levy or rate for any of the purposes mentioned in an Act to promote drainage, approved April twenty-third, eighteen hundred and eighty. Nor shall the tax specified in section twenty-four of said Act to promote drainage be levied for the said fiscal years, or either of them."

Read, and concurrence therein refused, by the following vote:

AYES—Messrs. Baker of Yolo, Burns, Crank, Cunningham, Del Valle, Edwards, Estey, Felton, Garrity, Griffith, Harlson, Lane, Matthews of San Benito, Murphy, Paulk, Platt, Reynolds, Sargent, Siebe, and Wentz—20.

NOES—Messrs. Arick, Bost, Brown, Chandler, Crumpton, Daggett, Fraser, Freer, Gavigan, Gay, Geary, Gilmore, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Kellogg, Leach, Leake, Lewis, Long, Mason, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Weitsbaugher, Wood, Young, and Mr. Speaker—48.

Mr. May moved that the Clerk be instructed to inform the Senate of the action of the Assembly on above bill, and of its non-concurrence in the Senate amendments to the bill, and ask for the appointment of a Committee on Free Conference thereon.

The ayes and noes were demanded by Messrs. Lane, Garrity, and Sargent.

The roll was called, and the motion carried, by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Bost, Brown, Chandler, Crumpton, Cunningham Daggett, Edwards, Felton, Fraser, Freer, Gavigan Gay, Gilmore, Hartson, Hendrick, Hinshaw, Holt, Holden, Howard, Jackson, Keating, Kellogg, Leach, Leake, Lewis, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz Wertsbaugher, Wood, and Mr Speaker—50.

NOES—Messrs. Burns, Crank, Del Valle, Garrity, Griffith, Lane, Sargent, Siebe, Van Fleet, and Young—10.

Mr. Siebe asked leave to have his vote recorded as voting "aye" on concurring in the last Senate amendment to Assembly Bill No. 10.

So ordered.

Mr. Jackson moved that when we adjourn to-day, we adjourn until Monday next, at two o'clock P. M.

The ayes and noes were demanded by Messrs. Mason, Leach, and Edwards.

The roll was called, and the motion carried, by the following vote:

AYES—Messrs. Arick, Baker of Yolo, Bost, Brown, Crumpton, Cunningham, Daggett, Estey, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hartson, Hoitt, Holden, Howard, Jackson, Keating, Kellogg, Long, Mathews of Tehama, May, McCallion, McDonald, McMurray, Mein O'Connor, Patterson of Nevada, Pinder, Platt, Van Fleet, and Mr. Speaker—34

NOES—Messrs Burney Chandler, Crank, Del Valle, Edwards, Fraser, Gay, Hendrick, Hinshaw, Jones, Lane, Leach, Leake, Lewis, Mason, Matthews of San Benito, McClure, Noonan, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Swift, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Young—32.

GENERAL FILE—SECOND READING.

Senate Bill No. 4—An Act to repeal chapter two, of title four, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title four, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Mr. Baker, of Yolo, moved to amend by adding a new section, to be designated section two thousand six hundred and fifty-six, to read as follows:

2656. The Board of Supervisors of each county in this State are hereby authorized and directed, by proper order in that behalf, to turn over to the corporate authorities of each incorporated city or town within their respective counties, seventy per cent of all the road property tax collected in the corporate limits of such city or town, for road or street purposes therein The Board of Supervisors shall ascertain and by order designate the amount of money to be turned over under this section, and shall order the proper warrant drawn therefor in favor of the proper authorities of such city or town.

Mr. Young moved to amend the amendment as follows: Amend the proposed amendment by striking out the word "seventy" and inserting in place thereof "eighty."

Speaker pro tem. Fraser in the chair.

Mr. Young moved that the bill be referred to a select committee of five, to be appointed by the Chair.

Lost.

The previous question was demanded by the requisite number.

At twelve o'clock and fifteen minutes P. M., Mr. Kellogg moved to adjourn.

Lost.

The question recurred on the previous question.

The ayes and noes were demanded by Messrs. McCallion, Mason, and Jackson.

The roll was called, and the House refused to order the main question, by the following vote:

AYES—Messrs. Burns, Clunk, Edwards, Estey, Garnty, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Lane, Leach, Lewis, Mason, May, McClure, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, and Wertsbaugher—31.

NOES—Messrs. Arick, Baker of Yolo, Birney, Bost, Brown, Chandler, Crumpton, Cunningham, Daggett, Del Valle, Felton, Fraser, Freer, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Kellogg, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Nooman, Patterson of Nevada, Platt, Wood, and Young—33.

ADJOURNMENT.

At twelve o'clock and twenty-nine minutes, Mr. Lane moved to adjourn.

The ayes and noes were demanded by Messrs. Wason of Ventura, Mason, and Watkins.

The roll was called, and the motion carried, by the following vote:

AYES—Messrs. Arick, Birney, Brown, Burns, Crumpton, Cunningham, Daggett, Freer, Garnty, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Pinder, Platt, Samuels, Swift, Wood, and Mr. Speaker—31.

NOES—Messrs. Baker of Yolo, Bost, Chandler, Clunk, Del Valle, Edwards, Fraser, Gay, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of San Joaquin, Paulk, Reddick, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Young—29.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, May 2, 1881

The House met at two o'clock P. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker, Burney, Bost, Branch, Brown, Burns, Chandler, Clunk, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Gavigan, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Keating, Kellogg, Lane, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, Murphy, Nooman, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker.

Quorum present.

Messrs. Reddick, Cunningham, Leach, Jackson, McDonald, Garrity, and Mein had, each, two days' leave of absence, and Mr. Freer indefinite leave, and Messrs. Geary and Wentz, each, one day's leave of absence.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, April thirtieth, Mr. Fraser moved that the further reading thereof be dispensed with.

So ordered.

The Journal of Saturday, April thirtieth, approved.

CONCURRENT RESOLUTION.

By Mr. Young (by permission): Assembly Concurrent Resolution relative to the appointment of a joint committee to provide for the obsequies of Hon. John E. Baker.

Read and adopted.

RESOLUTION.

By Mr. McClure (by permission):

Resolved, That when this House adjourns to-day, it adjourns to Tuesday, at ten o'clock A. M., out of respect to the memory of Hon. J. E. Baker, deceased

Adopted by a rising vote.

CONCURRENT RESOLUTION.

By Mr. McClure (by permission): Assembly Concurrent Resolution, relative to and instructing our Senators in Congress to use all honorable means to secure the speedy ratification of the treaty made and entered into between the Emperor of China and the Commissioners of the United States.

Referred to Committee on Federal Relations.

RESOLUTION.

By Mr. Kellogg:

WHEREAS, The Senate virtually refused to concur in the Assembly resolution providing for an adjournment on the thirtieth ultimo, at twelve o'clock M., and has postponed consideration of the same until Tuesday next, and whereas, every day and hour serves to make it more clearly apparent that the sooner the Legislature adjourns upon its own motion or is forced to vacate the State Capitol the better it will be for the people, and the members of the Senate and Assembly, and recognizing the fact that it is the unanimous wish, hope, and demand of the taxpayers (except the candidates for Congress) that an early dissolution of said Legislature by some means may occur, therefore, be it

Resolved, That this Assembly is in favor of adjourning *sine die* at as early a day as is possible.

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

The ayes and noes were demanded by the requisite number.

Roll called, and motion carried by the following vote:

AYES—Messrs. Brown, Burns, Chandler, Crank, Edwards, Fraser, Hale, Hartson, Hendrick, Jones, Keating, Lane, Long, McClure, Patterson of Nevada, Patterson of San Joaquin, Faulk, Platt, Reynolds, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Weitsbaugher, Wood, Young, and Mr. Speaker—28.

NOES—Messrs Arick, Baker, Birney, Crumpton, Daggett, Del Valle, Gilmore, Griffith, Hinshaw, Holden, Howard, Kellogg, Matthews of San Benito, McCallion, O'Connor, Pinder, Samuels, and Swift—18.

Mr. Branch had leave to be recorded as voting aye on the Sears Senate amendment to Assembly Bill No. 10.

GENERAL FILE—SECOND READING.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

The question recurred on Mr. Young's amendment to the amendment of Mr. Baker.

Lost.

The amendment of Mr. Baker lost.

Mr. Holden moved to amend section two thousand six hundred and fifty-two, on page seven, by inserting after the word "person" at end of line two, the following words. "Including Indians not residing upon United States Indian Reservation."

Lost.

Mr. Holden moved to add a new section, to be known as section two thousand seven hundred and forty-eight, as follows:

2748. This Act shall apply to Indians not living on any United States Indian Reservation.

Lost.

At two o'clock and thirty minutes P. M., Mr. Daggett moved to adjourn.

Lost.

Mr. Kellogg moved to amend the bill by striking out all of section two thousand seven hundred and forty-five.

Lost.

The previous question was demanded by Messrs. Estey, Fraser, and Wertsbaugher, and the House so ordered.

The question recurred on ordering the bill read third time.

The ayes and noes were demanded by Messrs. Kellogg, Daggett, and Gilmore.

The roll was called, and the bill ordered read third time, by the following vote:

AYES—Messrs. Alviso, Birney, Branch, Chandler, Crank, Crumpton, Daggett, Del Valle, Estey, Fraser, Griffith, Hale, Hartson, Hendrick, Hinshaw, Holden, Howard, Jones, Keating, Mason, Mathews of Tehama, Matthews of San Benito, McClure, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr. Speaker—41

NOES—Messrs Arick, Baker, Bost, Burns, Edwards, Gilmore, Kellogg, Lane, Leake, McCallion, and Platt—11.

The Speaker announced the appointment of the committee on the obsequies of the late Hon. J. E. Baker, as follows: Messrs. Young, Hartson, Van Fleet, Baker, and Gilmore.

ADJOURNMENT.

At two o'clock and forty minutes P. M., Mr. Daggett moved to adjourn.

The ayes and noes were demanded by Messrs. McClure, Hinshaw, and Daggett.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Aiuck, Baker, Birney, Brown, Burns, Crumpton, Daggett, Del Valle, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Keating, Kellogg, Lane, Matthews of San Benito, McCallion, O'Connor, Pinder, Platt, Samuels, and Swift—24

NOES—Messrs. Alviso, Chandler, Crank, Edwards, Fraser, Hartson, Hendrick, Jones, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wertsbaugher, Wood, Young, and Mr Speaker—23.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, May 3, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Aiuck, Baker, Birney, Bost, Branch, Brown Burns, Chandler, Crank, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gay, Gilmore, Griffith, Hale Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leach Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McClure, McDonald, McMurray, McCallion, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt Reynolds, Samuels, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker

Quorum present.

Prayer by the Chaplain

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. May moved that the further reading thereof be dispensed with.

So ordered.

The Journal of yesterday approved.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, May 3, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on May second, eighteen hundred and eighty-one, in compliance with the request of the Assembly, appointed as a Free Conference Committee, to act on amendments to Assembly Bills Nos. 8 and 10—"An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years," and "An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith"—Senators Wendell Glascock, and Sears, and most respectfully request the appointment of a like committee of the same number by your honorable body.

ED. J SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Mr. May moved that the Speaker appoint a Committee of Free Conference on Assembly Bill No. 8, reported in above message.

Mr. Lane moved to amend the motion as follows. That a Committee of Free Conference of three, consisting of Messrs. Long, McClure, and Del Valle, be appointed on Assembly Bills Nos. 8 and 10.

Lost

The question recurred on the original motion, which was carried.

On the motion of Mr. May, the Speaker was authorized to appoint a Committee on Free Conference, to consist of three members, on Assembly Bill No. 10.

APPOINTMENTS.

The Speaker announced that Messrs. May, Streeter, and Del Valle would constitute the Committee of Free Conference on Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years: and Messrs. May, Hale, and Daggett the Committee on Free Conference on Assembly Bill No 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, May 2, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 4, relative to the appointment of a joint committee to attend to the obsequies of Hon. John E. Baker, and in compliance therewith appointed as such committee on behalf of the Senate, Senators Johnson, Ryan, Rowell, Harlan, and Lampson.

ED. J. SMITH, Assistant Secretary.

Mr. Alviso had leave to be recorded as voting aye on concurring in the Sears amendment to Assembly Bill No 10, and Mr. Baker had leave to be recorded as voting aye on ordering Senate Bill No. 4 to the third reading, on yesterday.

EULOGY.

By Mr. Hartson:

In the dispensations of Providence, a sad duty has this day fallen to our lot, arising from the death of our esteemed colleague, Hon. John E. Baker.

The late Assemblyman Baker had so endeared himself to us by his many and rare excellencies of character, that we part from him with more than ordinary regret. A few weeks only have passed since he entered this hall with as sparkling an eye, as ruddy a face, as firm and elastic a step and as strong purpose, rich in the promise of prolonged life and continued usefulness, as any of his associates who now deplore his untimely death.

There is this pleasing reflection associated with the sudden demise of our friend and colleague, that it is in accordance with the dispensations of The Great I Am, who does not permit a sparrow to fall unnoticed, and that it was ordained by that Wisdom and Might "that stretcheth out the north over empty space, that hangeth the earth on nothing, that gathereth up the waters into thick clouds, that holdeth back the face of His throne and covereth it with an impenetrable vail of thick clouds, so that the counsels thereof shall remain mysteries and matters of conjecture forever."

Sad and mysterious as it may be, in midlife our friend has passed from this place of duty and honor to that bourne from which no traveler returns. In life he was a genial, upright, and public-spirited citizen, and distinguished among his fellows for that sympathy and charity that exhibited the highest evidence of noble character. When approaching the grave, and knowing that death was imminent, he displayed that same coolness, courage, and fortitude that he had previously on the fields of hazard and conflict in the service of his country, and later on the

broader and grander fields of civil life. He early adopted and put into practice this advice of the poet.

"In the world's broad field of battle,
In the bivouac of life,
Be not like dumb, driven cattle—
Be a hero in the strife."

To his affectionate wife and four young children we tender our heartfelt sympathy, and trust that the useful and benevolent services our colleague has rendered our country and mankind may be returned by acts of kindness and charity to the bereaved and widowed mother and fatherless children, bereft of paternal counsel, kindness, affection, and support.

From this unexpected event may we learn that life is evanescent, and that all terrestrial engagements are fleeting and transitory; and may we further learn lessons of wisdom and moderation that shall soften asperities, harmonize discords, stimulate friendship, fortify virtue, and promote all of the kindlier and nobler ambitions of life.

We trust that the honored name of our deceased colleague has been transferred from the roll-call of this House to that of the house not made with hands, eternal in the blissful fields of Paradise.

With respect and grief most profound, we will attend to the funeral rites of our deceased brother, rear a monument to his worth, and plant flowers of affection over his grave.

On motion of Mr. Mathews, of Tehama, the above remarks were ordered spread upon the Journal.

ADJOURNMENT.

At ten o'clock and forty minutes A. M., on the motion of Mr. Mathews, of Tehama, the House adjourned out of respect to the memory of the Honorable J. E Baker, until ten o'clock A. M. to-morrow.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, May 4, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker, Birney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn, Lane, Leach, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Murphy, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pauly, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Stuetel, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Whipple, Wood, and Mr Speaker

Quorum present.
Prayer by the Chaplain.
Messrs. Reddick and Cunningham had each two days' further leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Hoitt moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

REPORT OF STANDING COMMITTEE.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1881.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 5—having considered the same, now report it back, and recommend its adoption.

JONES, Chairman.

The resolution reported above, read.

Mr. Mathews, of Tehama, moved to strike out "our Senators in Congress," and insert "Honorable John F. Miller, Republican Senator from California."

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

The previous question was demanded by Messrs. Kilburn, Hoitt, and Fraser.

The ayes and noes thereon were demanded by Messrs. Gilmore, Kellogg, and Hoitt.

The roll was called, and the main question ordered by the following vote:

AYES—Messrs. Alviso, Brown, Camion, Chandler, Coleman, Crank, Daggett, Del Valle, Edwards, Estey, Fraser, Gay, Geary, Hale, Hartson, Hoitt, Jones, Kilburn, Lane, Leach, Long, Mason, May, McClure, McDonald, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, and Mr. Speaker—44.

NOES—Messrs. Arick, Baker, Burney, Branch, Burns, Crumpton, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, O'Connor, Platt, and Swift—22

The question recurred on Mr. Mathews' amendment.

The ayes and noes were demanded by Messrs. Burns, Baker, and Matthews, of San Benito.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Baker, Burney, Branch, Burns, Del Valle, Geary, Gilmore, Holden, Howard, Keating, Kellogg, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, O'Connor, Swift and Whipple—18

NOES—Messrs. Alviso, Brown, Camion, Chandler, Coleman, Crank, Crumpton, Daggett, Edwards, Estey, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Jackson, Jones, Kilburn, Lane, Leach, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—43

The question recurred on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Alviso, Arick, Burney, Brown, Camion, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Gay, Geary, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Jackson, Jones, Keating, Kilburn, Lane, Leach, Leake, Long, Mason, May, McClure, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Reynolds, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr. Speaker—48.

NOES—Messrs. Baker, Branch, Burns, Crumpton, Daggett, Del Valle, Gilmore, Griffith, Holden, Kellogg, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, O'Connor, and Whipple—16.

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

SENATE MESSAGE.

The following message from the Senate was read:

SENATE CHAMBER, SACRAMENTO, May 4, 1887.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on May second, eighteen hundred and eighty-one, passed Senate Bill No. 11—An Act to divide the State into Congressional Districts.

C. T. JOHNS, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 11—An Act to divide the State into Congressional Districts.

Mr. Camron moved the bill be placed on file.

Lost.

The bill referred to the Committee on Apportionment.

INTRODUCTION OF BILLS.

By Mr. Jackson: An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

Referred to Committee on Ways and Means.

GENERAL FILE—THIRD READING.

Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Read third time.

Mr. Baker moved to recommit the bill to a committee of one, with special instructions to strike out the last clause of section two thousand six hundred and forty-one, and in lieu thereof insert the following: "Said Road Commissioner shall receive the sum of three dollars per day for each day actually engaged in such duties; *provided, however*, the amount of compensation for such services shall not exceed two hundred and fifty dollars per annum; *and provided further*, that in all road districts where Road Overseers are appointed as provided in the following section, said Road Commissioner shall receive no compensation for services as such Commissioner."

Speaker pro tem. Fraser in the chair.

Mr. Baker's amendment decided out of order.

Mr Baker appealed from the decision of the Chair.

Mr. Jackson moved to lay the appeal on the table.

The ayes and noes were demanded by Messrs. Kellogg, Baker, and Howard.

The appeal was laid on the table, by the following vote:

AYES—Messrs. Alviso, Barney, Brown, Camron, Chandler, Coleman, Crank, Del Valle, Edwards, Estey, Fraser, Gay, Harrison, Hendrick, Hinshaw, Holt, Jackson, Jones, Kilburn, Lane, Leach, Mason, Matthews of San Benito, May, McClure, McDonald, McMurray, Mudgett, Murphy, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels,

Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Wood—46.

NOES—Messrs Baker, Burns, Crumpton, Daggett, Gavigan, Gilmore, Hale, Holden, Howard, Keating, Kellogg, Leake, Long, Mathews of Tehama, McCallion, Paulk, and Whipple—17.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, recess was declared until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of Senate Bill No 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways, resumed.

The question recurred on the passage of the bill.

The previous question was demanded by Messrs. Leach, Edwards, and Kilburn, and the House so ordered.

Mr. Van Fleet moved a call of the House.

So ordered.

Mr. Bost had one day's leave of absence.

Roll called.

Mr. Hale moved that further proceedings under the call be dispensed with.

So ordered

The roll was called, and the bill passed by the following vote:

AYES—Messrs Aitch, Baker, Birney, Branch, Brown, Chandler, Coleman, Crumpton, Daggett, Estey, Fraser, Freer, Gavigan, Gay, Geary, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jones, Keating, Kilburn, Leach, Long, Mason, Matthews of San Benito, May, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, and Mr Speaker—52.

NOES—Messrs Alviso, Burns, Cannon, Crank, Del Valle, Edwards, Gilmore, Hale, Howard, Jackson, Kellogg, Lane, Leake, McClure, Mudgett, Patterson of Nevada, and Young—17.

Title approved.

At two o'clock and ten minutes P. M., Mr. McCallion moved to adjourn.

The ayes and noes were demanded by the requisite number.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Aitch, Baker, Birney, Branch, Brown, Crumpton, Daggett, Del Valle, Gavigan, Geary Gilmore Griffith, Hale, Hinshaw, Holden Howard, Jackson, Keating Kellogg, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Wood—35.

NOES—Messrs. Alviso, Burns, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Garrity, Gay, Hartson, Hendrick, Hoitt Jones, Kilburn, Lane, Leach, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Young, and Mr. Speaker—35.

Mr. Jackson moved a call of the House.

The ayes and noes were demanded by Messrs. Jackson and McDonald.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Arick, Baker, Birney, Branch, Crumpton, Daggett, Del Valle, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Long, Mathews of Tehama, Matthews of San Benito McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Paulk, Pinder, Platt and Samuels—30

NOES—Messrs Alviso Brown, Burns, Cannon, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Garrity, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lane, Leach, Leake Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr. Speaker—39.

ADJOURNMENT.

At two o'clock and twenty minutes P. M., Mr. Daggett moved to adjourn.

The ayes and noes were demanded by Messrs. Daggett, Mason, and Watkins.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Arick, Baker, Birney, Branch, Brown, Coleman, Crumpton, Daggett Del Valle, Fraser, Gavigan, Geary, Gilmore, Griffith, Hale Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Leake, Long Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Wood, and Mr. Speaker—37.

NOES—Messrs. Alviso, Burns, Cannon, Chandler, Crank, Edwards, Estey, Garrity, Gay, Hartson, Hendrick Hoitt, Jones, Kilburn, Lane Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, and Young—30

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, May 5, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.

Speaker Parks in the chair.

Roll called.

Members present as follows:

Messrs. Alviso, Arick, Baker, Birney, Bost Branch, Brown, Burns, Cannon, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson Jones, Keating, Kellogg, Kilburn, Lane, Leake, Long, Mason, Matthews of San Benito, May, McCallion McClure, McDonald McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr Kellogg granted indefinite leave of absence after Sunday next, and Mr. Mein granted one day's leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Leake moved that the further reading thereof be dispensed with.

So ordered.

The Journal of yesterday approved.

RECESS.

Mr. Jackson moved to take a recess until two o'clock P. M.

So ordered.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present

Mr. Hartson spoke to a question of privilege, denying the charge made in the San Francisco Examiner of this date, that he had stated that Mr. Lane had offered to vote with him.

Mr. Lane also spoke to a question of privilege, explaining his vote made yesterday against adjournment.

Mr. Burns also spoke to a question of privilege.

REPORT OF COMMITTEE ON FREE CONFERENCE.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1881.

MR. SPEAKER: Your Committee of Free Conference on Senate amendments to Assembly Bill No. 8, to which the House refused to concur, have had the same under careful consideration, and now unanimously recommend

First—That the Senate recede from its amendment number four, reducing the item of contingent expenses of Insurance Commissioner from five thousand dollars to two thousand five hundred dollars, and that the amount be now fixed at three thousand six hundred dollars.

Second—That the Senate recede from its amendment number five, striking out the sum of three thousand dollars, for inclosing bay windows, and for stoves in same, at Napa Insane Asylum.

Third—That the House concur in Senate amendment number six, striking out the sum of one thousand dollars for magic lantern, books, etc. for Napa Insane Asylum.

Fourth—That the House concur in Senate amendment number seven, striking out the sum of one thousand five hundred dollars for improvement of grounds at Napa Insane Asylum.

Fifth—That the House concur in Senate amendment number eight, striking out the sum of two thousand four hundred dollars for hay barn and stable at Napa Insane Asylum.

Sixth—That the House concur in Senate amendment number nine, striking out the sum of two hundred and eighty-five thousand dollars for support of State Prison at San Quentin, and substituting therefor the sum of two hundred and sixty thousand dollars.

Seventh—That the Senate recede from its amendment number ten, striking out the sum of twelve thousand dollars for salary of State Engineer.

Eighth—That the Senate recede from its amendment number eleven, striking out the sum of thirty thousand dollars for salary of Secretary, and for completion of the works of the State Engineer's Department and preparation of final report and that the following be substituted for said item: "For salary of Secretary, and for completion of the State Engineer's report on the irrigation problems, and completion of the State map now in course of preparation by said State Engineer, twenty thousand dollars, which sum may be expended as follows: fourteen thousand dollars in the thirty-third fiscal year, and six thousand dollars in the thirty-fourth fiscal year, *provided*, that said report, map, and works shall be completed during said fiscal years."

Ninth—That the House concur in Senate amendment number twelve, striking out the sum of six thousand dollars for salary of Consulting Engineers.

Tenth—That the House concur in Senate amendment number seventeen, striking out the sum of twelve thousand dollars for support of Mining Bureau.

WENDELL, Chairman of Senate Committee.
MAY, Chairman of Assembly Committee.

Mr. McClure moved a call of the House.

Roll called.

Messrs. Hale, Mudgett, and Felton were the absentees.

On motion of Mr. McClure further proceedings under the call were dispensed with.

The roll was called, and the report of the Committee on Free Conference adopted, by the following vote:

AYES—Messrs Alviso, Arick, Baker, Barney Branch, Brown, Cameron, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Gavigan, Gay, Geary, Griffith, Hartson, Hinshaw, Hoitt, Holden, Jackson, Jones, Keating, Kilburn, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald McMurray, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Samuels, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Young, and Mr Speaker—56.

NOES—Messrs Burns, Fleet, Garnty, Gilmore, Hendrick, Howard, Kellogg, Lane, Paulk, Sargent, Wasson of Mono, and Wood—13.

Mr. May moved that Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years—with the report of the action of the House on the report of the Committee of Free Conference, be ordered transmitted forthwith to the Senate.

So ordered.

On motion of Mr. Jackson, the House took up Senate messages.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, May 5, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on May fourth, eighteen hundred and eighty-one, concurred in Assembly Concurrent Resolution No 5—Relative to instructing our Senators in Congress to use all honorable means to secure the speedy ratification of the treaty made and entered into between the Emperor of China and the Commissioners of the United States

And, on this day, passed Senate Bill No 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year

ED. J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year—ordered read first time.

Read first time, and ordered on file

ADJOURNMENT.

At two o'clock and forty minutes P. M., Mr. Whipple moved to adjourn

The ayes and noes were demanded by Messrs. Hartson, Edwards, and Lane.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Arick, Baker, Barney, Branch, Brown Crumpton, Daggett, Del Valle, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Leake, Long, Mathews of Tehama, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Murphy, Noonan, O'Connor, Pinder, Platt, Samuels Swift, Wood, and Mr Speaker—35.

NOES—Messrs Alviso, Burns, Cameron Chandler, Coleman, Crank, Edwards, Estey, Fraser, Garnty, Gay, Hartson, Hendrick, Hoitt, Jones, Kilburn, Lane, Mason, May, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—32.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, May 6, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows.

Messrs. Alviso, Anick, Baker, Barney, Branch, Brown, Burns, Camron, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith Hale, Harrison, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Kilburn Lane, Leake, Long, Mason Mathews of Tehama, Matthews of San Benito, May, McCallum, McClure, McDonald, McMurray, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siehe, Strecter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.
Mr. Mein had one day's further leave of absence, and Mr. Reddick had two days' further leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Van Fleet moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.
Mr. Hendrick spoke to a question of privilege.

RESOLUTIONS.

By Mr. Keating (by permission):

Resolved, That Peter Talty, the Mail Carrier of the Assembly, be and he is hereby allowed two dollars per day, from April fourth, eighteen hundred and eighty-one, during this extra session of the Legislature, for cartage of mail to and from the Post Office, and for delivering mail to members after hours, and the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Van Fleet:

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of Will J Beatty, for per diem as Clerk of the Judiciary Committee, from the eighth day of April, eighteen hundred and eighty-one, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Fraser:

Resolved, That the Chairman of the special committee appointed to investigate charges against Honorable F L Hatch, be and he is hereby authorized to distribute all moneys drawn for that purpose, and remaining in his hands unexpended pro rata amongst the members of said committee, to aid in defraying the expenses of said committee to and from Colusa in the investigation of said charges.

Lost.

REPORT OF COMMITTEE ON FREE CONFERENCE.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1881.

MR SPEAKER: Your Committee on Free Conference, on Senate amendments to Assembly Bill No. 10, beg leave to report

We have held several protracted sittings, and now regret the necessity of reporting that we cannot agree. And we respectfully ask the House to vote that it do insist, and that the Senate be at once notified of this action.

Read.

The question recurred on the adoption of the report.

Mr. Edwards moved that the House concur in Senate amendment to strike out "five hundred and eleven thousand eight hundred and forty-six," and insert instead "three hundred thousand," in lines twelve and sixteen of printed bill.

RECESS.

Pending discussion, at the hour of twelve o'clock and thirty minutes, a recess was declared until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The consideration of the report of the Committee on Free Conference on Assembly Bill No 10—An Act to amend section three thousand seven hundred and thirteen of the Political Code, and to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, resumed.

The question recurred on Mr. Edwards' motion to concur in Senate amendment to the bill to strike out "five hundred and eleven thousand eight hundred and forty-six," and insert instead "three hundred thousand," in lines twelve and sixteen of the printed bill.

The previous question was demanded by Messrs. Patterson, of Nevada, Long, and Fraser, and the House so ordered.

The roll was called, and the House refused to concur in the Senate amendment by the following vote:

AYES—Messrs. Alviso, Burns, Cannon, Crank, Edwards, Estey, Garrity, Hartson, Jackson, Kilburn, Lane McClure, McDonald, Murphy, Patterson of San Joaquin, Caulk, Platt, Reynolds, Sargent, Siebe, Van Fleet, and Young—22

NOES—Messrs. Anick, Baker, Birney, Branch, Brown, Chandler, Crumpton, Daggett, Del Valle, Fraser, Freer, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holt, Holden, Howard, Keating, Kellogg, Leake, Long, Mathews of Tehama Matthews of San Benito, May, McCallion, Mudgett, O'Connor, Patterson of Nevada, Pinder, Samuels, Streeter, Swift, Wason of Ventura, Wasson of Mono, Wentz, Weitsbaugher, Whipple, Wood, and Mr Speaker—44.

The question recurred on the recommendation contained in the report of the Committee on Free Conference, that the House should insist.

Adopted.

MESSAGES FROM THE SENATE.

The following Senate messages were read:

SENATE CHAMBER, SACRAMENTO, May 6, 1881.

MR SPEAKER I am directed to inform your honorable body that the Senate, on May fifth, eighteen hundred and eighty-one, adopted the report of the Committee of Free Conference on Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

ED. J. SMITH, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, May 6, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on May fifth, eighteen hundred and eighty-one, concurred in Assembly amendments numbers one, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, and thirty-nine, and refused to concur in Assembly amendments numbers two, fourteen, fifteen, sixteen, nineteen, twenty, thirty-eight, and forty, to Senate Bill No 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways—and respectfully request your honorable body to recede from the amendments not concurred in by the Senate, viz numbers two, fourteen, fifteen, sixteen, nineteen, twenty, thirty-eight and forty.

JAS A. ORR, Secretary.

CONSIDERATION OF SENATE MESSAGE.

The question recurred, "Shall the House recede from its amendments to Senate Bill No. 4?"

Assembly amendment number two: Amend article one, section two thousand six hundred and twenty-one, by adding at the end of the section the words: "And no route of travel used by one or more persons over another's land, shall become a public road or byway by use, nor until so declared by the Board of Supervisors in accordance with the provisions of this Act."

Read.

Mr. Mathews, of Tehama, moved the House recede.

Mr. Camron had indefinite leave of absence.

The roll was called, and the motion to recede carried by the following vote:

AYES—Messrs Anick, Brown, Chandler, Daggett, Del Valle, Estey, Fraser, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Keating, Kellogg, Kilburn, Leake, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk Pindel, Platt, Samuels, Sargent, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Whipple, Wood, Young, and Mr. Speaker—48.

NOES—None

Assembly amendment number fourteen: Amend article three, section two thousand six hundred and forty-five, subdivision five, page six, line twelve, printed bill, by striking out the words "two dollars and fifty cents," and inserting in lieu thereof the words "three dollars."

Read.

The ayes and noes were demanded by Messrs. McMurray, Wertsbaugher, and Daggett.

The roll was called, and the House voted to recede by the following vote:

AYES—Messrs. Anick, Birney, Branch, Brown, Chandler, Crank, Crumpton, Del Valle, Edwards, Gavigan, Griffith, Hale, Hartson, Hinshaw, Hoitt, Keating, Kilburn, Lane, Long, Mason, Mathews of Tehama, May, McCallion, McClure, Mudgett, Noonan, O'Connor, Patterson of Nevada, Pindel, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Whipple, and Mr. Speaker—42.

Noes—Messrs. Daggett, Estey, Fraser, Gay, Holden, Howard, Leake, Matthews of San Benito, McMurray, Patterson of San Joaquin, Paulk, Wertsbaugher, and Wood—13.

Assembly amendment number fifteen: Amend article three, section two thousand six hundred and forty-five, subdivision five, page six, line thirteen, printed bill, by striking out the word "seventy-five," and inserting in lieu thereof the words "one hundred."

Read.

The ayes and noes were demanded by Messrs. Hale, McMurray, and Wertsbaugher.

The roll was called, and the Speaker decided that the House had receded, by the following vote:

Ayes—Messrs. Arick, Birney, Branch, Brown, Chandler, Crank, Crumpton, Edwards, Estey, Griffith, Hartson, Hendrick, Hinshaw, Hoitt, Howard, Keating, Kellogg, Kilburn, Leake, Mason, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Noonan, Platt, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Mono, Wentz, Young, and Mr. Speaker—37.

Noes—Messrs. Daggett, Fraser, Hale, Holden, Long, Matthews of San Benito, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Swift, Wason of Ventura, Wertsbaugher, Whipple, and Wood—15

Mr. Hale appealed from the decision of the Chair.

The question recurred: "Shall the decision of the Chair stand as the judgment of the House?"

Mr. Hoitt in the chair.

The ayes and noes were demanded by Messrs. Jackson, Paulk, and Matthews, of San Benito.

The roll was called, and the appeal sustained by the following vote:

Ayes—Messrs. Edwards, Fleet, Gay, Kilburn, Mathews of Tehama, McClure, McDonald, Reynolds, Van Fleet, Watkins, Wentz, and Young—12.

Noes—Messrs. Arick, Birney, Branch, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Fraser, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McDonald, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Platt, Samuels, Sargent, Streeter, Swift, Wason of Ventura, Wertsbaugher, Whipple, and Wood—43.

The Speaker then announced that the House had refused to recede from Assembly amendment number fifteen.

Two days' leave of absence granted to Mr. Kilburn, and one day's leave of absence to Mr. Mason.

Mr. McCallion moved to reconsider the vote by which the House refused to recede from Assembly amendment number fifteen.

So ordered.

Assembly amendment number fifteen again read.

The roll was called, and the House refused to recede by the following vote:

Ayes—Messrs. Arick, Birney, Brown, Chandler, Crank, Crumpton, Daggett, Del Valle, Edwards, Gavigan, Griffith, Hale, Hartson, Hendrick, Hoitt, Holden, Keating, Kellogg, Kilburn, Mason, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Noonan, O'Connor, Pinder, Platt, Sargent, Streeter, Van Fleet, Watkins, and Mr. Speaker—35.

Noes—Messrs. Estey, Fraser, Gay, Hinshaw, Howard, Jones, Leake, Long, Matthews of San Benito, Mudgett, Patterson of Nevada, Paulk, Samuels, Swift, Wason of Ventura, Wentz, Wertsbaugher, Whipple, and Wood—19.

QUESTION OF PRIVILEGE.

Mr. May spoke to a question of privilege, denying the correctness

of the article contained in the Sacramento Bee of this date, purporting to be an account of the proceedings of the Committee on Free Conference on Assembly Bill No 8.

The consideration of the Senate amendments to Senate Bill No. 4, resumed.

Assembly amendment number sixteen: Amend article three, section two thousand six hundred and forty-five, subdivision five, page six, line fifteen, printed bill, by inserting between the words "poll tax" and "and," the words "*provided*, they shall have first paid into the county treasury, to the credit of their respective District Road Fund, the sum of all moneys so collected."

Read.

The roll was called, and the House receded from its amendment by the following vote:

AYES—Messrs Alviso, Arick, Bunce, Branch, Chandler, Crank, Crumpton, Edwards, Estey, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Kellogg, Kilburn, Leake, Mathews of Tehama, May, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Samuels, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wentz, Wertsbaugher, Whipple, and Young—41

NOES—Messrs. Brown, Daggett, Fraser, Gay, Holden, Howard, Jones, Keating, Long, Mathews of San Benito, Paulk, Reynolds, Swift, Wason of Ventura, and Wood—15

Assembly amendment number nineteen: Amend article four, section two thousand six hundred and fifty-two, by striking out the entire section, and substituting the following:

2652. The Board of Supervisors may annually, at any regular meeting held between the first days of January and March of each year, levy upon each male person over twenty-one and under fifty-five years of age, found in each road district during the time for the collection of road poll taxes for that year, an annual road poll tax not exceeding three dollars, and every such person in a road district who has not paid the same in some other district, must pay the amount of road poll tax so levied, *provided*, that any person may work out his road poll tax so levied by two days' labor under the direction of the Road Overseer or Road Commissioner. The Board of Supervisors shall fix, by ordinance, the time during which all persons liable for road poll tax may, at their option, perform such labor The Road Overseer, or Road Commissioner, shall give each person performing such labor, a certificate thereof. At the expiration of the time fixed by the Board for the performance of such labor, said poll tax shall be due from every person, liable as aforesaid, not holding a certificate that he has performed such labor, and shall be collected by the various Road Overseers, or Road Commissioner where there is no Road Overseer, in their respective districts, and in the same manner that State poll taxes are collected. Road poll tax receipts, in blank, signed and numbered in the same manner that other poll tax receipts are signed and numbered, shall be delivered by the Auditor of the county to the person charged with the collection of road poll taxes, on or before the first Monday of March of each year, and he shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, in the same manner as he is charged and credited with other poll tax receipts, and shall settle with the Auditor, and pay over the amounts collected in the manner provided by section three thousand eight hundred and fifty-three of this Code. Twenty per cent of all road poll taxes so collected shall be apportioned to the General Road Fund, and the balance shall be apportioned among the road districts of the county in proportion to the amount of poll tax for road purposes levied and collected in each.

Read.

Mr. Reynolds moved that the House refuse to recede from above amendment, and all other Assembly amendments to the bill not yet acted upon.

So ordered.

Mr. Jackson moved to suspend the rules, and take up Senate Bill No. 34.

So ordered.

At four o'clock and forty minutes P. M., Mr. McClure moved to adjourn.

The ayes and noes were demanded by Messrs. Lane, Burns, and Estey.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Brown, Chandler, Edwards, Gay, Hendrick, Kilburn, McClure, Reynolds, Siebe, Wason of Ventura, Wentz, and Wertsbaugher—12.

NOES—Messrs. Alviso, Arick, Birney, Branch, Burns, Crank, Daggett, Del Valle, Estey, Fraser, Freer, Garrity, Gavigan, Geary, Griffith, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Samuels, Swift, Watkins, Whipple, Wood, and Young—43.

The Chair deciding that Mr. Jackson's motion had carried, Mr. McClure appealed from the decision of the Chair.

Mr. Burns moved to lay the appeal on the table.

The Chair decided the motion carried.

Mr. Paulk appealed.

Mr. Estey moved to lay the appeal on the table.

The ayes and noes were demanded by Messrs. Paulk, McClure, and Gay.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Birney, Branch, Brown, Burns, Chandler, Crumpton, Daggett, Del Valle, Estey, Fraser, Garrity, Gavigan, Geary, Griffith, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Siebe, Swift, Van Fleet, Watkins, Wason of Ventura, Whipple, Wood, and Young—41.

NOES—Messrs. Crank, Edwards, Gay, Hendrick, Jones, Kilburn, McCallion, McClure, McMurray, Paulk, Platt, Reynolds, and Wentz—13.

At four o'clock and fifty minutes P. M., Mr. Gay moved to adjourn.

The ayes and noes were demanded by Messrs. McClure, Gay, and Paulk.

Speaker Parks in the chair.

The roll was called, and the motion lost by the following vote.

AYES—Messrs. Edwards, Gay, Hoitt, Kilburn, McCallion, McClure, Reynolds, Wason of Ventura, Wentz, and Mr. Speaker—10.

NOES—Messrs. Arick, Birney, Branch, Brown, Burns, Chandler, Crank, Crumpton, Daggett, Del Valle, Estey, Fraser, Garrity, Gavigan, Geary, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McDonald, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Wertsbaugher, Whipple, Wood, and Young—49.

Mr. McClure moved a call of the House

The ayes and noes were demanded by Messrs. McClure, Hoitt, and Gay.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Chandler, Edwards, Gay, Hoitt, Jones, Kilburn, McClure, Paulk, and Reynolds—9.

NOES—Messrs. Arick, Birney, Branch, Brown, Crank, Daggett, Del Valle, Estey, Fraser, Garrity, Geary, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Samuels, Siebe, Streeter, Swift, Van Fleet, Watkins, Whipple, Wood, Young, and Mr. Speaker—44.

Mr. Kilburn moved to adjourn.

The ayes and noes were demanded by Messrs. Paulk, Gay, and McClure.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Edwards, Gay, Hoitt, Kilburn, McClure, and Mr Speaker—6.
NOES—Messrs Arick, Birney, Branch, Brown, Burns, Chandler, Crank, Daggett, Del Valle, Estey Fraser, Garrity, Gavigan, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald McMurray, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Samuels, Sargent, Streeter, Swift, Van Fleet, Watkins, Whipple, Wood, and Young—45.

The question recurred on ordering Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other expenses incidental thereto, of the State of California, during the thirty-second fiscal year—to be read second time.

The bill ordered read second time and read second time.

Mr. McCallion offered the following.

Substitute for Senate Bill No. 34—An Act making appropriations to pay the expenses of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated, out of any money in the General Fund of the State treasury not otherwise appropriated, to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, to wit

For the per diem of Assemblymen, twenty thousand dollars.
For pay of officers and clerks of Assembly, three thousand five hundred dollars.
For contingent expenses of the Assembly, six thousand dollars.
For the per diem of the Lieutenant-Governor and Senators, ten thousand dollars.
For pay of officers and clerks of Senate, two thousand two hundred dollars.
For contingent expenses of the Senate, four thousand dollars.
SEC. 2. This Act shall take effect immediately.

Mr. McClure moved to lay the substitute on the table.

ADJOURNMENT.

At five o'clock and twenty-three minutes, on the motion of Mr. Howard, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, May 7, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker, Birney, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Fraser, Freer, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, McMurray, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wason of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Reynolds moved that the further reading thereof be dispensed with.

So ordered.

The Journal approved.

Mr. Reynolds had leave of absence until Monday afternoon.

REPORTS OF STANDING COMMITTEES.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1881.

MR. SPEAKER: Your Committee on Enrollment respectfully report that Assembly Concurrent Resolution No. 5—Relative to instructing our Senators in Congress to secure the speedy ratification of the treaty made and entered into between the Emperor of China and the Commissioners of the United States—has been correctly enrolled, and the same was, May sixth, eighteen hundred and eighty-one, at two o'clock P. M., presented to the Governor for his approval.

WARKINS, Chairman.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

JOS P JONES,
ED E. LEAKE,
Of Committee.

GENERAL FILE—SECOND READING.

Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other expenses incidental thereto, of the State of California, during the thirty-second fiscal year—ordered taken up by a two-thirds vote.

The question recurred on Mr. McCallion's substitute, which was rejected.

Mr. Edwards moved to amend by striking out the word "ten," and inserting "five," in line four, printed bill.

Lost.

The bill ordered read third time.

Messrs. Pinder and Gavigan had leave of absence until Tuesday next.

The Speaker ruling that Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year—was now on its passage, Mr. Edwards appealed from the decision of the Chair.

Mr. Jackson moved the appeal be laid upon the table.

So ordered.

The bill then read third time.

Mr. Lane moved a call of the House.

Lost.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Arick, Baker, Barney, Blanch, Brown, Burns, Chandler, Coleman, Crank, Daggett, Del Valle, Estey, Fraser, Freer, Gaffity, Gavigan, Geary, Griffith, Harlson, Hendrick, Hoitt, Holden, Howard, Jackson, Keating Kellogg, Lane, Leake, Long, Mathews of Tehama, Matthews of San Benito, May, McDonald, McMurray, Mudgett, O'Connor, Patterson of Nevada,

Patterson of San Joaquin, Paulk, Pinder, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—52.

NOES—Messrs Edwards, Gay, Gilmore, Hale, Jones, McCallion, Platt, Siebe, Watkins, and Wentz—10.

Title approved.

RESOLUTION.

By Mr. Leake (by permission):

WHEREAS, This Assembly did, on April twenty-fifth, eighteen hundred and eighty-one, pass a Concurrent Resolution to adjourn sine die on April thirtieth, eighteen hundred and eighty-one, and whereas, said resolution was duly transmitted to the Senate, and was by said Senate laid on the table, therefore,

Resolved, That the Speaker appoint a committee of three to inform the Governor of said action of the Assembly and Senate, and request him to exercise his constitutional authority and adjourn this Legislature

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

The ayes and noes were demanded by Messrs. Branch, Leake, and Burns.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Brown, Chandler, Coleman, Crank, Edwards, Estey, Fraser, Garrity, Gay, Hale, Hartson, Hendrick, Hoitt, Jackson, Jones, Lane, May, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Paulk, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Wood, Young, and Mr Speaker—34.

NOES—Messrs. Baker, Barney, Branch, Burns, Daggett, Del Valle, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Kellogg, Leake, Mathews of Tehama, Matthews of San Benito, McCallion, McDonald, McMurray, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—25.

REPORT OF STANDING COMMITTEE.

By Mr Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1881.

MR. SPEAKER: Your Committee on Attachés and Contingent Expenses, to whom was referred the resolution giving the Mail Carrier, Peter Talty, the sum of two dollars per day for extra services, to date from April fourth, eighteen hundred and eighty-one, have had the same under consideration, and now report the same back, and recommend that he be allowed one dollar per day from April fourth, eighteen hundred and eighty-one, for extra services rendered by him

Also, the resolution giving Will J. Beatty pay for services rendered as Clerk of the Judiciary Committee, have had the same under consideration, and now report the same back, and recommend its adoption.

PATTERSON, Chairman.

Resolved, That Peter Talty, the Mail Carrier of the Assembly, be and he is hereby allowed one dollar per day from April fourth, eighteen hundred and eighty-one, during this extra session of the Legislature, for cartage of mail to and from the Post Office, and for delivering mail to members after hours; and the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Read, as amended by the committee.

The ayes and noes were demanded by Messrs. Fraser, Coleman, and Gay.

The roll was called, and the resolution as amended by the committee adopted by the following vote:

AYES—Messrs. Alviso, Arick, Baker, Barney, Branch, Brown, Chandler, Crank, Daggett, Del Valle, Edwards, Estey, Fleet, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hendrick, Hoitt, Holden, Howard, Jackson, Jones, Kellogg, Lane, Mathews of Tehama, Matthews of San Benito, May, McCallion, McDonald, Mudgett, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Sargent, Siebe, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—49.

NOES—Messrs. Coleman, Fraser, and Platt—3.

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of Will J. Beatty, for per diem as Clerk of the Judiciary Committee, from the eighth day of April, eighteen hundred and eighty-one, up to May sixth, eighteen hundred and eighty-one, payable out of the Contingent Fund of the Assembly.

Read and adopted.

Mr. Freer asked for indefinite leave of absence.

Upon this the ayes and noes were demanded by Messrs. Hale, Wentz, and Griffith.

The roll was called, and the request refused by the following vote:

AYES—Messrs. Alviso, Anick, Barney, Branch, Brown, Chandler, Crank, Daggett, Del Valle, Estey, Fraser, Garrity, Gavigan, Geary, Gilmore, Howard, Keating, Kellogg, Leake, Matthews of San Benito, McCallion, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Platt, Sargent, Siebe, Watkins, Wasson of Mono, Wentz, Young, and Mr. Speaker—32

NOES—Messrs Burns, Coleman, Edwards, Gay, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Jackson, Jones, Lane, May, McDonald, McMurray, Mudgett, Paulk, Samuels, Swift, Van Fleet, Wason of Ventura, and Wood—24.

Mr. Crumpton had one day's leave of absence, and Messrs. Siebe, McDonald, Murphy, and Paulk, had each two days' leave of absence.

RECESS.

Mr. Griffith moved that the House take a recess until twelve o'clock M.

So ordered.

REASSEMBLED.

The House reassembled at twelve o'clock M.

Speaker Parks in the chair.

Quorum present.

REPORT OF STANDING COMMITTEE.

By Mr. Warkins:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1881.

MR. SPEAKER: Your Committee on Enrollment respectfully report that Assembly Bill No 8—An Act making appropriations for the support of the government of the State of California, for the thirty-third and thirty-fourth fiscal years—has been correctly enrolled, and the same was this day, May seventh, eighteen hundred and eighty-one, at eleven o'clock A. M., presented to the Governor for his approval.

WARKINS, Chairman.

Mr. Freer had three days' leave of absence.

REPORT OF SPECIAL COMMITTEE.

By Mr. Young:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1881.

MR SPEAKER Your Special Committee, appointed to make arrangements for the funeral of Hon. John E. Baker, beg leave to report that they have performed the duty assigned them, and have incurred the following expenses, viz.:

J. Frank Clark, undertaker	$473 50
De Yoe & Co., quartette of singers, use of and moving organ	60 00
Hale Brothers & Co., gloves	33 05
J. M. Knight, services as nurse	18 00
First Artillery Brass Band, fifteen pieces	75 00
Total	$659 55

Accompanying this report, we file the itemized accounts for the above expenses.

We recommend that the total amount, six hundred and fifty-nine dollars and fifty-five cents, be paid, one half by the Senate and one half by the Assembly, out of the Contingent Fund of each House.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

ADJOURNMENT.

On motion of Mr. Griffith, the House adjourned until Monday next, at two o'clock P. M.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, May 9, 1881.

The House met at two o'clock P. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker, Birney, Branch, Brown, Burns, Chandler, Coleman, Crank, Crumpton, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leake, Lewis, Long, Mason, Mathews of Tehama, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Murphy, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Siebe, Streeter, Swift, Warkins, Wason of Ventura, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Messrs. Bost and Garrity had each one day's further leave of absence, and Messrs. Reddick, Cunningham, Warkins, and Van Fleet, had each two days leave of absence.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, May seventh, Mr. Estey moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

REPORT OF STANDING COMMITTEE.

By Mr. Patterson of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1881.

MR. SPEAKER: Your Committee on Contingent Expenses, to whom was, on May seventh, eighteen hundred and eighty-one, referred report (dated May seventh, eighteen hundred and eighty-one) of Special Committee appointed to make arrangements for the funeral of Hon. J. E. Baker, together with the vouchers accompanying said report, have had the same under consideration, and now report the same back, and recommend that the amount stated in said report be allowed, that the Clerk be authorized to certify the amount of each voucher, and to whom such amount is due; and that the Controller draw his warrant therefor, in favor of the persons entitled to the respective sums, upon the Contingent Fund of the Assembly.

J. B. PATTERSON, Chairman.

Read and adopted.
Mr. Wertsbaugher had three days' leave of absence.

ADJOURNMENT.

At two o'clock and ten minutes, on the motion of Mr. Howard, the House adjourned.

IN ASSEMBLY

ASSEMBLY CHAMBER,
Tuesday, May 10, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Arick, Baker, Birney, Branch, Brown, Burns, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garnty, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McMurray, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr. Speaker

Quorum present.
Prayer by the Chaplain.
Mr. Leach had one day's leave, and Mr. Chandler two days' leave of absence.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. McClure moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

REPORT OF STANDING COMMITTEE.

By Mr. May:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1881.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 27—Entitled an Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year—beg leave to report that the subject-matter is covered by Senate Bill No. 34, which has passed this House, and we recommend that the author have leave to withdraw the same.

Also, Assembly Bill No. 25—Entitled an Act to appropriate money to pay the deficiency in the appropriation for the repair of the State Capitol for the thirtieth fiscal year, arising upon the claim of William Laufkotter—and recommend the passage of the bill.

MAY, Chairman.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, May 9, 1881.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on this day, receded from its amendment number four, to Assembly Bill No. 10—An Act in relation to the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years, and the duties of the State Board of Equalization in connection therewith—and insists on its other amendments to the bill.

And appointed as a Committee on Free Conference, to meet a like committee from your honorable body, upon the said amendments, Senators Sears, Dickinson, and Gorman.

JAMES A. ORR, Secretary.

MOTION.

By Mr May: Mr. Speaker, I move that the House concur in Senate amendments to Assembly Bill No 10, as follows: To amendments fixing the tax levy for the General Fund for the thirty-third and the thirty-fourth fiscal years. Also, to the amendments fixing the tax levy for school purposes for the thirty-third and the thirty-fourth fiscal years.

The roll was called, and the motion to concur prevailed, by the following vote.

AYES—Messrs Alviso, Anek, Branch, Brown, Burns, Crank, Cunningham, Daggett, Edwards, Estey, Felton, Garrity, Gavigan, Geary, Griffith, Hartson, Hinshaw, Hoitt, Howard, Jackson, Jones, Keating, Lane, Long, Matthews of San Benito, May, McClure, Mudgett, Noonan, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Van Fleet, Wentz, Whipple, Young, and Mr Speaker—41.

NOES—Messrs. Baker, Birney, Coleman, Del Valle, Fraser, Gay, Gilmore, Hale, Hendrick, Holden, Leake, Mason, McCallion, McMurray, O'Connor, Patterson of Nevada, Swift, Wason of Ventura, and Wood—19.

SENATE MESSAGE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, May 9, 1881.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, appointed Senators Johnston, Burt, and Langford as a Free Conference Committee, on behalf of the Senate, to meet a like committee of a like number from your honorable body, to act on the non-concurred amendments to Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

ED. J. SMITH, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The Speaker announced that Messrs. Wason, of Ventura, Baker, and Whipple would constitute the House Committee of Free Conference on above mentioned Senate bill.

RESOLUTION.

By Mr. Leake (by permission): Assembly Concurrent Resolution, relative to adjournment sine die.

Read.

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

The ayes and noes were demanded by Messrs. Leake, Birney, and Jackson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hale, Hartson, Hoitt, Jones, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr Speaker—26.

NOES—Messrs. Birney, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, and Whipple—30.

The question recurred on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Fraser, Jackson, and Daggett.

Mr. Edwards moved that the resolution be made the special order for Thursday next, at eleven o'clock A. M.

Upon which motion the ayes and noes were demanded by Messrs. Fraser, Jackson, and Howard.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Brown, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr. Speaker—28.

NOES—Messrs. Baker, Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, and Whipple—29.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, and Whipple—28.

NOES—Messrs. Alviso, Brown, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr. Speaker—28.

RECESS.

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

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

REPORT OF STANDING COMMITTEE.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1881.

MR SPEAKER: Your Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of the Political Code, and to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years.

JONES, of Committee.

Messrs. Baker and Sargent each spoke to a question of privilege.

Mr. Young asked for two days' leave of absence.

Granted.

GENERAL FILE—FIRST READING.

Senate Bill No. 2—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

The question recurred on the first reading of the bill.

The ayes and noes were demanded by Messrs. Lane, Gilmore, and Mason.

Mr. Edwards moved a call of the House.

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

The ayes and noes were demanded by Messrs. Edwards, Gay, and Patterson, of Nevada.

The roll was called, and the motion to lay on the table lost by the following vote:

AYES—Messrs Arick, Baker, Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Leake, Matthews of San Benito, McCallion, McDonald, Noonan, O'Connor, Pinder, Platt, and Samuels—27.

NOES—Messrs Alviso, Brown, Camron, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Lane, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wentz, Wood, Young, and Mr. Speaker—31.

The roll was called, and a call of the House ordered by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr Speaker—31

NOES—Messrs. Arick, Baker, Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Mathews of San Benito, McCallion, McDonald, McMurray, Noonan, O'Connor, Pinder, Platt, Samuels, and Whipple—30

Roll called.

No absentees without leave.

On motion of Mr. Leake, further proceedings under the call were dispensed with.

At two o'clock and twenty minutes P. M., Mr. Edwards moved to adjourn.

The ayes and noes were demanded by Messrs. Burns, Lane, and Branch.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Brown, Coleman, Crank, Edwards, Felton Fraser, Gay, Hale, Hartson, Hoitt, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, and Mr. Speaker—24.

NOES—Messrs Arick, Baker, Birney, Branch, Burns, Camron, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Jones, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Whipple, and Young—35.

The previous question was demanded by Messrs. Daggett, Whipple, and McDonald.

So ordered.

The roll was called, and the bill refused first reading by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Long, Mason, May, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr. Speaker—28.

NOES—Messrs Arick, Baker, Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Holden, Howard, Keating, Lane, Leake, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, and Whipple—30.

Mr. McClure gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was refused passage.

At two o'clock and thirty-five minutes P. M., Mr. Jackson moved to adjourn.

The ayes and noes were demanded by Messrs. McCallion, Lane, and Burns.

Roll called, and motion lost by the following vote:

AYES—Messrs. Arick, Birney, Daggett, Garrity, Gilmore, Hinshaw, Howard, Jackson, Long, May, McDonald, Samuels, and Swift—14.

NOES—Messrs. Alviso, Brown, Burns, Camron, Coleman, Crank, Del Valle, Estey, Felton, Fraser, Gay, Griffith, Hartson, Hoitt, Holden, Jones, Keating, Lane, Leake, Mason, McCallion, McClure, Noonan, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr. Speaker—38

Assembly Bill No. 24—An Act to divide the State of California into Senatorial and Assembly Districts.

The question recurred on ordering the bill read first time.

Roll called, and first reading of the bill refused by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Mason, May, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr. Speaker—27.

NOES—Messrs. Arick, Baker, Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Holden, Howard, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, and Whipple—31.

Mr. McClure gave notice that he would, to-morrow, move to reconsider the vote by which the bill was refused first reading.

Assembly Bill No. 1—An Act to divide the State of California into Senatorial and Assembly Districts.

The question recurred on ordering the bill read first time.

Roll called, and first reading refused by the following vote:

AYES—Messrs. Alviso, Brown, Camron, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, and Mr. Speaker—28

NOES—Messrs. Arick, Baker, Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Holden, Howard, Keating, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Whipple, and Young—30.

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., Mr. Whipple moved to adjourn.

The ayes and noes were demanded by Messrs. Siebe, Felton, and Mason.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Baker, Birney, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, and Mr. Speaker—33.

NOES—Messrs. Alviso, Brown, Camron, Coleman Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, and Young—30.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, May 11, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs Alviso, Arick, Baker, Barney, Bost, Branch, Brown, Burns, Camron, Coleman, Crank, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leake, Lewis, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.
Leave of absence for one day was requested for Messrs. Crumpton, Warkins, Paulk, Reddick, and Murphy, and Messrs. Coleman and McClure asked, each for himself, for two days' leave of absence.
On demand of Mr Felton, the question being divided and the roll being called, the request of Messrs. McClure and Coleman was refused, by the following vote:

AYES—Messrs. Arick, Baker, Barney, Bost, Branch, Camron, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leach, Leake, Lewis, Long, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Platt, Samuels, Swift, Whipple, and Wood—37.
NOES—Messrs Alviso, Brown, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Mason, May, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wentz, Young, and Mr. Speaker—25.

The roll was again called, and Messrs. Crumpton, Warkins, Paulk, Reddick, and Murphy, refused leave of absence by the following vote:

AYES—Messrs Arick, Baker, Barney, Bost, Branch, Burns, Camron, Coleman, Cunningham, Daggett, Del Valle, Felton, Garrity, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Keating, Leach, Leake, Lewis, Long, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—38.
NOES—Messrs Alviso, Brown, Crank, Edwards, Estey, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jackson, Jones, Mason, May, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Young, and Mr. Speaker—26.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Camron moved that the further reading thereof be dispensed with.
So ordered.
The Journal of yesterday approved.
Mr. Leach spoke to a question of privilege.

REPORTS OF STANDING COMMITTEES.

By Mr. Camron:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1881

MR. SPEAKER: Your Committee on Apportionment, to whom was referred Senate Bill No. 11—An Act to divide the State into Congressional Districts—have had the same under consideration, and now report the same back with amendments, and recommend that it pass as amended.

CAMRON, Chairman.

By Mr. Estey:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1881.

MR. SPEAKER: Your Committee on Enrollment respectfully report that Assembly Bill No. 10—An Act to amend section three thousand seven hundred and thirteen of the Political Code, and to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years—has been correctly enrolled, and the same was on May eleventh, eighteen hundred and eighty-one, at ten o'clock A. M., presented to the Governor for his approval.

ESTEY, Chairman.

REPORT OF COMMITTEE ON FREE CONFERENCE.

By Mr. Wason, of Ventura:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1881.

MR. SPEAKER: Your Committee of Free Conference on Assembly amendments to Senate Bill No. 4, in which the Senate refused to concur, have had the same under consideration, and now unanimously recommend as follows:

First—That the Senate concur in Assembly amendment number fifteen, section two thousand six hundred and forty-five, striking out "seventy-five days" and inserting "one hundred days."

Second—That the Senate concur in Assembly amendment number eighteen, section two thousand six hundred and fifty-one, adding two new subdivisions to said section.

Third—That the Assembly recede from its amendment number nineteen, section two thousand six hundred and fifty-two, and the following be adopted as a substitute for the section.

SUBSTITUTE FOR SECTION TWO THOUSAND SIX HUNDRED AND FIFTY-TWO.

The Board of Supervisors may, annually, at any regular meeting held between the first days of January and March of each year, levy upon each male person over twenty-one and under fifty-five years of age, found in each road district during the time for the collection of road poll taxes for that year, an annual road poll tax not exceeding three dollars, and every such person in a road district who has not paid the same in some other district, must pay the amount of road poll tax so levied *provided*, that any person may work out his road poll tax so levied by two days' labor, under the direction of the Road Overseer or Road Commissioner. The Board of Supervisors shall fix, by ordinance, the time during which all persons liable for road poll tax may, at their option, perform such labor. The Road Overseer, or Road Commissioner, shall give each person performing such labor a certificate thereof. At the expiration of the time fixed by the Board for the performance of such labor, said poll tax shall be due from every person, liable as aforesaid, not holding a certificate that he has performed such labor, and shall be collected by the various Road Overseers, or Road Commissioner when there is no Road Overseer, in their respective districts, and in the same manner that State poll taxes are collected. For the purpose of collecting road poll taxes, every Road Overseer, or in case there is no Road Overseer, the Road Commissioner, is hereby invested with the same powers and authority as the collector of State poll taxes; and all the remedies given by law for the collection of State poll taxes shall apply to and be in force for the collection of road poll taxes. Road poll tax receipts, in blank, signed and numbered in the same manner that other poll tax receipts are signed and numbered, shall be delivered by the Auditor of the county to each person charged with the collection of road poll taxes, on or before the first Monday of March of each year, and he shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, and shall settle with the Auditor, and pay over the amounts collected in the manner provided by section three thousand eight hundred and fifty-three of this Code. Twenty per cent. of all road poll taxes so collected shall be apportioned to the General Road Fund, and the balance shall be apportioned among the road districts of the county in proportion to the amount of poll tax for road purposes levied and collected in each.

Fourth—That the Senate concur in Assembly amendment number twenty, section two thousand six hundred and fifty-four, striking out that part of the section which limits the rate of property tax to be levied to thirty cents on each one hundred dollars.

Fifth—That the Assembly recede from its amendment number thirty-eight, section two thousand seven hundred and forty-five, striking out all of said section.

Sixth—That the Senate concur in Assembly amendment number forty, section two thousand seven hundred and forty-six, striking out the proviso in said section.

WM. JOHNSTON,
Chairman of Senate Committee.
MILTON WASON,
Chairman of Assembly Committee.

Report read.

Mr. Whipple moved the report be ordered printed.

Carried.

The question recurred on concurring in the report of the committee.

Mr. Estey moved a call of the House.

The ayes and noes were demanded by the regular number.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Cunningham, Estey, Felton, Gay, Hale, Hartson Hoitt, Holden, Jones, Leach, Long, McDonald, McMurray, Mein, Patterson of Nevada, Patterson of San Joaquin, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, and Mr. Speaker—26

NOES—Messrs Alviso, Anck, Baker, Birney, Bost Branch, Brown, Burns, Coleman, Crank, Daggett, Del Valle, Edwards, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hendrick, Himshaw, Howard, Jackson, Keating, Lane, Leake, Lewis, Mason, Matthews of San Benito, May, McCallion, McClure, Mudgett, Noonan, O'Connor, Pinder, Platt, Reynolds, Siebe, and Young—40.

The roll was called, and the report of the Committee on Free Conference concurred in by the following vote:

AYES—Messrs Anck Baker, Birney, Bost, Branch, Brown, Coleman, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Gay Griffith, Hendrick, Himshaw, Holden, Jones, Leach, Leake Long, Mason Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Mudgett, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wentz, Whipple, Wood, and Mr Speaker—43.

NOES—Messrs. Alviso, Burns, Cannon, Crank, Edwards, Garrity, Gavigan, Geary, Hoitt, Howard, Jackson, Keating, Lane, Lewis, May, McClure, Noonan, Reynolds, Siebe, and Young—20.

Mr. Daggett moved to reconsider the vote by which the House refused to pass Senate Bill No 2, yesterday.

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

Mr. McClure moved a call of the House

The ayes and noes were demanded by Messrs. Fraser, Jones, and Reynolds.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alviso, Brown, Cannon, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr. Speaker—34

NOES—Messrs. Anck, Baker, Birney, Bost, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Himshaw, Holden Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—33.

Roll called.

Mr. Baker moved that further proceedings be dispensed with.

So ordered.

The question recurred on Mr. McCallion's motion to lay on the table.

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

The ayes and noes were demanded by Messrs. McClure, Felton, and Howard.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Alviso, Brown, Cannon, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Long, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr Speaker—33

NOES—Messrs Anck, Baker, Birney, Bost, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Himshaw, Holden, Howard, Jackson, Keating, Lane, Leake Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—33

Mr. McClure moved a call of the House.

The ayes and noes were demanded by Messrs. McClure, Hoitt, and Siebe

The previous question was demanded by the requisite number.

The ayes and noes were demanded by Messrs Hoitt, McClure, and Siebe.

The roll was called, and the House refused to order the main question by the following vote:

AYES—Messrs. Arick, Baker, Birney, Bost, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, and Whipple—33

NOES—Messrs Alviso, Brown, Cameron, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Long Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr. Speaker—36

Pending the roll call, Mr. Burns excused from voting on a division of the vote—ayes, 30; noes, 28.

Mr. Noonan asking to be excused from voting, the ayes and noes were demanded by Messrs. McClure, Gay, and Hoitt.

The roll was called, and the request granted, by the following vote:

AYES—Messrs Alviso, Birney, Brown, Cameron, Coleman Crank, Edwards, Estey, Felton, Fraser, Gay, Griffith, Hartson, Hendrick, Hoitt Jones Keating Leach, Lewis, Long, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Platt, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, Young, and Mr. Speaker—36

NOES—Messrs Arick, Baker, Bost, Branch, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Gilmore, Hinshaw, Holden, Howard, Jackson, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, O'Connor, Pinder, Samuels, Swift, and Whipple—26.

The Chair then announced that the House refused to order the main question: Ayes, 33; noes, 33.

The question recurred on the motion to order a call of the House.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Brown, Cameron, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Mein, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, Wood, and Young—31.

NOES—Messrs. Arick, Baker, Birney, Bost, Branch, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, and Mr. Speaker—34

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

The question recurred on Mr. McCallion's motion to lay on the table.

Mr. Daggett moved a call of the House

The ayes and noes were demanded by Messrs. Gilmore, Baker, and Howard.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Long, Matthews of San Benito, McCallum, McDonald, McMurray, Mein, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, Wood, Young, and Mr. Speaker—38.

NOES—Messrs. Alviso, Camron Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Wason of Ventura, Wentz, and Wertsbaugher—28.

Roll called.

On motion of Mr. McDonald, further proceedings under the call dispensed with.

So ordered.

Mr. Brown moved that the further consideration of the question be postponed until Senate messages be considered.

So ordered.

MESSAGE FROM THE SENATE.

The following Senate message was read:

SENATE CHAMBER, SACRAMENTO, May 11, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, by a vote of two thirds of the members elected thereto, passed Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year—notwithstanding the veto of his Excellency the Governor thereto, and herewith transmit the veto message of the Governor.

JAS. A. ORR, Secretary.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, May 9, 1881.

To the Senate of the State of California:

I herewith respectfully return to your honorable body, without my approval, Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

The purpose of this Act is in the further appropriation of moneys from the treasury of the State in payment of the expense incurred by reason of the extra session of the Legislature. On the twentieth day of April last, I approved an Act appropriating the sum of forty-two thousand seven hundred dollars for a similar purpose.

It seemed to me that the amount was sufficient to cover every expense, and the subjects to which your attention were called were of a character easy of solution, and could have been accomplished within the time stated in my proclamation. I admit that it is not within the power of the Executive to place a limit fixing the term of a legislative session.

But inasmuch as the Legislature had failed at its regular session to frame certain laws that were necessary for the very existence of the State government, the Executive had no alternative but to again convene your honorable body in legislative session, and he believed you would gladly welcome an intimation of a period of time upon which all would agree to terminate the undertaking. I was strengthened in this belief from the assurance of members of the Legislature—representatives of all the political parties—that the subjects proposed, and issued in the call for an extra session, would not occupy a longer period than two weeks, induced me in part to include a limit of time which should be sufficiently ample in the allowance of the fullest debates on the proposed subjects.

Urgent requests from leading and influential citizens, and importunities from almost every county in the State, were crowded on me to insert within the proclamation many subjects of vital local and State importance overlooked or lost for want of time, at the regular session.

I deemed it my duty to the taxpayers of the State to decline to insert any subject not imperatively demanded, either by constitutional requirement or absolutely necessary to carry on the government of the State. Subject-matters that had been acted upon at the regular session, I could but assume, in the absence of any expression from the members of the Legislature to the contrary, would not be reconsidered by the same members only a few weeks later, and if named would tend only to prolong the session, with its attendant expense. Hence, the subjects presented for your consideration were only those that were considered imperative, viz: a general appropriation bill; the levy of taxes necessary for the support of the State government; the payment of deficiencies incurred from lack of sufficient funds in certain appropriations, the

division of the State into Senatorial, Assembly, and Congressional districts, expressly directed by constitutional requirements, and also the enactment of a general road law

Bills on the above named subjects were introduced at an early day at the regular session; their passage was urged as being of vital importance to the best interests of the State, no valid reason has ever been assigned why such action was not consummated. An extra session was made inevitable through this failure to provide for the support of the government; and every subject was eliminated from the call likely to cause heated discussion or to produce unfriendly feelings.

In view of these facts, and in the full belief that your honorable bodies have had ample time to transact the business for which you have been especially convened, I respectfully return this bill, without my approval.

GEO. C. PERKINS, Governor.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 34—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-second fiscal year.

The question recurred as follows: "Shall the bill become a law notwithstanding the Governor's veto?"

The roll was called, and the bill passed over the Governor's veto by the following vote:

AYES—Messrs. Alvis, Baker, Birney, Bost, Branch, Brown, Burns, Cannon, Coleman, Crank, Cunningham, Daggett, Del Valle, Estey, Felton, Fraser, Garrity, Gavigan, Geary, Griffith, Hale, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Keating, Lane, Leach, Leake, Lewis, Long, Matthews of San Benito, May, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker—59.

NOES—Messrs. Edwards, Gay, Gilmore, Hartson, Jones, McCallion, Siebe, Watkins, and Wentz—9.

The question recurred on Mr. McCallion's motion to lay on the table Mr. Daggett's motion to reconsider the vote by which the House yesterday refused to pass Senate Bill No. 2.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Alvis, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Pinder, Platt, Sargent, Swift, Whipple, Wood, and Mr Speaker—39.

NOES—Messrs. Alviso, Cannon, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—29.

RESOLUTION.

By Mr. Baker (by permission): Assembly Concurrent Resolution, relative to adjournment of the Legislature sine die.

The ayes and noes were demanded by Messrs. Baker, Lane, and Burns.

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

The ayes and noes were demanded by Messrs. Howard, Lane, and Leake.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Cannon, Coleman, Crank, Edwards, Estey, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—30.

NOES—Messrs. Arick, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Siebe, Swift, Whipple, Wood, and Mr. Speaker—39.

The question recurred on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Hartson, Jackson, and Burns.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arick, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Felton, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Siebe, Swift, Wentz, Whipple, Wood, and Mr. Speaker—42.

NOES—Messrs. Alviso, Camron, Coleman, Crank, Edwards, Gay, Hale, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wertsbaugher, and Young—27.

GENERAL FILE—FIRST READING.

Assembly Bill No. 9—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein.

The question being, "Shall the bill be read the first time?" the ayes and noes were demanded by Messrs. Felton, McClure, and Hoitt.

The roll was called, and the bill refused first reading by the following vote:

AYES—Messrs. Alviso, Camron, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—30.

NOES—Messrs. Arick, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Pinder, Platt, Swift, Whipple, Wood, and Mr. Speaker—38.

Mr. McClure, pursuant to notice, moved to reconsider the vote by which the House refused to read Assembly Bill No. 24 first time, yesterday.

At three o'clock and fifteen minutes P. M., Mr. McClure moved to adjourn.

The ayes and noes were demanded by Messrs. Whipple, Wentz, and Edwards.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Camron, Coleman, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—29.

NOES—Messrs. Arick, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Leake, Long, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, Wood, and Mr. Speaker—39.

Mr. McClure moved that further consideration of the motion to reconsider be made special order for to-morrow, immediately after the reading of the Journal.

The ayes and noes were demanded by Messrs. McClure, Patterson, and Daggett.

Mr. Daggett moved to lay the motion to reconsider on the table.

Mr. McClure moved the House take a recess until four o'clock P. M.

The ayes and noes were demanded by Messrs. McClure, Patterson, of San Joaquin, and Gay.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Alviso, Camron, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—28.

NOES—Messrs. Arick, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Matthews of San Benito, McCallion, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, Wood, and Mr. Speaker—38.

At three o'clock and thirty minutes P. M., Mr. Fraser moved to adjourn.

The ayes and noes were demanded by Messrs. Gay, Van Fleet, and Edwards.

Roll called, and motion lost by the following vote:

AYES—Messrs. Alviso, Camron, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Lewis, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Sargent, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—29

NOES—Messrs. Arick, Baker, Birney, Bost Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McDonald, McMurray, Mudgett, Noonan, O'Connor, Pinder, Platt, Samuels, Swift, Whipple, Wood, and Mr. Speaker—35.

The question recurred on Mr. Daggett's motion to lay on the table the motion to reconsider.

Roll called, and motion carried by the following vote:

AYES—Messrs. Arick, Baker, Birney, Bost, Branch, Brown, Burns, Cunningham, Daggett, Del Valle, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hinshaw, Holden, Howard, Jackson, Keating, Lane, Leake, Long, Matthews of San Benito, McCallion, McDonald, Mein, Mudgett, Noonan, O'Connor, Pinder, Platt, Sargent, Swift, Whipple, Wood, and Mr. Speaker—38.

NOES—Messrs. Alviso, Camron, Crank, Edwards, Felton, Fraser, Gay, Hartson, Hendrick, Hoitt, Jones, Leach, Mason, May, McClure, Patterson of Nevada, Patterson of San Joaquin, Paulk, Reynolds, Siebe, Streeter, Van Fleet, Warkins, Wason of Ventura, Wentz, Wertsbaugher, and Young—27.

Mr. Reynolds gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bill No. 21 was refused first reading.

ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Jackson, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, May 12, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs Alviso, Arick, Baker, Barney, Bost, Branch, Brown, Burns, Camron, Chandler, Coleman, Crank, Crumpton, Cunningham, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garrity, Gavigan, Gay Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leach, Leake, Long, Mason, Matthews of San Benito, May, McCallion, McClure, McDonald, McMurray, Mein, Mudgett, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertsbaugher, Whipple, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Hoitt moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.

RESOLUTIONS.

By Mr. McClure: Assembly Concurrent Resolution relative to the adjournment of the Legislature sine die.
The ayes and noes were demanded by Messrs. Jackson, McCallion, and Baker.
Mr. Hale moved to lay the resolution on the table.
The ayes and noes were demanded by Messrs. Jackson, McCallion, and Felton.
The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arick, Baker, Branch, Brown, Burns, Cunningham, Daggett, Fraser, Garrity, Gavigan, Geary, Gilmore, Griffith, Hale, Hendrick, Hinshaw, Holden, Howard, Lane, Long, Mason, Matthews of San Benito, McCallion, McDonald, Mein, O'Connor, Patterson of Nevada, Pinder, Samuels, Sargent, Swift, Whipple, Wood, Young, and Mr. Speaker—35.
NOES—Messrs Alviso, Barney, Bost, Camron, Chandler, Crank, Crumpton, Edwards, Estey, Felton, Gay, Hartson, Hoitt, Jackson, Jones, Leach, Leake, May, McClure, McMurray, Mudgett, Noonan, Patterson of San Joaquin, Paulk, Platt, Reynolds, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, and Wertsbaugher—35.

By Mr. Young:

Resolved, That W. R. Hall, Gallery Porter, be and he is hereby allowed one dollar a day from April fourth, eighteen hundred and eighty-one, for extra services, in carrying the Journal of this House, and in taking care of and keeping clean the room of the Journal Clerk in addition to his regular duties as Porter of the Gallery, and the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. Bost:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrants for the per diem of the late Hon. J. E. Baker in favor of his widow, Mrs. J. E. Baker, to be payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Patterson, of San Joaquin:

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of Washington Thomas for the sum of one dollar per day, from April fourth, eighteen hundred and eighty-one, for services rendered in taking care of the Post Office and keeping the same clean; said per diem to continue until the close of this extra session, and payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

By Mr. McClure:

Resolved, That G. O. Green, Clerk to the Sergeant-at-Arms, be allowed the same amount as is by law allowed the clerks at the desk, to enable him to balance up the accounts in his office, perform other necessary work after the close of the session, and forward warrants to absent members. The Controller of State is hereby directed to draw his warrant in accordance with the provisions of this resolution, on the Contingent Fund of the Assembly.

Referred to the Committee on Attachés, Employés, and Contingent Expenses.

Mr. Wason, of Ventura, in the chair.

By Mr. Baker:

Resolved, That the Postmaster of the Assembly be allowed the sum of fifteen dollars for remaining for four days after the adjournment of the Assembly, and forwarding the members' mails to their respective destinations, and the Controller of State be and he is hereby authorized to draw his warrant in favor of D. H. Rand for the above sum, and the Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés, Employés, and Contingent Expenses.

Speaker Parks in the chair.

By Mr. Wertsbaugher:

Resolved, That J. H. Riley, Journal Clerk of the Assembly, be allowed the sum of thirty-five dollars for staying after adjournment in order to rule and finish the Journal, and that the Controller of State be and he is authorized to draw his warrant in favor of J. H. Riley, payable out of the Contingent Fund of the Assembly.

Read and adopted.

RECESS.

At eleven o'clock and twenty minutes A. M., a recess was declared until two o'clock P. M.

REASSEMBLED.

The House reassembled at two o'clock P. M.

Speaker Parks in the chair.

Quorum present.

MOTIONS.

Mr. Del Valle moved the House take a recess until three o'clock P. M.

At two o'clock and fifteen minutes P. M., Mr. McCallion moved to adjourn.

The ayes and noes were demanded by Messrs. Lane, Arick, and McCallion.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Arick, Baker, Crumpton, Cunningham, Estey, Fraser, Garrity, Gavigan, Gilmore, Griffith, Hartson, Hendrick, Jackson, Jones, Keating, Lane, Long, McCallion, McDonald, McMurray, Mem, Patterson of Nevada, Patterson of San Joaquin, Pinder, Sargent, Wood, and Mr Speaker—27.

NOES—Messrs Alviso, Bost, Branch, Brown, Burns, Chandler, Daggett, Del Valle, Edwards, Felton, Gay, Geary, Hale, Hinshaw, Hoitt, Holden, Howard, Leach, Leake, Mason, Matthews of San Benito, May, McClure, Mudgett, Noonan, Reynolds, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertshaugher, Whipple, and Young—36.

RECESS.

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

REASSEMBLED.

The House reassembled at four o'clock P. M.

Speaker Parks in the chair.

Quorum present.

MOTION.

Mr. Platt moved that when we adjourn, it be to meet at eleven o'clock A. M. to-morrow.

So ordered.

SENATE MESSAGES.

The following Senate messages were read:

SENATE CHAMBER, SACRAMENTO, May 12, 1881.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly Concurrent Resolution No. 7, relative to adjournment sine die of the Legislature of the State of California.

JAS. A. ORR, Secretary.

SENATE CHAMBER, SACRAMENTO, May 11, 1881.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the report of the Committee of Free Conference on Senate Bill No. 4—An Act to repeal chapter two, of title six, of part three of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

ED. J. SMITH, Assistant Secretary.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, May 12, 1881.

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 10, entitled an Act to amend section three thousand seven hundred and thirteen of the Political Code, and

to provide for the levy of the tax for State purposes for the thirty-third and thirty-fourth fiscal years

Also, Assembly Bill No. 8, entitled an Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—with the exception of the following items of appropriation to which I object, to wit "For the purchase of lime, cement, and other articles necessary for the construction of a wall about the State Prison at Folsom, ten thousand dollars" At the time of signing said bill, I appended to it a statement of the said items to which I object, and the reasons for such objections, a copy of which statement is in the words as follows:

"Before the adoption of the new Constitution, the promoters of schemes for appropriating the money of the State which otherwise would not receive the sanction of the Legislature or the Executive, frequently adopted the device of incorporating such measures in the General Appropriation Bill, and the Executive was thus forced, at the last moment, to approve of vicious legislation, because to do otherwise would be to leave the State without any revenue for the succeeding year or years.

"The framers of the Constitution, knowing the evil, undertook to correct—or rather to prevent—it, by the adoption of section twenty-nine, article four, which reads as follows:

"'The General Appropriation Bill shall contain no item of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.'

"I do not believe that the appropriation for building a wall around the prison at Folsom is properly 'an expense of the institution,' any more than it would be to construct a new wing to the building; and I therefore withhold my approval from such item of appropriation.

"I can come to but one conclusion—that the phrase, 'expenses of the government and institutions,' means, and was meant to mean, such expenses only as are previously provided for by law—*about which there can be no doubt as to the amount necessary to be raised, and for which* it is the clear duty of the Legislature to provide

"To say that such expense includes the building of a wall, or the adornment of grounds, is to subject the appropriation bill to be weighted down by every extravagance in respect to the several institutions distributed throughout the State which the local pride of the people, or representatives of the counties in which they are situated, may devise. I believe such expenses are those only which arise out of the necessary administration of the internal economy of the government or her institutions, and without provision for the same such institutions could not be maintained."

It is with great reluctance, and doubt as to my duty in the premises, that I approve of the items of appropriation relating to the improvements at the Napa Insane Asylum, and to the furnishing the Normal School at San José, and the Branch Normal School at Los Angeles. The insane must be provided for, and the appropriation seems absolutely necessary to the humanitarian and sanitary management of the Asylum and the protection of the buildings.

The appropriation for the furnishing of the Normal School, it is urged, is a necessary corollary of the establishment of the school, and is, for the first year at least, a necessary expense, because without such appropriation the buildings, when completed, must lie idle for nearly two years.

For these considerations I have waived my objections, and given to these appropriations for the above two institutions the benefit of the constitutional doubt. It is to be hoped that hereafter the General Appropriation Bill shall contain no item obnoxious to the spirit if not the letter of the provisions of the Constitution above quoted.

GEORGE C. PERKINS, Governor.

STATEMENT AND PROTEST.

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1881.

MR SPEAKER: The undersigned, the members of the Committee of Free Conference on the part of the Assembly on Assembly Bill No. 10, to confer with a like committee of the Senate on the disagreements between the Senate and Assembly thereon, beg leave to submit the following statement of the proceedings of said conference, and to the end that no injustice be done the undersigned from a partial and inaccurate statement of the proceedings of the conference made by the Senate members of the committee to their own body, respectfully ask that the same be spread on the Journal of the Assembly, to wit

STATEMENT.

The two committees, upon meeting, decided that no reporters should be admitted to the conference, and that no statements should be made of the results of their deliberations otherwise than in accordance with parliamentary law, which simply required a report to each house of an agreement or disagreement upon the two questions submitted to them for adjustment, viz The Senate amendment to Assembly Bill No 10, reducing the sum to be raised for school purposes to one million three hundred thousand dollars, and the Senate amendment to the same bill providing against levying a tax for drainage purposes. An informal vote was taken on the first proposition before discussion, and with the express understanding that in no case should it be considered final, which developed the fact that the Senate committee was solid in favor of the amendment, and concession could only be expected from the Assembly committee

The consideration of the amendment relating to the drainage tax was commenced by Mr. Sears asking of the Assembly committee their objections, which were frankly stated, as follows

That the Tax Levy Act, as it passed the Assembly, was sufficient to carry out the design of the laws in force, and contained all that was necessary, therefore, that any amendment would not only be redundant, but mischievous. That this particular amendment was evidently designed to defeat the action of a law in good standing upon the statute books, and we had no right to adopt such means to accomplish that end, even if the Legislature had the power—which was denied—inasmuch as the proposition involved was not included in the subjects designated by the Governor for legislation at this extra session. That the amendment as it stood rendered the entire tax levy unconstitutional and void, and by its adoption the warrants for the State officers and State institutions would be subjected to a heavy discount, and the public schools left entirely without the proposed fund—a calamity that no Legislature should hazard. That the drainage tax was provided for in the Act creating the Commission, and could not be properly defeated except by a repeal of that law, which could not be done directly or indirectly now.

To the further amendments submitted by the Senate committee, and mentioned in their said report, to the provisions of the Tax Levy Act, in respect to which there was no disagreement between the two Houses, the Assembly committee peremptorily refused to consider the same, on the ground that the authority of the committee was absolutely limited to the matters of disagreement between the two Houses.

The foregoing statement correctly represents the actions and proceedings of the Assembly committee at said committee conferences, on the points of disagreement herein mentioned, and all that occurred in relation thereto at said conferences of said committees, except certain individual suggestions and replies between Messrs. Sears and Hale, in which neither spoke for nor assumed to speak for their respective committees, and were of an inconsequential character.

W. B. MAY,
J. E. HALE,
JOHN DAGGETT.

On the motion of Mr. Leake the above statement was ordered spread upon the minutes.

CONSIDERATION OF THE GOVERNOR'S MESSAGE.

Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years.

The question recurred on "Shall that portion of the bill objected to by the Governor, to wit: 'For the purchase of lime, cement, and other articles necessary for the construction of a wall about the State Prison at Folsom, ten thousand dollars,' become a law, notwithstanding the Governor's veto?"

Pending consideration of above question, Mr. Howard moved to reconsider the vote by which the House voted that when it adjourned to-day it would adjourn until eleven o'clock A. M. to-morrow.

Carried.

The question recurred on the motion to fix the hour of meeting to-morrow, which was lost.

MOTION.

Mr. Howard moved that the further consideration of the Governor's veto be made the special order for to-morrow, immediately after the reading of the Journal.

So ordered.

ADJOURNMENT.

On motion of Mr. Hoitt, at four o'clock and fifty minutes P. M., the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, May 13, 1881.

The House met at ten o'clock A. M., pursuant to adjournment.
Speaker Parks in the chair.
Roll called.
Members present as follows:

Messrs. Alviso, Anick, Baker, Barnev, Bost, Branch, Brown, Burns, Chandler, Crank, Daggett, Del Valle, Edwards, Estey, Felton, Fraser, Garnity, Gavigan, Gay, Geary, Gilmore, Griffith, Hale, Hartson, Hendrick, Hinshaw, Hoitt, Holden, Howard, Jackson, Jones, Keating, Lane, Leake, Long, Mason, Matthews of San Benito, McCallion, McClure, McDonald, McMurray, Mein, Noonan, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Platt, Reddick, Reynolds, Samuels, Sargent, Siebe, Streeter, Swift, Van Fleet, Watkins, Wason of Ventura, Wasson of Mono, Wentz, Wertshaugher, Wood, Young, and Mr. Speaker.

Quorum present.
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of yesterday, Mr. Patterson, of Nevada, moved that the further reading thereof be dispensed with.
Lost.
Pending the further reading of the Journal of yesterday, Mr. Howard moved that the further reading thereof be dispensed with.
So ordered.
The Journal approved.
Mr. Jackson spoke to a question of privilege.

SPECIAL ORDER.

The Governor's veto to a certain section in Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—taken up.
The question recurred on "Shall that portion of the above bill objected to by the Governor, to wit: 'For the purchase of lime, cement, and other articles necessary for the construction of a wall about the State Prison at Folsom, ten thousand dollars,' become a law, notwithstanding the Governor's veto?"

REPORT OF ENROLLMENT COMMITTEE.

By Mr. Watkins:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1881.

MR. SPEAKER: Your Committee on Enrollment respectfully report Assembly Concurrent Resolution No. 7—Relative to adjournment sine die of the Legislature of the State of California—the same has been correctly enrolled, and was this day, the thirteenth day of May, eighteen hundred and eighty-one, at the hour of ten o'clock A. M., delivered to the Governor for his approval.

SPECIAL ORDER.

The consideration of that portion of Assembly Bill No. 8—An Act making appropriations for the support of the government of the State of California for the thirty-third and thirty-fourth fiscal years—

objected to by the Governor, to wit: "For the purchase of lime, cement, and other articles necessary for the construction of a wall about the State Prison at Folsom, ten thousand dollars," resumed.

Mr. Van Fleet moved a call of the House.

So ordered.

Roll called.

Mr. Patterson, of Nevada, moved that further proceedings under the call be dispensed with.

So ordered.

Roll called, and that portion of the bill objected to by the Governor was refused passage by the following vote:

AYES—Messrs. Baker, Brown, Del Valle, Estey, Fraser, Garrity, Griffith, Hale, Hartson, Holden, Howard, Jones, Matthews of San Benito, McCallion, McMurray, Mein, O'Connor, Paulk, Reynolds, Sargent, Streeter, Swift, Van Fleet, Wason of Ventura, Wasson of Mono, Wentz, Wood, Young, and Mr. Speaker—29.

NOES—Messrs. Birney, Bost, Burns, Chandler, Crank, Edwards, Felton, Gavigan, Gay, Geary, Gilmore, Hendrick, Hinshaw, Hoitt, Keating, Lane, Leake, Long, Mason, McClure, Noonan, Patterson of Nevada, Patterson of San Joaquin, Pinder, Platt, Samuels, Siebe, Watkins, and Weitsbaugher—29.

REPORT OF STANDING COMMITTEE.

By Mr. Patterson, of Nevada:

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1881.

MR. SPEAKER: Your Committee on Contingent Expenses, to whom was referred resolution authorizing the Postmaster of the Assembly to remain for four days after the close of the session at the per diem heretofore received by him, have had the same under consideration, and now report the same back and recommend its adoption.

Also, resolution authorizing payment to W. R. Hall of one dollar per day for extra service, have had the same under consideration, and now report the same back and recommend its adoption.

Also, resolution authorizing payment of one dollar per day to Washington Thomas for extra service, have had the same under consideration, and now report the same back and recommend its adoption.

Also, resolution authorizing G. O. Green to receive compensation for remaining after the session, have had the same under consideration, and now report the same back with recommendation that it be amended so as to provide for payment for six days' service after the close of the session, at the same per diem as paid him prior to adjournment, and recommend its passage as amended.

J. B. PATTERSON, Chairman.

Resolved, That the Postmaster of the Assembly be allowed the sum of fifteen dollars for remaining for four days after the adjournment of the Assembly, and forwarding the members' mails to their respective destinations, and the Controller of State be and he is hereby authorized to draw his warrant in favor of D. H. Rand for the above sum, and the Treasurer is authorized to pay the same out of the Contingent Fund of the Assembly.

Read and adopted.

Resolved, That W. R. Hall, Gallery Porter, be and he is hereby allowed one dollar a day, from April fourth, eighteen hundred and eighty-one, for extra services in carrying the Journal of this House and in taking care of and keeping clean the room of the Journal Clerk, in addition to his regular duties as Porter of the Gallery, and the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Read.

The ayes and noes were demanded by Messrs. Edwards, Van Fleet, and Fraser.

Roll called, and the resolution lost by the following vote:

AYES—Messrs. Baker, Brown, Del Valle, Garrity, Gavigan, Griffith, Holden, Howard, Lane, Mason, McCallion, McClure, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Pinder, Swift, Wasson of Mono, and Young—20.

NOES—Messrs. Birney, Bost, Burns, Chandler, Edwards, Felton, Fraser, Gay, Hale, Hartson, Hendrick, Hoitt, Leake, Long, Mein, Noonan, Platt, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, Wertsbaugher, Wood, and Mr Speaker—25.

RESOLUTIONS.

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of Washington Thomas, for the sum of one dollar per day from April fourth, eighteen hundred and eighty-one, for services rendered in taking care of the Post Office, and keeping the same clean, said per diem to continue until the close of this extra session, and payable out of the Contingent Fund of the Assembly.

The ayes and noes were demanded by Messrs. Felton, Fraser, and Hendrick.

Mr. McClure moved that the Speaker appoint a committee of three to inform the Governor that the House is about to adjourn sine die, and ascertain if he has any further communications for this House.

So ordered.

The Speaker appointed Messrs. McClure, Young, and Platt, as such committee.

The question recurred on the resolution reported above by the Committee on Attachés, Employés, and Contingent Expenses.

Roll called, and the resolution lost by the following vote:

AYES—Messrs. Gavigan, Geary, Griffith, Holden, Howard, Keating, McCallion, O'Connor, Patterson of Nevada, Patterson of San Joaquin, Paulk, Sargent, Swift, Wasson of Mono, and Wood—15

NOES—Messrs. Bost, Brown, Burns, Chandler Crank, Edwards, Felton, Fraser, Garrity, Gay, Hale, Hendrick, Hinshaw Hoitt, Jackson, Leake, Long, Matthews of San Benito, McDonald, McMurray, Mein, Noonan, Pinder, Samuels, Siebe, Streeter, Van Fleet, Watkins, Wason of Ventura, Wentz, and Mr. Speaker—31.

Resolved, That G. O Green, Clerk to the Sergeant-at-Arms, be allowed six days pay after the close of the session, at the same per diem now allowed him, to balance up the accounts in his office, and perform other necessary work, after the close of the session, and forward warrants to absent members The Controller of State is hereby directed to draw his warrant, in accordance with the provisions of this resolution, on the Contingent Fund of the Assembly.

Read.

The ayes and noes were demanded by Messrs. Fraser, Mein, and Patterson of San Joaquin.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Anick, Baker, Birney, Bost, Brown, Chandler, Crank, Del Valle, Edwards, Felton, Gay, Gilmore Griffith, Hale, Hoitt, Holden, Howard, Jones Keating, Lane, Long, Mason, Matthews of San Benito, McCallion, O'Connor, Patterson of Nevada, Samuels, Sargent, Swift, Van Fleet, Wason of Ventura, Wentz, and Wertsbaugher—33.

NOES—Messrs Fraser, Hartson, Hendrick, Hinshaw, Leake, McDonald, Mein, Noonan, Patterson of San Joaquin, Paulk, Pinder, Streeter, Watkins, and Mr. Speaker—14.

By Mr. Hendrick:

Resolved, That the thanks of this Assembly be and they are hereby extended to Mr. J. R. Hodson, photographer, of Sacramento City, for the very excellent and correct medley picture of the members of this House, which he has presented to the State.

Read and adopted.

REPORT.

The special committee appointed to wait upon the Governor now appeared at the bar of the House and reported that they had waited upon his Excellency the Governor, and that he had no further communication to make to this body.

MOTIONS.

On motion of Mr. Del Valle, the Clerk was instructed to inform the Senate that the House was about to adjourn sine die, and ascertain if the Senate had any further communication to make to this body.

Mr. McClure moved that the Speaker and Chief Clerk be authorized to approve the Journal of this day.

So ordered.

SPEAKER'S REMARKS.

At eleven o'clock and fifty minutes A. M., the Speaker addressed the Assembly as follows:

I desire to thank the members for the courtesies extended to me, and the officers and attachés for the aid so cheerfully rendered me.

The House has been subjected to severe criticism in the papers, and has been outrageously misrepresented by the press. But time will make all things right. I fear the public do not fully realize the difficulties surrounding the Legislature under the present Constitution. I would challenge the highest intelligence to frame the necessary laws in sixty days, let alone getting eighty men to agree to them. It will be a sad day for the State when it has a Legislature that will legislate literally, according to the letter of that marvelous instrument. What are legislators to do—make unconstitutional laws, or disagree? What could they do but the latter. I believe the day near at hand when the Constitution will be stripped of its evils by the voice of the people through the Legislature, or in a Convention. Evil must be the state of affairs so long as it exists unchanged.

Meanwhile let the press howl. As for myself I have the consciousness of having done my duty as I conceived it, faithfully to the people, and under the dictates of my oath. I have had the support of the members of this branch over which I have presided. More than that I do not ask. The press attacks on myself I care not for, I can wait for vindication, and the truth will come out in time, in spite of misrepresentation and embittered prejudices. I bid you all adieu.

ADJOURNMENT.

At twelve o'clock M., the Speaker's gavel fell, and the extra session of the Assembly of the Twenty-fourth Legislature of the State of California was declared adjourned *sine die*.

Approved:

W. H. PARKS, Speaker.
GEO. E. McSTAY, Chief Clerk.

Attest: F. N. PAULY, Minute Clerk.