

# CALIFORNIA LEGISLATURE—ASSEMBLY.

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## TWENTY-FIFTH SESSION.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, January 8, 1883. }

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

### APPOINTMENTS.

The Chief Clerk made the following appointments:

*Assistant Clerks*—R. G. Falk and J. G. Howell.  
*Assistant Sergeant-at-Arms*—O. S. Freese.  
*Clerk to Sergeant-at-Arms*—J. H. Riley.  
*Gatekeepers*—J. R. Williams and Thos. Mallon.  
*Pages*—Geo. W. Ingles, Samuel Redmond, Chas. Marples, A. Rose, Samuel McClintic, and Marcus Cohn.  
*Postmaster*—A. M. Lawrence.  
*Mail Carrier*—Albert T. Parsons.  
*Porters*—O. H. Johnson, Richard Hall, and Geo. Dresser.  
*Night Watchman*—J. L. O'Brien.  
*Day Watchman*—Hiram Clock.

### ROLL CALL.

The roll of counties was called.

The following members elect presented themselves, and were duly qualified by taking the following oath of office, administered by the Hon. T. B. McFarland, 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 discharge the duties of member of the Assembly of the State of California, according to the best of my ability.

Alameda County	L. H. Carey, W. B. Clement, L. H. Brown.
Amador County	Robert Stewart.
Butte County	L. C. Grange, T. R. Flemming.
Contra Costa County	George T. Carter.
Calaveras County	A. R. Wheat.
Colusa and Tehama Counties	Reuben Clark.
Del Norte County	W. A. Hamilton.
El Dorado County	C. F. Irwin.
El Dorado and Alpine Counties	Thomas B. Rowland.
Fresno County	Frank Wharton.
Humboldt County	J. H. G. Weaver.
Inyo and Mono Counties	J. M. Keeler.
Los Angeles County	A. B. Moffitt, H. W. Head.
Lake County	H. J. Crumpton.
Mariposa and Merced Counties	W. L. Smith.
Marin County	S. C. Bowers.
Mendocino County	Archibald Yell.
Monterey County	Thos. F. Faw.
Napa County	F. E. Johnston.
Nevada County	J. L. Lewison, A. Walrath, J. O. Sweetland.
Placer County	P. McHale.
Plumas and Lassen Counties	Calvin McClaskey.
San Francisco	
Ninth District	E. A. Gaussail, Wm. J. Sinon, J. J. Callaghan, Thos. F. Barry.
Tenth District	B. F. McKinley, A. G. Booth, J. H. Culver, C. A. Murdock.
Eleventh District	B. A. Rawle, Sidney Hall, Peter Wheelan, Thos. E. Healy.
Twelfth District	Patrick Plover, M. R. Levenson, T. H. McDonald, and James J. Flynn.
Thirteenth District	Charles A. Hughes, D. H. Bibb, Thos. H. Murphy, and E. J. O'Connor.
Sacramento County	F. D. Ryan, H. M. Larue, and Gillis Doty.
San Diego County	Edwin Parker.
San Bernardino County	Truman Reeves.
San Luis Obispo County	J. H. Hollister.
Santa Barbara and Ventura Counties	C. A. Storke.
Santa Clara County	A. B. Hunter, J. H. M. Townsend, and Adam Rhel.
Santa Cruz County	Lucien Heath.
San Benito County	J. H. Matthews.
San Joaquin County	S. L. Terry, C. S. Stevens, and J. W. Keirick.
San Mateo County	J. V. Coleman.
Sierra County	M. Farley.
Stanislaus County	E. B. Beard.
Solano County	Joel A. Harvey and D. G. Barnes.
Sonoma County	John T. Campbell, S. M. Martin, John Field.
Sutter County	S. R. Fortna.
Trinity and Shasta Counties	J. M. Biceland.
Tulare and Kern Counties	
Tuolumne County	F. D. Nicol.
Yolo County	D. N. Hershey.
Yuba County	W. M. Cutter, N. D. Coombs.

Roll called.

Quorum present.

#### RESOLUTION.

Mr. Ryan of Sacramento offered the following resolution:

*Resolved.* That we now proceed to the election of a Speaker and other officers of the House, in their order, as required by law.

Lost.

#### ADJOURNMENT.

Mr. Matthews, at twelve o'clock and fifty-five minutes, moved that we do now adjourn until ten o'clock to-morrow morning.

Carried.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
TUESDAY, January 9, 1883. }

The House met pursuant to adjournment, Chief Clerk McStay in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, HERSHEY, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Larue, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Rawle, Reeves, Rhuel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, and Yell.

Quorum present.

Mr. Caminetti and Mr. Peterson now came forward and took the following oath of office, which was administered by the Hon. W. S. Buckley, Judge of the Superior Court of San Joaquin County:

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 member of the Assembly of the State of California, according to the best of my ability.

## ELECTION OF SPEAKER.

Chief Clerk McStay announced that nominations for Speaker of the House were in order.

Mr. Barry nominated H. M. Larue of Sacramento.

Mr. Hollister nominated A. G. Booth of San Francisco.

The roll was called with the following result:

*For Larue*—Messrs. Barry, Beard, Bibb, Booth, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, HERSHEY, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell

*For Booth*—Messrs. Barnes, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, Larue, Lewison, McKinley, Murdock, Reeves, Ryan, Walrath, Weaver, and Wharton

Whole number of votes cast.....	75
Necessary to a choice.....	38
H. M. Larue received.....	56
A. G. Booth received.....	19

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

Mr. Booth of San Francisco, and Mr. Johnston of Napa, were appointed a committee to conduct the Speaker elect to the chair.

Speaker Larue in the chair.

Nominations for Speaker pro tem. were declared in order.

Mr. Storke nominated Mr. John T. Campbell.

Mr. Horton nominated Mr. J. M. Keeler.

The roll was called with the following result:

*For Campbell*—Messrs. Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna,

Gaussail, Granger, Hamilton, Head, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Keeler*—Messrs. Barnes, Booth, Brown, Campbell, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Lewison, McKinley, Murdock, Reeves, Ryan, Walrath, Weaver, and Wharton.

Whole number of votes cast.....	75
Necessary to a choice.....	38
Mr. Campbell received.....	56
Mr. Keeler received.....	19

The oath of office was now administered to Speaker Larue by Hon. W. S. Buckley, Judge of Superior Court of San Joaquin County.

Mr. John T. Campbell, having received a majority of all the votes cast, was declared duly elected Speaker pro tem. of the Assembly, and came forward and took the oath of office, which was administered by the Speaker.

#### ELECTION OF CHIEF CLERK.

Nominations for Chief Clerk declared in order.

Mr. Flynn nominated M. C. Haley.

Mr. Murdock nominated George E. McStay.

The roll was called with the following result:

*For Hale*—Messrs. Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Heishey, Hughes, Hunter, Irwin, Johnston, Larue, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Sinon, Smith, Stewart, Storke, Sweetland, Terry, Townsend, and Yell.

*For McStay*—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Stephens, Walrath, Weaver, and Wharton.

Whole number of votes cast.....	74
Necessary to a choice.....	38
Hale received.....	54
McStay received.....	20

Mr. Haley, having received a majority of the votes cast, was declared duly elected Chief Clerk, and came forward and took the oath of office.

#### ELECTION OF SERGEANT-AT-ARMS.

Nominations for Sergeant-at-Arms were declared in order.

Mr. Smith nominated Mr. Jas. M. Farrelly.

Mr. Lewison nominated Mr. Ezekiel Walters.

The roll was called with the following result:

*For Farrelly*—Messrs. Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Wheat, Wheelan, and Yell.

*For Walters*—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Reeves, Ryan, and Wharton.

Whole number of votes cast.....	71
Necessary to a choice.....	36
Mr. Farrelly received.....	55
Mr. Walters received.....	16

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

## ELECTION OF ASSISTANT CLERKS.

Nominations for two Assistant Clerks were declared in order.

Mr. Campbell nominated Mr. G. W. Herbert.

Mr. Cutter nominated Mr. Julius Reimer.

Mr. Culver nominated Mr. J. G. Howell.

Mr. Ryan nominated Mr. Frank J. Higgins.

Mr. Levenson moved that the House vote for two Clerks at the same time.

Carried.

The roll was called with the following result:

*For Herbert*—Messrs. Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhiel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Reimer*—Messrs. Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhiel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Howell*—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Walrath, Weaver, and Wharton.

*For Higgins*—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Walrath, Weaver, and Wharton.

Whole number of votes cast .....	77
Necessary to a choice .....	38
Herbert received .....	58
Reimer received .....	58
Howell received .....	19
Higgins received .....	19

Mr. Herbert and Mr. Reimer, having received a majority of the votes cast, were declared elected Assistant Clerks of the Assembly.

## ELECTION OF MINUTE CLERK.

Nominations for Minute Clerk declared in order.

Mr. Campbell nominated Thomas Cleary.

Mr. Wheeler nominated Mr. F. N. Pauly.

The roll was called with the following result:

*For Cleary*—Messrs. Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhiel, Rowland, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Pauly*—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Reeves, Walrath, and Weaver.

Whole number of votes cast .....	74
Necessary to a choice .....	38
Mr. Cleary received .....	57
Mr. Pauly received .....	17

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

Messrs. Campbell and Reimer now came forward, and both took the oath of office, which was administered by the Speaker.

## ELECTION OF JOURNAL CLERK.

Nominations for Journal Clerk were declared in order.

Mr. Matthews nominated Mr. Geo. W. Peckham.

Mr. Barnes nominated Mr. J. H. Riley.

The roll was called with the following result:

*For Peckham*—Messrs Barry, Beard, Bibb, Bowers, Brice land, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershev, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Riley*—Messrs Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Walrath, Weaver, and Wharton.

Whole number of votes cast.....	77
Necessary to a choice.....	38
Mr. Peckham received.....	58
Mr. Riley received.....	19

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

## ELECTION OF ENGROSSING CLERK.

Nominations for Engrossing Clerk were declared in order.

Mr. Sweetland nominated Mr. Chas. A. Giffin.

Mr. Booth nominated Mr. Jacob Shaen.

The roll was called with the following result:

*For Giffin*—Messrs Barry, Beard, Bibb, Bowers, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Flemming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhiel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Shaen*—Messrs Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Keeler, McKinley, Murdock, Reeves, Ryan, Walrath, Weaver, and Wharton.

Whole number of votes cast.....	75
Necessary to a choice.....	38
Mr. Giffin received.....	57
Mr. Shaen received.....	18

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

## ELECTION OF ASSISTANT SERGEANT-AT-ARMS.

Nominations for Assistant Sergeant-at-Arms declared in order.

Mr. Cutter nominated Mr. James P. Martin.

Mr. Ryan nominated Mr. R. M. Apgar.

The roll was called, with the following result:

*For Martin*—Messrs Barry, Beard, Bibb, Bowers, Brice land, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhiel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Apgar*—Messrs Barnes, Booth, Brown, Clement, Culver, Harvey, Heath, Hollister, Keeler, McKinley, Murdock, Reeves, Ryan, Walrath, Weaver, and Wharton.

Whole number of votes cast .....	77
Necessary to a choice .....	39
Mr. Martin received .....	59
Mr. Apgar received .....	18

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

#### ELECTION OF ENROLLING CLERK.

Nominations for Enrolling Clerk were declared in order.

Mr. Caminetti nominated Mr. C. B. Swift.

The roll was called with the following result:

*For Swift*—Messrs. Barry, Beard, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Larue, Leveson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Nicol, O'Connor, Peterson, Plover, Rawle, Rhuel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, and Yell.

*For Dobbins*—Messrs. Brown, Cary, Clement, and Harvey.

Whole number of votes cast .....	56
Necessary to a choice .....	29
Mr. Swift received .....	52
Mr. Dobbins received .....	4

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

#### ELECTION OF POSTMASTER.

Nominations for Postmaster were declared in order.

Mr. Bibb nominated Miss M. Fannie Burnett.

Mr. Ryan nominated Mr. D. H. Rand.

The roll was called with the following result:

*For Miss Burnett*—Messrs. Barry, Beard, Bibb, Briceland, Caminetti, Campbell, Clement, Coombs, Crumpton, Culver, Faw, Field, Flemming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hughes, Hunter, Irwin, Kerrick, Larue, Leveson, Martin, Matthews, McClaskey, Moffitt, Murphy, Peterson, Plover, Rawle, Rhuel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Weaver, Wheat, Wheelan, and Yell.

*For Rand*—Messrs. Booth, Brown, Carter, Clark, Coleman, Cutter, Heath, Hollister, Keeler, Lewison, McHale, McKinley, Murdock, Reeves, Ryan, Walrath, and Wharton.

Whole number of votes cast .....	68
Necessary to a choice .....	39
Miss Burnett received .....	51
Mr. Rand received .....	17

Miss Burnett, having received a majority of all the votes cast, was declared elected Postmistress of the Assembly.

#### RESOLUTIONS.

By Mr. Johnston :

*Resolved*, That the Clerk be instructed to announce to the Senate that the Assembly has organized by the election of Hugh M. Larue, Speaker, J. T. Campbell, Speaker pro tem, James M. Farrelly, Sergeant-at-Arms; James P. Martin, Assistant Sergeant-at-Arms, M. C. Haley, Chief Clerk; Julius Reimer and George W. Herbert, Assistant Clerks; Thomas Cleary, Minute Clerk; George W. Peckham, Journal Clerk; Charles A. Giffin, Engrossing Clerk; D. B. Swift, Enrolling Clerk, and Miss M. Fannie Burnett, Postmistress.

Adopted.

By Mr. Hollister:

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

Adopted.

By Mr. Cutter:

*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; and one Rear Porter at a per diem of three dollars, all payable out of the Contingent Fund of the Assembly.

Mr. Campbell moved the resolution be laid on the table until the Committee on Employés and Attachés is appointed.

Carried.

By Mr. Yell:

*Resolved*, That the Standing Rules of the twenty-fourth session be adopted until otherwise ordered by this House.

Adopted.

By Mr. Brown:

*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.

Mr. Johnston moved, as a substitute, the following:

*Resolved*, That Rev. E. B. Ware be and he is hereby appointed Chaplain of the Assembly, at a compensation of five dollars per day, payable out of the contingent fund of the Assembly.

Substitute accepted.

The previous question being demanded by the requisite number, the House so ordered.

The ayes and noes being demanded by the requisite number, the roll was called with the following result:

AYES—Messrs. Barnes, Beard, Bibb, Booth, Briceland, Brown, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flemming, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Larue, Lewison, Martin, Matthews, McClaskey, McDonald, Moffitt, Murdock, Murphy, Nicol, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Smith, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Yell—61.

NOES—Messrs. Barry, Callaghan, Clement, Flynn, Healy, Kerrick, Levenson, McHale, McKinley, O'Connor, Parker, Simon, Stephens, and Terry—15.

Resolution adopted.

The following officers elect: James M. Farrelly, Sergeant-at-Arms; Geo. W. Peckham, Journal Clerk; Miss M. Fannie Burnett, Postmistress, and J. P. Martin, Assistant Sergeant-at-Arms, came forward and took the oath of office, which was administered by the Speaker.

#### RESOLUTION.

By Mr. Terry:

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

Adopted.

By Mr. Farley:

*Resolved*, That the Journal Clerk of the Assembly be authorized to appoint an assistant, whose pay shall be the same as his principal, to be paid out of the Assembly Contingent Fund.

Mr. Campbell offered the following substitute:

*Resolved*, That the Enrolling Clerk act as Deputy Journal Clerk.

Mr. Matthews moved to amend so as to provide that the Assistant Journal Clerk should draw but one per diem.

Accepted.

Mr. Barry moved to take a recess until one o'clock and thirty minutes P. M.

Lost.

#### APPOINTMENT OF SPECIAL COMMITTEE.

The Speaker appointed Messrs. Terry, Matthews, and Sweetland, a special committee to consider and report upon Mr. Terry's resolution, adopted above.

The question recurring upon the amendment of Mr. Campbell to Mr. Farley's resolution, Mr. Terry moved the resolutions lie upon the table until the Committee on Attachés and Employés be appointed. So ordered.

#### RECESS.

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

#### REASSEMBLED.

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

Speaker Larue in the chair.

Roll called.

Quorum present.

#### PROTEST.

By Mr. Levenson: The following protest was read:

The undersigned members of the Assembly enter their solemn protest against the resolution for the election of a Chaplain for the Assembly and of the payment to him of \$5 per diem out of the Assembly Contingent Fund, and they do hereby protest against the same for the following reasons:

*First*—Because it is in contravention both of the spirit and letter of Section 4, Article I, of the Constitution of the State, in this That as, under a call of the House, every member would be bound, under pains and penalties, to be in his place during the praying of such Chaplain, many of the members would be forced to listen to religious services in opposition to their religious belief, whereby "the free exercise and enjoyment of their religious profession and worship." guaranteed by the provisions of the Constitution above referred to, would be denied to them. and further, that by the selection of a Chaplain of any one denomination, a preference is given to that sect over all others, in contravention of the same section of the Constitution, as above mentioned.

*Second*—Because it is a wasteful and unlawful appropriation of the public moneys

*Third*—Because it tends to bring religion itself into contempt, by a professor of religion joining in an exhibition of Christian intolerance, instead of seeking to furnish an example of Christian charity.

For all which, and other reasons, the undersigned members of the Assembly protest against the resolution above specified, and pursuant to Rule 76 of the Standing Rules of this House, respectfully require this, their protest, to be entered upon the minutes of this House.

Dated this ninth day of January, 1883.

MONTAGUE M. LEVERSON, Twelfth District.  
S. L. TERRY, San Joaquin.

## RESOLUTION.

By Mr. Flynn :

*Resolved*, That the Chief Clerk, and the Minute Clerk, and the Journal Clerk of this House be each authorized to appoint an Assistant, for the period of four days, at the same per diem as is allowed the Chief Clerk and the Minute Clerk, payable out of the contingent fund of the Assembly.

Mr. Crumpton moved to lay the resolution on the table until the appointment of the Committee on Attachés and Employés.

Lost.

The ayes and noes being demanded by the requisite number, the roll was called and the resolution declared lost by the following vote:

**AYES**—Messrs Booth, Caminetti, Culver, Cutter, Farley, Flemming, Flynn, Granger, Leverson, Lewison, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Rawle, Ryan, Simon, Sweetland, and Terry—21.

**NOES**—Messrs Barnes, Barry, Beard, Bibb, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Faw, Field, Fortna, Gaussal, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Larue, Martin, Matthews, McClaskey, McHale, Murdock, Nicol, Peterson, Plover, Rhel, Rowland, Smith, Stephens, Stewart, Storke, Townsend, Walth, Weaver, Wharton, Wheat, Wheelan, and Yell—57.

Mr. Cleary and Mr. Giffin came forward and took the oath of office, which was administered by the Speaker.

## RESOLUTIONS.

By Mr. Cutter :

*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, and a Night Watchman at a per diem of four dollars, all payable out of the contingent fund of the Assembly.

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

So ordered.

By Mr. Leverson :

*Resolved*, That the Clerk of the Supreme Court be directed to furnish to this House a return:

*First*—Of all cases pending in the Supreme Court, and the present condition thereof.

*Second*—Of the number of cases pending when the new Court came into existence; the number since filed, and the number disposed of.

*Third*—Of all cases pending and submitted, with the date of the first submission and of each resubmission thereof.

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

So ordered.

## APPOINTMENT.

The Speaker appointed the following committee to wait upon the Governor, and inform his Excellency that the Assembly was organized: Mr. Hollister, Mr. Storke, and Mr. Terry.

## RESOLUTION.

By Mr. Johnston :

*Resolved*, That a committee of three be appointed by the Chair to wait upon the Senate and ascertain what time will be agreeable to that body to meet in Joint Convention for the purpose of canvassing the vote of the late election, as provided by the Constitution.

Adopted.

The Speaker appointed Messrs. Johnston, Yell, and Culver, as the above committee.

## JOINT RESOLUTION.

By Mr. Cutter:

*Resolved by the Assembly, the Senate concurring,* That the two Houses meet in Joint Convention in the Assembly Chamber, at eight p. m. of this day, for the inauguration of the Governor elect.

*Resolved,* That a committee of three be appointed by the presiding officer of each House, to notify the Governor elect of the readiness of the Legislature to receive him at the place and time, and for the purpose named, and request that he then and there appear and take the oath of office, said committee to act as escort.

Mr. Yell moved to lay the resolution on the table.  
So ordered.

## RESOLUTION.

By Mr. Bibb:

*Resolved,* That the Postmistress of the Assembly be and is hereby authorized to engage a Post Office box for the period of sixty days, and that payment therefor be made out of the Contingent Fund of the Assembly.

Mr. Irwin moved to lay the resolution on the table.  
So ordered.

## RESOLUTION.

By Mr. Campbell:

*Resolved,* That the Chief Clerk be directed to inform the Senate that this Assembly will be ready to receive them in Joint Convention in the Assembly Chamber, at three o'clock and thirty minutes P. M. this day, for the purpose of canvassing the returns for Governor and Lieutenant-Governor, and declaring the result.

Adopted.

Mr. Campbell moved the House take a recess until three o'clock and thirty minutes P. M.

So ordered.

## REASSEMBLED.

The House reassembled at three o'clock and thirty minutes P. M.  
Speaker Larue in the chair.

Mr. Johnston moved to take up Senate messages.  
So ordered.

## SENATE MESSAGES.

The following Senate messages were read:

SENATE CHAMBER, January 9, 1883.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate has passed the following concurrent resolution:

*Resolved by the Senate, the Assembly concurring.* That a committee of six (6), three from the Senate and three from the Assembly, be appointed to notify the Governor that the Legislature is now organized and ready to receive any communication he may wish to make.

And the Senators appointed are Filcher, Cross, and Perry.

EDWIN F. SMITH, Secretary.

Resolution concurred in.

SENATE CHAMBER, January 9, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate has this day passed the following concurrent resolution:

*Resolved by the Senate, the Assembly concurring.* That the Senate and Assembly meet in Joint Convention this day, at three o'clock and thirty minutes P. M., for the purpose of canvassing the vote and declaring the result of the election for Governor and Lieutenant-Governor.

EDWIN F. SMITH, Secretary.

The above resolution was concurred in.

MR. SPEAKER: I am directed to inform your honorable body that the Senate has this day passed the following concurrent resolution

*Resolved by the Senate, the Assembly concurring,* That a committee, consisting of three members of the Senate and three members of the Assembly, be appointed to confer with the Governor elect, as to what time the inauguration ceremonies shall take place, and that said committee have full power in the matter

And that the Senate has named Senators Spencer, Johnson, and McClure, as the committee on the part of the Senate.

EDWIN F. SMITH, Secretary.

Senate concurrent resolution relative to the appointment of joint committee of six to wait upon and confer with the Governor elect in regard to the time of holding the inauguration ceremonies, read and concurred in.

#### APPOINTMENT OF SPECIAL COMMITTEES.

The Speaker announced the following committee to wait upon and inform Governor Perkins of the organization of the Assembly: Messrs. Irwin, Murdock, and Doty.

Also, as the committee on the part of the Assembly, to wait upon Governor elect Stoneman: Messrs. Storke, Briceland, and Hershey.

Mr. Johnston moved that the Chief Clerk notify the Senate that the Assembly is prepared to receive their honorable body.

So ordered.

#### IN JOINT CONVENTION—PROCEEDINGS OF JOINT CONVENTION TO CAVASS THE RETURNS OF THE ELECTION FOR GOVERNOR AND LIEUTENANT-GOVERNOR.

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

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

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

Messrs Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Rauter, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—36.

The roll of the Assembly was called by the Chief Clerk, and the following members responded to their names:

Messrs Barry, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussall, Gianger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Lanue, Levetson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Paiker, Peterson, Plover, Rawle, Reeves, Kthiel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wahiath, Weaver, Wharton, Wheat, Wheelan, and Yell—77.

The Secretary of the Senate read the joint resolution authorizing the Joint Convention.

The President of the Senate appointed as tellers on the part of the Senate, Senators Taylor and Vrooman.

The Speaker of the House appointed as tellers on the part of the Assembly, Messrs. Nicol and Murdock.

The tellers announced the vote cast at the last general election, held on the seventh day of November, 1882, for Governor and Lieutenant Governor, was as follows:

## FOR GOVERNOR.

George Stoneman.....	90,724
Morris M. Estee.....	67,175
T. J. McQuiddy.....	1,020
R. H. McDonald.....	5,765
Scattering.....	18
<hr/>	
Whole number of votes cast for Governor.....	164,702

## FOR LIEUTENANT-GOVERNOR.

John Daggett.....	87,944
A. R. Conklin.....	71,540
Wm. Sims.....	3,785
W. J. Sweasy.....	1,138
Scattering.....	7
<hr/>	
Whole number of votes cast for Lieutenant-Governor.....	164,414

The Speaker thereupon declared the result as certified by the Secretary of State and the tellers of the Convention to be: Total number of votes cast for Governor, 164,702, and that George Stoneman, having received a majority of the votes cast, was duly elected Governor of the State of California; and that John Daggett, having received a majority of the votes cast at said general election for Lieutenant-Governor, was duly elected Lieutenant-Governor of the State of California, according to the Constitution and laws of the State.

The committee appointed to confer with the Governor in regard to the inaugural ceremonies, made report verbally, that his Excellency the Governor elect, desired the ceremony to take place in the Assembly Chamber, at twelve o'clock to-morrow

## RECESS.

Mr. Johnston moved the Joint Convention take a recess until to-morrow at twelve o'clock.

So ordered.

## IN ASSEMBLY.

At four o'clock and forty minutes, Mr. Cutter moved to adjourn until to-morrow at ten o'clock A. M.

So ordered.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, January 10, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussal, Ganger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Stoike, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr. Barnes had indefinite leave of absence on account of sickness in his family.

Journal of Monday read, corrected, and approved.

Pending the reading of the Journal of Tuesday, Mr. Matthews moved that further reading of the minutes be dispensed with.

So ordered.

#### MOTION.

Mr. Yell moved that the Assembly adjourn until two o'clock P. M., to-day.

Lost.

C. B. Swift came forward and took the oath of office, which was administered by the Speaker.

#### PETITION.

By Mr. Brown: From the Trustees of the town of Alameda, proposing amendments to the Constitution, striking out a portion of Section 19, Article XI.

#### RECESS.

Mr. Yell moved that a recess be taken until two o'clock.

Adopted.

#### IN JOINT CONVENTION.

Wednesday, January tenth, at twelve o'clock M., pursuant to adjournment, the Joint Assembly met in the Assembly Chamber, and was called to order by Ex-President Mansfield, in conjunction with Speaker Larue.

The rolls of the Senate and Assembly were called by the Secretary of the Senate and the Chief Clerk of the Assembly, and the following Senators and Assemblymen answered as being present:

Senators Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Assemblymen Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flemming, Flynn, Fortna, Gaussal, Ganger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Proceedings of Joint Convention of yesterday were read and approved.

President Mansfield and Speaker Larue in the chair.

The joint committee on inaugural ceremonies presented at the bar of the Joint Convention George Stoneman, Governor elect, and announced that he was in readiness to take the oath of office.

Governor Perkins introduced General George Stoneman, Governor elect.

The oath of office was administered by the Hon. W. S. Buckley, Judge of the Superior Court of San Joaquin County, to the Governor elect, as follows:

OATH OF OFFICE OF GOVERNOR.

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

Governor Stoneman now read his inaugural address. (For Governor's address see Appendix.)

OATH OF OFFICE OF LIEUTENANT-GOVERNOR.

Lieutenant-Governor elect John Daggett now came forward and took the oath of office 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 discharge the duties of the office of Lieutenant-Governor of the State of California according to the best of my ability. So help me God.

Which was administered by the Hon. W. S. Buckley, Judge of the Superior Court of San Joaquin County.

Lieutenant-Governor Daggett was now introduced by Lieutenant-Governor Mansfield, and made a brief address.

Senator McClure moved that the minutes of the Joint Convention be approved as read.

So ordered.

ADJOURNMENT.

The Joint Convention adjourned *sine die*, on motion of Mr. Cutter.

REASSEMBLED.

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

Speaker Larue in the chair.

Roll called. Quorum present.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was now read, as follows:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January —, 1883. }

To the Assembly of the State of California.

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

GEORGE C. PERKINS, Governor.

## SENATE MESSAGE.

The following message was received from the Senate :

SENATE CHAMBER, SACRAMENTO, January 9, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, received from his Excellency, Governor George C. Perkins, his second annual message, with accompanying documents, together with one copy of the report of Warren B. Ewer, Esq., Commissioner to the Denver Exposition, and one copy of the report of the State Board of Examiners.

EDWIN F. SMITH, Secretary.

## MOTION.

By Mr. Brown: That five thousand copies of the Governor's Message be published.

Mr. Johnson moved as an amendment, the usual number be published.

Amendment accepted, and motion as amended was adopted.

## INTRODUCTION OF BILLS.

By Mr. Crumpton: An Act to repeal Chapter II, of Title IV, of Part III, of the Political Code, and each and every section of said Chapter II, and to enact a new Chapter II, of Title IV, of Part III, of said Code, and to substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways.

Referred to Committee on Roads and Highways.

Also—An Act to provide for and enforce the employment of prisoners in county jails upon the public streets, roads, highways, public buildings, etc., for the public good.

Referred to Committee on Prisons.

By Mr. Clement: An Act to repeal sections two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy, two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four of the Code of Civil Procedure.

Referred to Committee on Judiciary.

By Mr. Flynn: An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and provide for the filling of the same.

Referred to Committee on Municipal Corporations.

By Mr. Barry: An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code of the State of California, relating to the observance of the Christian Sabbath.

Referred to Committee on Public Morals.

By Mr. Clement: An Act to repeal section number seven hundred and ninety-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to actions for the partition of real property.

Referred to Committee on Judiciary.

Also—An Act to repeal section number one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to guardians of minors, and to add one new

section of said Code relating to guardians of minors, to be numbered section one thousand seven hundred and fifty-one.

Referred to Committee on Judiciary.

Also—An Act to repeal section number one thousand seven hundred and seventy-four of an Act entitled “An Act to establish a Code of Civil Procedure,” approved March eleventh, eighteen hundred and seventy-two, relating to powers and duties of guardians, and to add one new section to said Code, relating to the powers and duties of guardians, to be numbered one thousand seven hundred and seventy-four.

Referred to Committee on Judiciary.

Also—An Act to repeal section number one thousand seven hundred and seventy-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 powers and duties of guardians.

Referred to Committee on Judiciary.

By Mr. Ryan: Proposed amendment to the Constitution of the State of California, amending Section 19, of Article II, of the Constitution of the State.

Referred to Committee on Judiciary.

Also—An Act granting relief to taxpayers whose lands have been sold to the State.

Referred to the Committee on Public Lands.

By Mr. Campbell: An Act to amend section seventeen hundred and sixty-four of the Code of Civil Procedure of California, relating to insane and incompetent persons and the appointment of guardians therefor.

Referred to Committee on Judiciary.

By Mr. Campbell: An Act to amend sections six hundred and twenty-six, six hundred and twenty-eight, and six hundred and thirty of the Penal Code of California, relating to the preservation of fish and game, and to provide for the preservation of fish and game.

Referred to the Committee on Fish and Game.

By Mr. O'Connor: 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, declaring Islais Creek, in the City and County of San Francisco, a navigable stream of the State, from its mouth in the Bay of San Francisco, as established by the State Harbor Commissioners, to the southwesterly end of its channel, as per Gift Map No 4, recorded in the office of the County Recorder of the City and County of San Francisco, December thirty-first, eighteen hundred and sixty-one, in Map Book No. 2.

Referred to the Committee on Commerce and Navigation.

By Mr. Lewison: An Act for the government of unincorporated towns in this State.

Referred to the Committee on County Governments.

By Mr. Wharton: 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.

Referred to the Committee on Water Rights and Drainage.

By Mr. Culver: An Act to establish and support a Bureau of Labor Statistics.

Referred to Committee on Labor and Capital.

By Mr. Ryan: An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning married woman as administratrix.

Referred to Committee on Judiciary.

Also—An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix.

Referred to Committee on Judiciary.

Also—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons entitled to act as administrator and administratrix of an estate.

Referred to Committee on Judiciary.

By Mr. Heath: An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State, approved April fifteenth, eighteen hundred and eighty.

Referred to the Committee on Judiciary.

By Mr. Wharton: An Act to encourage the improvement of avenues and highways in colonies.

Referred to Committee on Roads and Highways.

By Mr. Yell: An Act to supply and correct omissions by Boards of Supervisors in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections.

Referred to Committee on Elections.

Also—An Act to amend sections four and nine of 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," and to add a new section thereto.

Referred to Committee on Agriculture.

By Mr. Terry: An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty-nine, abrogating the distinction between the force and effect of verdicts in cases in equity and actions at law.

Referred to Committee on Judiciary.

Also—An Act to amend sections eight hundred and fifty and eight hundred and seventy-three of the Code of Civil Procedure, relating to the trials of actions in Justices' Courts.

Referred to Committee on Judiciary.

Also—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Referred to Committee on Labor and Capital.

Also—An Act to repeal section one thousand two hundred and sixty-two of the Penal Code.

Referred to Committee on Judiciary.

By Mr. Yell: An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, relating to the use of poisons or explosive substances in fishing, and the placing or passing into the waters of this State deleterious matter.

Referred to Committee on Fish.

By Mr. Sinon: An Act to create and maintain a Bureau of Labor Statistics in and for the State of California.

Referred to Committee on Labor and Capital.

By Mr. Hollister: An Act to prevent the spreading of fruit tree pests and diseases, and to provide for their extirpation.

Referred to Committee on Agriculture.

Also—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Referred to Committee on Agriculture.

#### RESOLUTIONS.

By Mr. Culver:

*Resolved*, That the Sergeant-at-Arms is hereby authorized and directed to have the chairs and doors of the Assembly Chamber properly oiled to prevent unnecessary noise.

Adopted.

By Mr. Bibb:

*Resolved*, That the Sergeant-at-Arms be authorized to procure a box at the Post Office for the use of the members and attachés, to be paid out of the Contingent Fund.

Adopted.

By Mr. Irwin:

*Resolved*, That George Woodburn be and he is hereby appointed Mail Carrier at a per diem of three dollars, to be paid out of the fund for contingent expenses of the Assembly.

Adopted.

By Mr. Brown:

WHEREAS, Section one hundred and seventy-two of the Penal Code, prohibiting the sale of intoxicating liquors within the State Capitol, is being violated, therefore be it

*Resolved*, That we hereby protest against the violation of said law, and request the proper authorities to prevent the same.

Mr. O'Connor moved to lay the resolution on the table.

The ayes and noes being demanded, the motion was lost by the following vote:

AYES—Messrs Barry, Bibb, Bowers, Callaghan, Caminetta, Campbell, Faw, Field, Fleming, Flynn, Fortna, Gaussil, Hughes, Irwin, Levenson, Lewison, McDonald, Murphy, O'Connor, Peterson, Plover, Rawle, Rowland, Simon, Smith, Stewart, Sweetland, Walrath, and Wheelan—28.

NOES—Messrs. Beard, Booth, Briceland, Brown, Carter, Clark, Clement, Coombs, Crumpton, Culver, Doty, Farley, Granger, Hamilton, Harvey, Head, Heath, Heishey, Hollister, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Muddock, Nicol, Parker, Reeves, Rhuel, Ryan, Stephens, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—42.

Mr. Crumpton moved to refer to Committee on Public Buildings and Grounds.

So ordered.

By Mr. Johnston:

*Resolved*, That the sum of five hundred dollars be and is hereby appropriated in favor of T. L. Thompson, 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 contingent expenses of the Assembly, the Secretary of State to keep an accurate account of the amount of stamps furnished each member, and charge the amount so furnished each member as a part of the amount allowed by law to each member for contingent expenses.

Adopted.

By Mr. Carter:

*Resolved*, That the State Printer be ordered to print five hundred copies of census bulletins showing the population of each county of this State for the year 1880, for the use of the members of this Legislature, and the Committees on Apportionment and on County Governments.

Adopted.

JOINT RESOLUTION.

By Mr. Crumpton: Requesting our Congressmen to aid in the passage of the Mexican veteran pension bill.

Referred to Committee on Federal Relations.

CONCURRENT RESOLUTION.

By Mr. Caminetti: Relative to the law restricting Chinese immigration, and its construction by officers of the General Government.

Referred to Committee on Chinese Immigration and Emigration.

REPORT OF COMMITTEE.

MR. SPEAKER: Your committee appointed to ascertain the amount due as mileage and per diem to the officers and attachés, and the per diem due the temporary officers for services rendered in the organization of the present House, beg leave to report the following as the amounts due.

George E. McStay, Chief Clerk, two days.....	\$16 00
George E. McStay, mileage, 96 miles.....	9 60
E. Walters, Sergeant-at-Arms, two days.....	16 00
F. N. Pauly, Minute Clerk, two days.....	16 00
F. N. Pauly, mileage, 1,132 miles.....	113 20
R. G. Faulk, Assistant Clerk, two days.....	16 00
J. G. Howell, Assistant Clerk, two days.....	16 00
A. S. Freese, Assistant Sergeant-at-Arms, two days.....	16 00
J. H. Riley, Clerk to Sergeant-at-Arms, two days.....	16 00
J. R. Williams, Gate Keeper, three days.....	9 00
Thos. Mallon, Gate Keeper, three days.....	9 00
Geo. W. Ingles, Page, three days.....	9 00
Samuel Redman, Page, three days.....	9 00
Charles Marples, Page, three days.....	9 00
A. Rose, Page, three days.....	9 00
Samuel McClintic, Page, three days.....	9 00
Marcus Cohn, Page, three days.....	9 00
A. M. Lawrence, Postmaster, two days.....	6 00
A. M. Lawrence, mileage, 168 miles.....	16 50
A. T. Parsons, Mail Carrier, three days.....	9 00
O. H. Johnson, Porter, three days.....	12 00
Richard Hall, Porter, three days.....	12 00
George Dresser, Porter, three days.....	12 00
Alonzo Mason, Porter, three days.....	12 00
J. L. O'Brien, Night Watchman, three days.....	12 00
Hiram Clock, Day Watchman, three days.....	9 00
Wm. R. Hall, Gallery Porter, three days.....	12 00

We recommend that the retiring Chief Clerk, Assistant Clerks, Minute Clerk, Journal Clerk, and Postmaster be allowed per diem for to-day, they having undertaken to devote themselves to the task of instructing the new officers in their duties.

S. L. TERRY, Chairman,  
J. H. MATTHEWS,  
J. O. SWEETLAND,  
Committee.

January 10, 1883.

Your committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That the Controller be instructed to draw his warrants in favor of the persons and for the amounts named in your committee's report, including the additional amounts recom-

mended by your committee, and the Treasurer is hereby instructed to pay the same out of the Contingent Fund of the Assembly.

S. L. TERRY,  
J. H. MATTHEWS,  
J. O. SWEETLAND,  
Committee.

On motion of Mr. Storke, the report was adopted.

#### ADJOURNMENT.

At three o'clock and twenty minutes P. M., Mr. Johnston moved that the House adjourn until ten o'clock A. M. to-morrow.  
So ordered.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
THURSDAY, January 11, 1883. }

The House met pursuant to adjournment.  
Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Stoike, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Journal of Wednesday read.

Pending the reading of the Journal, Mr. Johnston moved that further reading of the minutes be dispensed with.

So ordered.

#### INTRODUCTION OF BILLS.

By Mr. Simon: 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 23, 1880.

Referred to Committee on Commerce and Navigation.

By Mr. Hughes: An Act to amend sections one thousand two hundred and seventy-three, one thousand two hundred and seventy-eight, one thousand two hundred and eighty, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-eight, one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven of the Penal Code, relative to miscellaneous proceedings.

Referred to Judiciary Committee.

Also—An Act to add a new section to the Penal Code, to be

known as section one thousand three hundred and eight, relative to the forfeiture of the undertaking of bail or of deposit of money.

Referred to Judiciary Committee.

By Mr. Head: An Act to amend sections three hundred and seventy and three hundred and seventy-one of the Penal Code, and to amend said Penal Code by adding three hundred and seventy-one and one half, three hundred and seventy-two, three hundred and seventy-two and one half, and three hundred and seventy-three, relating to public nuisances and providing for the abatement of the same.

Referred to Judiciary Committee.

Also—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization.

Referred to Committee on County Governments.

By Mr. Moffitt: An Act granting relief to taxpayers whose lands have been sold to the State.

Referred to Committee on Public Lands.

By Mr. Booth: An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Referred to Committee on Corporations.

By Mr. Cutter: An Act to amend section three hundred and eighty-two of the Code of Civil Procedure relating to parties to actions.

Referred to Judiciary Committee.

By Mr. Rawle: An Act to amend article nine of the Constitution of the State of California relative to education.

Referred to Committee on Education.

By Mr. Reeves: An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to the repayment of moneys received for certain land and school land warrants.

Referred to Committee on Public Lands.

By Mr. Wheelan: An Act to amend section one thousand eight hundred and fifty-seven of the Political Code relating to public schools.

Referred to Committee on Education.

By Mr. Campbell: An Act to amend the Penal Code by adding a new section thereto, to be known as section one hundred and eighty, relating to bogus land titles and the purchasing of stale or pretended titles for the purpose of instituting suits thereon, to prevent stirring up litigation.

Referred to Judiciary Committee.

Also—An Act to amend section one thousand nine hundred and forty-six of the Civil Code of California, relating to the hiring of real property.

Referred to Judiciary Committee.

By Mr. Weaver: An Act to repeal an Act entitled "An Act to repeal an Act entitled an Act concerning trespassing of animals upon private lands, so far as it relates to Humboldt County.

Referred to Judiciary Committee.

Also—An Act directing the Boards of Supervisors of the several counties to transfer all moneys remaining in the "County School Land Fund," arising from the sale of sections sixteen and thirty-six, State school lands, into the unapportioned County School Fund.

Referred to Judiciary Committee.

By Mr. Terry: An Act to exempt persons over sixty years of age

from jury duty, and for that purpose to amend section two hundred of the Code of Civil Procedure of California.

Referred to Judiciary Committee.

Also—An Act to amend section one thousand three hundred and sixty of the Civil Code of California, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies.

Referred to Judiciary Committee.

Also—An Act to amend section eleven hundred and seventy-two of the Penal Code, and to provide for exceptions in criminal cases.

Referred to Judiciary Committee.

Also—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California.

Referred to Judiciary Committee.

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

Referred to Judiciary Committee.

By Mr. Ryan: An Act to amend section one thousand one hundred and two of the Code of Civil Procedure and define the writ of prohibition.

Referred to Judiciary Committee.

By Mr. Faw: An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands and lands selected in lieu thereof, made prior to January 1, 1881, from ten to seven per cent per annum.

Referred to Judiciary Committee.

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

Referred to Judiciary Committee.

By Mr. Wharton: An Act to make the furnisher of intoxicating liquors responsible for damages.

Referred to Judiciary Committee.

Also—An Act to add a new section to the Penal Code, to be known as section forty-two, to prevent the sale of adulterated milk.

Referred to Judiciary Committee.

By Mr. Wheelan: An Act regulating the selling or buying stock on margin or to be delivered at a future day.

Referred to Judiciary Committee.

By Mr. Caminetti: An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California, in relation to the larceny of certain animals.

Referred to Judiciary Committee.

By Mr. Stephens: An Act to amend section eight hundred and ninety of the Code of Civil Procedure, and provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts.

Referred to Judiciary Committee.

By Mr. Yell: An Act to amend section six hundred and thirty-two and 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 11, 1872, relative to trials by the Court and findings in civil cases.

Referred to Judiciary Committee.

By Mr. Irwin: An Act to amend section two thousand two hundred and ninety-six of the Political Code, relating to officers taking books from the State Library.

Referred to Committee on State Library.

Also—An Act to amend section one thousand four hundred and five of the Civil Code, in relation to succession to property by non-resident foreigners.

Referred to Judiciary Committee.

By Mr. Levenson: An Act to establish a simple, speedy, and inexpensive system of procedure in civil cases.

Mr. Levenson moved to refer to a special committee of seven, consisting of four laymen and three lawyers.

Mr. Bowers moved to amend by referring the bill to the Judiciary Committee.

Lost.

The question recurring on the original motion, it was carried.

The Speaker appointed the following committee to act on the bill introduced by Mr. Levenson, viz.: Messrs. Levenson, Barry, Storke, Crumpton, Matthews, Townsend, and Hershey.

#### STANDING COMMITTEES.

The Speaker then announced the following Standing Committees:

On Agriculture—Messrs. Doty, Chairman; Clark, Martin, Hollister, Carter, Fortna, and Rhel.  
On Agriculture, Mining, and Mechanics' Arts College—Messrs. Townsend, Chairman, Lewison, Cary, Kerrick, Simon, Levenson, and Stewart.

On Attachés and Employés—Messrs. Field, Chairman; Clark, Plover, Parker, and Harvey.

On Chinese Immigration and Emigration—Messrs. Stephens, Chairman. Callaghan, Healy, McHale, Rawle, Flynn, McKinley, Brown, and Bibb.

On Claims—Messrs. Grauger, Chairman; Townsend, Beard, Keeler, Matthews, Reeves, and Coombs.

On Commerce and Navigation—Messrs. Coleman, Chairman, Callaghan, Hughes, Weaver, and Culver.

On Corporations—Messrs. Barry, Chairman; Storke, Coleman, Irwin, Wheat, Hamilton, Rhel, Heath, and Reeves.

On Counties and County Boundaries—Messrs. Hershey, Chairman; Levenson, Nicol, Cutter, Hall, Fleming, Culver, Walrath, and Barnes.

On County and Township Governments—Messrs. Johnston, Chairman; McClaskey, Caminetti, Wheat, Townsend, Hollister, Walrath, and Storke.

On the Culture and Improvement of the Grapevine—Messrs. Head, Chairman; Martin, Reeves, Heishey, Rhel, Murphy, and Wheat.

On Education—Messrs. Storke, Chairman; Barry, Buceland, Levenson, Faw, Hollister, and Keeler.

On Election—Messrs. Parker, Chairman, Caminetti, Plover, Booth, Lewison, Yell, and Coleman.

On Engrossment—Messrs. Callaghan, Chairman. Bibb, Stephens, Brown, and Clement.

On Enrollment—Messrs. Sweetland, Chairman; Fleming, Rawle, Murdock, and Faw.

On Fish and Game—Messrs. Moffitt, Chairman; Smith, Coleman, Clark, Rowland, Crumpton, and Peterson.

On Federal Relations—Messrs. McClaskey, Chairman; Wheelan, Murphy, Nicol, Terry, Harvey, and Clement.

On Yosemite Valley and Mariposa Grove of Big Trees and Forestry—Messrs. Smith, Chairman; Hunter, Healy, Faw, and McKinley.

On Homestead and Land Monopoly—Messrs. Wheat, Chairman; Stewart, Hershey, Stephens, Lewison, Murdock, and O'Connor.

On Indian Affairs—Messrs. Peterson, Chairman; Rawle, Bibb, Stewart, and Murphy.

On Internal Improvements—Messrs. Rhel, Chairman; Hamilton, Flynn, Clement, and Hughes.

On Irrigation—Messrs. Beard, Chairman; Moffitt, Faw, Parker, Terry, Reeves, Hall, Walrath, and Wharton.

On Judiciary—Messrs. Terry, Chairman; Irwin, Johnston, Campbell, Barry, Yell, Caminetti, Storke, Nicol, McClaskey, Booth, Ryan, and Wharton.

On Labor and Capital—Messrs. Cutter, Chairman; Simon, Wheelan, Hershey, Smith, O'Connor, Head, Harvey, and Clement.

On Mileage—Messrs. Flynn, Chairman, Fleming, and Carter

On Military Affairs—Messrs. Bowers, Chairman. Murphy, Moffitt, Hall, Keeler, Wharton, and Ryan.

On Mines and Mining Interests—Messrs. Farley, Chairman; Briceland, Stewart, McHale, Rawle, Walthath, and Caiteer

On Municipal Corporations—Messrs. Irwin, Chairman; Parker, Heath, Rhel, Terry, Barry, Flynn, Ryan, and Culver.

On Public Buildings and Grounds—Messrs. Plover, Chairman; Doty, Gaussail, Stephens, Campbell, Culver, and Hunter

On Public Expenditures and Accounts—Messrs. Caminetti, Chairman; Healy, Granger, Weaver, and Brown

On Public Lands—Messrs. Combs, Chairman. Rowland, Peterson, Wheelan, McDonald, Rhel, Hunter, Weaver, and Carter.

On Public Morals—Messrs. Hamilton, Chairman; Levenson, O'Connor, Irwin, and Brown.

On Public Printing—Messrs. Gaussail, Chairman; Cutter, McDonald, Fortna, Storke, Wharton, and Murdock

On Retrenchment—Messrs. Fortna, Chairman; Rowland, Bibb, Field, and Barnes.

On Roads and Highways—Nicol, Chairman; Field, Crumpton, Herrick, and McHale.

On Rules and Regulations—Messrs. Simon, Chairman; Sweetland, Matthews, Johnston, and Booth.

On State Hospital—Messrs. Crumpton, Chairman; Briceland, Head, Culver, and Cary.

On State Library—Messrs. Briceland, Chairman; Hamilton, and Cary.

On State Prison—Messrs. Hunter, Chairman, Bowers, Doty, Martin, Heath, Yell, and Booth.

On Swamp and Overflowed Lands—Messrs. Kerrick, Chairman; Cutter, Coombs, Clark, Townsend, Field, Irwin, Harvey, and Ryan

On Ways and Means—Messrs. Campbell, Chairman; Farley, Bowers, Johnston, Crumpton, Healy, Booth, Keeler, Heath, and McKinley.

On Water Rights and Drainage—Messrs. Matthews, Chairman; Beard, Wheat, Doty, Sweetland, Coombs, Farley, McClaskey, and Walrath.

On Apportionment—Messrs. Yell, Chairman. Campbell, Matthews, Hughes, McClaskey, Holster, Lewison, McKinley, and Kerrick.

#### INTRODUCTION OF BILLS.

By Mr. Booth: An Act to amend section one thousand seven hundred and fifty-one of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardian and ward.

Referred to Judiciary Committee.

By Mr. Levenson: An Act to amend the law relating to persons of unsound mind.

Referred to Judiciary Committee.

By Mr. Rawle: An Act to prevent the collection of commissions by physicians from pharmacists.

Referred to Judiciary Committee.

By Mr. Levenson: An Act to amend the provisions of the Penal Code regarding gaming.

Referred to Judiciary Committee.

By Mr. Weaver: An Act to amend section four hundred and sixty-eight of the Civil Code, relating to railroad corporations.

Referred to Committee on Corporations.

By Mr. Hughes: 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. Matthews: An Act regulating the taking up of stray animals and posting the same.

Referred to Committee on Agriculture.

By Mr. Levenson: An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April 3, 1870.

Referred to Judiciary Committee.

By Mr. McDonald: An Act to pay the claims of the heirs of E. G. Jefferis, late State Printing Expert.

Referred to Committee on Ways and Means.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }  
SACRAMENTO, JANUARY 11, 1883. }

To the Assembly of the State of California:

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

GEORGE STONEMAN, Governor.

#### RESOLUTION.

By Mr. Barry:

*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. Bibb moved to lay on the table.

The roll call being demanded, the motion to lay on the table was carried by the following vote:

AYES—Messrs. Beard, Bibb, Booth, Bowers, Caminetti, Campbell, Clement, Coleman, Coombs, Crumpton, Culver, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Head, Hershey, Hollister, Hughes, Hunter, Keeler, Lewison, Martin, Matthews, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Rawle, Rhiel, Rowland, Smith, Storke, Sweetland, Wheat, and Yell—41.

NOES—Messrs. Barry, Briceland, Brown, Callaghan, Carter, Cary, Clark, Cutter, Gaussail, Hall, Hamilton, Harvey, Healy, Heath, Irwin, Johnston, Kerrick, Levenson, McClaskey, McHale, Murdock, Parker, Peterson, Plover, Reeves, Ryan, Simon, Stephens, Stewart, Terry, Townsend, Walth, Weaver, Wharton, Wheelan, and Mr. Speaker—36

#### RESOLUTIONS.

By Mr. Bowers:

*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. Smith:

*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. Flynn:

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

Adopted.

By Mr. Caminetti:

WHEREAS, Under the present regulations the office of Enrolling Clerk of the Assembly has become a useless expense to the State, no labor being performed by that officer, therefore, be it

*Resolved*, That C. B. Swift, Enrolling Clerk of the Assembly, be and he is hereby appointed Assistant Journal Clerk of the Assembly, with the same per diem as is now paid to the Journal Clerk, payable out of the Contingent Fund of the Assembly. Be it further

*Resolved*, That this resolution go into effect upon the following condition That said C. B. Swift file with the Chief Clerk his resignation as Enrolling Clerk of this House.

Adopted.

By Mr. Sinon :

*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, to be applied to the payment of Post Office box rent for the use of the Assembly.

Adopted.

By Mr. Brown :

*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. Lewison :

*Resolved*, That the Secretary of State is hereby requested to furnish each member of the Assembly with a copy of the Constitution of the State of California, also the Penal Code as compiled by Desty, a copy of the Code of Civil Procedure, and Penal Code by Newmark, and a copy of the Civil Code by Hart.

Mr. Irwin moved to amend by substituting White and Jordan in stead of Desty and Newmark.

Mr. Farley moved to refer to a special committee.

So ordered.

The Speaker appointed the following special committee to consider Mr. Lewison's resolution, viz.: Messrs. Farley, Irwin, Lewison, Johnston, and Parker.

#### CONTESTED ELECTION.

The Speaker announced that the documents relating to the contested election case of Solano County were in the possession of the Chief Clerk.

#### RECESS.

At eleven o'clock and forty-five minutes, on motion of Mr. Bibb, the House took a recess till two o'clock P. M. this day.

#### REASSEMBLED.

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

Speaker Larue in the chair.

Quorum present.

#### APPOINTMENTS BY THE SPEAKER.

The Speaker announced the following appointments:

Porters, Hermann Clock, Hampton Whittaker, Charles Hall, J.

McFee; Day Watchman, Wm. D. Farrell; Night Watchman, D. W. Manthy; Pages, Carey Mathews, S. Bones, F. J. Prince, — Mandeville; Gatekeepers, B. F. Alexander, E. Escandon.

MESSAGE FROM THE SENATE.

A message from the Senate was received, notifying the House of the passage of Senate Concurrent Resolution No. 4, relative to requesting Congress to make an appropriation for the improvement of the navigable portion of Napa River from the head of navigation at Napa City to Mare Island.

On motion, the concurrent resolution was adopted.

By Mr. Terry:

*Resolved*, That the temporary Pages, Porters, and Gatekeepers of this House be allowed per diem for one day in addition to what has already been allowed them.

Adopted.

By Mr. Crumpton:

*Resolved*, That Honorable Mr. Kerrick, of San Joaquin, be added to the Committee on Agriculture.

Referred to Committee on Rules.

By Mr. Keeler:

*Resolved*, That in the case of appointees on Committees on Mines and Mining and on Claims, that Honorable G. W. G. Carter and Honorable J. M. Keeler be exchanged, placing Mr. Carter on Committee on Claims and Mr. Keeler on Committee on Mines and Mining Interests.

Referred to Committee on Rules.

By Mr. Murdock:

*Resolved*, That each member be allowed twenty-five dollars for contingent expenses, payable out of the contingent fund of the Assembly, and that the aggregate amount of the value of stamps and stationery which any member shall draw on requisition from the Secretary of State shall be charged to his account as a part of his allowance.

Adopted.

By Mr. Smith:

*Resolved*, That Rule First shall read as follows: The sessions of this House shall begin at ten o'clock a. m., unless otherwise ordered by vote of the House.

Referred to the Committee on Rules.

By Mr. Brown:

*Resolved*, That all committees of this House shall report their action on all bills or motions referred to them within two days after reference, unless otherwise specially ordered.

Referred to Committee on Rules.

ADJOURNMENT.

At two o'clock and thirty minutes, on motion of Mr. Johnston, the House adjourned till ten o'clock A. M. Friday.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
FRIDAY, January 12, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

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

Messrs. Bari v. Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Cammetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal, Mr. Campbell moved to dispense with further reading of the Journal.

So ordered.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1883.

MR. PRESIDENT. Your committee have considered resolution number six, in relation to the appointment of a Clerk for the Sergeant-at-Arms, Porter for same and one Bear Porter, and recommend the adoption thereof.

Also, Resolution number seventeen, in relation to the appointment of an Assistant Minute Clerk, be not adopted, but in lieu thereof recommend that this House elect an Assistant Minute Clerk.

FIELD, Chairman Committee on Attaches and Employés.

Mr. Storke moved to suspend the regular order of business, and go into election of Assistant Minute Clerk.

So ordered.

Mr. Storke nominated G. B. Crandall.

Mr. Cutter nominated H. J. Lynch.

Mr. Hershey nominated Clinton Claybaugh.

The roll was called with the following result:

*For Crandall*—Messrs. Barnes, Barry, Beard, Briceland, Brown, Carter, Cary, Clement, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Granger, Harvey, Head, Heath, Holister, Hunter, Irwin, Keeler, Kerrick, Larue, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Parker, Reeves, Rhuel, Rowland, Stephens, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Yell.

*For Lynch*—Messrs. Bibb, Booth, Callaghan, Cammetti, Campbell, Clark, Coleman, Culver, Cutter, Flynn, Fortna, Gaussal, Hall, Hamilton, Healy, Hughes, Johnston, McDonald, Murphy, O'Connor, Peterson, Plover, Rawle, Ryan, Simon, Stewart, and Wheelan.

*For Claybaugh*—Messrs. Bowers and Hershey.

Whole number of votes cast.....	75
Necessary to a choice.....	38
Mr. Crandall received.....	46
Mr. Lynch received.....	27
Mr. Claybaugh received.....	2

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

## RESIGNATION.

*To the Speaker of the Assembly :*

I do hereby resign the office of Enrolling Clerk of the Assembly.  
Respectfully submitted.  
January 11, 1883.

C. B. SWIFT, Enrolling Clerk.

Resignation filed.

## REPORT.

MR. SPEAKER The Committee on Rules, to whom was referred the following resolution, respectfully report it back to the House with the recommendation that it be adopted

*Resolved.* That in the case of appointees on Committee on Mines and Mining and on Claims, that Hon. G. W. G. Carter and Hon. J. M. Keeler be exchanged, placing Mr. Carter on Committee on Claims and Mr. Keeler on Mines and Mining Interests

SINON, Chairman.

Report adopted.

## INTRODUCTION OF BILLS.

By Mr. Brown: An Act entitled an Act to add one new section to the Penal Code, relating to deaths in hotels, inns, and lodging houses by asphyxia.

Referred to Committee on Public Buildings.

Also—An Act to repeal sections numbers two thousand six hundred and eighteen to two thousand seven hundred and fifty-seven inclusive of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to roads and highways, and to add seventy-four new sections to said Code, relating to roads and highways, to be numbered sections two thousand six hundred and eighteen to two thousand six hundred and ninety-two, inclusive.

Referred to Committee on Roads and Highways.

By Mr. Nicol: An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the sale and use of opium and its preparations.

Referred to Judiciary Committee.

By Mr. Campbell: An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Referred to Committee on Ways and Means.

By Mr. Irwin: An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code in relation to elections held or votes had for any purpose by corporations.

Referred to Judiciary Committee.

By Mr. Stewart: An Act to regulate the rate of charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

Referred to Committee on Corporations.

By Mr. Wharton: An Act to amend sections four and eleven of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, relating to the examination of the books and acts of savings banks and savings associations.

Referred to Committee on Corporations.

Also—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 Judiciary Committee.

By Mr. Bowers: An Act to pay the claim of James Saultry.

Referred to Committee on Claims.

By Mr. Field: An Act to amend section four thousand and forty-eight of the Political Code of the State of California, in relation to funding or refunding county indebtedness.

Referred to Committee on County Governments.

By Mr. Barry: An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchasing at tax sale.

Referred to Judiciary Committee.

By Mr. Head: An Act to add a new section to the Penal Code.

Referred to Judiciary Committee.

Also—An Act to amend section one thousand two hundred and sixty-three of the Civil Code by adding subdivision five.

Referred to Judiciary Committee.

By Mr. Moffitt: An Act to amend section eight hundred and sixty-seven of the Code of Civil Procedure.

Referred to Judiciary Committee.

Also—An Act to repeal sections five hundred and forty-nine and six hundred and eighty-nine of the Code of Civil Procedure.

Referred to Judiciary Committee.

By Mr. Nicol: An Act to add a new section to the Penal Code of the State of California, to be known as section four hundred and one, relative to the sale of firearms to minors.

Referred to Judiciary Committee.

By Mr. Smith: An Act to repeal sections six hundred and twenty-six, six hundred and twenty-seven, six hundred and twenty-eight, six hundred and twenty-nine, and six hundred and thirty-one of the Penal Code of the State of California, relating to the taking and killing of game.

Referred to Committee on Fish and Game.

By Mr. Heath: An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one of the Penal Code of the State of California, relating to the preservation of game and fish.

Referred to Committee on Fish and Game.

By Mr. Terry: An Act to provide for the government of municipal corporations of the — class.

Referred to Committee on Municipal Corporations.

By Mr. Cutter: An Act to amend sections three and eleven of 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," so as to create an additional district.

Referred to Committee on Agriculture.

By Mr. Weaver: An Act to amend section eight hundred and nine of the Penal Code, relating to the filing of information by the District Attorney.

Referred to Judiciary Committee.

Also—An Act to amend section three hundred and thirty of the Penal Code, relating to gaming.

Referred to Committee on Public Morals.

By Mr. Cary: An Act to provide for increasing the water supply of the Deaf and Dumb and Blind Asylum.

Referred to Committee on Public Buildings and Grounds.

Also—An Act to amend section four hundred and thirteen of the Code of Civil Procedure of the State of California, relating to publication of summons and service thereof.

Referred to Judiciary Committee.

By Mr. Campbell: An Act for the relief of persons whose lands have been sold to the State for taxes.

Referred to Judiciary Committee.

By Mr. Irwin: An Act to amend section seventy-eight of the Civil Code, relating to establishing the validity of marriage.

Referred to Judiciary Committee.

By Mr. O'Connor: An Act to amend section eight hundred and thirty-two, article two, of the Civil Code.

Referred to Judiciary Committee.

By Mr. Caminetti: An Act to amend section eleven hundred and eighty-seven of the Code of Civil Procedure, in relation to the filing of liens by mechanics, laborers, and others, upon real property, for labor and material furnished, and to simplify the form of such lien.

Referred to Judiciary Committee.

By Mr. Ryan: An Act to amend section one thousand one hundred and ninety of the Code of Civil Procedure, relating to mechanics' liens and enforcement of same.

Referred to Judiciary Committee.

By Mr. Bowers: An Act to amend section one thousand eight hundred and eighty of the Political Code, relating to elections upon the questions of the issuance of bonds of School Districts for the purpose of raising money for school purposes.

Referred to Judiciary Committee.

#### RESOLUTIONS.

By Mr. Bibb:

*Resolved*, That Charles Ross be appointed a Doorkeeper of this House at a per diem of \$4; that Mrs. A. Andrews be appointed a Doorkeeper at a per diem of \$4; that J. L. O'Brien be appointed a Night Watchman at a per diem of \$5, that Frank Holbrook be appointed a Day Watchman at a per diem of \$4. The said employes to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Bibb:

*Resolved*, That Hon. S. L. Bowers is hereby granted one week leave of absence from January thirteenth, on account of sickness in his family.

Adopted.

By Mr. Campbell:

*Resolved*, That the Chief Clerk inform the Senate immediately of the passage by this Assembly of concurrent resolution providing for printing the inaugural address of his Excellency the Governor.

Adopted.

#### CONCURRENT RESOLUTIONS.

By Mr. Campbell:

Concurrent resolution, relative to printing inaugural address.

Adopted.

By Mr. Nicol :

Concurrent resolution, in reference to joint meeting of Senate and Assembly Committees on Roads and Highways.

Adopted.

RESOLUTIONS.

By Mr. Sweetland :

*Resolved*, That the State Printer be and is hereby instructed to print and have placed on the desk of each member of the Assembly daily two copies of the Assembly file.

Adopted.

By Mr. Caminetti :

Regarding the vacancy existing in the Assembly District composed of the Counties of Tulare and Kern, caused by the death of Hon. A. L. Morton, late Assemblyman elect.

Adopted.

By Mr. Storke :

*Resolved*, That Mr. Kerrick be changed from the Committee on Apportionment to Committee on Agriculture, and that Mr. Fortna be changed from Committee on Agriculture to Committee on Apportionment.

Adopted.

Mr. Campbell moved to add Mr. Gaussail to the Committee on County and Township Governments.

So ordered.

CONCURRENT RESOLUTION.

By Mr. Caminetti: Regarding a revision of the tariff laws by the Congress of the United States.

Referred to Committee on Federal Relations.

By Mr. Yell :

*Resolved*, That the Committee on Apportionment be authorized to employ a clerk, at the same per diem as the clerks at the desk, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

RESOLUTIONS.

By Mr. Granger :

*Resolved*, That the Committee on Corporations be hereby instructed to institute all due and proper inquest into the official acts of the late retired Railroad Commission in respect to the following subjects of inquiry :

1. What portion of their time has been devoted to the discharge of the duties of their office during the term just expired, and what portion of their time was devoted to an established unofficial business other than the management of their personal and real estate owned by them previous to their election.

2. Whether said Commissioners, or either of them, during their term of office may have made any extraordinary acquisition of property, over and above the income of their salary, diminished by expenses of individual and family support.

3. Whether the rates of railroad transportation in this State have been materially reduced, or any substantial relief to the oppressed industries thereof has resulted from any official acts of said Commissioners.

4. Whether said Commissioners, or either of them, have shown a dereliction of duty to the interests of this commonwealth, by knowingly permitting a systematic or casual discrimination in charges or facilities of transportation between persons or places, or otherwise, by a railroad or other transportation company; or have shown incompetency or corruption in office; and, if either, whether the State has been damaged thereby, as well as the extent of the injury sounding in damages.

That in carrying on such inquest, said committee be and are hereby empowered to send for persons and papers, to examine witnesses and administer oaths, and to exercise all powers thereunto not inconsistent with law or legislative prerogative, and that they do report their action hereon to this Assembly at their earliest convenience.

Mr. Farley moved to refer to the Committee on Public Morals.

Lost.

Mr. Coleman moved to lay on the table.

The ayes and noes being demanded, the motion was lost by the following vote :

Ayes—Messrs. Cary, Clark, Clement, Coleman, Cutter, Keller, and Lewison—7.

Noes—Messrs. Barnes, Barry, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Coombs, Crompton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—69.

The question recurring on the adoption of the resolution, the ayes and noes being demanded, it was adopted by a unanimous vote.

#### CONCURRENT RESOLUTION.

By Mr. Faw :

*Resolved by the Assembly, the Senate concurring,* That one copy of every law taking immediate effect, in any way referring to Courts of justice or judicial offices, or to criminal or civil procedure, shall immediately after the approval of the same by the Governor be forwarded by the Secretary of State to each Superior Judge, District Attorney, and County Clerk of the State of California, and that the State Printer be and is hereby directed to deliver to the Secretary of State two hundred copies of all bills as aforesaid for distribution, pursuant to this resolution.

Adopted.

#### RESOLUTIONS.

By Mr. Cutter :

*Resolved,* That the Committee on Attachés and Employés be and they are hereby directed to inquire as to the number of committee clerks necessary and the committees requiring them, and report the same to the House.

Adopted.

By Mr. Cutter :

*Resolved,* That the State Printer be and is hereby directed to print one hundred and twenty copies additional to the number prescribed by law, of all bills which have been or may be introduced in the Assembly.

Adopted.

By Mr. Murdock :

*Resolved,* That the Sergeant-at-Arms be instructed to furnish the State Librarian with five copies of every bill introduced into the Assembly.

Adopted.

By Mr. Levenson :

WHEREAS, Several bills have been introduced to amend the laws relating to gaming, and the same have been referred to divers committees, whereby confusion is likely to arise;

*Resolved,* That all bills relating to gaming heretofore referred to any committee other than that of Morals, be and the same hereby are referred to the Committee on Morals.

Adopted.

## RECESS.

At eleven o'clock and thirty minutes, Mr. Smith moved that the House take a recess till one o'clock and thirty minutes p. m. this day.

Mr. Bibb moved as an amendment that the hour be made two o'clock.

Mr. Murphy moved an amendment to the amendment that the House adjourn till Monday, January fifteenth, at two o'clock.

Ayes and noes being demanded, the amendment to the amendment was lost by the following vote :

**Ayes**—Messrs. Booth, Caminetti, Culver, Cutter, Faw, Field, Hall, Healy, Hollister, Hughes, Keeler, McClaskey, Murphy, Plover, and Ryan—15.

**Noes**—Messrs. Barnes, Barry, Beard, Bibb, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Fleming, Flynn, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Rawie, Reeves, Rhiel, Rowland, Sinon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—63.

The question recurring on the amendment by Mr. Bibb, the House took a recess till two o'clock this day.

## REASSEMBLED.

The House reassembled at two o'clock p. m.

Speaker Larue in the chair.

Quorum present.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Cutter :

*Resolved*, That Sam. McClintock, Willie Jobson, Fred G. Hyde, Marcus Cohn, and Lewis H. Kozmynsky be appointed additional Pages, at a per diem of three dollars each, payable out of the Contingent Fund of the Assembly.

Lost.

Mr. Crumpton moved the following substitute :

*Resolved*, That we do now go into the election of four additional Pages.

Lost.

Mr. Campbell moved as amendment, to strike out four and insert three.

Lost.

The question recurring on Mr. Crumpton's substitute, it was lost.

Mr. Farley moved as a substitute the following :

*Resolved*, That the Speaker appoint four additional Pages.

The ayes and noes being demanded, the motion was lost by the following vote :

**Ayes**—Messrs. Beard, Caminetti, Campbell, Cary, Coleman, Doty, Farley, Faw, Field, Hall, Healy, Hunter, Johnston, Kerrick, Martin, Matthews, McClaskey, Plover, Terry, Townsend, Wheat, and Yell—22

**Noes**—Messrs. Barnes, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Fleming, Flynn, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Heath, Hollister, Hughes, Irwin, Keeler, Levenson, Lewison, Martin,

McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Storke, Sweetland, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—54.

Mr. Sinon moved the following substitute:

*Resolved*, That we go into the election of two additional Pages.

Lost.

Mr. Irwin moved to refer to the Committee on Attachés and Employés with instructions.

Lost.

The previous question being demanded by the requisite number, the House so ordered.

The question recurring on the original motion by Mr. Cutter, the ayes and noes were demanded by the requisite number, the roll was called, and the resolution was lost by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Bowers, Campbell, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Fortna, Harvey, Head, Hollister, Hughes, Keller, Lewison, McKinley, Moffitt, Murphy, Reeves, Ryan, Smith, Storke, Sweetland, Walrath, Wharton, and Mr. Speaker—31.

NOES—Messrs. Barry, Beard, Briceleud, Brown, Caminetti, Carter, Coleman, Culver, Faw, Field, Flynn, Gaussal, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Sinon, Stephens, Stewart, Terry, Townsend, Weaver, Wheat, Wheelan, and Yell—46.

#### RESOLUTION.

By Mr. Matthews:

*Resolved*, That O. S. Freeze be allowed three days' pay at five dollars per day, for services as Porter to Sergeant-at-Arms; and that C. Peck be allowed two days' pay at three dollars per day; and that the State Controller be and is hereby instructed to draw his warrant accordingly, payable out of the fund for the contingent expenses of the Assembly.

Referred to Committee on Attachés and Employés.

#### CONCURRENT RESOLUTION.

By Mr. Bibb: Concurrent resolution in reference to United States Senator Logan's bill, to allow Chinese now in Cuba to pass through the United States.

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

#### RESOLUTIONS.

By Mr. Wheelan:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to appoint one Porter, at a per diem of three dollars, to wait on the various committees, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Attachés and Employés.

By Mr. Healy:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to appoint one Porter for the gallery of this Assembly, at a per diem of three dollars.

Referred to Committee on Attachés and Employés.

By Mr. Hamilton :

*Resolved*, That Alonzo Mason be and he is hereby appointed as Gallery Porter for the Assembly Chamber, at a per diem of three dollars.

Referred to Committee on Attachés and Employés.

By Mr. Campbell :

*Resolved*, That this Assembly do now proceed to the election of four additional Pages, one of whom shall be assigned to duty in the Post Office Department.

The following substitute was presented by Mr. Caminetti :

*Resolved*, That Sam. McClintock, Lewis Haight Kozminsky, Emmet Meehan, Fred. C. Hyde, and Willie Jobson be and they are hereby appointed Pages of the Assembly, at a per diem of three dollars per day, payable out of the Contingent Fund of the Assembly.

Mr. Nicol moved to refer to Committee on Attachés and Employés.

Mr. Irwin moved to lay the whole subject-matter on the table.

So ordered.

By Mr. Smith :

*Resolved*, That the Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove be requested to furnish the Committee on Yosemite Valley and Mariposa Grove of Big Trees and Forestry, a tabulated statement of all money received by them, and an itemized account of all money expended by them, together with a copy of their rules and regulations, if they have any.

Adopted.

By Mr. McClaskey :

*Resolved*, That Julius Theal be appointed Post Office Page, at a per diem of three dollars per day, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Johnston :

*Resolved*, That the Committee on Elections be and they are hereby authorized to have any testimony presented before them printed for the use of the committee.

Adopted.

By Mr. McClaskey :

*Resolved*, That the Judiciary Committee be allowed to appoint two clerks, at a per diem of eight dollars per day each, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Attachés and Employés.

By Mr. Bibb :

*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 1880.

Referred to Committee on Rules.

By Mr. Barry :

*Resolved*, That the Committee on Corporations be authorized to employ and appoint a clerk, the said clerk to be a stenographer, at a per diem of eight dollars.

Referred to Committee on Attachés and Employés.

## REPORTS OF COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 21, entitled "An Act supplementary 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, as approved April 15, 1880," have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Agriculture.

TERRY, Chairman.

Mr. Sinon, Chairman of the Committee on Rules, presented the following report:

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

SINON, Chairman.

## STANDING RULES OF THE ASSEMBLY.

## I.—HOURS OF MEETING.

The sessions of this House shall begin at ten o'clock A. M.; a recess shall be taken from twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the House.

## 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. 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.

## III.—REPORTS OF COMMITTEES ON ENGROSSED AND ENROLLED BILLS.

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

## IV.—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.

## V.—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 be on the table or be referred, as this House shall determine.

## VI.—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 at length 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. 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.

VII.—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.

VIII.—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.

IX.—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.

X.—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.

XI.—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, nor longer than five minutes, unless by leave of the House.

XII.—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.

XIII.—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 subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

XIV.—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 THE SERGEANT-AT-ARMS.

XV.—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 of the House and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

XVI.—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.

XVII.—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.

XVIII.—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 Attachés 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 and Township Governments, to consist of nine members.
10. A Committee on the Culture and Improvement of the Grapevine, to consist of seven members.
11. A Committee on Education, to consist of seven members.
12. A Committee on Elections, to consist of seven members.
13. A Committee on Engrossment, to consist of five members.
14. A Committee on Enrollment, to consist of five members.
15. A Committee on Fish and Game, to consist of seven members.
16. A Committee on Federal Relations, to consist of seven members.
17. A Committee on Yosemite Valley and Mariposa Grove of Big Trees and Forestry, to consist of five members.
18. A Committee on Homestead and Land Monopoly, to consist of seven members.
19. A Committee on Indian Affairs, to consist of five members.
20. A Committee on Internal Improvements, to consist of five members.
21. A Committee on Irrigation, to consist of nine members.
22. A Committee on Judiciary, to consist of thirteen members.
23. A Committee on Labor and Capital, to consist of nine members.
24. A Committee on Mileage, to consist of three members.
25. A Committee on Military Affairs, to consist of five members.
26. A Committee on Mines and Mining Interests, to consist of seven members.
27. A Committee on Municipal Corporations, to consist of nine 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.

#### XIX.—COMMITTEES TO BE APPOINTED BY SPEAKER.

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

#### DUTIES OF COMMITTEES.

##### XX.—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.

##### XXI.—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.

##### XXII.—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.

## XXIII.—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.

## XXIV.—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.

## XXV.—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.

## XXVI.—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.

## XXVII.—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 report thereon.

## XXVIII.—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.

## XXIX.—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.

## XXX.—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.

## XXXI.—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.

## XXXII.—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.

## XXXIII.—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.

## XXXIV.—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.

## XXXV.—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.

## XXXVI.—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.

## XXXVII.—FIRST READING OF BILLS.

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

## XXXVIII.—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.

## XXXIX.—MOTION TO RISE DECIDED WITHOUT DEBATE.

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

## XL.—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.

## XLI.—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.

## XLII.—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.

## XLIII.—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.

## XLIV.—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.

## XLV.—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.

## XLVI.—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.

## XLVII.—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.

## XLVIII.—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.

## XLIX.—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.

## L.—PREVIOUS QUESTION DEMANDED.

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

## LI.—QUESTION INDEFINITELY POSTPONED.

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

## LII.—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.

## LIII.

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.

## LIV.—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.

## LV.—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 consent of the House.

## LVI.—PRINTING OF BILLS.

Three 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.

## LVII.—PRINTING OF MAPS.

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

## LVIII.—FILLING BLANKS.

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

## LIX.—PRIORITY OF BUSINESS.

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

## LX.—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.

## LXI.—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.

## LXII.—ELECTIONS BY HOUSE.

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

## LXIII.—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.

## LXIV.—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.

## LXV.—VOTING ON QUESTION WHEN INTERESTED.

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

## LXVI.—DIVISION AND COUNT OF HOUSE.

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

## LXVII.—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.

## LXVIII.—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.

## LXIX.—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 6 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.

## LXX.—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.

## LXXI.—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.

## LXXII.—SMOKING IN HALL.

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

## LXXIII.—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.

## LXXIV.—USE OF HALL.

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

## LXXV.—FEES FOR 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 and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

## LXXVI.—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.

## LXXVII.—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.

## LXXVIII.—ORDER MAKING SPECIAL FILE.

The Clerk shall from time to time make up a file to be known as the *Special File*, on which he shall place the General Appropriation Bill, the General County and Township Government Bills, the General Municipal Corporation Bills, the General Road and Highway Bills, and the Apportionment Bills, in the order in which the same may be reported to the House, and he shall place no other bills thereon. Said *Special File* shall be considered in the order of business as prescribed in Rule Two under the head of Special Orders of the Day, until the business on said file shall be finally disposed of.

## LXXIX.—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.

## LXXX.—EXTRA PAY.

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

## LXXXI.—ENGROSSING AND ENROLLING BILLS.

The Engrossing Clerk and Copying Clerks shall engross, enroll, or copy the bill 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.

## LXXXII.—DUTY OF COMMITTEE ON ATTACHÉS AND EMPLOYÉS.

It shall be the duty of the Committees on Attachés 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.

## LXXXIII.

All bills referred to any committee shall be by such committee reported back to the House with its action thereon, within ten days after such reference, unless the House by request of such Committee shall otherwise order.

## LXXXIV.—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.

SINON, Chairman.

Mr. Levenson moved to make the report a special order for Monday.  
So ordered.

Mr. Sinon moved that the report be published in full in the Journal of Saturday.

So ordered.

## INTRODUCTION OF BILLS OUT OF ORDER.

By Mr. Storke: An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California, relating to the taking and authentication of testimony on examination in criminal cases.

Referred to Judiciary Committee.

By Mr. Wharton: An Act to provide for the appropriation by the State of the water of all rivers, lakes, and flowing streams, other than navigable waters, for the purposes of irrigation, mining, etc.

Referred to the Committee on Water Rights and Drainage.

By Mr. Cary: An Act to provide apparatus for the Deaf and Dumb and Blind Asylum.

Referred to Committee on Education.

By Mr. Hall: An Act to allow the appointment of an Inspector of Weights and Measures and Merchandise in cities of over one hundred thousand inhabitants and upwards.

Referred to Committee on County Governments.

By Mr. Irwin: An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code in relation to the acknowledgment and proof of written instruments.

Referred to Judiciary Committee.

By Mr. Hollister: An Act to amend section three thousand one hundred and seventy-two of the Political Code, approved March 30, 1874, relating to marks and brands.

Referred to Judiciary Committee.

By Mr. Lewison: An Act to restrict gambling, and to repeal all other Acts in relation thereto.

Referred to Committee on Public Morals.

By Mr. Johnston: An Act to appropriate money to H. H. Knaff 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.

Referred to Committee on Claims.

## PETITIONS.

By Mr. Hollister: A petition from citizens in reference to voluntary Fire Departments.  
Referred to Judiciary Committee.

## PETITIONS INTRODUCED OUT OF ORDER

Protesting against the repeal of the so-called Sunday law :

By Mr. Nicol.  
By Mr. Reeves.  
By Mr. Storke.  
By Mr. Storke.  
By Mr. Nicol.  
By Mr. Doty.  
By Mr. Head.  
By Mr. McClaskey.  
By Mr. McClaskey.  
By Mr. Peterson.  
By Mr. McHale.  
By Mr. Wharton.  
By Mr. Sinon.  
By Mr. Wheat (by request).  
By Mr. Smith.  
By Mr. Wharton.  
By Mr. Hershey.  
By Mr. Weaver.  
By Mr. Cutter.  
By Mr. Carter.

All referred to Committee on Public Morals.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, January 12, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution Number Two, relative to printing the inaugural address of Governor George Stoneman.

EDWIN F. SMITH, Secretary.

## REPORT OF COMMITTEE.

Mr. Flynn, Chairman of the Committee on Mileage, presented the following report :

ASSEMBLY CHAMBER, January 13, 1883.

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-fifth 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.

Adopted.

	Miles.	Amount.
Barnes, Solano.....	120	\$12 00
Barry, San Francisco.....	168	16 80
Beard, Stanislaus.....	154	15 40
Bibb, San Francisco.....	168	16 80
Booth, San Francisco.....	168	16 80
Bowers, Marin.....	216	21 60
Briceland, Shasta.....	400	40 00
Brown, Alameda.....	218	21 80
Callaghan, San Francisco.....	168	16 80
Camnetti, Amador.....	118	11 80

	Miles.	Amount.
Campbell, Sonoma.....	282	\$28 20
Carter, Contra Costa.....	238	23 80
Cary, Alameda.....	162	18 20
Clark, Colusa and Tehama.....	134	13 40
Clement, Alameda.....	190	19 00
Coleman, San Mateo.....	220	22 00
Coombs, Yuba.....	124	12 40
Crumpton, Lake.....	408	40 80
Culver, San Francisco.....	168	16 80
Cutter, Yuba.....	104	10 40
Doty, Sacramento.....	15	1 50
Farley, Sierra.....	238	23 80
Faw, Monterey.....	432	43 20
Field, Sonoma.....	348	34 80
Fleming, Butte.....	148	14 80
Flynn, San Francisco.....	168	16 80
Fortna, Sutter.....	106	10 60
Gaussau, San Francisco.....	168	16 80
Granger, Butte.....	156	15 60
Hall, San Francisco.....	168	16 80
Hamilton, Del Norte.....	728	72 80
Harvey, Solano.....	238	23 80
Head, Los Angeles.....	1016	101 60
Healy, San Francisco.....	168	16 80
Heath, Santa Cruz.....	410	41 00
Hershey, Yolo.....	64	6 40
Hollister, San Luis Obispo.....	596	59 60
Hughes, San Francisco.....	168	16 80
Hunter, Santa Clara.....	272	27 20
Irwin, El Dorado.....	122	12 20
Johnston, Napa.....	122	12 20
Keeler, Inyo and Mono.....	1016	101 60
Kerrick, San Joaquin.....	112	11 20
Larue, Sacramento.....		
Leverson, San Francisco.....	168	16 80
Lewison, Nevada.....	236	23 60
Martin, Sonoma.....	262	26 20
Mathews, San Benito.....	436	43 60
McClaskey, Plumas.....	400	40 00
McDonald, San Francisco.....	168	16 80
McHale, Placer.....	138	13 80
McKinley, San Francisco.....	168	16 80
Moffitt, Los Angeles.....	916	90 60
Murdock, San Francisco.....	168	16 80
Murphy, San Francisco.....	168	16 80
Nicol, Tuolumne.....	200	20 00
O'Connor, San Francisco.....	168	16 80
Parker, San Diego.....	1132	113 20
Peterson, Siskiyou.....	700	70 00
Plover, San Francisco.....	168	16 80
Rawle, San Francisco.....	168	16 80
Reeves, San Bernardino.....	1176	117 60
Rhiel, Santa Clara.....	316	31 60
Rowland, El Dorado and Alpine.....	242	24 20
Ryan, Sacramento.....		
Simon, San Francisco.....	168	16 80
Smith, Mariposa.....	318	31 80
Stephens, San Joaquin.....	114	11 40
Stewart, Amador.....	242	24 20
Storke, Santa Barbara.....	738	73 80
Sweetland, Nevada.....	172	17 20
Terry, San Joaquin.....	96	9 60
Townsend, Santa Clara.....	256	25 60
Walrath, Nevada.....	242	24 20
Weaver, Humboldt.....	624	62 40
Wharton, Fresno.....	378	37 80
Wheat, Calaveras.....	134	13 40
Wheelan, San Francisco.....	168	16 80
Yell, Mendocino.....	410	41 00

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-fourth fiscal year.

JAS. J. FLYNN,  
G. W. T. CARTER,  
T. R. FLEMING,  
Committee.

Mr. Caminetti moved to recommit the report to the committee.

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

Ayes and noes being demanded, it was so ordered by the following vote:

Ayes—Messrs. Beard, Bibb, Bowers, Briceland, Callaghan, Campbell, Cary, Clement, Crumpton, Culver, Farley, Faw, Field, Flynn, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hughes, Johnston, Levenson, Lewison, Martin, Matthews, McDonald, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheelan, and Yell—49.

Noes—Messrs. Barnes, Barry, Brown, Caminetti, Carter, Clark, Coleman, Coombs, Cutter, Doty, Fortna, Harvey, Hunter, Irwin, Keeler, Kerrick, McClaskey, McHale, Peterson, Rhel, Rowland, Ryan, Stewart, Wharton, Wheat, and Mr. Speaker—26.

Mr. Johnston moved to take the report from the table.

So ordered.

On motion of Mr. Johnston the report was adopted.

At two o'clock and thirty minutes Mr. Bibb moved to adjourn to ten o'clock Friday.

Mr. Wheelan moved as an amendment to make the hour two o'clock and thirty minutes Monday.

Mr. Lewison moved as an amendment to the amendment, that the House adjourn till twelve o'clock m. on Wednesday.

The ayes and noes being demanded, the amendment to the amendment was lost by the following vote:

Ayes—Messrs. Lewison and McClaskey—2.

Noes—Messrs. Barnes, Barry, Beard, Bibb, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McDonald, McHale, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—72.

The question recurring on the amendment by Mr. Wheelan, the amendment was lost by the following vote:

Ayes—Messrs. Caminetti, Coleman, Culver, Flynn, McClaskey, Murdock, Nicol, O'Connor, Rawle, and Wheelan—10.

Noes—Messrs. Barnes, Barry, Beard, Bibb, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McHale, Moffitt, Parker, Peterson, Plover, Reeves, Rhel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—64.

#### ADJOURNMENT.

The question recurring on the original motion by Mr. Bibb, the House adjourned till ten o'clock Saturday.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, January 13, 1883. }

House met pursuant to adjournment.

Speaker Larue presiding.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Bibb, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Messrs. Culver, Murdock, and Murphy granted one day's leave of absence.

Mr. Wheat was granted an indefinite leave of absence on account of sickness.

Pending the reading of the Journal, on motion of Mr. Campbell, further reading of the Journal was dispensed with.

## PETITION.

By Mr. Irwin: In reference to repeal of so-called Sunday Law.  
Referred to Committee on Public Morals.

## RESOLUTION.

By Mr. Kerrick:

*Resolved by the Assembly of the State of California, That the Committee on Swamp and Overflowed Lands be allowed a clerk of said committee at a per diem of five dollars.*

Referred to Committee on Attachés and Employés.

## PETITION.

By Mr. Matthews: In reference to change of boundary line of Merced County.

Referred to Committee on County Boundaries.

## RESOLUTION.

By Mr. Kerrick: Resolution to appoint Edward McHenry a Page.  
Referred to Committee on Attachés and Employés.

## BILLS.

By Mr. Johnston: 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.

Referred to Committee on Claims.

Also—An Act to appropriate money to Robert Giving to pay the balance due him under his contract for brick work in the construction of the Napa State Asylum for the Insane.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

Also—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.

Referred to Committee on Claims.

Also—An Act to appropriate money to the Electrical Construction and Maintenance 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.

Referred to Committee on Claims.

Also—An Act to appropriate money to W. F. Wilson & Co., to pay the balance due them under their contract for doing the plumbing in the construction of the Napa State Asylum for the Insane.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

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.

Referred to Committee on Claims.

#### INTRODUCTION OF BILLS.

By Mr. Briceland: An Act to prevent the introduction of contagious or infectious disease into the State of California.

Referred to Committee on Hospitals.

#### REPORTS OF COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1883.

MR. SPEAKER: Your committee to whom was referred the following resolutions, having considered the same, hereby report as follows thereon:

That Resolution Number Eight, in relation to the appointment of a Page for the Postmistress be amended, and the following substituted in lieu thereof:

*Resolved*, That the Postmistress of the Assembly be and she is hereby authorized to appoint a Page at a compensation of three dollars per day.

That the three resolutions in relation to the appointment of a Porter for the galleries be amended, and the following substituted in lieu thereof:

*Resolved*, That a Porter for the galleries be elected by the Assembly, and that his compensation be fixed at three dollars per day.

And recommend the adoption of the resolution in relation to the appointment by the Sergeant-at-Arms of a Porter to wait on the several committees of the Assembly, and that his compensation be fixed at three dollars per day.

Also, recommend the adoption of resolution in relation to the appointment of two (2) Clerks for the Judiciary Committee, at a compensation of eight dollars per day each.

In relation to the resolutions for the appointment of additional Pages for the Assembly, your committee recommend the following in lieu thereof:

*Resolved*, That two (2) additional Pages be elected by the Assembly, and that the compensation of each be fixed at three dollars per day.

Your committee also recommend the adoption of the resolution for the payment to O. S. Frees for services as Porter three days, at five dollars per day, and to C. Peck for two days' services as Porter at three dollars per day; the compensation of each of the employes in this report named to be made payable out of the Contingent Fund of the Assembly.

Your committee has also considered the resolution in relation to the appointment of Charles Ross and Mrs. A. Andrews as Doorkeepers, at a compensation of four dollars per day each; of Frank Holbrook as Day Watchman, and J. L. O'Brien as Night Watchman, at a compensation of four dollars and five dollars, respectively, and recommend that the same be not adopted.

FIELD, Chairman.

On motion of Mr. Cutter, the report was considered seriatim.

Mr. Cutter moved to amend that portion of the report referring to Pages, by striking out two and inserting four.

The ayes and noes being demanded, the amendment was lost by the following vote:

AYES—Messrs. Beard, Bibb, Briceland, Camunetti, Coleman, Coombs, Cutter, Doty, Fleming, Flynn, Granger, Healy, Hollister, Hughes, Kerrick, Lewison, McClaskey, McDonald, O'Connor, Rawle, Stewart, Storke, Sweetland, Walrath, Wharton, Wheelan, and Mr. Speaker—27.

NOES—Messrs. Barnes, Barry, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Crumpton, Farley, Faw, Field, Fortna, Hall, Hamilton, Harvev, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Leverson, Martin, Matthews, McHale, McKinley, Parker, Peterson, Plover, Reeves, Rhuel, Rowland, Sinon, Smith, Stephens, Terry, Townsend, Weaver, and Yell—42.

Mr. Cutter also moved an amendment to strike out two and insert three.

Lost.

The report was adopted as a whole.

## ELECTION OF PAGES.

The Speaker announced that an election for two Pages was now in order.

Mr. Campbell nominated Master McClintock.

Mr. McClaskey nominated Master Theal.

Mr. Moffitt nominated Master Cohen.

Mr. Hollister nominated Master Jobson.

Mr. Sinon nominated Master Kerwin.

Mr. Wheelan nominated Master McGann.

Mr. Nicol nominated Master Divine.

Mr. Terry nominated Master Crozier.

Mr. Irwin nominated Master Kelly.

Mr. Farley nominated Master Marble.

Mr. Stephens nominated Master McNery.

Mr. Cutter nominated Master Hyde.

Mr. Doty nominated Master Kozminsky.

Mr. Crumpton moved that the two receiving the highest vote be declared elected.

So ordered.

The roll was called, with the following result:

McClintock, 51; Jobson, 31; Theal, 9; Kerwin, 9; McGann, 9; Hyde, 8; Marble, 6; Crozier, 5; Kozminsky, 3; McNery, 3; Kelly, 2.

Masters McClintock and Jobson, having received the highest number of votes, were declared elected Pages of the Assembly.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Storke:

*Resolved*, That all appointments made by the Speaker heretofore as Porter, Pages, and Gate-keeper are hereby certified and confirmed by this Assembly.

Mr. Terry moved to add Day and Night Watchman.

So ordered.

## ELECTION OF PORTER.

The election of a Porter being in order:

Mr. Cutter nominated Captain O'Brien.

Mr. Flynn nominated J. A. Williams.

Mr. Terry nominated Hyman Brown.

Mr. Granger nominated C. F. Miller.

With the following result:

*For O'Brien*—Messrs. Beard, Carter, Clark, Coombs, Crumpton, Cutter, Faw, Fortna, Harvey, Hershey, Johnston, Keeler, Laue, Lewison, Martin, Matthews, McClaskey, Peterson, Plover, Ryan, Storke, Sweetland, Walrath, Wheelan, and Yell.

*For Williams*—Messrs. Barnes, Barry, Brown, Callaghan, Cary, Clement, Coleman, Doty, Field, Flynn, Gaussail, Head, Heath, Hollister, Hughes, Hunter, Irwin, Leverson, McDonald, McHale, Moffitt, Nicol, O'Connor, Parker, Rawle, Reeves, Rhel, Rowland, Sinon, Smith, Stewart, Townsend, Weaver, and Wharton.

*For Brown*—Messrs. Kerrick, Stephens, Terry, and Wheat.

*For Miller*—Messrs. Farley, Fleming, Granger, and McKinley.

Whole number of votes cast .....	66
Necessary to a choice .....	34
O'Brien received .....	24
Williams received .....	34
Miller received .....	4
Brown received .....	4

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

#### REPORTS OF COMMITTEES.

The Committee on Printing presented the following report:

MR. SPEAKER: The undersigned, your Committee on Public Printing, to whom was referred Assembly resolution authorizing the printing of testimony taken in the Solano contested election cases, with instructions to ascertain the cost of the same, respectfully report that we have consulted the State Printer, and find it will exceed the sum of seven hundred dollars, and that the work could not, if ordered, be completed for several weeks. We are of opinion that the necessity for the publication is too slight to warrant so considerable an expenditure by the State, the more particularly as it could not be available for use until a very late day in the session. We therefore report the resolution back, and recommend that it be indefinitely postponed.

EMILE A. GAUSSAIL, Chairman.  
WM. M. CUTTER,  
T. H. McDONALD,  
J. F. WHARTON,  
C. A. STORKE,  
S. R. FORTNA.

Adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Flynn: An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Referred to Committee on Apportionment.

Also—An Act to divide the State into Congressional Districts, and to provide for the election of Congressmen therein.

Referred to Committee on Apportionment.

Also—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

Referred to Committee on Apportionment.

#### INTRODUCTION OF BILLS.

By Judiciary Committee: Substitute for Assembly Bill No. 7—An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure, relating to guardians of minors.

Also—Substitute for Assembly Bill No. 8—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to the powers and duties of guardians.

#### REPORTS OF COMMITTEES.

##### ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1883.

MR. SPEAKER: The Judiciary Committee, to whom was referred the several bills hereinafter mentioned, report back Assembly Bill No. 3—An Act to repeal sections two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy, two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four of the Code of Civil Procedure, and recommend that it do not pass.

Also, Assembly Bill No. 6—An Act to repeal section number seven hundred and ninety-five of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to actions for the partition of real property—and recommend that it do not pass.

Also, Assembly Bill No. 7—An Act to repeal section number one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardians of minors, and to add one new section to said Code relating to guardians of minors, to be numbered one thousand seven hundred and fifty-one, and recommend the passage of the substitute.

Also, Assembly Bill No. 8—An Act to repeal section number one thousand seven hundred and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers and duties of guardians, and to add a new section to said

Code, relating to the powers and duties of guardians, to be numbered one thousand seven hundred and seventy-four, and recommend the passage of the substitute.

Also, Assembly Bill No. 9—An Act to repeal section number one thousand seven hundred and seventy-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers and duties of guardians, and recommend that it do not pass.

Also, Assembly Bill No. 24—An Act to amend sections eight hundred and fifty and eight hundred and seventy-three of the Code of Civil Procedure, relating to the trial of actions in Justices' Courts, and recommend that it do not pass.

Also, Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed, and recommend that it pass.

TERRY, Chairman.

MR. SPEAKER: Your Committee on Federal Relations beg leave to report that they have had under consideration Concurrent Resolution Number One, relative to requesting our members in Congress to aid in the passage of the Mexican veteran pension bill, and recommend the adoption of the same.

C. McCLASKEY, Chairman.

The concurrent resolution was adopted by a unanimous vote.

OFFICE OF COMMITTEE ON WATER RIGHTS AND DRAINAGE, }  
ASSEMBLY CHAMBER, January 12, 1883. }

*To the Honorable Speaker of Assembly:*

SIR We have the honor to report back Assembly Bill No. 16, entitled 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, and would respectfully suggest that the same be referred to the Committee on Irrigation.

Very respectfully,

J. H. MATTHEWS,

Chairman Committee on Water Rights and Drainage.

Referred to Committee on Water Rights and Drainage.

The Committee on Agriculture presented a report, recommending the passage of Assembly Bill No. 31.

So ordered.

#### INTRODUCTION OF BILLS.

By Mr. Terry: An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases.

Referred to Judiciary Committee.

Also—An Act to amend sections six hundred and sixty-six and six hundred and sixty-seven of the Penal Code, relating to increased punishment upon a second conviction.

Referred to Judiciary Committee.

Also—An Act to amend section five hundred and thirty-two of the Penal Code, and prescribe the punishment for obtaining money or property by false pretenses and by false reports of wealth.

Referred to Judiciary Committee.

Also—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty, providing for furnishing food and lodgings for juries in civil cases, at the cost of the parties litigant.

Referred to Judiciary Committee.

Also—An Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to proceedings supplementary to the execution.

By Mr. Matthews: An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof

and to provide for its organization," approved February 12, 1874, providing for a change of boundaries thereof.

Referred to Committee on County and County Boundaries.

By Mr. Campbell: An Act to amend an Act entitled an Act to promote irrigation, approved April 1, 1872, and amendments hereto, to promote irrigation and drainage, to reclaim swamp, marshy, and overflowed lands.

Referred to Committee on Irrigation.

By Mr. Hollister: An Act for the protection of the dairy industries of this State, and the consumers of dairy productions.

Referred to Committee on Agriculture.

By Mr. Carter: An Act to provide for the separate confinement and correctional discipline of juvenile offenders.

Referred to Committee on Public Morals.

By Mr. Smith: An Act to amend section three thousand seven hundred and seventy of the Political Code of the State of California, relative to the cost and payment of publication of delinquent taxes.

Referred to Judiciary Committee.

By Mr. Doty: An Act to protect children.

Referred to Committee on Public Morals.

By Mr. Coombs: An Act to amend section five hundred and twenty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to injunctions and service thereof.

Referred to Judiciary Committee.

By Mr. Flynn: An Act creating a Board of Bank and Insurance Commissioners, and prescribing their duties and powers, and to abolish the office of Insurance Commissioner and Bank Commissioners.

Referred to Judiciary Committee.

By Mr. Fortna: An Act proposing an amendment to the Constitution of the State of California in relation to the manufacture and sale of spirituous liquors, etc.

Referred to Judiciary Committee.

By Mr. Carter: An Act granting relief to taxpayers whose lands have been sold to the State.

Referred to Committee on Public Lands.

By Mr. Weaver: An Act to empower the Common Council of the City of Eureka to convey to Humboldt County block number forty-three, for the purpose of erecting public buildings thereon.

Referred to Committee on Municipal Corporations.

By Mr. Head: An Act to prohibit the sale of intoxicating liquors in precincts, townships, wards of cities, cities, and counties where the people so determine.

Referred to Committee on Public Morals.

By Mr. Cutter: An Act to amend section forty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions, and the service of summons therein.

Referred to Judiciary Committee.

By Mr. Gaussail: An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June 30, 1883.

Referred to Committee of the Whole.

By Mr. Storke: An Act to amend section two hundred and sixty-one of the Penal Code, defining rape.

Referred to Judiciary Committee.

## RESOLUTIONS.

By Mr. Bibb :

*Resolved*, That when we adjourn for the noon recess we adjourn till ten o'clock on Monday, January 15, 1883.

Mr. Wheelan moved to amend to adjourn until two o'clock Monday.  
Mr. Terry moved as an amendment to the amendment to adjourn until two o'clock and thirty minutes Monday.

The question coming up on the amendment to the amendment, it was lost.

The question then recurring on the amendment, it was lost.

The question then recurring on the original motion, it was lost.

By Mr. Ryan :

*Resolved*, That the use of the Assembly Chamber be granted to the executive committee of the inaugural ball from Tuesday, at twelve o'clock *m.*, until Wednesday, at ten o'clock *a. m.*

Adopted.

## PETITIONS.

By Mr. Stephens:

In reference to non-repeal of the so-called Sunday law.

Referred to Committee on Public Morals.

## RESOLUTIONS.

By Mr. Hollister:

*Resolved*, That the Secretary of State be authorized to furnish members with cane-bottom chairs.

Adopted.

By Mr. Stephens:

*Resolved*, That A. Andrews be appointed Clerk of the Committee on Chinese Emigration and Immigration, at a per diem of three dollars.

Referred to Committee on Attachés and Employés.

## CONCURRENT RESOLUTION.

By Mr. Campbell: Assembly Concurrent Resolution relative to amending the Constitution of the United States so as to elect the President and Vice-President by a direct vote of the people.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Yell: 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 11, 1872, relating to the adverse possession of property under claim of title not written.

Referred to Judiciary Committee.

## RESOLUTION.

By Mr. McDonald:

*Resolved*, That we adjourn after recess to-day until Monday, January fifteenth, at half-past one o'clock *p. m.*

Mr. Bibb moved to amend, that the House adjourn to ten o'clock Monday.

Mr. Terry moved as an amendment to the amendment that Monday be stricken out and Wednesday inserted.

Lost.

The question recurring on the amendment, it was lost.

The question then recurring on the original motion, it was lost.

LEAVE OF ABSENCE.

Mr. Wheelan was granted leave of absence till two o'clock P. M. Monday.

RECESS.

At twelve o'clock M., on motion of Mr. Bibb, the House took a recess to two o'clock P. M. this day.

REASSEMBLED.

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

Speaker Larue in the chair.

Quorum present.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Wharton: An Act to provide for the organization, government, and control of irrigation districts.

Referred to Committee on Irrigation.

By Mr. Townsend: An Act making appropriation for the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction for the twenty-fourth fiscal year.

Referred to Committee on Ways and Means.

By Mr. Doty: An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.

Referred to Committee on Agriculture.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Farley:

*Resolved*, That the Committee on Mines and Mining Interests be authorized to employ a clerk, whose pay shall be five dollars (\$5) per day, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Campbell:

*Resolved*, That the Committee on Ways and Means be authorized to employ a clerk, at a per diem of seven dollars, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

LEAVE OF ABSENCE.

Mr. Hollister was granted a leave of absence until Tuesday afternoon.

Mr. Fleming was granted an indefinite leave of absence.

## MOTION.

Mr. Sinon moved to make the consideration of the report of the Committee on Rules a special order for Monday after roll-call.

Mr. Nicol moved to amend to consider the report now.

Mr. Sinon accepted the amendment, and it becoming the original motion, it was carried.

## REPORT OF COMMITTEES.

The report of the Committee on Rules was read, and on motion of Mr. Matthews, the report was considered *seriatim*.

Mr. Campbell moved to amend Rule XVI by striking out twenty-five cents and inserting ten cents.

The ayes and noes being demanded by the requisite number, the amendment was adopted by the following vote:

*Ayes*—Messrs. Barnes, Barry, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Faw, Field, Fortna, Gaussail, Granger, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Keeler, Kerrick, Lewison, Martin, Matthews, McHale, Moffitt, Nicol, Peterson, Plover, Reeves, Stephens, Storke, Weaver, Wharton, Yell, and Mr. Speaker—43.

*Noes*—Messrs. Bibb, Caminetti, Cutter, Farley, Flynn, Irwin, Johnston, McClaskey, McDonald, McKinley, Parker, Rawle, Rhuel, Rowland, Ryan, Sinon, Stewart, Sweetland, Terry, Townsend, and Walrath—21.

Mr. Storke moved to amend Rule XVIII by adding a Committee on Crimes and Penalties of five members.

So ordered.

Mr. Irwin moved to amend Rule XVIII by increasing the Committee on Municipal Corporations.

So ordered.

Mr. Levenson moved to amend Rule XXXVI as follows:

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized, shall present the same. The title shall then be announced by the Clerk, and the Speaker shall indicate to what committee it should be referred. The introducer of the bill may then explain the scope and object of the bill in a speech of not more than five minutes, unless his time be extended by a vote of two thirds of the members present. Any member may then move its reference to a Committee of the Whole House, to any standing committee, or to a special committee, and each member may address the House thereon in a speech of not more than two minutes. If no such motion shall be made, the bill shall be referred to the committee indicated by the Speaker. Otherwise, the question shall be put in the following order. First, the Committee of the Whole House; second, a select committee; third, standing committees, in the inverse order of their being moved.

The bill thus referred shall be printed, and a copy shall 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.

Lost.

Mr. Farley gave notice that he would introduce a resolution to reconsider Rule LXXV.

The report was adopted as amended.

## COMMUNICATION.

SACRAMENTO, January 13, 1883.

To M. C. Haley, Chief Clerk Assembly:

You are hereby notified that I have appointed, through power vested in me by resolution passed by the Assembly, the employes of my office Paul H Rediger, Clerk to Sergeant-at-Arms, T. A. Cullen, Porter to Sergeant-at-Arms; Lem. S. Lightner, Rear Porter.

JAMES M. FARRELLY, Sergeant-at-Arms.

## LEAVE OF ABSENCE.

Mr. Coleman asked for and was granted a leave of absence until Monday afternoon.

## RESOLUTION—(OUT OF ORDER).

By Mr. Terry :

*Resolved*, That the per diem of the Day Watchman and Night Watchman be fixed at four dollars and five dollars respectively, and the per diem of the Gatekeepers at four dollars.

Amended by Mr. Caminetti to make the per diem four dollars each.  
Adopted.

## REPORTS OF COMMITTEES.

The Committee on Public Morals presented the following report:

MR. SPEAKER: AS an extraordinary amount of business has been referred to the Committee on Public Morals, they deem it absolutely necessary that said committee be authorized to employ a clerk, and they, therefore, offer the following resolution:

*Resolved*, That the Committee on Public Morals be authorized to employ a clerk at a per diem of five dollars, as fixed by law.

W. A. HAMILTON,  
Chairman of Committee on Public Morals.

Referred to Committee on Attachés and Employés.

Mr. Johnston moved to adjourn until Monday, at one o'clock P. M.  
Lost.

## ADJOURNMENT.

At three o'clock and ten minutes, the House adjourned until ten o'clock A. M., on Monday, January 15, 1883.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, January 15, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barry, Beard, Bibb, Booth, Briceland, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutler, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hughes, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Sinon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Messrs. Irwin, Murphy, and Murdock were granted one day's leave of absence.

Pending the reading of Journal of Saturday, Mr. Storke moved to dispense with further reading.

Lost.

Journal of Saturday read, and adopted as corrected.

#### RESIGNATION.

MR. SPEAKER I hereby resign from Committee on Public Lands, by some oversight there being two members from Santa Clara County on said committee.

RHIEL.

Accepted.

#### PETITION.

By Mr. Bibb: A petition in reference to pilot service at the port of San Francisco.

Referred to a special committee of five, three from the House and two from the Senate.

#### CONCURRENT RESOLUTION.

By Mr. Bibb:

*Resolved by the Assembly, the Senate concurring,* That a special committee be appointed, three from the Assembly and two from the Senate, to investigate the charges of the memorial sent us by the Chamber of Commerce, Board of Trade, and Ship-owners' Association of San Francisco.

Adopted by the following vote:

AYES—Messrs. Barry, Beard, Bibb, Booth, Briceland, Brown, Camnetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hughes, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Rowland, Ryan, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Yell, and Mr. Speaker—60.

#### PETITIONS.

By Mr. Booth: In reference to non-repeal of the Sunday law.

Referred to Committee on Public Morals.

#### REPORTS OF COMMITTEES.

Report of Committee on Attachés and Employés was read and considered seriatim.

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 15, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolutions, hereby submit the following report thereon:

The committee has considered the resolution of Mr. Campbell, authorizing the Committee on Ways and Means to employ a clerk at a compensation of seven dollars per day, and recommend the adoption thereof, with the following amendment, to wit: "that the compensation be fixed at five dollars per day."

Also, resolution of Mr. Farley, authorizing the Committee on Mines and Mining Interests to employ a clerk at a compensation of five dollars per day, and recommend its adoption.

Your committee has also considered resolution of Mr. Hamilton, authorizing the Committee on Public Morals to employ a clerk at a compensation of five dollars per day, and recommend its adoption.

Your committee has also considered the resolution of Mr. Barry, authorizing the Committee on Corporations to employ and appoint a clerk, said clerk to be a stenographer, at a compensation of eight dollars per day, and recommend the adoption thereof, with the following amendment, to wit: That the words "said clerk to be a stenographer," be stricken out, and that the compensation of such clerk be fixed at five dollars per day.

Your committee further reports, that it has considered the resolution of Mr. Stephens, authorizing the Committee on Chinese Emigration and Immigration to employ a clerk at a compensation of three dollars per day, and recommend that the same be not adopted.

And report further, that the compensation of the attachés hereinbefore recommended, be made payable out of the Contingent Fund of the Assembly.

FIELD, Chairman.

Mr. Barry moved to amend that portion of the report referring to the per diem of the Clerk of the Committee on Corporations, by striking out six dollars and inserting five dollars.

Amendment adopted.

The report was then adopted as amended.

#### INTRODUCTION OF BILLS.

By Mr. Townsend: An Act to establish a uniform system of county governments, and for that purpose to repeal Title II, Part IV, of an Act to establish a Political Code, approved March 12, 1872, and substitute a new Title II of said Part IV therefor.

Referred to Committee on County Governments.

By Mr. Terry: An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony.

Referred to Committee on Crimes and Penalties.

Also—An Act to amend section eight hundred and one of the Penal Code, relating to the limitation of time for bringing criminal prosecutions.

Referred to Committee on Crimes and Penalties.

Also—An Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations.

Referred to Committee on Crimes and Penalties.

By Mr. Nicol: An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes.

Referred to Judiciary Committee.

Also—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and thirty, relative to the commencement of suits for the purpose of testing the legality or validity of assessment and collection of taxes.

Referred to Judiciary Committee.

Also—An Act to amend section thirteen hundred and three of the Code of Civil Procedure, relative to the hearing of petitions of the probate of wills and notice given thereof.

Referred to Judiciary Committee.

Also—An Act amending section five hundred and twenty-six of the Code of Civil Procedure of the State of California, relative to the granting of injunctions.

Referred to Judiciary Committee.

By Mr. Hughes: An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, and two thousand five hundred and fifty-two of the Political Code, relating to San Francisco harbor and State Harbor Commissioners.

Referred to Committee on Commerce and Navigation.

By Mr. Head: 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 and fish ponds.

Referred to Committee on Fish and Game.

By Mr. Kerrick: An Act to prevent the spreading of contagious diseases among domestic animals.

Referred to Committee on Agriculture.

By Mr. McKinley: An Act to authorize the Treasurer of State to pay out certain money paid into the treasury under an Act entitled "An Act to promote drainage," approved April 23, 1880.

Referred to Committee on Claims.

By Mr. Booth: An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver.

Referred to Committee on Corporations.

By Mr. Carter: An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of this State.

Referred to Committee on Public Lands.

By Mr. Brown: An Act entitled "An Act to amend section five thousand five hundred and one of the Civil Code," relating to rates of fares of street railroads.

Referred to Committee on Corporations.

Also—An Act entitled "An Act to add four new sections to the Penal Code," relating to the protection of the people of the State of California against tramps.

Referred to Judiciary Committee.

By Mr. Walrath: An Act to apportion the State of California into Congressional Districts.

Referred to Committee on Apportionment.

By Mr. Storke: An Act to amend section one thousand four hundred and two of the Civil Code of the State of California, concerning the community property vesting in surviving wife.

Referred to Judiciary Committee.

Also—An Act to amend section one thousand four hundred and one and to repeal section one thousand four hundred and two of the Civil Code of the State of California, concerning the community property going to surviving wife and husband.

Referred to Judiciary Committee.

By Mr. Campbell: An Act to amend sections one thousand two hundred and forty-one, one thousand two hundred and forty-five, one thousand two hundred and forty-seven, one thousand two hundred and forty-eight, one thousand two hundred and forty-nine, one thousand two hundred and fifty-two, one thousand two hundred and fifty-three, one thousand two hundred and fifty-four, one thousand two hundred and sixty, one thousand two hundred and sixty-three, and one thousand two hundred and sixty-seven of the Civil Code of California, concerning homesteads.

Referred to Judiciary Committee.

Mr. Levenson moved to take up the Special Order for to-day, the consideration of the report of the Committee on Rules.

The Speaker ruled that the report had been considered and adopted on Saturday, and that the gentleman from San Francisco was out of order.

Mr. Levenson appealed from the decision of the Chair.

Mr. Storke moved the previous question, and the motion was seconded by the requisite number.

The roll call being demanded by the requisite number, the previous question was carried by the following vote:

**AYES**—Messrs. Barry, Bibb, Booth, Campbell, Cary, Clark, Coombs, Culver, Cutter, Faw, Field, Flynn, Fortna, Gaussail, Hall, Harvey, Head, Healy, Heath, Hughes, Johnston, Keeler, Lewison, Martin, McClaskey, McKinley, Nicol, Peterson, Plover, Rhel, Rowland, Sinon, Smith, Storke, Sweetland, Walrath, Wharton, Yell, and Mr. Speaker—39.

**NOES**—Messrs. Beard, Brown, Caminetti, Carter, Crumpton, Doty, Farley, Granger, Hunter, Kerrick, Levenson, Matthews, Moffitt, Parker, Rawle, Reeves, Ryan, Stephens, Stewart, Terry, Townsend, and Weaver—22.

The question recurring on the appeal from the decision of the Chair, the decision was sustained.

**RESOLUTION—(OUT OF ORDER).**

*Resolved*, That the Journal of the House be corrected so as to show that the motion to adopt the Rules was carried by a two-third vote.

Ruled out of order.

**NOTICE.**

Mr. Terry gave notice that he would offer a motion to reconsider the vote whereby the Journal of Saturday was approved.

**RESOLUTIONS—(OUT OF ORDER).**

By Mr. Yell:

*Resolved*, That the Committee on Elections be authorized and empowered to employ a clerk at the same per diem as clerks of other committees, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr Sweetland:

*Resolved*, That the Committee on Water Rights and Drainage be authorized to appoint a clerk at the rate of five dollars per day, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Nicol:

*Resolved*, That the Committee on Roads and Highways be allowed one clerk, at a per diem of five dollars, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Granger:

*Resolved*, That the Chairman of the Committee on Claims be and is hereby authorized to employ a clerk for such committee at a per diem of five dollars, payable out of the appropriation for contingent expenses of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Cutter:

*Resolved*, That the Committees on Labor and Capital and Public Lands be authorized to jointly employ a clerk, to be appointed by the Chairmen, who shall receive a compensation of five dollars per day, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

**FIRST READING OF BILLS.**

By Mr. Clement: Assembly Bill No. 3—An Act to repeal sections two hundred and sixty-eight, two hundred and sixty-nine, two hun-

dred and seventy, two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four, of the Code of Civil Procedure.

Refused first reading.

By Mr. Brown: Assembly Bill No. 6—An Act to repeal section seven hundred and ninety-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to actions for the partition of real property.

Refused first reading.

Also, Assembly Bill No. 7—An Act to repeal section one hundred and seventy-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardians of minors, and to add one new section to said Code, relating to guardians of minors, to be numbered section one thousand seven hundred and fifty-one.

Refused first reading.

By Judiciary Committee: Substitute for Assembly Bill No. 7—An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure, relating to guardians of minors.

Read first time, and ordered to second reading.

Also, Assembly Bill No. 8—An Act to repeal section one thousand seven hundred and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers and duties of guardians, and to add one new section to said Code relating to the powers and duties of guardians, to be numbered one thousand seven hundred and seventy-four.

First reading refused.

Substitute for Assembly Bill No. 8—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to powers and duties of guardians.

Read first time, and ordered to second reading.

Assembly Bill No. 9—An Act to repeal section one thousand seven hundred and seventy-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers and duties of guardians.

First reading refused.

Assembly Bill No. 24—An Act to amend sections eight hundred and fifty and eight hundred and seventy-three of the Code of Civil Procedure, relating to the trials of actions in Justices' Courts.

First reading refused.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Read first time, and ordered to second reading.

Assembly Bill No. 31—An Act to prevent the spreading of fruit tree pests and diseases, and to provide for their extirpation.

Read first time, and, on motion of Mr. Levenson, was referred to Judiciary Committee.

Assembly Bill No. 32—An Act to establish a State Board of Horticulture and appropriate moneys for the expenses thereof.

Read first time.

Mr. Smith moved to refer to Judiciary Committee.

Lost.

Ordered to second reading.

## RESOLUTIONS.

By Mr. Storke:

*Resolved*, That the Assistant Minute Clerk receive as compensation the same per diem as the Minute Clerk, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Hunter:

*Resolved by the Assembly of the State of California*, That the Committee on State Prisons be allowed a clerk at the per diem allowed by law.

Referred to Committee on Attachés and Employés.

By Mr. Brown:

*Resolved*, That the Committee on Public Buildings and Grounds are hereby requested to report to this House to-morrow, January sixteenth, upon the resolution referred to therein relating to the violation of section one hundred and seventy-two of the Penal Code, prohibiting the sale of intoxicating liquors within the State Capitol.

Adopted.

By Mr. Townsend:

*Resolved*, That the Committee on State Prisons be instructed to thoroughly investigate the management of the State Prisons of this State, and for such purpose they are hereby authorized to send for persons and papers, to administer oaths, and compel the attendance of witnesses. They are for such purpose hereby granted one week's leave of absence.

Adopted.

## CONCURRENT RESOLUTION.

By Mr. Stephens:

In relation to a certain treaty now existing between the Government of the United States as one party and the Empire of China as the other, commonly known as the Burlingame Treaty.

Mr. Nicol moved to refer the concurrent resolution to Committee on Chinese Emigration and Immigration.

So ordered.

Mr. Hughes requested that his name be taken from Assembly Bill No. 152, and that Mr. Head's name be substituted in lieu thereof, the latter gentleman having introduced the bill by request.

## RESOLUTIONS.

By Mr. Barry:

*Resolved*, That the State Printer is hereby directed to print one hundred and sixty additional copies of the Daily Assembly Journal hereafter, also, one hundred copies of the Assembly Journal of January eleventh, eighteen hundred and eighty-three.

Adopted.

By Mr. Johnston:

*Resolved*, That three hundred and sixty copies of the Rules of the House be printed.

Adopted.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Cutter: An Act to provide plans for school houses.  
Referred to Committee on Education.

## RECESS.

At twelve o'clock and ten minutes, on motion of Mr. Brown, the House took a recess till two o'clock p. m. this day.

## REASSEMBLED.

House reassembled.  
Speaker Larue in the chair.  
Quorum present.

## CONCURRENT RESOLUTIONS.

By Mr. Heath: Relative to State tax levy.  
Referred to Committee on Ways and Means.  
By Mr. Caminetti: Relative to a map and the population of the several counties who are ineligible to become citizens.  
Adopted by the following vote:

AYES—Messrs. Barry, Beard, Bibb, Booth, Brice land, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—66

NOES—Mr. Simon—1.

## RESOLUTIONS.

By Mr. Doty:

*Resolved by the Assembly of the State of California,* That the Committee on Agriculture be allowed a clerk of said committee at a per diem of five dollars.

Referred to Committee on Attachés and Employés.  
By Mr. Johnston:

*Resolved,* That A. T. Parsons be allowed four days' pay, at three dollars, for services rendered as temporary Post Office Page.

Referred to Committee on Attachés and Employés.  
By Mr. Coleman:

*Resolved,* That the Committee on Commerce and Navigation be allowed a clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

## COMMUNICATION.

JANUARY 13, 1883.

To M. C. Haley, Chief Clerk:

You are hereby notified that I have appointed Fred. Taylor as Post Office Page.

M. FANNIE BURNETT, Postmistress.

## REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, January 15, 1883.

MR. SPEAKER: Your committee to whom was referred Assembly Resolution No. 3, respectfully report that they do not recommend the purchase of the Constitution of this State. And further report that Sumner Whitney & Co, booksellers of San Francisco, have agreed to furnish to this Assembly eighty sets of Codes—Penal, Political, Civil, and Civil Procedure—for five hundred dollars, making an average of six dollars and twenty-five cents per set, and your

committee not agreeing as to the expediency of purchasing the said books, beg leave to refer the matter to the decision of the Assembly.

FARLEY, Chairman,  
JOHNSTON,  
IRWIN,  
LEWISON,  
PARKER,  
Committee.

Adopted.

NOTICE OF RECONSIDERATION.

By Mr. Hughes:

JANUARY 15, 1883.

I herewith give notice that at the next daily session of the Assembly I will move a reconsideration of the vote whereby the Concurrent Resolution providing for the appointment of a special committee of investigation into the acts of the Pilot Commissioners was adopted.

RESOLUTION.

By Mr. Cutter:

*Resolved*, That each of the Standing Committees of the Assembly be authorized and empowered to appoint and employ a clerk, whenever and for such length of time as in the discretion of any such committee the services of a clerk may be found necessary, at a compensation not to exceed five dollars per day, the compensation allowed to be made payable out of the Contingent Fund of the Assembly.

Adopted.

CONCURRENT RESOLUTION.

By Mr. Hughes: Relative to investigating the official acts of the Board of State Harbor Commissioners and Board of Pilot Commissioners.

Mr. Caminetti moved to have the resolution printed.  
So ordered.

PETITIONS—(OUT OF ORDER.)

By Mr. Crumpton: For the non-repeal of the Sunday law.

By Mr. Yell: Against whipping in public schools.

Referred to Committee on Education.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Wharton: An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled "An Act to establish a Political Code," approved March 2, 1872, relating to revenue and taxation and the method of the collection thereof.

Referred to Judiciary Committee.

By Mr. Hershey (by request): An Act for the relief of Henry Leinberger.

Referred to Judiciary Committee.

Also—An Act for the relief of George Cooper.

Referred to Judiciary Committee.

Also—An Act for the relief of John Hoagland.

Referred to Judiciary Committee.

Also—An Act for the relief of W. B. Todhunter.

Referred to Judiciary Committee.

Also—An Act for the relief of James Reid.

Referred to Judiciary Committee.

By Mr. Booth: An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, relating to revenue.  
Referred to Judiciary Committee.

By Mr. Cutter: An Act making an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Referred to Committee on Ways and Means.

By Mr. Johnston: An Act to amend section five hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," relating to attachments.

Referred to Judiciary Committee.

By Mr. Ryan: An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter.

Referred to Committee on Public Buildings.

Also—An Act to amend section one thousand one hundred and eighty-seven of the Code of Civil Procedure, relating to the time for filing liens.

Referred to Judiciary Committee.

By Mr. McKinley: An Act to provide for the payment of jurors in criminal causes in Superior Courts.

Referred to Committee on Crimes and Penalties.

By Mr. Leverson: An Act to repeal section fifteen thousand six hundred and fourteen of the Penal Code, entitled "An Act to prohibit the collection of accounts for liquors sold at retail."

Referred to Committee on Crimes and Penalties.

By Mr. Coleman: An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations.

Referred to Committee on Corporations.

Also—An Act to amend section three hundred and four of the Civil Code, relating to corporations.

Referred to Committee on Corporations.

#### REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1883.

MR. SPEAKER: Your Committee on State Prisons, to whom was referred Assembly Bill No. 2—An Act to provide for and enforce the employment of prisoners in county jails upon the public streets, roads, highways, public buildings, etc., for the public good—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on County and Township Governments.

A. B. HUNTER, Chairman.

Referred.

#### RESOLUTION.

By Mr. Caminetti:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby instructed to procure suitable rooms for the use of the various committees of the Assembly.

Adopted.

By Mr. Lewison:

*Resolved*. That the Secretary of State be authorized to purchase of Sumner Whitney & Co., booksellers, of San Francisco, eighty sets of Codes—Penal, Political, Civil, and Civil Procedure—one each in a set, at the price of five hundred dollars for the eighty sets, one set of the same to be either loaned or sold, as the member shall desire, to each member of the Assembly.

Mr. Caminetti moved to indefinitely postpone action on the resolution.

So ordered.

PROTEST.

By Mr. Levenson :

*To the honorable the House of Assembly :*

The undersigned respectfully enters his protest against the action of the House on Saturday, the thirteenth day of January, eighteen hundred and eighty-three, in taking up the report of the Committee on Rules and Regulations, the same having been made a special order of the House for Monday, and such special order never having been discharged.

He also enters his protest against the action of the House on Monday, the fifteenth day of January, eighteen hundred and eighty-three, in sustaining the ruling of the Speaker, declaring out of order the motion of the undersigned, made on the Order of Business for "Special Orders of the Day" being reached, "That the House now proceed to consider the report of the Committee on Rules and Regulations."

He protests, that the rules and regulations of the House, and the principles laid down in sections one thousand two hundred and fifty-two, one thousand two hundred and fifty-three, pages five hundred and two and five hundred and three of Cushing's Law and Practice of Legislative Assemblies, made part of the law binding this House, have been violated by the action hereby protested against, and the door thrown wide open for all kinds of fraudulent legislation by the precedent thus furnished, and for the prevention whereof the rules thus violated were specially framed.

For the foregoing, and other good reasons, I protest against the above mentioned actions of this House, and require this protest to be entered in the minutes, pursuant to Rule Seventy-six.

MONTAGUE R. LEVERSON.

APPOINTMENT OF COMMITTEES.

The Speaker announced the following Standing Committees, in addition to those already named :

*On Constitutional Amendments*—Messrs. Granger, Campbell, Matthews, Terry, and Booth.  
*On Crimes and Penalties*—Messrs. McClaskey, Parker, Hamilton, Farley, and Harvey.

Messrs. Cary and Head were added to the Committee on Municipal Corporations.

Mr. Brown was appointed a member of the Committee on Public Lands, vice Mr. Rhiel, resigned.

· NOTICE OF RECONSIDERATION.

Mr. Barry gave notice that he would introduce a motion to reconsider the vote whereby the resolution by Mr. Cutter, empowering committees to employ clerks, was adopted.

ADJOURNMENT.

At two o'clock and fifty minutes, Mr. Brown moved to adjourn till ten o'clock Tuesday.

Mr. Cutter moved to amend to make the time of meeting Wednesday, January seventeenth, eighteen hundred and eighty-three, at two o'clock P. M.

Amendment adopted.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
 Wednesday, January 17, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stephens, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Pending the reading of the Journal of Monday, Mr. Irwin moved to dispense with the further reading of minutes.

So ordered.

Mr. Kerrick was granted a leave of absence for this session.

## PETITIONS.

Petitions in reference to the non-repeal of the so-called Sunday law were presented by the following gentlemen: Messrs. Campbell, Weaver, Hershey, McClaskey, Head, Yell, Storke, Clarke, Briceland, and Ryan.

Referred to Committee on Public Morals.

By Mr. Terry: In reference to the passage of a law to encourage the destruction of squirrels and gophers.

Referred to Committee on Agriculture.

## REPORTS OF COMMITTEES.

## REPORT OF COMMITTEE ON BUILDINGS AND PUBLIC GROUNDS.

*To the honorable the Speaker and Members of the Assembly*

Your Committee on Public Buildings, to whom was referred Assembly Resolution No. 1, relative to the prohibiting the sale of intoxicating liquors within the Capitol building, would most respectfully report that they have had the resolution under consideration, and would report that the provisions of an Act entitled "An Act to prohibit the sale of intoxicating liquors in the State Capitol building," approved April 16, 1850, found in volume three, Hittell's Codes, Section number 15,814, are adequate to meet the case mentioned in the resolution. It is therein provided that any person or persons having in charge or control the State Capitol building, and allowing the same to be used for the sale of intoxicating liquors, is guilty of a misdemeanor. Your committee is unable to say whether said law has been violated in any particular, not finding it within the province of the committee to inquire into the conduct of those having in charge the Capitol building.

Your committee are of opinion that the Courts are open to any citizen having knowledge of a violation of the law herein referred to, and that the penalty, if imposed, is adequate to prevent the offense complained of, if it exists. Your committee recommend the enforcement of the law.

Respectfully submitted.

P. PLOVER, Chairman.  
 GILLIS DOTY,  
 EMILE A. GAUSSAIL,  
 A. B. HUNTER,  
 J. T. CAMPBELL,  
 J. H. CULVER.

## REPORT OF COMMITTEE ON ELECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1883.

MR. SPEAKER: The Committee on Elections, to whom was referred Assembly Bill No. 23, entitled "An Act to supply and correct omissions by Boards of Supervisors, in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections," herewith return the same to the Assembly, and recommend its passage.

PARKER, Chairman.

## REPORT OF JUDICIARY COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1883.

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 56—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 respectfully report it back, with the recommendation that it pass.

Also, Assembly Bill No. 57—An Act to make the furnisher of intoxicating liquors responsible for damages, and recommend that it pass.

Also, Assembly Bill No. 58—An Act to add a new section to the Penal Code, to be known as Section forty [2], to prevent the sale of adulterated milk, and recommend that it pass.

Also, Assembly Bill No. 59—An Act regulating the selling or buying stock on margin or to be delivered at a future day, and recommend that it do not pass.

Also, Assembly Bill No. 60—An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California in relation to the larceny of certain animals, with an amendment, and recommend that it pass as amended.

Also, Assembly Bill No. 61—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, and provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind, and recommend that it do not pass.

Also, Assembly Bill No. 68—An Act to prevent the collection of commissions by physicians from pharmacists, and recommend that it do not pass.

Also, Assembly Bill No. 73—An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April 3, 1876, and recommend that it do not pass.

Also, Assembly Petition No. 2—Relative to voluntary fire departments, and ask to be excused from any further consideration of it.

Also, Assembly Bill No. 18—An Act to repeal section thirteen hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix, with a substitute, and recommend the passage of the substitute.

TERRY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Petition No. 1, relative to amending the Constitution and striking out a portion of section nineteen of article eleven:

Assembly Bill No. 76—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the sale and use of opium and its preparations;

Assembly Bill No. 85—An Act to add a new section to the Penal Code—number five hundred and ninety-three;

Assembly Bill No. 89—An Act to add a new section to the Penal Code of the State of California, to be known as section four hundred and one, in relation to the sale of firearms to minors,

Assembly Bill No. 94—An Act to amend section eight hundred and nine of the Penal Code, relating to the duty of the District Attorney in filing information charging the defendant with the offense for which he has been committed:

Report the same back, and recommend that the petition be referred to the Committee on Constitutional Amendments, and the bills to the Committee on Crimes and Penalties.

TERRY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1883.

MR. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No. 10, proposed amendment to the Constitution of the State of California, amending section nineteen, of article two, of the Constitution of the State, have had the same under consideration, and report the same back to the Assembly, and recommend that it be referred to the Committee on Constitutional Amendments.

Also, Assembly Bill No. 12—An Act to amend section one thousand seven hundred and sixty-four of the Code of Civil Procedure of California, relating to insane and incompetent persons

and the appointment of guardians therefor, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 19—An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix, and recommend that it do pass.

Also, Assembly Bill No. 20—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons not entitled to act as administrator and administratrix of an estate, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 28—An Act to repeal section one thousand two hundred and sixty-two of the Penal Code, and recommend that it be referred to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 34—An Act to amend sections one thousand two hundred and seventy-three, one thousand two hundred and seventy-eight, one thousand two hundred and eighty, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-eight, one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven of the Penal Code, relative to miscellaneous proceedings, and recommend that it be referred to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 35—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eight, relative to the forfeiture of the undertaking of bail or of deposit of money, and recommend that it be referred to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 36—An Act to amend sections three hundred and seventy and three hundred and seventy-one of the Penal Code, and to amend said Penal Code by adding sections three hundred and seventy-one and one half, three hundred and seventy-two, three hundred and seventy-two and one half, and three hundred and seventy-three, relating to public nuisances, and providing for the abatement of the same, and recommend that it be referred to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 40—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure, relating to parties to actions, and the majority recommend that it do not pass.

Also, Assembly Bill No. 44—An Act to amend the Penal Code by adding a new section thereto, to be known as section one hundred and eight, relating to bogus land titles and the purchasing of State or pretended titles for the purpose of instituting suits thereon to prevent stirring up litigation, and recommend that it be referred to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 45—An Act to amend section one thousand nine hundred and forty-six of the Civil Code of California, relating to the hiring of real property, and recommend that it do not pass.

Also, Assembly Bill No. 48—An Act to exempt persons over sixty years of age from jury duty, and for that purpose to amend section two hundred of the Code of Civil Procedure, and recommend that it do not pass.

Also, Assembly Bill No. 49—An Act to amend section one thousand three hundred and sixty of the Civil Code of California, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies, and recommend that it do pass.

Also, Assembly Bill No. 51—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 be referred to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 52—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California, and recommend that it pass.

Also, Assembly Bill No. 53—An Act for the protection of patients from extortion by dishonest physicians and druggists, and recommend that it be referred to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 54—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, and define the writ of prohibition, with an amendment, and recommend its passage as amended.

TERRY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1883.

MR. SPEAKER: The minority of your Committee on Judiciary recommend that Bill No. 40—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure, relating to parties to actions, pass.

TERRY,  
WHARTON,  
RYAN,  
Of Committee.

MR. SPEAKER: Your Judiciary Committee beg leave to report, that on Saturday, January thirteenth, eighteen hundred and eighty-three, they elected Messrs. Jos. Kirk and Byron Ball as clerks of said committee.

TERRY, Chairman.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Farley: An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand six hundred and sixty-six, relating to the assessment of animals and migratory stock.

Referred to Judiciary Committee.

## JOINT RESOLUTION—(OUT OF ORDER).

By Mr. Hollister: In reference to rates of freights and fares on coasting vessels.

Referred to Committee on Federal Relations.

Also, in reference to restoring lands to the Government withdrawn for the benefit of railroads in this State.

Referred to Committee on Federal Relations.

## INTRODUCTION OF BILLS.

By Mr. Leveson: An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law.

Referred to Judiciary Committee.

By Mr. Weaver: An Act to regulate the sale of spirituous or intoxicating liquors, wine, or beer, and other beverages.

Referred to Committee on Public Morals.

Also—An Act to add a new section to the Penal Code, to be known as section two hundred and sixty-eight, relating to seduction.

Referred to Committee on Crimes and Penalties.

By Mr. Granger: An Act empowering Boards of Supervisors within their respective counties, or city and county, to control and regulate the traffic, sale, and retail of liquors containing alcohol, and to require and impose a license upon those engaged in the sale or retail of the same, and to provide against the adulteration of the same.

Referred to Committee on County and Township Government.

By Mr. Caminetti: An Act to amend section three hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to gaming.

Referred to Committee on Public Morals.

Also—An Act to amend section eight hundred and forty-two of an Act to establish a Code of Civil Procedure, in relation to persons who may appear and act as attorneys in Justices' Courts.

Referred to Judiciary Committee.

By Mr. Head: An Act in relation to estray animals, and providing the manner of taking up and appraising the same.

Referred to Judiciary Committee.

By Mr. Johnston: An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales.

Referred to Judiciary Committee.

By Mr. O'Connor: 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 County and Township Governments.

By Mr. Campbell (by request): An Act to amend section two hundred and twenty-four of the Civil Code, in relation to the adoption of children.

Referred to Judiciary Committee.

By Mr. Booth: An Act to provide for compiling, illustrating, electrotyping, and copyrighting a State series of school text-books.

Referred to Committee on Education.

By Mr. Faw: An Act to amend section four thousand three hundred and twenty-eight of the Political Code of the State of California, relating to the payment of the salaries of county officers and Superior Judges.

Referred to Judiciary Committee.

By Mr. Hershey: An Act relating to searchers of records.

Referred to Judiciary Committee.

By Mr. Irwin: An Act to amend section one thousand seven hundred and seventy-three of the Political Code, relating to County Boards of Education and to the examination of applicants for teachers' certificates.

Referred to Committee on Education.

By Mr. Terry: An Act to encourage the destruction of squirrels and gophers in the different counties of the State, and authorize the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Referred to Committee on Agriculture.

By Mr. Cutter: An Act to ascertain the sum due all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars.

Referred to Committee on Claims.

By Mr. Briceland: An Act to amend section two thousand six hundred and sixty-three of the Political Code, relating to road tax.

Referred to Committee on County and Township Governments.

Mr. Hughes moved a reconsideration of the vote whereby the concurrent resolution introduced by Mr. Bibb on Monday was adopted (as per notice).

Mr. Cutter arose to a point of order; his point of order being that as the resolution had been adopted and transmitted to the Senate, and out of the jurisdiction of the House, the motion was out of order. The Speaker ruled the point of order well taken.

#### RESOLUTION.

By Mr. Hughes:

Resolution, requesting the Senate to return to the House Assembly Concurrent Resolution No. 8, relative to appointing a Special Court to investigate the charges set forth in the memorial of the San Francisco Chamber of Commerce, Board of Trade, and Ship Owners' Association.

The ayes and noes being demanded by the requisite number, the resolution was adopted by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Doty, Farley, Faw, Field,

Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Stephens, Storke, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—64.

Noss—Messrs. Callaghan, Coombs, Cutter, Fleming, Fortna, Nicol, and Yell—7.

Mr. Hughes moved that the Clerk notify the Senate of the action of the House.

So ordered.

#### SECOND READING OF BILLS.

Assembly Bill No. 7—An Act to repeal section one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardians of minors, and to add one new section to said Code, relating to guardians of minors, to be numbered section one thousand seven hundred and fifty-one.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 8—An Act to repeal section one thousand seven hundred and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to powers and duties of guardians, and to add one new section to said Code, relating to the powers and duties of guardians, to be numbered one thousand seven hundred and seventy-four.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Bill read second time, and ordered engrossed and to third reading.

Assembly Bill No. 32—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Mr. Levison moved to postpone further consideration of the bill until the Judiciary Committee report on Assembly Bill No. 31.

So ordered.

#### RESOLUTIONS.

By Mr. Terry:

*Resolved*, That the Sergeant-at-Arms be authorized to employ an additional Porter to wait on committees, at a per diem of three dollars.

Referred to Committee on Attachés and Employés.

By Mr. Storke:

*Resolved*, That the Sergeant-at-Arms be and is hereby allowed a Page, at a per diem of three dollars, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Sinon:

*Resolved*, That the per diem of the clerk to the Sergeant-at-Arms commence from the time that the per diem of the temporary clerk to the Sergeant-at-Arms ended.

Referred to Committee on Attachés and Employés.

## ADJOURNMENT.

At three o'clock and ten minutes, on motion of Mr. Johnston, the Assembly adjourned.

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 IN ASSEMBLY.

ASSEMBLY CHAMBER, }  
 Thursday, January 18, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Foitna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Rowland, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal, Mr. Irwin moved to dispense with further reading of the minutes.

So ordered.

Messrs. Clark, Ryan, Smith, Hershey, and Yell requested that a correction be made in to-day's minutes, so that they will appear as having introduced petitions in reference to "local option," instead of "non-repeal of Sunday law."

Journal approved as corrected.

Mr. Hershey requested a correction made in to-day's file so that Bills Nos. 177, 178, 179, 180, 181, and 182 be referred to Committee on Claims instead of Judiciary Committee.

The Committee on State Hospitals and Mr. Hughes were granted one day's leave of absence, and Mr. Moffitt for the balance of the week.

Mr. Terry was excused from further service on the Committee on Federal Relations.

## NOTICE OF A RECONSIDERATION.

Mr. Storke gave notice that he would introduce a motion to reconsider the vote whereby Rule Thirty-seven of this House was adopted.

## SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, January 17, 1883.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7—Relative to the State Engineer devising a permanent plan for the disposition of the sewerage of the Deaf, Dumb, and Blind Asylum, and State University, in Alameda County.

J. J. McCARTHY, Assistant Secretary.

Also:

I am directed to inform your honorable body that the Senate on this day acceded to the request of the Assembly, and hereby return Assembly Concurrent Resolution No. 8.

A. T. VOGELSANG, Assistant Secretary.

#### PETITIONS.

By Mr. Yell:

For a law exempting firemen from the payment of poll and road tax and jury duty, and providing that after a period of five years active service they have the rights and privileges of exempt firemen.

Referred to Judiciary Committee.

#### REPORTS OF COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1883.

MR. SPEAKER: Your Committee, on Commerce and Navigation, to whom was referred Assembly Bill No. 33—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 March 23, 1880, have had the same under consideration, and now report the same back and recommend its passage.

COLEMAN, Chairman.

Referred to Committee on Commerce and Navigation.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 13—An Act to amend sections six hundred and twenty-six, six hundred and twenty-eight, and six hundred and thirty of the Penal Code of California, relating to the preservation of fish and game, and to provide for the preservation of wild game and fish, have had the same under consideration, and now report the same back, and recommend that action be deferred until a "County Government Bill" is reported to this House.

Also, Assembly Bill No. 39—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the use of poisonous or explosive substances in fishing, and the placing or passing into the waters of this State deleterious matter, and recommend that it do pass.

Also, Assembly Bill No. 90—An Act to repeal sections six hundred and twenty-six, six hundred and twenty-seven, six hundred and twenty-eight, six hundred and twenty-nine, and six hundred and thirty-one of the Penal Code of the State of California, relating to the taking or killing of game, and recommend that it do not pass.

Also, Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one of the Penal Code of the State of California, relating to the question of game and fish, with amendment by striking out the word "one" in section one, and inserting in lieu thereof the word "three," and recommend that it do pass as amended.

MOFFITT, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 17—An Act to establish and support a Bureau of Labor Statistics—and Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics in and for the State of California—have had the same under consideration, and now report the same back with a substitute, and recommend the passage of the substitute.

WM. M. CUTTER, Chairman.

Referred to Committee on Labor and Capital.

#### REPORT OF COMMITTEE ON CHINESE IMMIGRATION AND EMIGRATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1883.

MR. SPEAKER: Your Committee on Chinese Immigration, to whom was referred Assembly Concurrent Resolution No. 1—Relative to restricting Chinese immigration, and its construction by officers of the General Government—have had the same under consideration, and now report the same back, and recommend its passage.

C. S. STEPHENS, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1883.

MR. SPEAKER. Your Committee on Chinese Emigration and Immigration, to whom was referred Assembly Concurrent Resolution No. 9—Relating to certain treaties existing between the Government of the United States and the Empire of China—respectfully report that they have had the same under consideration, and now report the same back, and recommend its reference to the Judiciary Committee.

C. S. STEPHENS, Chairman.

Referred to Committee on Judiciary.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1883.

MR. SPEAKER. Your Committee on Attachés and Employés have considered the resolution of Mr. Storke relative to the compensation of Assistant Minute Clerk, of date January fifteenth, eighteen hundred and eighty-three, and recommend the adoption thereof.

FIELD, Chairman.

Adopted.

#### INTRODUCTION OF BILLS.

By Mr. Campbell: An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California, relating to the salaries of Judges of the Superior Courts, and to fix salaries thereof.

Referred to Judiciary Committee.

Also—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered twenty-two, to correct errors and omissions in the several Codes and laws of the State of California, giving the names of Courts and the Judges thereof.

Referred to Judiciary Committee.

By Mr. Lewison: An Act to amend section eight hundred and eighty-two of the Penal Code, in relation to witnesses conditionally examined to give security.

Referred to Committee on Crimes and Penalties.

By Mr. Irwin: An Act amendatory of and supplemental to "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 public lands," approved March 2, 1867, approved March 30, 1868.

Referred to Judiciary Committee.

By Mr. Wheelan: An Act to compel savings and loan corporations to dispose of the real estate acquired by foreclosure.

Referred to Judiciary Committee.

By Mr. Simon: An Act entitled "An Act to authorize and direct the State Board of Harbor Commissioners to construct culverts on the water front line or seawall of the City and County of San Francisco, wherever necessary to carry off stagnant water or nuisances created, or which may be created, by the construction of said water front line or seawall."

Referred to Committee on Commerce and Navigation.

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

Referred to Committee on Claims.

By Mr. Barry: An Act to repeal section sixty-three 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 16, 1880, relating to the appointment of receivers in insolvency proceedings.

Referred to Judiciary Committee.

COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 151, "An Act making an appropriation for the support of the State Printing office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three."

Speaker Larue in the chair.

Mr. Johnston moved to amend the bill by adding after the word "appropriated," in the third line, the words "for the payment of the deficiency in the appropriation;" and by striking out in the third line the words "in the payment," all of the fourth line and the words "incidental expenses" in the fifth line.

Adopted.

Mr. Johnston moved to amend the title of the bill to conform to the amendment so as it would read, "An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three."

Adopted.

Mr. Campbell moved that the committee now rise, and report its action to the House, and request that the bill be referred to the Committee on Ways and Means.

Mr. Cutter moved as an amendment, that the committee now rise and report the bill as amended back to the House and recommend it do pass.

So ordered.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Committee of the Whole report back Assembly Bill No. 151, and recommend that it do pass.

Mr. Cutter moved that the rules be suspended, and Assembly Bill No. 151, as amended, be read first time.

So ordered by a unanimous vote.

FIRST READING OF BILLS.

Assembly Bill No. 151—An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

Read first time and ordered to second reading.

Mr. Cutter moved that Assembly Bill No. 151 be declared a bill of urgency, and read a second time.

The ayes and noes being demanded, it was so ordered by the following vote :

**AYES**—Messrs. Barnes, Beard, Bibb, Booth, Bowers, Briceland, Caminetti, Carter, Clark, Coleman, Coombs, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawie, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Wharton, Wheelan, and Mr. Speaker—55.

**NOES**—Messrs. Barry, Brown, Callaghan, Campbell, Clement, Field, Hall, Healy, Heath, Hershey, Johnston, Martin, Matthews, Terry, Weaver, Wheat, and Yell—17.

#### SECOND READING OF BILLS.

Assembly Bill No. 151—An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

Read second time, and ordered to engrossment and third reading.

#### FIRST READING OF BILLS.

Assembly Bill No. 12—An Act to amend section seventeen hundred and sixty-four of the Code of Civil Procedure, relating to insane and incompetent persons, and appointment of guardians therefor.

Read first time as amended, and ordered to second reading.

Assembly Bill No. 18—An Act to repeal section thirteen hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Substitute read first time, and ordered to second reading.

Assembly Bill No. 19—An Act to repeal section thirteen hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix.

Read first time, and ordered to second reading.

Assembly Bill No. 20—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons not entitled to act as administrator and administratrix of an estate.

Read first time as amended, and ordered to second reading.

#### RESOLUTION—(OUT OF ORDER).

*Resolved*, That the Committee on Public Buildings and Grounds be allowed leave of absence in order to visit the public institutions of the State within their province; to report upon the condition of the same, and what is necessary to further their usefulness and efficiency, and whether additional improvements are necessary.

PLOVER, Chairman.

Adopted.

#### BILLS—(OUT OF ORDER).

By Mr. Farley: An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison.

Referred to Committee on Claims.

#### PETITION—(OUT OF ORDER).

By Mr. Fortna: In relation to local option.

Referred to Committee on Public Morals.

## COMMUNICATION FROM THE SECRETARY OF STATE.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
SACRAMENTO, January 18, 1883. }

To the honorable Speaker and Members of the Assembly:

SIRS: In regard to the Assembly Resolution of January thirteenth, authorizing the Secretary of State to furnish members with cane-bottomed chairs, we beg leave to report that there is no fund applicable sufficient, or appropriation out of which the required purchases can be made.

Very respectfully.

THOS. L. THOMPSON, Secretary of State.  
By ARTHUR SHATTUCK, Deputy.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Matthews: Relative to forfeiture of lands granted to railroads and their restoration to the public domain.  
Referred to Committee on Federal Relations.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Cutter:

WHEREAS, By section seventeen of article twenty of the Constitution, eight hours is made the limit of a legal day's labor on public work, and whereas, the employment of but two Watchmen for the twenty-four hours by the Assembly is in direct violation of said article; therefore,  
*Resolved*, That Captain J. S. O'Brien be appointed additional Watchman at a per diem of four dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.  
By Mr. Matthews (by request):

*Resolved*, That the State Controller is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms for the sum of twelve dollars and fifty cents, for the purchase of a table and other utensils required at the Clerk's desk, said amount to be paid out of the Contingent Fund of the Assembly.

Adopted.

## BILLS—(OUT OF ORDER).

By Mr. Caminetti: An Act to repeal sections one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine, one thousand nine hundred, one thousand nine hundred and one, and one thousand nine hundred and two of an Act entitled "An Act to establish a Political Code," providing for District or County Assessors to report names of citizens subject to military duty, to pay for such services, and action thereon by proper officers, and to substitute in place thereof a new section, to be numbered one thousand eight hundred and ninety-seven, providing for the enrollment of the inhabitants of the State subject to military duty.

Referred to Committee on Military Affairs.

By Mr. Rawle: An Act to provide for the appointment of prosecuting attorneys for Police Judges' Courts in all consolidated city and county governments.

Referred to Judiciary Committee.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti: Concerning litigation to determine the title to Mussel Slough lands in Tulare and Fresno Counties, California.  
Referred to Committee on Federal Relations.

## ADJOURNMENT.

At eleven o'clock and fifteen minutes A. M., Mr. Hollister moved that the House take a recess till two o'clock P. M., this day.

Mr. Yell moved as an amendment, that the House do now adjourn.

The ayes and noes were demanded.

The roll was called, and the amendment to adjourn was carried by the following vote:

AYES—Messrs. Booth, Caminetti, Carter, Coleman, Farley, Faw, Fleming, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hunter, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Plover, Smith, Sweetland, Walrath, Wharton, Wheelan, and Yell—36.

NOES—Messrs. Barnes, Barry, Beard, Bibb, Bowers, Brown, Callaghan, Campbell, Clement, Coombs, Cutter, Doty, Field, Flynn, Fortna, Gaussail, Irwin, Johnston, Martin, McHale, O'Connor, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wheat, and Mr. Speaker—35.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, January 19, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Rowland, Ryan, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Hughes had his leave of absence extended one day.

Pending the reading of the Journal, on motion of Mr. Wharton, further reading was dispensed with.

Journal approved as corrected.

Prayer by the Chaplain.

## PETITIONS.

By Mr. Bowers: In relation to the regulation, manufacture, and sale of oleomargarine.

Referred to Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER: Your Committee on Ways and Means respectfully report that they have had under consideration Assembly Bill No. 74—An Act to pay the claims of the heirs of E. G. Jefferis, late State Printing Expert, and return the same with a recommendation that it be referred to the Committee on Claims.

CAMPBELL, Chairman.

So ordered.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 82—An Act to pay the claim of James Saultrey, have had the same under consideration, and now report the same back, and recommend its passage.

GRANGER, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Public Morals would respectfully report that on Monday, January fifteenth, eighteen hundred and eighty-three, they selected and duly appointed Mrs. W. C. Anderson, of El Dorado County, as clerk of said committee, and that she is engaged in overhauling, classifying, and numbering the numerous petitions referred to said committee on the repeal of the Sunday law, local option, and prohibition.

HAMILTON, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a number of resolutions relative to the employment of committee clerks, including one by Coleman, one by Sweetland, one by Granger, one by Yell, one by Hunter, one by Nicol, and two by Cutter, have had the same under consideration, and now report the same back, deeming that no action upon them is necessary, as they have been rendered null and void by the adoption of a resolution introduced by Mr. Cutter subsequently on January fifteenth, eighteen hundred and eighty-three.

FIELD, Chairman.

Adopted.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a resolution introduced by Mr. Cutter in relation to the "appointment of an additional Watchman," have had the same under consideration, and now report the same back, and recommend that it be not adopted.

Also, A resolution introduced by Mr. Storke relative to the "appointing of a Page to the Sergeant-at-Arms," have had the same under consideration, and now report the same back and recommend that it be not adopted.

FIELD, Chairman.

On motion of Mr. Cutter, the report was considered seriatim.

The ayes and noes being demanded on the adoption of the report, it was rejected by the following vote:

AYES—Messrs. Barry, Beard, Callaghan, Campbell, Clark, Clement, Coleman, Farley, Faw, Field, Harvey, Heath, Hollister, Hunter, Irwin, Johnston, McClaskey, McKinley, Nicol, Parker, Storke, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—26.

NOES—Messrs. Barnes, Bibb, Booth, Bowers, Brown, Caminetti, Carter, Coombs, Cutter, Doty, Fleming, Fortna, Granger, Hall, Hamilton, Healy, Hershey, Keeler, Kerrick, Leverson, Matthews, McDonald, McHale, Murdock, Murphy, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Smith, Stephens, Sweetland, Terry, Townsend, Weaver, and Wheelan—39.

Mr. Farley moved to strike out Captain O'Brien's name in the resolution.

Lost.

The question then recurring on the adoption of the resolution by Mr. Cutter, the ayes and noes being demanded, the resolution was adopted by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Bowers, Brown, Caminetti, Carter, Clark, Clement, Coleman, Coombs, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Healy, Hershey, Kerrick, Matthews, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Smith, Stephens, Stewart, Terry, Townsend, Weaver, and Wheelan—44.

NOES—Messrs. Barry, Beard, Campbell, Faw, Field, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, McClaskey, Nicol, Plover, Sinon, Storke, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—23.

## REPORT OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a resolution, introduced by Mr. Johnston, relative to the paying A. T. Parsons four days' pay at three dollars per day,

Also, A resolution, introduced by Mr. Terry, relative to the "appointment of a Porter to the Sergeant-at-Arms to wait on the various committees;"

Also, A resolution, introduced by Mr. Simon, relative to the "pay of the Clerk to the Sergeant-at-Arms," fixing time, etc., have had the same under consideration, and now report the same back, and recommend that they be adopted.

FIELD, Chairman.

Adopted.

The Committee on Roads and Highways was granted ten days' time in which to report.

## INTRODUCTION OF BILLS.

By Mr. Brown: An Act to add a new section to the Penal Code, to be known as section four hundred and two, relative to the practice of dentistry.

Referred to Judiciary Committee.

Also—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Referred to Judiciary Committee.

By Mr. Simon: An Act to amend section eighty-six of part one, title one, chapter five, article one, of the Code of Civil Procedure, relating to Justices' Clerks.

Referred to Judiciary Committee.

By Mr. Wharton: An Act to add a new section to the Civil Code, to be known as section six hundred and three, authorizing and providing for the incorporation of dioceses, assembly, and conference districts of a church, religious denomination, or society.

Referred to Judiciary Committee.

By Mr. Heath: An Act to provide for the classification of municipal corporations.

Referred to Committee on Municipal Corporations.

By Mr. Bibb: An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Referred to Judiciary Committee.

Also—An Act to regulate street railroads in cities and towns of the State of California.

Referred to Committee on Corporations.

Also—An Act to amend an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880.

Referred to Committee on State Prisons.

By Mr. Plover: An Act to appropriate money for construction of sidewalks around the State Capitol grounds.

Referred to Committee on Public Buildings and Grounds.

By Mr. McDonald: An Act to amend sections seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, and seven hundred and eighty-one of the Political Code of the State of California, in relation to printing the reports of the Supreme Court of the State, and to repeal section seven hundred and eighty-two of the same Code.

Referred to Judiciary Committee.

By Mr. Irwin: An Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations in the office of County Clerk certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certificates showing the names and places of residence of certain officers of any such corporation.

Referred to Judiciary Committee.

By Mr. Reeves: An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Referred to Committee on Irrigation.

By Mr. Fleming: An Act supplemental and amendatory to an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March 30, 1878 (Statutes 1877-8, page 747, and amended April 12, 1880), and giving a lien to loggers, laborers, and persons employed in cutting, hauling, and driving logs, and to laborers employed in and about sawmills, in manufacturing lumber, a lien upon the lumber manufactured by their labor.

Referred to Judiciary Committee.

By Mr. Booth: An Act to facilitate the giving of bonds required by law.

Referred to Judiciary Committee.

By Mr. Bowers: An Act to add a new section to the Penal Code, to be known as section one hundred and twelve, relating to the commitment of convicts tried for offenses committed in the State Prison.

Referred to Committee on Crimes and Penalties.

By Mr. Walrath: An Act to prevent the payment of fraudulent or duplicate warrants by County Treasurers.

Referred to Judiciary Committee.

By Mr. Field: An Act to amend section four thousand four hundred and forty-five of the Political Code of the State of California, in relation to funding and refunding of city indebtedness.

Referred to Judiciary Committee.

By Mr. Yell (by request): An Act to carry into effect section eighteen, article eleven, of the Constitution.

Referred to Committee on Constitutional Amendments.

By Mr. Caminetti: An Act to provide for the organization, incorporation, and government of municipal corporations.

Referred to Committee on Municipal Corporations.

By Mr. Barry: An Act to appropriate money for the support of aged and indigent persons residing in the Home of the Veterans' Home Association.

Referred to Committee on Ways and Means.

Also—An Act to amend sections three thousand four hundred and seventy-eight and three thousand four hundred and seventy-nine, article two, chapter one, title eight, part three, of the Political Code, relating to the reorganization of swamp land reclamation districts and the payment of the indebtedness of said districts.

Referred to Committee on Overflowed Lands.

By Mr. Campbell: An Act making appropriations to pay deficiencies in the appropriations for the support of the Government for the thirty-fourth fiscal year.

Referred to Committee on Ways and Means.

By Mr. Coleman: An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

Referred to Judiciary Committee.

By Mr. Cary: An Act to amend section one thousand three hundred and thirteen of the Civil Code of California, in relation to bequests or devises of real or personal property to charitable or benevolent societies or corporations, or to any person or persons, in trust for charitable uses.

Referred to Judiciary Committee.

CONCURRENT RESOLUTIONS—(OUT OF ORDER).

By Mr. Farley: In relation to proposed amendment to the Constitution to amend section twelve of article thirteen thereof.

Referred to Committee on Constitutional Amendments.

By Mr. Murdock: In relation to the appointment of Captain John Mullan of San Francisco, agent and attorney to represent the State of California at Washington, and providing for his compensation.

Referred to Committee on Federal Relations.

RESOLUTIONS—(OUT OF ORDER).

By Mr. McClaskey :

*Resolved*, That the name of S. L. Terry be added to the Committee on Crimes and Penalties.

Referred to the Committee on Rules and Regulations.

By Mr. Wharton :

*Resolved*, That the Controller of this State be authorized to draw warrants in favor of the various members of this House, for the sum shown by the report of the Committee on Mileage to be due said members for mileage, and that the Treasurer pay the same from the General Fund.

Adopted.

By Mr. Levenson :

*Resolved*, That for the purpose of facilitating the business of the House, and to give committees time and opportunity to meet, no more recess shall be taken, but the House shall continue in session until one o'clock and thirty minutes p. m., unless otherwise ordered by the House.

Referred to Committee on Rules and Regulations.

By Mr. Campbell :

*Resolved*, That Mr. Terry be excused from serving on the Committee on Federal Relations, and that Mr. Bibb be appointed a member of said committee to fill the vacancy.

Adopted.

The Committee on Commerce and Navigation was granted ten days in which to report.

REPORT OF STANDING COMMITTEES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Elections, to whom was referred certain packages and documents concerning certain contests for seats on the floor of this Assembly, hereby report that they have had and still have said matter under investigation, and are not yet able to make a final report; therefore, your committee ask for an extension of time.

In the case of *E. C. Dozier vs. D. G. Barnes*, a contest for a seat in this Assembly from Solano County, your committee find as follows: That the manuscript testimony taken in said contest covers some fifteen hundred legal cap pages, and was taken, not only as the testimony in the said matter, but as the testimony in a contest now pending in the Senate for a seat therein from said Solano County; that said testimony is a long-hand transcript of a stenographic reporter's notes, and that a like transcript from the same notes was returned to the Senate in the matter of the aforesaid contest there pending, and which the Senate has ordered printed. Your committee further find, that at a cost of fifty-six (\$56) dollars, this Assembly can procure two hundred and forty copies of the printed edition of said testimony, and it is the opinion of the committee, that as a matter of economy and convenience, it is advisable to do so; therefore, Mr Speaker, your Committee on Elections recommend the adoption of the following resolution:

*Resolved*, That the State Printer furnish to this Assembly, for the use of its members, two hundred and forty (240) copies of the printed testimony in the case of *Buck vs. Dudley*, printed by order of the Senate.

PARKER, Chairman.

Adopted.

Mr. Sinon called up Mr. Hughes' notice of a reconsideration of the vote whereby the House resolved to appoint a special committee, as per resolution by Mr. Bibb.

So ordered.

The question being then on the adoption of the original resolution, it was lost.

The concurrent resolution by Mr. Bibb, embodying the memorial of the San Francisco Chamber of Commerce, San Francisco Board of Trade, and Ship Owners' Association, was referred to Committee on Commerce and Navigation.

#### REPORT OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined the following Assembly Bills and find them correctly engrossed:

Substitute for Assembly Bill No. 7—An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure, relating to guardians of minors.

Substitute for Assembly Bill No. 8—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to the powers and duties of guardians.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Assembly Bill No. 151—An Act making appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

CALLAGHAN, Chairman.

#### FIRST READING OF BILLS.

Assembly Bill No. 23—An Act to supply and correct omissions by Boards of Supervisors in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections.

Read first time and ordered to second reading.

Assembly Bill No. 40—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure, relating to parties to actions.

Mr. Cutter moved that the bill be read first time.

Mr. Brown moved the previous question.

Lost.

Mr. McClaskey, at eleven o'clock and fifty-five minutes, moved that the House take a recess till two o'clock p. m. this day.

Lost.

Mr. Terry moved the previous question on the adoption of Mr. Cutter's motion to read Assembly Bill No. 40.

So ordered.

The ayes and noes being demanded on the motion to read Assembly Bill No. 40, it was so ordered by the following vote :

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Keirick, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—65.

NOES—Messrs. Farley and Lewison—2.

The bill was then read first time, and ordered to second reading.

RECESS.

At twelve o'clock and twenty minutes, on motion of Mr. Terry, the House took a recess till two o'clock P. M. this day.

REASSEMBLED.

House reassembled at two o'clock P. M.

Speaker Larue in the chair.

Quorum present.

FIRST READING OF BILLS.

Assembly Bill No. 45—An Act to amend section one thousand nine hundred and forty-six of the Civil Code of California, relating to the hiring of real property.

Refused first reading.

Assembly Bill No. 48—An Act to exempt persons over sixty years of age from jury duty, and for that purpose to amend section two hundred of the Code of Civil Procedure.

Refused first reading.

Assembly Bill No. 49—An Act to amend section one thousand three hundred and sixty of the Civil Code of California, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies.

Read first time, and ordered to second reading.

Assembly Bill No. 52—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California.

Read first time, and ordered to second reading.

Assembly Bill No. 54—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure and define the writ of prohibition.

Read first time, and ordered to second reading as amended.

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in 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 first time, and ordered to second reading.

Assembly Bill No. 57—An Act to make the furnisher of intoxicating liquors responsible for damages.

Read first time, and ordered to second reading.

Assembly Bill No. 58—An Act to add a new section to the Penal

Code, to be known as section forty [2], to prevent the sale of adulterated milk.

Read first time, and ordered to second reading.

Assembly Bill No. 59—An Act to regulate the selling or buying stock on margin or to be delivered at a future day.

Refused first reading.

Assembly Bill No. 60—An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California, in relation to the larceny of certain animals.

Read first time as amended, and ordered to second reading.

Assembly Bill No. 61—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, and provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts.

Read first time, and ordered to second reading as amended.

Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind.

Read first time, and ordered to second reading.

Assembly Bill No. 68—An Act to prevent the collection of commissions by physicians from pharmacists.

Read first time, and ordered to second reading.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April 3, 1876.

Withdrawn.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Also, Senate Bill No. 16—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 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Also, Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Also, Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

EDWIN F. SMITH, Secretary.  
By A. T. VOGELSANG, Assistant.

#### FIRST READING OF BILLS—(CONTINUED).

Assembly Bill No. 17—An Act to establish and support a Bureau of Labor Statistics.

Read first time, and ordered to second reading.

Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics in and for the State of California.

Read first time, and ordered to second reading.

Mr. Irwin moved the substitute be printed.

So ordered.

Assembly Bill No. 29—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the use of poisonous or explosive substances in fishing, and the placing or passing into the waters of this State deleterious matter.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 1, by Mr. Caminetti—Relative to the law restricting Chinese immigration, and its construction by officers of the General Government.

Adopted by the following vote:

Ayrs—Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Fauley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Heath, Heishey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—62.

Assembly Bill No. 33—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 sea-wall,” approved March 23, 1880.

Read first time, and ordered to second reading.

Assembly Bill No. 90—An Act to repeal sections six hundred and twenty-six, six hundred and twenty-seven, six hundred and twenty-eight, six hundred and twenty-nine, and six hundred and thirty-one, of the Penal Code of the State of California, relating to the taking or killing of game.

Refused first reading.

Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one, of the Penal Code of the State of California, relating to the question of game and fish.

Read first time, and ordered to second reading as amended.

#### SECOND READING OF BILLS.

Assembly Bill No. 12—An Act to amend section one thousand seven hundred and sixty-four of the Code of Civil Procedure of California, relating to insane and incompetent persons and the appointment of guardians therefor.

Read second time, and ordered to third reading and engrossment as amended.

Assembly 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.

Bill and substitute read second time, substitute rejected, bill ordered to third reading and engrossment.

Assembly Bill No. 19—An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix.

Read second time, and ordered to third reading and engrossment.

Assembly Bill No. 20—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons not entitled to act as administrator and administratrix of an estate.

Read second time as amended, and ordered to third reading and engrossment.

The Committee on State Hospitals was granted one day's further leave of absence.

## REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 26—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty-nine, abrogating the distinction between the force and effect of verdicts in cases of equity and actions at law—have had the same under consideration, and now report the same back and recommend its passage.

Also, Assembly Bill No. 31—An Act to prevent the spreading of fruit tree pests and diseases, and to provide for their extirpation, with reference to its constitutionality, and report the same as being constitutional.

Also, Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations, and recommend that it pass.

Also, Assembly Bill No. 81—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, and recommend its passage.

Also, Assembly Bill No. 84—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sale, and recommend its passage.

Also, Assembly Bill No. 86—An Act to amend section one thousand two hundred and sixty-three, Civil Code, by adding subdivision five, and recommend that it do not pass.

Also, Assembly Bill No. 88—An Act to repeal sections five hundred and forty-nine and five hundred and eighty-nine of the Code of Civil Procedure, and recommend that it do not pass.

Also, Assembly Bill No. 97—An Act to amend section four hundred and thirteen of the Code of Civil Procedure of the State of California, relating to publication of summons and service thereof, and recommend that it do not pass.

Also, Assembly Bill No. 98—An Act for the relief of persons whose lands have been sold to the State for taxes, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 99—An Act to amend section seventy-eight of the Civil Code, relating to the establishing the validity of marriage, and recommend its passage.

Also, Assembly Bill No. 102—An Act to amend section one thousand one hundred and ninety of the Code of Civil Procedure, relating to the enforcement of mechanics' liens, and recommend that it do not pass.

TERRY, Chairman.

## CONCURRENT RESOLUTION.

By Mr. Murdock: In relation to the working days of the Legislature.

Referred to Judiciary Committee.

## REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 72, have considered the same, and report it back, and respectfully recommend its passage.

Also, Assembly Bill No. 153—Have considered the same, and report it back, with the recommendation that it pass as amended by the committee.

Also, Assembly Bill No. 140—Have had the same under consideration, and report it back, with the recommendation that it do pass.

DOTY, Chairman.

## REPORT OF MINORITY.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: The undersigned, constituting a minority of your Committee on Agriculture, beg leave to report that they respectfully dissent from the opinions expressed by a majority of said committee in relation to Assembly Bill No. 153, and respectfully recommend that it do not pass.

MARTIN,  
RHEIL,

Minority of Committee.

## PETITIONS—(OUT OF ORDER).

From Messrs. Ryan and Murdock, advocating the passage of the bill for the regulation of the manufacture of oleomargarine.

Referred to Committee on Agriculture.

By Messrs. Caminetti, Stewart, and Heath, in reference to non-repeal of temperance laws, local option, and prohibition constitutional amendments.

Referred to Committee on Public Morals.

By Mr. Sinon: Petition of Daniel McNeil for relief for damages sustained.

Referred to Committee on Claims.

Mr. Storke called up his motion to repeal Rule Thirty-seven of this House.

So ordered.

On motion of Mr. Storke Rule Thirty-seven of this House was repealed.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Storke: An Act to provide for the organization, incorporation, and government of municipal corporations.

Referred to Committee on Municipal Corporations.

By Mr. Granger: An Act to amend section one thousand one hundred and one of an Act to establish a Penal Code, approved February 14, 1872, relating to the effect of a discharge of one of several defendants from an indictment.

Referred to Judiciary Committee.

By Mr. Levenson: An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April 3, 1878.

Referred to Judiciary Committee.

By Mr. Sinon: An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Referred to Committee on Claims.

By Mr. McClaskey: An Act entitled an Act relating to unapproved swamp land surveys.

Referred to Committee on Swamp and Overflowed Lands.

#### PROPOSED CONSTITUTIONAL AMENDMENTS.

By Mr. Levenson :

- Amendment one to section one of article four.
- Amendment two to section twenty-five of article six.
- Amendment three to section twenty-six.
- Amendment four to section twenty-seven.
- Amendment five to section twenty-eight.
- Amendment six to article seven.
- Amendment seven to section nine of article nine.
- Amendment eight to section seven of article eleven.
- Amendment nine to section nineteen.
- Amendment ten to article thirteen.
- Amendment eleven to section one of article eighteen.
- Amendment twelve to section two.

Referred to Committee on Constitution.

#### REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1883.

MR. SPEAKER: Your Committee on Mileage, in computing the amount due members of the Assembly for mileage, find on examination that an error occurred in the amount justly due the Honorable Peter Peterson, of Siskiyou County. In our report we gave him credit for

seven hundred miles at ten cents per mile, amounting to seventy dollars. We find, after careful investigation of the same, that he is entitled and should receive credit for eight hundred and sixty-two miles at ten cents per mile, amounting to eighty-six dollars and twenty cents, leaving a balance due to him of sixteen dollars and twenty cents. We therefore recommend the adoption of the following resolution:

*Resolved*, That the Controller be ordered to draw a warrant in favor said Peter Peterson for the sum of sixteen dollars and twenty cents, and that the Treasurer pay the same from the moneys appropriated to the General Fund for per diem and mileage of Assemblymen for the thirty-fourth fiscal year.

JAS. J. FLYNN,  
T. K. FLEMING,  
G. W. W. CARTER,  
Committee.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Doty:

*Resolved*, That the Speaker add two more members to the Committee on State Prisons, as the Senate Committee on State Prisons is composed of nine members.

Laid over one day according to rules.

By Mr. Storke:

*Resolved*, That the Controller be and is hereby authorized to draw his warrant in favor of John Toomey for the sum of fifty (\$50) dollars, the amount assumed by the Assembly Joint Committee on Inauguration, to be paid out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Sinon:

*Resolved*, That the Sergeant-at-Arms be instructed to receive and receipt to the Controller for all warrants due officers, clerks, and attachés of the Assembly for their per diem.

Adopted.

By Mr. Wharton:

WHEREAS, The Senate has, by resolution, directed the Secretary of State to purchase forty sets of the Codes, published by Sumner Whitney & Company, at fifteen dollars per set, and whereas, the above mentioned firm had offered to furnish the Assembly with eighty sets for the sum of five hundred dollars; therefore, be it

*Resolved*, That the Secretary of State be directed to order eighty sets for the use of the Assembly, and that one hundred and fifty dollars be hereby appropriated out of the Contingent Fund of the Assembly for the additional cost.

Adopted.

#### SENATE CONCURRENT RESOLUTION.

Senate Concurrent Resolution No. 7—Relative to the State Engineer devising a permanent plan for the disposition of the sewerage of the Deaf, Dumb, and Blind Asylum and State University, in Alameda County, was adopted by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Brown, Callaghan, Carter, Clark, Clement, Coleman, Crumpton, Culver, Doty, Failey, Faw, Flynn, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, O'Connor, Peterson, Plover, Rawle, Reeves, Rhuel, Rowland, Ryan, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—50.

NOES—None.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations, have had the

same under consideration, and now report the same back and recommend the passage of the following substitute: An Act to amend section five hundred and five of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to street railroad corporations.

THOMAS F. BARRY, Chairman.

### THIRD READING OF BILLS.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Read third time, and passed by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Flynn, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—62.

Assembly Bill No. 151—An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

Read third time, and passed by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Brown, Caminetti, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—65.

NOES—Mr. Yell—1.

### ADJOURNMENT.

At four o'clock and five minutes, on motion of Mr. Wharton, the House adjourned.

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### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, January 20, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Pending the reading of the Journal, Mr. Hollister moved to dispense with further reading.

So ordered.

Journal approved as corrected.

#### PETITIONS.

By Mr. Granger: For non-repeal of temperance laws, for local option, and for prohibition Constitutional amendment.

Referred to Committee on Public Morals.

#### REPORTS OF COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 107—An Act to allow the appointment of an Inspector of Weights, Measures, and Merchandise in cities of one hundred thousand inhabitants and upwards, have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Municipal Corporations.

JOHNSTON, Chairman.

Referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 15—"An Act to provide for the government of unincorporated towns in this State," have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Municipal Corporations.

JOHNSTON, Chairman.

Referred to Committee on Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Water Rights and Drainage, to whom was referred Assembly Bill No. 105—An Act to provide for the appropriation by the State of the waters of all rivers, lakes, and flowing streams, other than navigable waters, for the purposes of irrigation, mining, etc.—report back the same, and recommend that it do not pass.

MATTHEWS, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 50—An Act entitled "An Act to add one new section to the Penal Code," relating to deaths in hotels, inns, boarding or lodging houses, by asphyxia, to be numbered four hundred and one—have had the same under consideration, and recommend that the same be referred to Assembly Committee on Crimes and Penalties.

Referred.

Also, Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter—have had the same under consideration, and recommend its passage.

PLOVER, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 43—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 41—An Act to amend article nine of the Constitution of the State of California, and recommend that it be referred to the Committee on Constitutional Amendments.

STORKE, Chairman.

Referred.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code of the State of California, relating to the observance of the Christian Sabbath;

Also, Assembly Bill No. 69—An Act to amend the provisions of the Penal Code regarding gaming;

Also, Assembly Bill No. 95—An Act to amend section three hundred and thirty of the Penal Code, relating to gaming;

Also, Assembly Bill No. 110—An Act to restrict gambling and to repeal all other Acts in relation thereto;

Have had the same under consideration, and ask ten days further time for consideration.

HAMILTON, Chairman.

Extension of time granted.

#### INTRODUCTION OF BILLS.

By Mr. Simon: An Act entitled "An Act to grant the Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings"

Referred to Committee on Public Buildings.

By Mr. Nicol: An Act to amend section one thousand five hundred and thirty-nine of the Code of Civil Procedure of the State of California, relative to the sales and conveyances of real property of deceased persons, and notice given thereof.

Referred to Judiciary Committee.

By Mr. Nicol: An Act to amend section one thousand five hundred and thirty-one of the Code of Civil Procedure of the State of California, relative to hearing petitions for summary sales of mines and mining interests, and notice given thereof.

Referred to Judiciary Committee.

Also—An Act to amend section one thousand five hundred and forty-seven of the Code of Civil Procedure of the State of California, relative to the notice of the sales of the estates of deceased persons.

Referred to Judiciary Committee.

By Mr. Hollister: An Act entitled an Act to add a new section to the Political Code, to be known as section one thousand six hundred and forty-one, relating to Census Marshals of school districts.

Referred to Judiciary Committee.

By Mr. Brown: An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relative to postponement of trials.

Referred to Judiciary Committee.

By Mr. Field: An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California, relating to the taking authentication of testimony on examinations in criminal cases.

Referred to Judiciary Committee.

By Mr. Rawle: An Act to prevent the collection of commissions by physicians from pharmacists, and to prevent physicians from prescribing by signs, names, or numbers not understood by all competent pharmacists, and to protect patients from dangerous drugs and medicines

Referred to Committee on State Hospitals.

By Mr. Granger (by request): An Act to amend an Act entitled an Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employ them, approved March 30, 1878.

Referred to Judiciary Committee.

By Mr. Farley: An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Referred to Judiciary Committee.

By Mr. Storke: An Act to establish a Branch State Insane Asylum.

Referred to Committee on State Hospitals.

By Mr. Weaver: An Act to amend section one thousand and seventy of the Penal Code, relating to challenge of jurors in criminal cases.

Referred to Judiciary Committee.

Also—An Act to encourage the destruction of certain wild animals and provide for a bounty for the same.

Referred to Committee on Fish and Game.

By Mr. Johnston: An Act to amend section one thousand four hundred and twenty-six of the Penal Code, relating to the manner of commencing proceedings in Justices' and Police Courts.

Referred to Committee on Crimes and Penalties.

Also—An Act to amend section one thousand two hundred and eighty-seven of the Penal Code, relating to bail upon indictment or information before conviction.

Referred to Committee on Crimes and Penalties.

Also—An Act to amend section one thousand three hundred and eighty-two of the Penal Code, in relation to the dismissal of informations and indictments.

Referred to Committee on Crimes and Penalties.

#### LEAVE OF ABSENCE.

The Committee on Education was granted leave of absence on Monday, Tuesday, and Wednesday of next week.

Mr. Coleman was granted leave of absence till Monday afternoon.

Mr. Hershey was granted leave of absence this day.

Mr. Leverson requested that no action be taken on any of the bills introduced by him during his absence as a member of the Committee on Education.

So ordered.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Referred to Judiciary Committee.

Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to assignments for the benefit of creditors.

Referred to Judiciary Committee.

Senate Bill No. 16—An Act to amend sections two thousand two hundred and eighty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Referred to Judiciary Committee.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to authentication of marriage.

Referred to Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

*To the honorable the Assembly of the State of California.*

EXECUTIVE CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER: I take this method of calling the attention of the Legislative Assembly to the present condition of the office of Commissioner of Immigration. From information in my possession, both oral and in writing, from persons considered entirely reliable, from an inspection of the law, and also from the opinion of the Attorney General, I am inclined to believe that the duties of that office have not been administered as required by law, for several years past. It appears that no report has been made by the officer known as Commissioner of Immigration, either to the Controller or Treasurer of State, for the past three years, nor has any money been paid into the State treasury of the amount of fees collected, or fines and penalties imposed, as required by sections two thousand nine hundred and fifty-five and two thousand nine hundred and fifty-nine of the Political Code. Neither has any quarterly report been made to the Secretary of State during that period of the names, age, sex, birthplace, or present residence of any leper, or person afflicted with leprosy or elephantiasis, examined and inspected by him, as required by section two thousand nine hundred and fifty-five of said Code. There is nothing to show in any State office of the existence of such an office as Commissioner of Immigration, except the record of the appointment of the incumbent. It is further shown that no lazaretto has been established in the City of San Francisco, for the confinement and seclusion of lepers, as required by section two thousand nine hundred and fifty-two of said Code, nor, as far as this office is informed, has any effort been made to establish such a lazaretto. According to statistics of the number of vessels and passengers arriving in San Francisco from foreign ports, especially prior to the time the "Chinese restriction law" went into operation, I am inclined to believe that the Commissioner of Immigration has received fees and fines largely in excess of the amount allowed him by law, after deducting his salary and the expenses of his office, provided that officer has collected the fees he is entitled to under the law.

I therefore submit the foregoing suggestions to your honorable body for such action, either by the appointment of a committee of investigation or otherwise, as in your judgment may be proper in the premises. I would further suggest that you thoroughly examine the law creating the office of Commissioner of Immigration, and that you amend the same in such manner that the interests of the State may be better protected, and that the bond of the Commissioner may be raised and fixed at an amount at least equal to his yearly liability to the State.

GEORGE STONEMAN, Governor.

Referred to Judiciary Committee.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Concurrent Resolution No. 4.

EDWIN F. SMITH, Secretary.

By J. J. McCARTHY, Assistant Secretary.

FIRST READING OF BILLS.

Assembly Bill No. 31—An Act to prevent the spreading of fruit tree pests and diseases, and to provide for their extirpation.

Read first time, and ordered to second reading.

Assembly Bill No. 26—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty-nine, abrogating the distinction between the force and effect of verdicts in cases of equity and actions at law.

Read first time, and ordered to second reading.

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Read first time, and substitute ordered to second reading.

Assembly Bill No. 72—An Act regulating the taking up of estray animals and posting the same.

Read first time, and ordered to second reading.

Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations.

Read first time, and ordered to second reading.

Assembly Bill No. 81—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.

Read first time, and ordered to second reading.

Assembly Bill No. 82—An Act to pay the claim of James Saultry.

Read first time, and ordered to second reading.

Assembly Bill No. 84—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sale.

Read first time, and ordered to second reading.

Assembly Bill No. 86—An Act to amend section one thousand two hundred and sixty-three of the Civil Code, by adding subdivision five.

Refused first reading.

Assembly Bill No. 88—An Act to repeal sections five hundred and forty-nine and five hundred and eighty-nine of the Code of Civil Procedure.

Refused first reading.

Assembly Bill No. 97—An Act to amend section four hundred and thirteen of the Code of Civil Procedure of the State of California, relating to publication of summons and service thereof.

Refused first reading.

Assembly Bill No. 98—An Act for the relief of persons whose lands have been sold to the State for taxes.

Read first time, and ordered to second reading as amended.

Assembly Bill No. 99—An Act to amend section seventy-eight of the Civil Code, relating to the establishing the validity of marriage.

Read first time, and ordered to second reading.

Assembly Bill No. 102—An Act to amend section one thousand one hundred and ninety of the Code of Civil Procedure, relating to the enforcement of mechanics' liens.

Refused first reading.

Assembly Bill No. 140—An Act for the protection of the dairy industries of this State and the consumers of dairy productions.

Read first time, and ordered to second reading.

Assembly Bill No. 153—An Act to authorize the erection of a State Agricultural and Industrial Exhibition building on the State Capitol grounds and to appropriate money therefor.

Ayes and noes being demanded, Mr. Nicol moved the previous question.

So ordered.

The bill was then read first time, and ordered to second reading by the following vote:

Ayes—Messrs. Barnes, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Keeler, Kerrick, Lewison, Matthews, McDonald, McKinley, Murdock,

O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rowland, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walthath, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—62.

NOES—Messrs. Bibb, Field, Johnston, Martin, McClaskey, McHale, Nicol, Rhuel, and Smith—9.

Assembly Bill No. 32—An Act to establish a State Board of Horticulture and appropriate moneys for the expense thereof.

Mr. Townsend moved the following amendment: In line fifteen, strike out "and may," and the whole of lines sixteen and seventeen, and insert in lieu thereof: "and it shall be the duty of the District Attorneys of the counties where the violations of the law occur to prosecute the parties."

Mr. Irwin moved to amend as follows: Strike out all in line fourteen of printed bill after word "orchard," and all of lines fifteen, sixteen, and seventeen.

The amendment by Mr. Irwin was adopted.

Mr. Cutter moved that section five of the bill be referred to the Judiciary Committee, to test its constitutionality.

So ordered.

Mr. Townsend moved that the committee be directed to report the bill back to the House Monday, and that its consideration be made a special order for two o'clock P. M. that day.

So ordered.

#### COMMUNICATION FROM THE SECRETARY OF STATE.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
SACRAMENTO, January 20, 1883. }

*To the honorable Speaker and Members of the Assembly:*

SIRS: In regard to the resolution of January nineteenth, directing the Secretary of State to furnish eighty sets of Codes for the use of the Assembly, and appropriating one hundred and fifty dollars for their purchase, I have to report that the edition formerly offered for five hundred dollars is now exhausted, and if ordered will have to be manufactured at a cost of nine hundred and sixty dollars.

Very respectfully,

THOMAS L. THOMPSON, Secretary.  
By A. E. SHATTUCK, Deputy.

Mr. Storke moved to consider Mr. Doty's notice to increase the State Prison Committee to nine members.

On motion, the resolution was referred to the Committee on Rules and Regulations.

Mr. Wharton moved to rescind the resolution concerning the purchase of the Codes for members of the House by the Secretary of State.

So ordered.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Levenson:

*Resolved,* That the State Printer be requested to see that the employés in the State Printing Office do fair work for the wages they receive, and that not less than seven hundred and fifty cents per hour be exacted as an hour's work from the compositors.

Mr. Bibb moved that the resolution lay on the table.

Mr. Johnston moved its indefinite postponement.

So ordered.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Caminetti: An Act to add two sections to an Act entitled "An Act to establish a Political Code," to be numbered respectively three thousand one hundred and twelve and three thousand one hundred and thirteen, in relation to the duties and powers of Boards of Supervisors over cemeteries and places of burial situated in unincorporated towns or villages in this State, and to authorize them to prevent further interments therein, or the removal thereof, when the sanitary condition of such towns are endangered by them.

Referred to Committee on State Hospitals.

Mr. Cutter moved to adjourn till Monday, at two o'clock P. M.

Lost.

Mr. Bibb moved to take a recess till two o'clock P. M. this day.

Lost.

Mr. Cutter moved to adjourn till two o'clock P. M. Monday.

The ayes and noes being demanded, it was lost by the following vote:

AYES—Messrs. Barnes, Beard, Bowers, Brown, Callaghan, Cary, Clement, Culver, Cutter, Farley, Faw, Fleming, Hall, Harvey, Heath, Hollister, Keeler, McDonald, McHale, Nicol, O'Connor, Parker, Plover, Rawle, Sweetland, Walrath, Wharton, and Wheelan—29

NOES—Messrs. Bibb, Booth, Briceand, Caminetti, Campbell, Carter, Clark, Crumpton, Doty, Field, Gaussail, Hamilton, Head, Healy, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McKinley, Murdock, Peterson, Reeves, Rhiel, Rowland, Ryan, Sinon, Stephens, Stewart, Storke, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—39.

## REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have examined the following bills, and find them correctly engrossed:

Assembly Bill No. 12—An Act to amend section one thousand seven hundred and sixty-four of the Code of Civil Procedure of California, relating to insane and incompetent persons, and the appointment of guardians thereof.

Also, Assembly 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, Assembly Bill No. 19—An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix.

Also, Assembly Bill No. 20—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons not entitled to act as administrator or administratrix of an estate.

CALLAGHAN, Chairman.

Mr. Campbell moved to adjourn.

Lost.

RECESS.

The hour of twelve o'clock and thirty minutes having arrived, the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

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

Speaker Larue in the chair.

Quorum present.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 201—Entitled "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"—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Municipal Corporations.

JOHNSTON, Chairman.

Adopted.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No 208, entitled "An Act to amend section two thousand six hundred and sixty-three of the Political Code, relating to road tax—have had the same under consideration, and now report the same back, and recommend that the same be referred to the Committee on Roads and Highways.

JOHNSTON, Chairman.

Adopted.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1883.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Concurrent Resolution No. 11—Relative to the State Board of Harbor Commissioners and the Board of Pilot Commissioners, and also requiring an inquiry into the question of towage rates and all other matters concerning the injury to the commerce of the State—have had the same under consideration, and now report the same back, and recommend that it be taken from the file and adopted immediately. also, that the further power of compelling the attendance of witnesses, and the authority to employ the services of a shorthand reporter during the investigation be conferred upon your committee.

WEAVER,  
CULVER,  
CALLAGHAN,  
HUGHES,

A majority of the Committee.

Mr. Bibb moved to amend the report by striking out "Harbor Commissioners."

Lost.

The question then recurring on the adoption of the report, it was adopted by the following vote:

AYES—Messrs Barnes, Barry, Beard, Bibb, Booth, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hughes, Hunter, Kerrick, Levenson, Lewison, Martin, Matthews, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr Speaker—60.

NOES—Messrs. Briceland, Cammetti, and Stewart—3.

Mr. Bibb gave notice that he would move a reconsideration of the vote whereby the report of the Committee on Commerce and Navigation was adopted.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER Your Committee on Rules, to whom was referred the following resolution: Resolved, That the Speaker add two members more to the Committee on State Prisons, as the Senate Committee on State Prisons is composed of nine members.

Have had the same under consideration, and now report the same back to the House, with the recommendation that it be adopted, Messrs. Johnston and Booth opposing.

SINON, Chairman.

Adopted.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER Your Committee on Apportionment beg leave to report that they only yesterday received the bills referred to them by this House, and will, therefore, be unable to report within the time required by the rules of the House, and would respectfully ask for further time.

YELL, Chairman.

Adopted.

Mr. Townsend gave notice that he would move a reconsideration of Rule Eighty-three.

The Committee on Water Rights and Drainage was granted ten days further time in which to report on Assembly Bill No. 139.

The Committee on Municipal Corporations was granted ten days further time in which to report on Assembly Bills Nos. 4 and 148.

Mr. Cutter moved to adjourn till two o'clock P. M. Monday.

The ayes and noes being demanded, the motion was lost by the following vote:

AYES—Messrs. Barnes, Beard, Bowers, Briceland, Brown, Callaghan, Campbell, Cary, Clement, Culver, Cutter, Doty, Farley, Faw, Harvey, Hughes, McClaskey, McKinley, Murdock, Murphy, O'Connor, Parker, Rawle, Rowland, Ryan, Smith, Wharton, and Mr. Speaker—28.

NOES—Messrs. Barry, Bibb, Booth, Caminetti, Carter, Clark, Field, Flynn, Granger, Hall, Hamilton, Head, Healy, Heath, Hunter, Irwin, Kerrick, Levenson, Lewison, Martin, Matthews, McHale, Peterson, Reeves, Rhel, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, and Yell—35.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Hunter:

*Resolved*, That the Committee on State Prisons be authorized to employ a shorthand reporter and a Sergeant-at-Arms, payable out of the Contingent Fund of the Assembly.

Mr. Smith moved to amend by striking out Sergeant-at-Arms.

Lost.

The question then recurring on the resolution, it was adopted.

By Mr. Healy:

*Resolved*, That Fred. C. Hyde and Henry Davis be appointed Pages of this Assembly.

Referred to Committee on Attachés and Employés.

Messrs. Cary and Storke were added to the Committee on State Prisons.

#### BILLS—(OUT OF ORDER).

By Mr. Brown: An Act to amend section one thousand eight hundred and forty-four of the Code of Civil Procedure, relative to the general principles of evidence.

Referred to Judiciary Committee.

Also—An Act to repeal section one thousand one hundred and eleven of the Penal Code.

Also—An Act to repeal sections one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight of the Code of Civil Procedure.

Also—An Act to repeal section one thousand three hundred and thirty-nine of the Code of Civil Procedure.

Referred to Judiciary Committee.

#### ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Cutter, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, January 22, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Beard, Bibb, Booth, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Heishey, Hughes, Hunter, Johnston, Kernick, Lewison, Matthews, McClaskey, McDonald, McHale, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Smith, Stephens, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal, Mr. Campbell moved to dispense with further reading.

So ordered.

Journal approved as read.

Messrs. Barnes, Coombs, Irwin, Fleming, and Clement were granted leave of absence for this day.

The Committee on Agriculture was granted ten days in which to report on Bills Nos. 21, 25, 93, and 165.

Mr. Bibb requested that he be permitted to withdraw his notice of a reconsideration of the vote whereby Assembly Concurrent Resolution No. 11 was adopted.

Request granted.

## PETITIONS.

By Mr. Moffitt: Protest from citizens against county division, in relation to the proposed new County of Orange.

Referred to Committee on County and Township Governments.

Also—In relation to highways, irrigation, and times of payment of taxes.

Referred to Committee on Irrigation.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. SPEAKER: Your Judiciary Committee, to whom was referred Assembly Bill No. 32—An Act to establish a State Board of Horticulture, and appropriate moneys for the expense thereof, have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 103—An Act to amend section one thousand eight hundred and eighty of the Political Code, relating to elections upon the question of the issuance of bonds of school districts for the purpose of raising money for school purposes, and recommend its passage.

Also, Assembly Bill No. 132—An Act to amend section eight hundred and one of the Penal Code, relating to the limitation of time for bringing criminal prosecutions, and recommend its passage.

Also, Assembly Bill No. 133—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases, and recommend its passage.

Also, Assembly Bill No. 134—An Act to amend sections six hundred and sixty-six and six hundred and sixty-seven of the Penal Code, relating to increased punishment upon a second conviction, and recommend that it be referred to the Committee on Crimes and Penalties.

So referred.

Also, Assembly Bill No. 135—An Act to amend section five hundred and thirty-two of the Penal Code, and prescribe punishment for obtaining money or property by false pretenses, and by false reports of wealth, and recommend its passage.

Also, Assembly Bill No. 136—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty, relating to furnishing food and lodging to juries in civil cases, at the cost of the parties litigant, and recommend its passage.

TERRY, Chairman.

#### PROPOSED AMENDMENT TO THE CONSTITUTION.

•By Mr. Townsend: Proposed amendment to section six, article one, of the Constitution of the State of California, relative to cruel and unusual punishments.

Referred to Committee on Constitutional Amendments.

#### INTRODUCTION OF BILLS.

By Mr. Townsend: An Act to amend section one thousand four hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to pleading.

Referred to Judiciary Committee.

Also—An Act to amend section sixty-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the asking or receiving of bribes.

Referred to Committee on Crimes and Penalties.

Also—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to punishment for embezzlement.

Referred to Committee on Crimes and Penalties.

Also—An Act to amend section seventeen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the definition of crimes.

Referred to Committee on Crimes and Penalties.

Also—An Act to amend section one hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the jurisdiction of Justices' Courts.

Referred to Judiciary Committee.

By Mr. Healy: An Act to prevent the adulteration of milk, and to create the office of Milk Inspector in the several counties of the State.

Referred to Judiciary Committee.

By Mr. Stewart: An Act to amend an Act entitled "An Act to define the boundary line between the Counties of Amador and El Dorado."

Referred to Committee on Counties and County Boundaries.

By Mr. Bibb (by request): An Act to fix the compensation of the Watchmen in and about the State Capitol and its grounds.

Referred to Committee on Retrenchment.

By Mr. Brown: An Act to amend section eight hundred and forty-nine of the Code of Civil Procedure, relative to service of summons in Justices' Courts.

Referred to Judiciary Committee.

By Mr. Campbell: An Act proposing an amendment to the Constitution of the State of California, in relation to the sessions of the Legislature, the introduction of bills therein, the pay and mileage of members and attachés thereof.

Referred to Committee on Constitutional Amendments.

By Mr. Harvey: An Act to amend sections one thousand eight hundred and thirty, one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, and one thousand eight hundred and thirty-seven of the Political Code, in relation to public schools.

Referred to Committee on Education.

By Mr. Yell (by request): An Act to amend section three thousand three hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to the officers and members of unpaid fire companies and exempting them from certain duties.

Referred to Judiciary Committee.

By Mr. Terry: An Act to amend section two hundred and sixty-four of the Penal Code, relating to the punishment of rape.

Referred to Committee on Crimes and Penalties.

By Mr. Levenson: An Act to change the seat of government of the State.

Referred to Committee on Public Buildings and Grounds.

By Mr. Yell: An Act to add a new section to chapter twelve of title thirteen of an Act to establish a Penal Code, approved February 14, 1872, to be numbered five hundred and fifty-six, relating to weights and measures and the stamping of certain articles.

Referred to Committee on Crimes and Penalties.

#### FIRST READING OF BILLS.

Assembly Bill No. 43—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Read first time, and ordered to second reading.

Assembly Bill No. 105—An Act to provide for the appropriation by the State of the waters of all rivers, lakes, and flowing streams, other than navigable waters, for the purposes of irrigation, mining, etc.

Read first time, and ordered to second reading.

Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter.

Read first time, and ordered to second reading.

#### SECOND READING OF BILLS.

Assembly Bill No. 23—An Act to supply and correct omissions by Boards of Supervisors in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections.

Read second time, and ordered to third reading.

Mr. Cutter moved that the second reading of Assembly Bill No. 40 be made a special order for two o'clock and thirty minutes p. m., Wednesday next.

So ordered.

Assembly Bill No. 49—An Act to amend section one thousand three hundred and sixty of the Civil Code of California, and pre-

scribe the order in which the property of a testator must be resorted to for the payment of legacies.

Read second time, and ordered engrossed and to third reading.

Assembly Bill No. 52—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 54—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, and define the writ of prohibition.

Read second time as amended, and ordered to engrossment and third reading.

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in 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.

Mr. Johnston moved to amend as follows: After the word "bounty," in line four, add "and such bounties shall be paid out of the general county fund."

Adopted.

Also, to amend section one by inserting after the word "coyote," in line three of the printed bill, "wildcat, fox, lynx, bear, and lion."

Adopted.

Mr. Ryan moved to strike out section two.

Adopted.

Read second time, and ordered to engrossment and third reading.

Mr. Matthews moved that the second reading of Assembly Bill No. 57 be made a special order for two o'clock and thirty minutes p. m., Thursday next.

So ordered.

Assembly Bill No. 58—An Act to add a new section to the Penal Code, to be known as section forty [2], to prevent the sale of adulterated milk.

Mr. Granger moved to amend as follows: After the word "who" insert "knowingly."

So ordered.

Read second time, and ordered engrossed and to third reading as amended.

Assembly Bill No. 29—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the use of poisonous or explosive substances in fishing, and the placing or passing into the waters of this State deleterious matter.

Mr. Sweetland moved to recommit the bill to the Committee on Fish and Game.

Lost.

Mr. Lewison moved to amend as follows: Insert in line five, section one, after the word "misdemeanor," "provided that the sawdust from the manufacture of pine lumber shall not be deemed a deleterious substance."

Lost.

Read second time, and ordered engrossed and to third reading.

Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-

one, of the Penal Code of the State of California, relating to the question of game and fish.

Mr. Johnston moved as an amendment to the amendment by the committee, as follows: Section one is amended so as to read as follows: "Section one—Section six hundred and thirty-three of the Penal Code is amended so as to read as follows."

Adopted.

Mr. Campbell moved to recommit Assembly Bill No. 91 to the Committee on Fish and Game, and that they report a substitute therefor.

So ordered.

Assembly Bill No. 31—An Act to prevent the spreading of fruit tree pests and diseases, and to provide for their extirpation.

Mr. Townsend moved to amend as follows: Section one, on line three, after the word "fruit" insert "trees and fruit."

So ordered.

Also, section one, on line eleven, after the word "purpose," strike out "or removed to or," and insert "all boxes, packages, and baskets."

So ordered.

Also, section one, on line thirteen, after the word "purpose," insert "must be disinfected within three days after their return."

So ordered.

Also, section one, on line fourteen, after the word "dealers," strike out the balance of the line. Also, the whole of lines fifteen and sixteen, and insert in their place "so using, removing, returning, or shipping the same, without disinfecting within three days of their receipt, shall be deemed guilty of a misdemeanor. All fruit packages known as free packages must be disinfected or burned within three days after becoming empty."

Lost.

Mr. Granger moved to amend by inserting in section one, line three, after the word "State," the following: "to the extent of his ability and knowledge."

Lost.

Mr. Townsend moved to make the second reading of Assembly Bill No. 31 a special order for two o'clock P. M., Friday.

So ordered.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Brown:

*Resolved.* That the Sergeant-at-Arms is hereby requested to have distributed to each member of the House all official reports in his possession.

Lost.

By Mr. Bibb:

*Resolved.* That the Chairman or clerk of each committee notify in writing the introducer of each bill, when his bill will come up for consideration in said committee.

Lost.

#### PROPOSED AMENDMENT TO THE CONSTITUTION.

By Mr. Campbell: To amend section nine of article thirteen of the Constitution.

## RECESS.

The hour of twelve o'clock and thirty minutes having arrived, the Speaker declared a recess to two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 22, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold and keeping open places of business on Sunday.

Also, on this day adopted Assembly Concurrent Resolution No. 11—Relative to the State Board of Harbor Commissioners and the Board of Pilot Commissioners.

J. J. McCARTHY, Assistant Secretary.

## SECOND READING OF BILLS.

Assembly Bill No. 72—An Act regulating the taking up of estray animals and posting the same.

Mr. Hershey moved to amend as follows: In section three, line five, strike out "and fifty cents."

Lost.

Mr. Clark moved to amend by striking out the word "each" in section three, line five, and insert the word "each" in line four, after the word "shall."

Lost.

Mr. Nicol moved to amend by striking out in line six the words "one half," and inserting "the full."

Lost.

Mr. Granger moved to amend by adding to section five, and inserting the following: "*Provided*, that if such estray in entering upon the premises of the person having taken up the same, shall have committed waste or injury to the same, the person so suffering by such estray shall receive reasonable damages, to be determined upon satisfactory proofs by said Justice."

Lost.

Mr. Johnston moved to amend by inserting in section six, line four, after the word "time," the words "from the posting," and strike out in the same line, after the word act, "from the posting."

Lost.

Mr. Smith moved to amend by striking out section sixteen, and inserting instead the following: "The provisions of this Act shall not be so construed as to allow any person to take up animals when found running at large on lands uninclosed."

Lost.

Bill read second time and ordered engrossed and to third reading.

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Read second time, and substitute ordered engrossed and to third reading.

Assembly Bill No. 81—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.

Read second time, and ordered engrossed and to third reading.

Assembly Bill No. 82—An Act to pay the claim of James Saultry.

Read second time, and ordered engrossed and to third reading.

Assembly Bill No. 84—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sale.

Read second time, ordered engrossed, and to third reading.

Assembly Bill No. 98—An Act for the relief of persons whose lands have been sold to the State for taxes.

Read second time, ordered engrossed and to third reading as amended.

Assembly Bill No. 99—An Act to amend section seventy-eight of the Civil Code, relating to the establishing the validity of marriage.

Read second time, ordered engrossed and to third reading.

Mr. Sinon moved that Assembly Bill No. 33 be read second time.

Mr. Bibb moved as an amendment that the second reading of the bill be made a special order for next Friday, at three o'clock P. M.

Mr. Crumpton moved as an amendment to the amendment that it be made a special order for Tuesday, the thirtieth instant, at two o'clock P. M.

Lost.

The question recurring on the amendment by Mr. Bibb, it was lost.

The question then recurring on the original motion, it was carried.

Assembly Bill No. 33—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 sea-wall," approved March 23, 1880.

Mr. Bibb moved to amend by striking out of section two, lines six and seven, the words "west line of Union, southerly one thousand feet."

Lost.

Read second time, and, on motion of Mr. Flynn, was recommitted to Committee on Commerce and Navigation, with instructions to report to-morrow.

Referred to Committee on Constitutional Amendments.

#### REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1883.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one, of the Penal Code of the State of California, relating to the observance of the Christian Sabbath, and petitions relating to the same, have had the same under consideration, and now report the same back, and recommend that the bill do pass.

MONTAGUE R. LEVERSON,  
For majority of Committee.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1883.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred

and one, of the Penal Code of the State of California, relating to the observance of the Christian Sabbath, and petitions relating to the same, have had the same under consideration, and now report the same back, and recommend that the said bill do not pass.

W. A. HAMILTON, Chairman.

#### MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1883.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one, of the Penal Code of the State of California, relating to the observance of the Christian Sabbath, have had the same under consideration, and now report the same back, and recommend that it do not pass.

BROWN, for the Minority.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1883.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 16; also, Assembly Concurrent Resolution No. 6; also, Assembly Concurrent Resolution No. 13; also, Assembly Concurrent Resolution No. 15, and Assembly Concurrent Resolution No. 3—have had the same under consideration, and now report the same back, and recommend that they, and each of them, be adopted.

McCLASKEY, Chairman.

#### PETITIONS—(OUT OF ORDER).

By Mr. Moffitt: Protest against county division by citizens, in relation to the proposed new County of Orange.

Referred to Committee on Counties and County Boundaries.

By Mr. Head: Petition of citizens favoring county division, in relation to the proposed new County of Orange.

Referred to Committee on Counties and County Boundaries.

By Mr. McClaskey: In relation to local option.

Referred to Committee on Public Morals.

#### BILLS—(OUT OF ORDER).

By Mr. Walrath: An Act to encourage the industry of manufacturing steel direct from the magnetic black sea sand of the Pacific Coast, and granting a reward therefor.

Referred to Committee on Internal Improvements.

#### THIRD READING OF BILLS.

Assembly Bill No. 7—An Act to repeal section one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardians of minors, and to add one new section to said Code, relating to guardians of minors, to be numbered section one thousand seven hundred and fifty-one.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Beard, Booth, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Crompton, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvev, Head, Hershey, Hughes, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mudock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—49.

NOES—None.

Assembly Bill No. 8—An Act to repeal section one thousand seven

hundred and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to powers and duties of guardians, and to add one new section to said Code, relating to the powers and duties of guardians, to be numbered one thousand seven hundred and seventy-four.

Read third time.

The roll was called, and the bill was passed by the following vote :

**AYES**—Messrs. Beard, Brown, Callaghan, Cammetti, Carter, Cary, Clark, Clement, Coleman, Crumpton, Farley, Field, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Hershey, Hughes, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—52.

**NOES**—None.

Assembly Bill No. 12—An Act to amend section one thousand seven hundred and sixty-four of the Code of Civil Procedure of California, relating to insane and incompetent persons and the appointment of guardians therefor.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Beard, Booth, Brown, Cammetti, Campbell, Carter, Cary, Clark, Coleman, Crumpton, Farley, Field, Flynn, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Hershey, Hughes, Johnston, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—50.

**NOES**—None.

Mr. Sweetland moved that the House do now adjourn.

Lost.

### THIRD READING—(CONTINUED).

Assembly 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.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Beard, Bibb, Booth, Brown, Campbell, Carter, Cary, Clark, Clement, Crumpton, Culver, Cutter, Farley, Field, Flynn, Fortna, Gaussal, Granger, Harvey, Head, Healy, Hershey, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Stephens, Stewart, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—47.

**NOES**—Messrs. Cammetti, Hamilton, and Johnston—3.

Assembly Bill No. 19—An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix.

Mr. Ryan moved to strike out the word "the" before the word "Senate" in the enacting clause.

So ordered.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Beard, Bibb, Booth, Brown, Campbell, Carter, Cary, Clark, Clement, Crumpton, Culver, Cutter, Farley, Field, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Johnston, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Mof-

*fit*, *Murdock*, *Murphy*, *Nicol*, *Peterson*, *Plover*, *Rawle*, *Reeves*, *Rhiel*, *Rowland*, *Ryan*, *Sinon*, *Stephens*, *Stewart*, *Townsend*, *Wharton*, *Wheat*, *Wheelan*, and *Mr. Speaker*—50.  
 Nones—*Mr. Caminetti*—1.

## ADJOURNMENT.

At four o'clock and twenty minutes, on motion of *Mr. Ryan*, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
 Tuesday, January 23, 1883. }

The House met pursuant to adjournment.  
 Speaker *Larue* in the chair.

Roll called, and the following members answered to their names:

Messrs. *Barnes*, *Beard*, *Booth*, *Brown*, *Callaghan*, *Caminetti*, *Campbell*, *Carter*, *Cary*, *Clark*, *Clement*, *Coombs*, *Crumpton*, *Culver*, *Cutter*, *Farley*, *Field*, *Flynn*, *Fortna*, *Gaussal*, *Granger*, *Hall*, *Hamilton*, *Harvey*, *Head*, *Healy*, *Hughes*, *Johnston*, *Kerrick*, *Lewison*, *Matthews*, *McClaskey*, *McDonald*, *McHale*, *McKinley*, *Moffitt*, *Murdock*, *Murphy*, *Nicol*, *O'Connor*, *Parker*, *Peterson*, *Plover*, *Rawle*, *Reeves*, *Rhiel*, *Rowland*, *Ryan*, *Smith*, *Stephens*, *Stewart*, *Townsend*, *Walrath*, *Weaver*, *Wharton*, *Wheat*, *Wheelan*, and *Mr. Speaker*.

Quorum present.

Prayer by the *Chaplain*.

Pending the reading of the *Journal of Monday*, *Mr. Caminetti* moved to dispense with further reading of the minutes.

So ordered.

*Journal of Monday* approved.

*Mr. Terry* was granted leave of absence for this morning's session.

## PETITIONS.

By *Mr. Cary*: Memorial of the Board of Regents of the University of California in relation to amounts required to preserve State property now in charge of Regents, for two years.

Referred to Committee on Ways and Means.

By *Mr. Flynn*: Biennial report of the Commissioners of Golden Gate Park of San Francisco.

Referred to Committee on Ways and Means.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 215—"An Act to provide a remedy in cases where damages have been sustained by the illegal and irregular 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 be referred to the Judiciary Committee.

GRANGER, Chairman.

Referred.

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 22, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution:

"Resolved. That Fred. C. Hyde and Henry Harris are appointed Pages of this Assembly."  
Respectfully beg leave to report that the same be not adopted.

FIELD, Chairman.

Adopted.

The Committee on Irrigation was granted ten days further time in which to report on Assembly Bills Nos. 16 and 155.

Committees on Ways and Means and Crimes and Penalties were granted further time in which to report on bills under consideration.

The Committee on Commerce and Navigation was granted an indefinite leave of absence, for the purpose of investigating the affairs of the Pilot and Harbor Commissioners.

#### INTRODUCTION OF BILLS.

By Mr. Johnston: An Act to provide the manner of payment of the salaries of the Judges of the Superior Courts.

Referred to Judiciary Committee.

By Mr. Hall: An Act to regulate the business of pawnbrokers.

Referred to Judiciary Committee.

By Mr. Clement: An Act to amend sections two hundred and sixty-nine and two hundred and seventy-four of "An Act to establish a Code of Civil Procedure," in relation to phonographic reporters.

Referred to Judiciary Committee.

By Mr. Campbell: An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

Referred to Committee on Constitutional Amendments.

By Mr. Brown: An Act to add one new section to the Penal Code, to be known as number one hundred and fifty-one, relative to confessions made by persons charged with the commission of a public offense.

Referred to Committee on Crimes and Penalties.

#### FIRST READING OF BILLS.

Mr. Murdock moved to pass Assembly Bill No. 5 on the file.

Lost.

The ayes and noes being demanded on the question of the first reading of Assembly Bill No. 5, it was ordered read by the following vote:

AYES—Messrs. Beard, Bibb, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Farley, Field, Flynn, Fortna, Granger, Hall, Head, Healy, Heishey, Hughes, Johnston, Kerrick, Matthews, McClaskey, McHale, Moffitt, Murphy, Nicol O'Connor, Parker, Peterson, Plover, Rawle, Rhinel, Sinon, Smith, Stephens, Stewart, Sweetland, Townsend, Wheelan, and Mr. Speaker—42.

NOES—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Lewison, McKinley, Murdock, Reeves, Rowland, Ryan, Weaver, and Wharton—16.

Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one, of the Penal Code of the State of California, relating to the observance of the Christian Sabbath.

Read first time, and ordered to second reading.

Assembly Bill No. 103—An Act to amend section eighteen hun-

dred and eighty of the Political Code, relating to elections upon the question of the issuance of bonds of school districts for the purpose of raising money for school purposes.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 3—Regarding the revision of the tariff laws by the Congress of the United States of America.

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

**AYES**—Messrs. Beard, Booth, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Culver, Farley, Field, Flynn, Fortna, Hamilton, Head, Hershey, Hughes, Kerrick, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Townsend, Walrath, Wheat, Wheelan, and Mr. Speaker—44.

**NOES**—None.

Assembly Concurrent Resolution No. 6—Relating to a proposed amendment to the Constitution of the United States, so as to elect the President and Vice-President by a direct vote of the people.

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

**AYES**—Messrs. Barnes, Beard, Booth, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Culver, Fleming, Flynn, Fortna, Hall, Hamilton, Harvey, Head, Hershey, Hughes, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Stephens, Stewart, Townsend, Walrath, Weaver, Wheat, and Mr. Speaker—44.

**NOES**—Messrs. Coleman, Farley, Granger, Johnston, Kerrick, Murdock, Parker, Smith, Whatton, and Wheelan—10.

Assembly Bill No. 132—An Act to amend section eight hundred and one of the Penal Code, relating to the limitation of time for bringing criminal prosecutions.

Read first time, and ordered to second reading.

Assembly Bill No. 133—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases.

Read first time, and ordered to second reading.

Assembly Bill No. 135—An Act to amend section five hundred and thirty-two of the Penal Code, and prescribe punishment for obtaining money or property by false pretense and by false reports of wealth.

Read first time, and ordered to second reading.

Assembly Bill No. 136—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty, providing for furnishing food and lodging to juries in civil cases at the cost of the parties litigant.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 13—Relative to instructing our Senators and requesting our Representatives in Congress to use their influence to restore to the public domain all lapsed land grants to railroads.

The ayes and noes being demanded, the resolution was adopted by the following vote:

**AYES**—Messrs. Barnes, Beard, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Crumpton, Farley, Faw, Flynn, Fortna, Gaussaul, Granger, Hall, Hamilton, Harvey, Head, Healy, Heishey, Hughes, Johnston, Kerrick, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland,

Ryan, Simon, Smith, Stephens, Stewart, Townsend, Walrath, Weaver, Wharton, Wheat Wheelan, and Mr Speaker—51.  
 NOES—None.

Assembly Concurrent Resolution No. 15—Concerning litigation to determine the title to Mussel Slough lands in Tulare and Fresno Counties, California.

The ayes and noes were demanded.

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

AYES—Messrs. Barnes, Beard, Bibb, Brown, Caminetti, Campbell, Carter, Clark, Coleman, Crumpton, Farley, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hughes, Johnston, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Townsend, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—51.  
 NOES—None.

Assembly Concurrent Resolution No. 16—Relative to forfeiture of lands granted to railroads and their restoration to the public domain.

The ayes and noes being demanded, the roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Barnes, Beard, Bibb, Booth, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutler, Farley, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hughes, Johnston, Kerrick, Lewison, Matthews, McClaskey, McHale, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Rowland, Ryan, Simon, Smith, Stephens, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—56.  
 NOES—None.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 23, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on January twenty-second, eighteen hundred and eighty-three, passed the following bills

Senate Bill No. 11—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872.

Referred to Judiciary Committee.

Senate Bill No. 7—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 11, 1872, relating to bills of exceptions.

Referred to Judiciary Committee.

Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes.

Referred to Judiciary Committee.

A. T. VOGELSANG, Assistant Secretary.

#### LEAVE OF ABSENCE.

Mr. Bowers was granted leave of absence for three days.

#### SECOND READING OF BILLS.

Assembly Bill No. 68—An Act to prevent the collection of commissions by physicians from pharmacists.

Withdrawn.

Assembly Bill No. 17—An Act to establish and support a Bureau of Labor Statistics.

Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics in and for the State of California.

Substitute by the Committee on Capital and Labor for Assembly Bills Nos. 17 and 30, read and adopted.

Mr. Caminetti moved to strike out, in section eight, line one, all after and including the word "shall" to and including the word "he" in line three.

The ayes and noes being demanded, the roll was called, and the motion to strike out was lost by the following vote:

AYES—Messrs. Caminetti, Campbell, Crumpton, Harvey, Johnston, Matthews, McClaskey, McHale, Nicol, Rhel, Stewart, and Wheat—12.

NOES—Messrs. Barnes, Beard, Bibb, Booth, Brown, Callaghan, Carter, Cary, Coleman, Coombs, Farley, Field, Flynn, Granger, Healy, Hershey, Hughes, Kerrick, Lewison, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rowland, Ryan, Simon, Smith, Stephens, Sweetland, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—40.

The ayes and noes being demanded on the question: "Shall the bill be ordered engrossed and to third reading?" the roll was called, and the bill was ordered engrossed and to third reading by the following vote:

AYES—Messrs. Barnes, Bibb, Brown, Callaghan, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Farley, Field, Flynn, Granger, Hamilton, Harvey, Healy, Hershey, Hughes, Kerrick, Lewison, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Townsend, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—44.

NOES—Messrs. Beard, Crumpton, Head, Johnston, Matthews, McClaskey, Nicol, and Rhel—8.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 23, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also, Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also, Senate Bill No. 54—An Act making appropriations for a deficiency in the appropriations for transportation of prisoners for the thirty-third fiscal year.

Referred to Committee on Ways and Means.

Also, Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year.

Referred to Committee on Ways and Means.

VOGELSANG, Assistant Secretary.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Murdock: An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

Referred to Judiciary Committee.

Mr. Nicol was granted leave of absence till Thursday morning next.

Mr. Wharton moved that the House take a recess till two o'clock p. m. this day.

Lost.

#### SECOND READING OF BILLS.

Assembly Bill No. 43—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Read second time.

Mr. Farley moved to strike out in section one all after the word "follows" in line two.

Lost.

Bill ordered engrossed, and to third reading.

Assembly Bill No. 105—An Act to provide for the appropriation by the State of the waters of all rivers, lakes, and flowing streams, other than navigable waters, for the purposes of irrigation, mining, etc.

Refused second reading.

Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 26—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty-nine, abrogating the distinction between the force and effect of verdicts in cases of equity and actions at law.

Read second time, and ordered engrossed and to third reading.

On motion of Mr. Cutter, the second reading of Assembly Bill No. 140 was made a special order for Thursday next, at three o'clock p. m.

Mr. Campbell gave notice that he would move a reconsideration of the vote whereby Assembly Bill No. 105 was refused second reading.

#### RECESS.

At twelve o'clock and thirty minutes, on motion of Mr. Murphy, the House took a recess till two o'clock p. m. this day.

#### REASSEMBLED.

House reassembled.

Speaker Larue in the chair.

Quorum present.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Smith: An Act to establish a State Board of Forestry and Parks, and to appropriate moneys for the expenses thereof.

Referred to Committee on Yosemite Valley and Mariposa Grove of Big Trees.

By Mr. Ryan: An Act to amend sections one thousand nine hundred and thirty-two, one thousand nine hundred and seventy-two thousand and six, two thousand and seven, two thousand and twenty-eight, and two thousand and ninety-five, and to repeal section one thousand nine hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the National Guard.

Referred to Committee on Military Affairs.

By Mr. Reeves: An Act to amend "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean water in the State."

Referred to Committee on Irrigation.

Mr. Campbell moved to take up Assembly Bill No. 13, and read it first time.

So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 13—An Act to amend sections six hundred and twenty-six, six hundred and twenty-eight, and six hundred and thirty of the Penal Code of California, relating to the preservation of fish and game, and to provide for the preservation of wild game and fish.

Read first time, and ordered to second reading.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1883.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 11—"An Act granting relief to taxpayers whose lands have been sold to the State"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 38—"An Act granting relief to the taxpayers whose lands have been sold to the State"—have had the same under consideration, and now report the same back with the following amendment: Strike out the words "and fifty per cent penalty," in the ninth and tenth lines of section one, on page two, and recommend its passage as amended.

Also, Assembly Bill No. 42—"An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to the repayment of moneys received for certain land and school land warrants"—have had the same under consideration, and now report the same back with the following amendment: Strike out the words "or if for any reason the State cannot make to the purchaser a valid title to the land by him purchased," in the fifth, sixth, seventh, and eighth lines of section one, on page one, and recommend its passage as amended.

Also, Assembly Bill No. 168—"An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of this State"—have had the same under consideration, and now report the same back amended, and recommend its passage as amended.

COOMBS, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed:

Substitute for Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872—relating to street railroad corporations.

Assembly Bill No. 54—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure and define the writ of prohibition.

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in 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.

Assembly Bill No. 58—An Act to add a new section to the Penal Code, to be known as section forty [2], to prevent the sale of adulterated milk.

Assembly Bill No. 60—An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California, in relation to the larceny of certain animals.

Assembly Bill No. 61—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, and to provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts.

Assembly Bill No. 98—An Act for the relief of persons whose lands have been sold to the State for taxes.

CALLAGHAN, Chairman.

#### THIRD READING OF BILLS.

Assembly Bill No. 54—An Act to amend section one thousand one

hundred and two of the Code of Civil Procedure, and define the writ of prohibition.

The question being: "Shall the bill be read a third time and passed?"

Mr. Johnson arose to a point of order, his point of order being that as the bill had not been printed as amended by the committee, it could not be read a third time and passed under the rules.

Point of order sustained, and, on motion, the bill was ordered printed.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Ryan: An Act to promote the public safety on railroads. Referred to Committee on State Hospitals.

By Mr. Larue: An Act to pay the claim of P. T. Morris, for work done for the State, and for the illegal confiscation of personal property.

Referred to Committee on Claims.

CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Wharton: Relative to the alleged irregularities in the office of Commissioner of Immigration.

Ruled out of order.

PETITIONS—(OUT OF ORDER).

By Mr. Granger: In relation to navigation of Feather River.

Referred to Committee on Commerce and Navigation.

By Mr. Carter: In relation to oleomargarine—that the bill prepared by the California State Dairyman's Association may be enacted into a law.

Referred to Committee on Agriculture.

Mr. Fleming's leave of absence was extended one day.

The Committee on State Hospitals was granted four days leave of absence.

ADJOURNMENT.

At two o'clock and thirty-five minutes, on motion of Mr. McClaskey, the House adjourned.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, January 24, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Beard, Booth, Brown, Caminetti, Campbell, Carter, Cary, Clark, Cutler, Farley, Field, Flynn, Gausail, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Irwin, Johnston, Kerriek, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland,

Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal of Tuesday, Mr. Smith moved to dispense with further reading.

So ordered.

Journal of Tuesday approved.

Mr. Coombs was granted leave of absence for this day.

Mr. Booth tendered his resignation as a member of the Committee on State Prisons.

Accepted.

#### REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 228—Entitled "An Act to appropriate money for construction of sidewalks around the State Capitol"—have had the same under consideration, and now report the same back with an amendment, to wit: that the following be added after the last word "street" on the eighth line of section one: "*provided*, that the Commissioners are not limited to their selection of stone to the same stone already laid down on the Capitol grounds," and recommend the passage of the bill as amended; and we further recommend that the same be referred to the Committee of the Whole.

PLOVER, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 217—An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro, from Downieville, in Sierra County, to Folsom State Prison—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil—have had the same under consideration, and now report the same back, and recommend that the same be amended by inserting the words "by them," after the words "may be," on the sixth line of section one. Your committee further recommend that the same be passed as amended.

Also, Assembly Bill No. 74—An Act to pay the claims of the heirs of E. G. Jeffers, late State Printing Expert—have had the same under consideration, and now report the same back and recommend that it do not pass.

GRANGER, Chairman.

MR. SPEAKER: The Standing Committee of the Assembly on Counties and County Boundaries, to whom was referred Assembly Bill No. 138—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change of boundaries thereof, together with the petition for the passage of the same—have had the same under consideration, and have concluded to present, without recommendation, the accompanying substitute for the original bill, entitled an Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the debts of said counties equitably chargeable to San Benito County.

All of which is respectfully submitted.

HERSHEY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 243—Entitled "An Act making appropriations to pay the deficiencies in the appropriations for the support of the Government for the thirty-fourth fiscal year"—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee of the Whole.

CAMPBELL, Chairman.

Referred.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1883.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one of the Penal Code of the State of California, relating to the question of game and fish—have had the same under consideration, and now report the same back with a substitute, and recommend the passage of the same.

Also, Assembly Bill No. 164—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 and fish ponds—have had the same under consideration, and now report the same back, and recommend its passage.

MOFFITT, Chairman.

#### RESOLUTIONS.

By Mr. Rhiel:

*Resolved*, That the Committee on Attachés and Employés be instructed to report to this House at an early date, the number of employés and committee clerks of this House, the services they perform and compensation they receive therefor.

Adopted.

#### PETITION—(OUT OF ORDER).

By Mr. Ryan:

From State Board of Health, relating to examination of railroad employés for defective vision.

Referred to Committee on State Hospitals.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed.

Assembly Bill No. 99—An Act to amend section seventy-eight of the Civil Code, relating to establishing the validity of marriage.

Also, Assembly Bill No. 81—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.

Also, Assembly Bill No. 84—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sale.

Also, Assembly Bill No. 82—An Act to pay the claim of James Saultry.

Also, Assembly Bill No. 49—An Act to amend section one thousand three hundred and sixty of the Civil Code of California, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies.

Also, Assembly Bill No. 23—An Act to supply and correct omissions by Boards of Supervisors in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections.

Also, Assembly Bill No. 29—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the use of poisonous or explosive substances in fishing, and the placing or passing into the waters of this State deleterious matter.

Also, Assembly Concurrent Resolution No. 11, relative to the State Board of Harbor Commissioners and the Board of Pilot Commissioners.

D. H. BIBB, Sub. Chairman.

#### INTRODUCTION OF BILLS.

By Mr. Brown: An Act to amend section three hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 2, 1872, relative to the designation and number of civil executive officers.

Referred to Judiciary Committee.

By Mr. Brown: An Act to compel the Commissioner of Immigration to report and turn over all documents and money in his possession to the Secretary of State.

Referred to Judiciary Committee.

By Mr. Johnston: An Act to provide for the payment of Calvin Brown for services rendered on the seawall investigation.

Referred to Committee on Claims.

By Mr. Reeves: An Act to repeal section three of an Act concerning salaries and fees of office of certain county and township officers of the County of San Bernardino, approved February 14, 1878.

Referred to Judiciary Committee.

By Mr. Harvey: An Act to amend section one thousand seven hundred and four of the Code of Civil Procedure, in relation to the entry of orders and decrees in probate proceedings.

Referred to Judiciary Committee.

By Mr. Wharton (by request): An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Referred to Committee on Corporations.

#### FIRST READING OF BILLS.

Assembly Bill No. 11—An Act granting relief to taxpayers whose lands have been sold to the State.

Refused first reading.

Assembly Bill No. 38—An Act granting relief to taxpayers whose lands have been sold to the State.

Refused first reading.

Assembly Bill No. 42—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to the repayment of moneys received for certain land and school land warrants.

Read first time and re-referred to Committee on Public Lands.

Assembly Bill No. 168—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of this State.

Read first time, and ordered to second reading as amended.

#### SECOND READING OF BILLS.

Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code of the State of California, relating to the observance of the Christian Sabbath.

The ayes and noes being demanded on the question: "Shall Assembly Bill No. 5 be read a second time?" it was so ordered by the following vote:

AYES—Messrs. Beard, Bibb, Caminetti, Campbell, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hall, Healy, Irwin, Johnston, Kerrick, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Rowland, Simon, Smith, Stephens, Stewart, Terry, Townsend, and Mr. Speaker—37.

NOES—Messrs. Barnes, Booth, Brown, Clement, Harvey, Hershey, Levenson, McKinley, Murdock, Reeves, Walrath, Wharton, Wheat, and Wheelan—14.

Amendment to Assembly Bill No. 5.

Mr. Murdock moved to amend by striking out of section one, line one, the letter "s" in the word "sections;" all of line one after the word "ninety-nine," and all of lines two and three.

Mr. Irwin moved to make the second reading of the bill a special order for Friday, February second, at ten o'clock.

Mr. Cutter moved as an amendment that the bill lay temporarily upon the table.

Lost.

The question then recurring upon the original motion by Mr. Irwin, it was so ordered.

Assembly Bill No. 103—An Act to amend section one thousand eight hundred and eighty of the Political Code, relating to elections upon the questions upon the issuance of bonds of school districts for the purpose of raising money for school purposes.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 132—An Act to amend section eight hundred and one of the Penal Code, relating to the limitation of time for bringing criminal prosecutions.

Read second time.

Mr. Farley moved to amend by striking out all after the word "follows" in line two of the printed bill.

Lost.

Mr. Terry moved that Assembly Bill No. 132 be considered engrossed and ordered to a third reading.

Lost.

Assembly Bill No. 133—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 135—An Act to amend section five hundred and thirty-two of the Penal Code, and prescribe punishment for obtaining money or property by false pretense and by false reports of wealth.

Read second time.

Mr. Granger moved to re-refer the bill to the Judiciary Committee, with instructions to report it back as soon as possible.

Lost.

Bill ordered engrossed and to third reading.

Assembly Bill No. 136—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty, providing for furnishing food and lodging to juries in civil cases at the cost of the parties litigant.

Read second time.

Mr. Campbell moved to amend, by striking out all of section one after the figure 1.

So ordered.

Mr. Terry gave notice that he would move a reconsideration of the vote whereby the amendment to Assembly Bill No. 136 was adopted.

Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one of the Penal Code of the State of California, relating to the question of game and fish.

Mr. Rowland moved to amend by inserting after the word "trout" in line four of the printed bill, the words "except with hook and line."

Mr. Stewart moved to pass Assembly Bill No. 91 on the file.

So ordered.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, JANUARY 24, 1883.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on January twenty-second, adopted Senate Concurrent Resolution No. 9, relative to furnishing copies of all laws passed at this session of the Legislature to the Supreme and Superior Courts of the State.

A. T. VOGELANG, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 9—Relative to furnishing copies of all laws at this session of the Legislature to the Supreme and Superior Courts of the State.

Adopted.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Walrath: An Act to transfer money, now in what is known as the Drainage Fund, to the General Fund, to be used in payment of claims against the said Drainage Fund.

Referred to Judiciary Committee.

By Mr. Granger: An Act to declare Feather River navigable above the point of its present navigation.

Referred to Committee on Commerce and Navigation.

By Mr. Healy: An Act to amend section three hundred and forty of the Penal Code, to provide against pawnbrokers charging an unlawful rate of interest.

Referred to Committee on Crimes and Penalties.

By Mr. Murdock: An Act adding a section to the Penal Code, to be known as section three hundred and ten.

Referred to Committee on Public Morals.

## REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 176—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 2, 1872, relating to revenue and taxation and the method of the collection thereof," report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 137—An Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to the proceedings supplementary to the execution, and recommend its passage.

Also, Assembly Bill No. 142—An Act to amend section three thousand seven hundred and seventy of the Political Code of the State of California, relative to the cost and payment of publication of delinquent taxes, and recommend that it do not pass.

Also, Assembly Bill No. 144—An Act to amend section five hundred and twenty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to injunction and service thereof, and recommend that it do not pass.

Also, Assembly Bill No. 146—An Act proposing an amendment to the Constitution of the State of California, in relation to the manufacture and sale of spirituous liquors, etc., and recommend that it be referred to the Committee on Constitutional Amendments.

Also, Assembly Bill No. 147—An Act granting relief to taxpayers whose lands have been sold to the State, and recommend that it be referred to the Committee on Public Lands.

Also, Assembly Bill No. 152—An Act to amend section two hundred and sixty-one of the Penal Code, defining rape, and recommend its reference to the Committee on Crimes and Penalties.

Also, Assembly Bill No. 154—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 11, 1872, relating to the adverse possession of property under claim of title not written, and recommend that it do not pass.

Also, Assembly Bill No. 157—An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 158—An Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations, and recommend its passage.

Also, Assembly Bill No. 170—An Act entitled "An Act to add four new sections to the Penal Code," relating to the protection of the people of the State of California against tramps—and recommend its reference to the Committee on Crimes and Penalties.

Also, the Special Message of his Excellency Governor Stoneman, relative to the office of

Commissioner of Immigration, and recommend its reference to the Committee on Public Expenditures.

TERRY, Chairman.

RECONSIDERATION.

Pursuant to notice, Mr. Campbell moved a reconsideration of the vote whereby the House refused Assembly Bill No. 105 second reading.

The ayes and noes being demanded, the roll was called.

The motion to reconsider was adopted by the following vote:

Ayes—Messrs. Barnes, Beard, Booth, Brown, Carter, Cary, Clark, Clement, Field, Flynn, Fortna, Granger, Hamilton, Harvey, Hershey, Kerrick, Lewison, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Plover, Rawle, Ryan, Simon, Smith, Stephens, Terry, Townsend, and Wharton—32.

Noes—Messrs. Bibb, Farley, Gaussail, Irwin, Johnston, Matthews, McClaskey, McHale, Parker, Peterson, Reeves, Rhiel, Walrath, Wheat, and Mr. Speaker—15.

RECESS.

At twelve o'clock and twenty-five minutes, on motion of Mr. Terry, the House took a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Cary tendered his resignation as a member of the Committee on State Prisons.

Accepted.

RESOLUTIONS.

By Mr. Caminetti:

*Resolved*, That the Committee on Public Expenditures and Accounts, to whom was referred the message of his Excellency the Governor regarding the accounts of the Commissioner of Immigration, be and is hereby authorized to send for persons, books, and papers, to examine witnesses under oath, and to employ an expert to examine books, papers, and accounts.

Adopted.

The Committee on Public Expenditures was granted leave of absence for two days.

Mr. Wharton moved to make the second reading of Assembly Bill No. 105 a special order for Tuesday next, at ten o'clock and thirty minutes A. M.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Sweetland:

*Resolved*, That the Sergeant-at-Arms have full control and supervision of the Pages, Doorkeepers and Porters of the Assembly.

Adopted.

SECOND READING OF BILLS.

Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations.

Read second time.

Mr. Farley moved to amend by inserting on page one, line four, after the word "stock," the words "where there is a capital stock," and by inserting on page one, line five, after the word "represented," the words "where there is no capital stock."

Lost.

Bill ordered engrossed and to third reading.

#### SPECIAL ORDER.

The special order for this hour—Assembly Bill No. 40—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure, relating to parties to actions, was, on motion of Mr. Cutter, postponed till Tuesday next, at ten o'clock and thirty minutes A. M.

Mr. Johnston in the chair.

Assembly Bill No. 13—An Act to amend sections six hundred and twenty-six, six hundred and twenty-eight, and six hundred and thirty of the Penal Code of California, relating to the preservation of fish and game, and to provide for the preservation of wild game and fish.

Mr. Townsend moved that further consideration of the bill be deferred till the report of the Committee on County and Township Governments.

Lost.

Mr. Ryan moved to amend by striking out of section one, line six, the words "provided that this section shall not," etc., down as far as the words "every person" in line nine of same section.

Lost.

Mr. Larue moved to amend, by striking out of section one lines twelve, thirteen, and all of line fourteen to and including the word "misdemeanor."

Adopted.

Mr. Granger moved to amend, by inserting in line fifteen of section one, the word "dead" after the word "game;" and in line sixteen, inserting the word "dead" after the word "sheep."

Lost.

Mr. Wharton moved to amend by striking out of section one, lines five and six, the words "or any kind of ducks or rail or marsh hens" after the word "grouse," in line five.

Mr. Ryan moved as an amendment to the amendment, by striking out of section one, line three, the words "every person who," etc., down as far as the words "every person" in line nine.

The question being on the amendment to the amendment, it was lost.

The question then recurring on the amendment, it was adopted.

Mr. Irwin moved to amend by inserting in section one, line nine, after the word "premises," the words "provided that the words members of his family shall not be construed to include any servant or employé of such owner or occupant."

Lost.

Mr. Farley moved to amend by striking out of line four, page one, the words "March and September," and insert in place of "March" the word "January," and in place of the word "September" the word "June."

Lost.

Mr. Sweetland moved to refer to the Committee on Fish and Game.

Lost.

Mr. Matthews moved to amend by inserting in line twenty-four, after the word "guilty," "provided this Act shall not apply to persons killing deer for use in their own families."

Lost.

Mr. Smith moved to amend by striking out the words "any of the aforesaid game or," in line fifteen, section one.

Lost.

Mr. Flynn moved to recommit the bill to the Committee on Fish and Game.

Lost.

Mr. Terry arose to a point of order, his point of order being that, as the ayes and noes had been called for, further discussion was out of order.

The point of order was not sustained.

Mr. Terry appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the decision of the House?" the Chair was sustained.

Mr. Lewison moved as an amendment to the amendment, to insert in section one, line sixteen, of the printed bill, after the word sheep, this clause: "except quail."

Mr. Irwin moved to amend by inserting in line eight of printed bill, after the word "any" the word "cultivated," and in line nine after the word "such" the word "cultivated."

Lost.

Mr. Beard moved to amend by striking out all of lines three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and in line fourteen to and including the word "misdemeanor."

Lost.

Mr. Healy moved to amend by inserting "or other person or persons" after the word "family," and before "from" in line eight, section one.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Barnes, Bibb, Caminetti, Farley, Flynn, Gaussail, Hall, Healy, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, O'Connor, Parker, Peterson, Reeves, Rowland, Ryan, Simon, and Wheelan—22.

NOES—Messrs. Beard, Brown, Campbell, Carter, Clark, Clement, Field, Fleming, Hamilton, Harvey, Heishey, Johnston, Kernick, Lewison, Moffitt, Murdock, Plover, Rawle, Rhiel, Smith, Stephens, Townsend, Wharton, and Mr. Speaker—23.

Mr. Farley moved to amend by striking out of section two, line three, the word "November" and inserting the word "January."

Lost.

Mr. McClaskey moved to amend by striking out the word "November," in line one, section two, of the printed bill, and insert in lieu thereof the word "December."

Lost.

Mr. McClaskey moved to strike out all of section three.

Lost.

Mr. Granger moved to amend as follows: At the end of section two add as follows: "Any person who shall enter upon lands and premises, whether fenced or unfenced, owned in fee and occupied by another, and shoot any wild edible game upon the same without the permission of said owner and occupant, or his agent, shall be

guilty of a trespass, and shall be liable therefor in an action for damages by said owner, occupant or agent, before the proper Court."

Lost.

Mr. Irwin moved to amend—Strike out from lines four and eight the words "or upon which he resides."

Lost.

Mr. Bibb moved to strike out of line one the word "its," and insert the words "first of January, 1884."

Lost.

The question being, "Shall the bill be read second time, ordered engrossed, and to third reading as amended?" the ayes and noes were demanded, and the roll was called with the following result:

AYES—Messrs. Barnes, Beard, Booth, Brown, Caminetti, Campbell, Carter, Cutter, Field, Flynn, Fortna, Gaussail, Hamilton, Harvey, Hershey, Johnston, Lewison, McDonald, McKinley, Moffitt, Murdock, Peterson, Plover, Rawle, Reeves, Smith, Stephens, Stewart, Sweetland, Waltrath, Wharton, and Mr. Speaker—32.

NOES—Messrs. Bibb, Farley, Granger, Hall, Healy, Irwin, Kerrick, Matthews, McClaskey, McHale, Murphy, Parker, Rhiel, Rowland, Ryan, Terry, Townsend, and Wheat—18.

The bill was then ordered printed, engrossed, and to third reading as amended.

Messrs. Clement and Murdock were appointed members of the Committee on State Prisons, vice Messrs. Cary and Booth, resigned.

#### NOTICE OF RECONSIDERATION.

Mr. Bibb gave notice that he would move a reconsideration of the vote whereby the House made Assembly Bill No. 5 a special order for Friday, February second, at ten o'clock A. M.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1883.

MR. SPEAKER: I give notice that at the next daily session of this Assembly I shall move the adoption of the following as one of the Standing Rules of this Assembly:

84 When a motion has been properly made and seconded, the Speaker shall state the same; and, if the motion is debatable, ask: "Is the House ready for the question?" After all have spoken who are entitled, the Speaker shall rise and say: "All those who are in favor of the motion will say 'aye,' those opposed, 'no.'" After the Speaker has risen to call for the vote, no debate shall be allowed.

S. L. TERRY.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Larue: An Act to amend sections one thousand two hundred and fifty-nine, one thousand two hundred and sixty, and one thousand two hundred and sixty-three, and to repeal sections one thousand two hundred and sixty-five and one thousand two hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to canvassing and returning the votes.

Referred to Committee on Elections.

Also—An Act to amend section one thousand one hundred and twenty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to election precincts.

Referred to Committee on Elections.

By Mr. Barry: An Act in relation to railroads.

Referred to Committee on Corporations.

Also—An Act to provide for the appointment of subordinate officers in the service of the State.

Referred to Judiciary Committee.

## ADJOURNMENT.

At three o'clock and fifty minutes p. m., on motion of Mr. Sweetland, the House adjourned.

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 IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, January 25, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs Barnes, Barry, Beard, Booth, Caminetti, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Healy, Hershey, Irwin, Johnston, Kerriek, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker.

Quorum present.

Messrs. Coombs and Fleming were granted leave of absence for two days, and Mr. Nicol indefinitely.

Prayer by the Chaplain.

Pending the reading of the Journal of Wednesday, Mr. Murphy moved to dispense with further reading of the Journal.

Carried.

Journal of Wednesday approved.

Mr. Murphy asked leave of absence for Military Committee until Monday noon.

Granted.

Mr. Bowers was granted leave of absence for two days.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1883.

MR. SPEAKER. Your Committee on Claims, to whom was referred Assembly Bills Nos. 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 126—Acts to appropriate money to pay balance due on contracts for furnishing material in construction of Napa State Asylum for the Insane—have had the same under consideration, and now request further time for their consideration.

Granted.

Also, Assembly Bill No. 207—An Act to ascertain the sum due all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars—have had the same under consideration, and now request further time for its consideration.

Granted.

Also, Assembly Bill No. 166—An Act to authorize the Treasurer of State to pay out certain money paid into the treasury under an Act entitled "An Act to promote drainage," approved April 23, 1880—have had the same under consideration, and now request further time for its consideration.

GRANGER, Chairman.

Granted.

## ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1883.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 146—An Act proposing an amendment to the Constitution of the State of California, in relation to the manufacture and sale of spirituous liquors, etc.—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 10—“Proposed amendment to the Constitution of the State of California—amending section nineteen of article eleven of the Constitution of the State”—have had the same under consideration, and now report the same back, and recommend its passage.

GRANGEER, Chairman.

## ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1883.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 190—“An Act to amend section three hundred and four of the Civil Code, relating to corporations”—have had the same under consideration, and now report the same back, and recommend that it pass.

Also, Assembly Bill No. 37—“An Act to amend section four hundred and sixty-eight of the Civil Code, relating to railroad corporations”—have had the same under consideration, and now report the same back, and recommend that it do not pass.

BARRY, Chairman.

## SACRAMENTO, January 25, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred resolution calling for number of employés of Assembly, with duties performed, and per diem received, beg leave to present the following report:

*List of Clerks of Committees, Attachés, and Employés of the Assembly to date, together with the services they perform, and the compensation they receive therefor.*

Date of Appointment	NAME	Services	Per Diem.
January 15	Jno. F. Mulgrew	Clerk Com. Ways and Means	\$5 00
January 15	Joseph R. Young	Clerk Com. Mines and Mining	5 00
January 13	Joseph Kirk	Clerk Com. Judiciary	8 00
January 13	Byron Ball	Clerk Com. Judiciary	8 00
January 15	A. S. Briceland	Clerk Com. State Hospital	5 00
January 18	J. W. Brumagin	Clerk Com. Agriculture	5 00
January 15	A. D. D'Ancona	Clerk Com. Corporation	5 00
January 15	Hugh J. Lynch	Clerk Com. Engrossment	5 00
January 15	L. C. Husse	Clerk Com. Municipal Corporations	5 00
January 16	Edwin R. Campbell	Clerk Com. Public Buildings and Grounds	5 00
January 15	A. L. Van Mater	Clerk Com. Claims	5 00
January 15	John O'Beal	Clerk Com. Labor and Capital	5 00
January 15	Mrs. A. Andrews	Clerk Com. Chinese Emigra'tn & Immig'atn.	5 00
January 15	J. M. Ward	Clerk Com. Commerce and Navigation	5 00
January 15	E. S. Sunderland	Clerk Com. Water Rights and Drainage	5 00
January 15	Mary E. Brennan	Clerk Com. Enr'm't, Ind. Aff'rs, & Y. Big Trees	5 00
January 15	W. M. Gillespie	Clerk Com. Counties and Co. Boundaries	5 00
January 15	J. E. Naylor	Clerk Com. Swamp and Overflowed Lands	5 00
January 18	James O'Meara	Clerk Com. Printing	5 00
January 15	P. S. Dorney	Clerk Com. Elections	5 00
January 15	A. Smith	Cleak Com. Fish and Game	5 00
January 18	Lillie McClaskey	Clerk Com. Crimes and Penalties	5 00
January 18	S. M. Theall	Clerk Com. Federal Relations	5 00
January 15	Erskine Sunderland	Clerk Com. Public Lands	5 00
January 15	Mrs. W. C. Anderson	Clerk Com. Public Morals	5 00
January 15	S. S. Nagle	Clerk Com. State Prisons	5 00
January 15	S. P. Scaniker	Clerk Com. Co. and Township Governments	5 00
January 15	Miss Amelia C. Rodriguez	Clerk Com. Education	5 00
January 15	Carl Brown	Clerk Com. Roads and Highways	5 00
January 20	Fenwick Fisher	Clerk Com. Apportionment	5 00
January 11	Wm D. Farrell	Watchman	4 00
January 11	D. W. Manthy	Watchman	4 00
January 19	J. S. O'Brien	Watchman	4 00
January 10	George Woodburn	Mail Carrier	3 00
January 11	B. F. Alexander	Gate keeper	4 00
January 11	E. Escandon	Gate keeper	4 00
January 12	T. A. Cullen	Porter to Sergeant-at-Arms	3 00
January 12	L. S. Lighton	Rear Porter	2 50

Date of Appointment	NAME.	Services	Per Diem.
January 13	Fred. Taylor	Post Office Page	\$3 00
January 13	Willie Jobson	Page	3 00
January 13	Samuel McClintic	Page	3 00
January 13	John Wilhams	Gallery Porter	3 00
January 9	E. B. Ware	Chaplain	5 00
January 11	C. B. Swift	Assistant Journal Clerk	8 00
January 12	Paul H Rediges	Clerk to Sergeant-at-Arms	8 00
January 17	G. B Crandall	Assistant Minute Clerk	8 00
January 19	W. S. Sim	Committee Room Porter	3 00
January 23	H Davis	Committee Room Porter	3 00
January 13	F. E. Edwards	Page to Sergeant-at-Arms	3 00

FIELD, Chairman.

Mr. Cutter moved to lay the report on the table.  
So ordered.

## INTRODUCTION OF BILLS.

By Mr. Granger: An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

Referred to Committee on Public Morals.

By Mr. Caminetti: An Act to amend section eight hundred and eleven of the Penal Code, relating to informations or complaints laid before magistrates, and their duties thereon, and to repeal section eight hundred and twelve of said Code, relating to the contents of depositions taken before such magistrates.

Referred to Judiciary Committee.

## FIRST READING OF BILLS.

Assembly Bill No. 42—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to the repayment of moneys received for certain land and school land warrants.

Read first time, and ordered to second reading.

Assembly Bill No. 74—An Act to pay the claims of the heirs of E. G. Jefferis, late State Printing Expert.

Read first time, and ordered to second reading.

Assembly Bill No. 137—An Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to the proceedings supplementary to the execution.

Read first time, and ordered to second reading.

Assembly Bill No. 138—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change of boundaries thereof.

Mr. Matthews moved to make the first reading of the bill a special order for Monday, January twenty-ninth, at eleven o'clock.

Mr. Smith moved to amend, by making the time Monday, February twelfth.

Lost.

Mr. Wharton moved to amend, by making the time Thursday, February first, at eleven o'clock.

Lost.

Mr. Irwin moved to recommit the bill to the Committee on Counties and County Boundaries.

Lost.

The question then recurring on the original motion, it was lost.

The ayes and noes being demanded on the question: "Shall the bill be read a first time?" the bill was refused first reading by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Cutter, Farley, Granger, Hamilton, Hershey, Irwin, Kerrick, Matthews, McKinley, Peterson, Reeves, Rhinel, Rowland, Terry, Walrath, Wheat, and Mr. Speaker—20.

NOES—Messrs. Barry, Beard, Bibb, Caminetti, Carter, Clark, Field, Flynn, Hall, Harvey, Healy, Johnston, Lewison, McClaskey, McDonald, McHale, Moffitt, O'Connor, Rawle, Smith, Stewart, Sweetland, Townsend, Wharton, and Wheelan—25.

#### NOTICE OF RECONSIDERATION.

Mr. Townsend gave notice that he would move a reconsideration of the vote whereby the House refused Assembly Bill No. 138 first reading.

Assembly Bill No. 142—An Act to amend section three thousand seven hundred and seventy of the Political Code of the State of California, relative to the cost and payment of publication of delinquent taxes.

Refused first reading.

Assembly Bill No. 157—An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony.

Read first time, and ordered to second reading as amended.

Assembly Bill No. 158—An Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations.

Read first time, and ordered to second reading.

Assembly Bill No. 164—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 and fish ponds.

Read first time, and ordered to second reading.

Assembly Bill No. 176—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled "An Act to establish a Political Code," approved March 2, 1872, relating to revenue and taxation and the method of the collection thereof.

Read first time, and ordered to second reading as amended.

Assembly Bill No. 228—An Act to appropriate money for construction of sidewalks around the State Capitol grounds.

Read first time, and ordered to second reading as amended.

On motion of Mr. Bibb, a call of the House was demanded.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Bibb, Booth, Brown, Caminetti, Carter, Clark, Cutter, Farley, Fav, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhinel, Rowland, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker.

Quorum present.

On motion of Mr. Sinon, further proceedings under the call of the House was dispensed with.

FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 217—An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison.

Read first time, and ordered to second reading.

Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Read first time, and ordered to second reading as amended.

Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the Government for the thirty-fourth fiscal year.

Read first time, and ordered to second reading.

SECOND READING OF BILLS.

Assembly Bill No. 168—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of this State.

Mr. Carter moved to recommit the bill to Committee on Public Lands.

So ordered.

WITHDRAWAL OF NOTICE OF RECONSIDERATION.

Mr. Terry withdrew his notice of reconsideration of the vote whereby amendment to Assembly Bill No. 136 was adopted.

THIRD READING OF BILLS.

Assembly Bill No. 23—An Act to supply and correct omissions by Boards of Supervisors in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections.

Read third time, the roll was called, and bill passed by the following vote :

AYES—Messrs. Barnes, Barry, Beard, Brown, Caminetti, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 49—An Act to amend section one thousand three hundred and sixty of the Civil Code of California, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Barry, Beard, Booth, Brown, Caminetti, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Granger, Hamilton, Harvey, Healy, Hershey, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, O'Connor, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—46.  
 NOES—None.

Assembly Bill No. 54—An Act to amend section eleven hundred and two of the Code of Civil Procedure and define the writ of prohibition.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Barry, Beard, Booth, Brown, Caminetti, Carter, Clark, Farley, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheelan, and Mr. Speaker—46.  
 NOES—None.

Mr. Terry moved to pass Assembly Bill No. 56 on the file.  
 So ordered.

PROTEST—(OUT OF ORDER).

By Mr. Moffitt: From residents of the proposed new County of Orange against county division.

RECESS.

At twelve o'clock and thirty minutes the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.  
 Speaker Larue in the chair.  
 Quorum present.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Caminetti: An Act to add a new section to the Code of Civil Procedure, to be numbered two hundred and twelve, relating to the drawing of jurors for Justices' Courts by the Boards of Supervisors.

Referred to Judiciary Committee.

Also—An Act to repeal sections two hundred and thirty, two hundred and thirty-one, and two hundred and thirty-two of article six, chapter one, of title three, of the Code of Civil Procedure, in relation to the summoning of jurors for Courts not of record, and to substitute a new article, to be designated as article six, including new sections, to be numbered two hundred and twenty-nine, two hundred and thirty, two hundred and thirty-one, two hundred and thirty-two, and two hundred and thirty-three, in relation to the drawing and summoning of jurors for Courts not of record.

Referred to Judiciary Committee.

Also—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," approved March 29, 1878.

Referred to Committee on Irrigation.

By Mr. Wharton: An Act to amend sections five hundred and one, three thousand three hundred and ninety-eight, three thousand four hundred and ten, three thousand four hundred and fourteen, three thousand four hundred and seventeen, three thousand four hundred and ninety-four, three thousand four hundred and ninety-eight, three thousand five hundred and two, three thousand five hundred and sixteen, three thousand five hundred and thirty-three, three thousand five hundred and forty-six, three thousand five hundred and forty-eight, three thousand five hundred and forty-nine, and three thousand five hundred and seventy-one of the Political Code, relating to public lands of the State.

Referred to Committee on Public Lands.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Rhiel:

*Resolved*, That no clerk of this House shall be allowed an additional per diem for services rendered by him to any committee, and that no person shall draw more than one per diem for services rendered by such person as clerk to one or more committees.

Adopted.

By Mr. Sweetland:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1883.

*Resolved*, That the Engrossing Clerk be and is hereby empowered to correct all errors or omissions found in the enacting clause of bills sent to his office for engrossment.

Mr. Terry moved the previous question.

So ordered.

The ayes and noes being demanded on the adoption of the resolution, the roll was called, and the resolution was lost by the following vote:

AYES—Messrs. Bibb, Booth, Brown, Cutter, McKinley, Moffitt, Smith, Sweetland, and Mr. Speaker—9

NOES—Messrs. Barnes, Barry, Beard, Caminetti, Clark, Farley, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Hershby, Hollister, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Sinon, Stewart, Terry, Townsend, Walrath, Wharton, Wheat, and Wheelan—41.

By Mr. Flynn:

*Resolved*, That the Engrossing Committee of the Assembly be allowed to make all corrections in errors of the enacting clause of bills introduced, so that all enacting clauses shall conform to law, to read as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Mr. Terry moved the previous question.

So ordered.

The resolution by Mr. Flynn was then adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed:

Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year—the deficiency arising upon the claim of William Laufkotter.

Assembly Bill No. 103—An Act to amend section one thousand eight hundred and eighty of

the Political Code, relating to elections upon the questions upon the issuance of bonds of school districts for the purpose of raising money for school purposes.

Assembly Bill No. 135—An Act to amend section five hundred and thirty-two of the Penal Code, and prescribe punishment for obtaining money or property by false pretenses and by false reports of wealth.

Assembly Bill No. 133—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases.

Assembly Bill No. 43—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Assembly Bill No. 26—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty-nine, abrogating the distinction between the force and effect of verdicts in cases of equity and actions at law.

Assembly Bill No. 72—An Act regulating the taking up of estray animals and posting the same.

Assembly Bill No. 52—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California.

BIBB, Sub. Chairman.

### THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in 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.

The bill was read third time, the roll was called, and the bill was refused passage by the following vote :

AYES—Messrs. Beard, Booth, Caminetti, Clement, Cutter, Farley, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Hershey, Hollister, Kerrick, Lewison, Matthews, McKinley, Moffitt, Murphy, Parker, Rawle, Reeves, Rowland, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—38

NOES—Messrs. Barnes, Barry, Bibb, Carter, Healy, McDonald, O'Connor, Peterson, and Rhel—9.

Mr. Caminetti gave notice that he would to-morrow move to reconsider the vote whereby the bill was refused passage.

Assembly Bill No. 60—An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California, in relation to the larceny of certain animals.

Read third time.

The roll was called, and the bill was passed by the following vote :

AYES—Messrs. Barnes, Barry, Bibb, Booth, Brown, Caminetti, Carter, Clark, Cutter, Farley, Field, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Hollister, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, and Mr. Speaker—47.

NOES—None.

Special order for two o'clock and thirty minutes P. M.: Assembly Bill No. 57—An Act to make the furnisher of intoxicating liquors responsible for damages.

Bill read second time.

Mr. Wharton moved to amend by striking out of section one all of said section after the word "liquor," in line eight.

Amendment adopted.

Bill ordered engrossed, and to third reading as amended.

Mr. Cutter gave notice that he would to-morrow move to reconsider the vote whereby the House ordered the bill engrossed and to third reading as amended.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 61—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, and provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Booth, Brown, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Hall, Hamilton, Harvey, Hershey, Hollister, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Parker, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—44.

NOES—None.

Mr. Matthews moved to pass Assembly Bill No. 29 on the file.

So ordered.

Special order for three o'clock P. M.: Assembly Bill No. 140—An Act for the protection of the dairy industries of this State and the consumers of dairy productions.

Mr. Hollister moved to defer consideration of the special order till three o'clock and thirty minutes P. M. this day.

Lost.

Bill read second time.

Mr. Hollister moved to amend by striking out of section one, line four, all after the word "cow."

Adopted.

The question being: "Shall the bill be ordered engrossed, printed, and to third reading as amended."

The ayes and noes being demanded, the roll was called, with the following result:

AYES—Messrs. Barry, Beard, Bibb, Booth, Brown, Carter, Clark, Farley, Field, Flynn, Hall, Hamilton, Hershey, Hollister, Johnston, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, O'Connor, Peterson, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, and Mr. Speaker—38.

NOES—Messrs. Barnes, Cutter, Fortna, Harvey, Kerrick, Moffitt, Parker, and Wheelan—8.

The bill was then ordered engrossed, printed, and to third reading as amended.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Hall, Hamilton, Harvey, Hershey, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murphy, O'Connor, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—43.

NOES—Mr. Parker—1

Assembly Bill No. 72—An Act regulating the taking up of stray animals and posting the same.

Bill read third time.

The roll was called, with the following result:

**Ayes**—Messrs. Beard, Booth, Carter, Clark, Farley, Field, Hershey, Irwin, Kerrick, Lewison, McDonald, McKinley, Murphy, Parker, Reeves, Rhel, Rowland, Sinon, Smith, Terry, Wharton, Wheat, and Mr. Speaker—24.

**Nays**—Messrs. Barnes, Barry, Bibb, Hall, Johnston, Matthews, McClaskey, Moffitt, O'Connor, Peterson, Rawle, Stewart, Sweetland, Townsend, and Wheelan—15.

A quorum having failed to vote on the bill, on motion of Mr. Johnston, a call of the House was demanded.

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

Messrs. Barnes, Barry, Beard, Bibb, Booth, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Hall, Hamilton, Harvey, Hershey, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker.

Quorum present.

On motion of Mr. Johnston, further proceedings under the call of the House were dispensed with.

The roll was again called, and the bill failed to pass by the following vote:

**Ayes**—Messrs. Beard, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Hamilton, Hershey, Hollister, Irwin, Kerrick, Lewison, McDonald, McHale, McKinley, Murphy, Reeves, Rhel, Rowland, Sinon, Smith, Terry, Walrath, Wharton, Wheat, and Mr. Speaker—28.

**Nays**—Messrs. Barnes, Barry, Bibb, Hall, Harvey, Johnston, Matthews, McClaskey, Moffitt, O'Connor, Parker, Peterson, Rawle, Ryan, Stewart, Sweetland, Townsend, and Wheelan—18.

#### NOTICES OF RECONSIDERATION.

Mr. Rhel gave notice that he would to-morrow move a reconsideration of the vote whereby the House refused to pass Assembly Bill No. 72.

Mr. Ryan gave notice that he would to-morrow move a reconsideration of the vote whereby the House refused to pass Assembly Bill No. 56.

#### THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 81—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.

Read third time.

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Barnes, Barry, Beard, Bibb, Booth, Carter, Clark, Cutter, Farley, Field, Hall, Hamilton, Harvey, Hershey, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—43.

**Nays**—None.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 82—"An Act to pay the claim of James Saultry."

Speaker Larue in the chair.

Mr. Cutter moved that the committee do now rise, and report the bill back to the House, and recommend its passage, it having been previously considered by the Committee of the Whole.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN OF THE ASSEMBLY: The Committee of the Whole has had under consideration Assembly Bill No. 82—"An Act to pay the claim of James Saultry"—has risen, and now report the bill back to the House, and recommend that it do pass.

Report received.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 82—An Act to pay the claim of James Saultry.  
Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Carter, Clark, Cutter, Farley, Field, Fortna, Hall, Hamilton, Harvey, Hershey, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stewart, Sweetland, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—43.

NOES—Mr. Terry—1.

Assembly Bill No. 84—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sale.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Beard, Bibb, Booth, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Hamilton, Harvey, Heishey, Irwin, Johnston, Lewison, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stewart, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—43.

NOES—Mr. Sweetland—1.

Mr. Smith moved to adjourn.

Mr. Irwin arose to a point of order; his point of order being that as the motion to adjourn was made while the Speaker was in the act of declaring the vote on the passage of Assembly Bill No. 84, the motion to adjourn was out of order.

Point of order sustained.

## RESOLUTION—(OUT OF ORDER).

By Mr. Hall:

*Resolved*, That the State Printer be and is hereby authorized to print one hundred extra copies of Assembly Bills Nos. 4, 19, and 243, for the use of this House.

Mr. Terry arose to a point of order; his point of order being that, under the rules of the House, resolutions of that character were required to lay over one day.

Point of order sustained.

Mr. Bibb moved to suspend the rules, and consider the resolution presented by Mr. Hall.

So ordered.  
The resolution was then adopted.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 25, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 10, relative to joint meetings of Senate and Assembly Committees on "Counties, County Governments, and Township Organization."

A. T. VOGELSANG, Assistant Secretary.

Adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1883.

MR. SPEAKER: Your Committee on Rules, to whom was referred the following resolution:  
*Resolved*, That for the purpose of facilitating the business of the House, and to give the committees time and opportunity to meet, no noon recess shall be taken, but the House shall continue in session until one o'clock and thirty minutes P. M., unless otherwise ordered by the House;

Have had the same under consideration, and now report the same back, and recommend that it do not pass.

Adopted.

Also, the following resolution:

*Resolved*, That the name of S. L. Terry be added to the Committee on Crimes and Penalties. Have had the same under consideration, and now report the same back, and recommend its adoption.

SINON, Chairman.

Adopted.

Mr. Terry, pursuant to notice, moved that the following be adopted as one of the Standing Rules of the Assembly:

84. When a motion has been properly made and seconded, the Speaker shall state the same, and, if the question is debatable, ask "Is the House ready for the question?" If no one rises to speak, the Speaker shall rise and take the vote. No debate shall be allowed after the Speaker has risen to take the vote.

Referred to Committee on Rules.

ADJOURNMENT.

At four o'clock and ten minutes, on motion of Mr. Cutter, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, January 26, 1883. }

The House met pursuant to adjournment.  
Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Bibb, Booth, Carter, Clark, Cutter, Farley, Faw, Field, Flynn, Fortna, Gaussail, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Irwin, Johnston,

Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal of Thursday, Mr. Lewison moved to dispense with further reading of the Journal.

So ordered.

Journal of Thursday approved as read.

Messrs. Yell and Keeler were granted indefinite leave of absence on account of sickness.

#### REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1883.

MR. SPEAKER: Your special committee, to whom was referred Assembly Bill No. 56, to provide a simple, speedy, and inexpensive system of procedure in civil cases, have had the same under consideration, and now report that four members of that committee, having been absent on leave for the purpose of attending to legislative duties away from the Capitol, request ten days' further time.

LEVERSON, Chairman.

Time granted.

#### PRESENTATION OF PETITIONS.

By Messrs. Smith, and Hollister, and Fortna: Petitions in relation to non-repeal of temperance laws, for local option, and for prohibition Constitutional amendment.

Referred to Committee on Public Morals.

#### INTRODUCTION OF BILLS.

By Mr. Terry: An Act to amend section twelve hundred and twenty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to voting and challenges.

Referred to Judiciary Committee.

Also—An Act to amend section one thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to qualifications and disabilities of electors.

Referred to Judiciary Committee.

By Mr. Farley: An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be known as section three hundred and eighty-two, relative to the sale, or keeping, or offering for sale any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article useful in compounding them, under a false name, with fraudulent intent to deceive as to the character of the same and relative to evidence thereof.

Referred to Judiciary Committee.

By Mr. Wharton: An Act to amend section three hundred and forty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time for the commencement of certain civil actions.

Referred to Committee on Irrigation.

Also—An Act to amend section twenty-two of an Act entitled "An Act to promote irrigation," approved April 1, 1872, relating to irrigation.

Referred to Committee on Irrigation.

Also—An Act to amend section one thousand two hundred and thirty-eight of an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, relating to eminent domain.

Referred to Committee on Irrigation.

Also—An Act to add a new section, to be known as section one thousand four hundred and twenty-three, to an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, relating to water and water rights.

Referred to Committee on Irrigation.

Also—An Act to make an Act entitled “An Act to promote irrigation,” approved April 1, 1872, applicable to Fresno County, by amending section twenty-six of said Act.

Referred to Committee on Irrigation.

By Mr. Rawle: An Act to amend section two thousand five hundred and twenty-four of the Political Code of the State of California, relative to the powers of State Harbor Commissioners.

Referred to Committee on Commerce and Navigation.

By Mr. Flynn: An Act in relation to pawnbrokers and pledgees.

Referred to Judiciary Committee.

Mr. Townsend, pursuant to notice, moved to reconsider the vote whereby the House refused Assembly Bill No. 138 first reading.

So ordered.

Mr. Townsend moved that Assembly Bill No. 138 be recommitted to the Committee on Counties and County Boundaries, with instructions to make it conform to the provisions of section thirteen, article eleven, of the Constitution.

So ordered.

#### FIRST READING OF BILLS.

Mr. Flynn moved to pass Assembly Bill No. 144 on the file.

So ordered.

Mr. Ryan moved to pass Assembly Bill No. 10 on the file, and that the Judiciary Committee be requested to give an opinion as to the course bills of that character should take.

So ordered.

Assembly Bill No. 37—An Act to amend section four hundred and sixty-eight of the Civil Code, relating to railroad corporations.

Refused first reading.

Assembly Bill No. 146—An Act proposing an amendment to the Constitution of the State of California, in relation to the manufacture and sale of spirituous liquors, etc.

Refused first reading.

Assembly Bill No. 190—An Act to amend section three hundred and four of the Civil Code, relating to corporations.

Read first time, and ordered to second reading.

#### SECOND READING OF BILLS.

Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind.

Mr. McClaskey moved the previous question.

So ordered.

The ayes and noes being demanded on the second reading of the bill, it was refused second reading by the following vote:

**AYES**—Messrs. Barnes, Bibb, Carter, Cutter, Faw, Flynn, Fortna, Hershey, Levenson, Matthews, McDonald, Moffitt, O'Connor, Rawle, and Simon—15

**NOES**—Messrs. Barry, Beard, Clark, Farley, Field, Hamilton, Harvey, Hollister, Irwin, Johnston, Kerrick, Lewison, McClaskey, McHale, McKinley, Parker, Peterson, Reeves, Ruel, Rowland, Ryan, Stewart, Terry, Townsend, Waliath, Wharton, Wheat, and Mr. Speaker—28.

**Assembly Bill No. 42**—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to the repayment of moneys received for certain land and school land warrants.

Bill read second time.

Amendment by the Committee on Public Lands: Amend section one by striking out the words, "or if for any reason the State cannot make to the purchaser a valid title to the land by him purchased," in the fifth, sixth, seventh, and eighth lines of page one.

Amendment adopted.

Ordered engrossed, printed, and to third reading as amended.

Mr. Townsend moved to pass Assembly Bill No. 74 on the file.

So ordered.

**Assembly Bill No. 137**—An Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to the proceedings supplementary to the execution.

Read second time, ordered engrossed and to third reading.

**Assembly Bill No. 157**—An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony.

Read second time.

Amendment by Judiciary Committee—Amend by inserting after the word "also," in line twenty-six, page one, the words "in its discretion."

Amendment adopted.

Ordered engrossed, printed, and to third reading as amended.

**Assembly Bill No. 158**—An Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations.

Read second time, ordered engrossed, and to third reading.

**Assembly Bill No. 164**—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 and fish ponds.

Read second time.

Mr. Irwin moved to recommit the bill to the Committee on Fish and Game, with instructions to insert a limit to the lease.

So ordered.

**Assembly Bill No. 176**—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled "An Act to establish a Political Code," approved March 2, 1872, relating to revenue and taxation and the method of the collection thereof.

Read second time.

Amendment by Judiciary Committee to section one: By inserting after the word "advertised," in line fifteen, page one, the words "commencing at the head of the list."

Adopted.

To section two: By striking out the word "primary," in line seven, page two, and inserting in lieu thereof the words "prima facie."

Adopted.

To section three: By inserting after the word "whatsoever," in line fourteen, page three, the words "except as hereinafter provided."

Adopted.

Ordered engrossed, printed, and to third reading as amended.

#### COMMITTEE OF THE WHOLE.

On motion of Mr. Johnston, the House went into Committee of the Whole for the purpose of considering Assembly Bill No. 217—"An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison."

Speaker Larue in the chair.

The bill was considered in the Committee of the Whole.

Mr. Irwin moved that the committee do now rise and report the bill back and recommend its passage.

So ordered.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

*GENTLEMEN:* The Committee of the Whole has had under consideration Assembly Bill No. 217—"An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison," and now report the bill back to the House, and recommend that it do pass.

Report received.

#### SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 217—An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison.

Read second time, ordered engrossed and to third reading.

#### COMMITTEE OF THE WHOLE.

On motion of Mr. Johnston, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the Government for the thirty-fourth fiscal year.

Speaker Larue in the chair.

The bill was considered in the Committee of the Whole.

Mr. Townsend moved that the committee do now rise and report the bill back, and recommend that it do pass.

So ordered.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN The Committee of the Whole has had under consideration Assembly Bill No. 243—"An Act making appropriations to pay deficiencies in the appropriations for the support of the Government for the thirty-fourth fiscal year." and now report the bill back to the House, and recommend that it do pass.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the Government for the thirty-fourth fiscal year.

Read second time, ordered engrossed and to third reading.

Mr. Rhiel, pursuant to notice, moved to reconsider the vote whereby the House refused to pass Assembly Bill No. 72.

So ordered.

Mr. Moffitt moved that the bill be recommitted to the Committee on Agriculture.

So ordered.

Mr. Ryan, pursuant to notice, moved to reconsider the vote whereby the House refused to pass Assembly Bill No. 56.

So ordered.

Mr. Ryan moved that the bill be ordered printed with the amendments.

So ordered.

## THIRD READING OF BILLS.

Assembly Bill No. 52—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Beard, Booth, Clark, Cutter, Farley, Faw, Field, Flynn, Fortna, Hamilton, Harvey, Head, Hershey, Hollister, Irwin, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, Moffitt, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Sinon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—43.

NOES—Messrs. Baues and Hall—2.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1883.

MR. SPEAKER The Committee on Municipal Corporations, to whom was referred Assembly Bill No. 148—An Act to empower the Common Council of the City of Eureka to donate and convey to Humboldt County, Block No. 43 in said city, for the purpose of erecting public buildings thereon—have had the same under consideration, and now report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 201—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—and recommend its passage

Also, Assembly Bill No. 4—An Act to declare when a vacancy exists in an elective or appointive office, board, or commission, of any county, city, city and county, township, or municipality, and provide for the filling of the same—and recommend its passage as amended.

IRWIN, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed:

Assembly Bill No. 13—An Act to amend sections six hundred and twenty-six, six hundred and twenty-eight, and six hundred and thirty of the Penal Code of California, relating to the preservation of fish and game, and to provide for the preservation of wild game and fish.

Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations.

BIBB, Sub. Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1883.

MR. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 182—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, relating to revenue—report the same back, and recommend that it pass.

Also, Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law—and recommend that it be referred to the Committee on Corporations.

Also, Assembly Bill No. 199—An Act in relation to stray animals, and providing the manner of taking up and appraising the same—and recommend its reference to the Committee on Agriculture.

Also, Assembly Bill No. 200—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales—and recommend its passage.

Also, Assembly Bill No. 202—An Act to amend section two hundred and twenty-four of the Civil Code, in relation to the adoption of children—and recommend that it do not pass.

Also, Assembly Bill No. 204—An Act relating to searchers of records, with amendments—and recommend its passage as amended.

Also, Assembly Bill No. 209—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California, relating to the salaries of Judges of the Superior Courts, and to fix the salaries thereof, with amendments—and recommend its passage as amended.

Also, Assembly Bill No. 210—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered twenty-two, to correct errors and omissions in the several Codes and laws of the State of California, giving the names of Courts and the Judges thereof—and recommend that it do not pass.

Also, Assembly Bill No. 212—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 the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867, approved March 30, 1868—and recommend that it pass.

Also, Assembly Bill No. 213—An Act to compel savings and savings and loan corporations to dispose of the real estate acquired by foreclosure—and recommend that it do not pass.

Also, Assembly Bill No. 219—An Act to provide for the appointment of Prosecuting Attorneys for Police Judges' Courts, in all consolidated city and county governments—and recommend that it be referred to the Committee on Municipal Corporations.

Also, Assembly Bill No. 220—An Act to add a new section to the Penal Code, relating to the practice of dentistry—and recommend that it do not pass.

Also, Assembly Bill No. 221—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities—and recommend that it be referred to the Committee on Municipal Corporations.

Also, Assembly Bill No. 222—An Act to amend section eighty-six of part one, title one, chapter five, article one, of the Code of Civil Procedure, relating to Justices' Clerks—and recommend that it do not pass.

Also, Assembly Bill No. 223—An Act to add a new section to the Civil Code, to be known as section six hundred and three, authorizing and providing for the incorporation of dioceses, assembly and conference districts of a religious denomination or society—and recommend that it do not pass.

Also, Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872—and recommend its passage.

Also, Assembly Bill No. 229—An Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations in the office of County Clerk certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certificates showing the names and places of residence of certain officers of any such corporation—and recommend its passage.

Also, Assembly Bill No. 232—An Act to facilitate the giving of bonds required by law—and recommend that it be referred to the Committee on Corporations.

Also, Assembly Bill No. 234—An Act to prevent the payment of fraudulent or duplicate warrants by County Treasurers—and recommend that it do not pass.

Also, Assembly Bill No. 235—An Act to amend section four thousand four hundred and forty-five of the Political Code of the State of California, in relation to funding and refunding of city indebtedness—and recommend that it be referred to the Committee on Municipal Corporations.

Also, Assembly Bill No. 236—An Act to amend sections seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, and seven hundred and eighty-one of the Political Code of the State of California, in relation to printing the reports of the Supreme Court of the State, and to repeal section seven hundred and eighty-two of the same Code—and recommend that it do not pass.

Also, Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations—and recommend that it be referred to the Committee on Corporations.

Also, Assembly Bill No. 242—An Act to amend section one thousand three hundred and thirteen of the Civil Code of California, in relation to bequests or devises of real or personal property to charitable or benevolent societies or corporations, or any person or persons, in trust for charitable uses—and recommend that it do not pass.

Also, Assembly Bill No. 244—An Act to amend section one thousand and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the effect of a discharge of one of several defendants from an indictment—and recommend that it do not pass.

Also, Assembly Bill No. 245—An Act to amend an Act entitled "An Act to regulate the practice of medicine in the State of California," approved April 3, 1878—and recommend that it do not pass.

Also, Assembly Bill No. 145—An Act creating Boards of Bank and Insurance Commissioners, and prescribing their duties and powers, and to abolish the office of Insurance Commissioner and Bank Commissioners—and recommend that it do not pass.

Also, Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders—and recommend its passage.

Also, Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors—and recommend its passage.

Also, Senate Bill No. 16—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 21, 1872, relating to the manner in which a trustee may be discharged from his trust—and recommend its passage.

Also, Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage—and recommend its passage.

Also, Assembly Concurrent Resolution No. 9—Relative to certain treaties existing between the Government of the United States and the Empire of China—and recommend that it be referred to the Committee on Chinese Immigration and Emigration.

Also, Assembly Concurrent Resolution No. 19—Relative to the working days of the Legislature under the laws defining the same—and recommend that it be not adopted.

TERRY, Chairman.

Mr. Matthews, at twelve o'clock and twenty minutes, moved that the House take a recess till two o'clock this day.

Mr. Cutter moved as an amendment, that the House do now adjourn till two o'clock p. m. Monday.

Mr. Sweetland moved as an amendment to the amendment, that the House do now adjourn till ten o'clock Monday.

The ayes and noes being demanded, the roll was called, and the amendment to the amendment lost by the following vote :

AYES—Messrs Barnes, Booth, Clark, Cutter, Farley, Field, Hall, Harvey, Hershey, Hollister, McCluskey, McDonald, Rawle, Rowland, Ryan, Smith, Townsend, Wharton, and Wheelan—19.

NOES—Messrs Barry, Beard, Bibb, Flynn, Hamilton, Irwin, Johnston, Kerrick, Lewison, McHale, McKinley, Moffitt, O'Connor, Parker, Peterson, Reeves, Rhel, Simon, Stewart, Sweetland, Terry, Walrath, Wheat, and Mr. Speaker—24.

The question recurring on the amendment, it was lost.

The question then recurring on the original motion, it was lost.

Mr. Hollister moved to defer consideration of the special orders for this day till the same hour Monday.

Mr. Simon moved as an amendment that the consideration of special orders be postponed till Friday next, at the same hours, respectively, as the time set for this day.

Mr. Ryan moved as an amendment to the amendment that the time for consideration of the special orders be made Wednesday next, at two o'clock.

Mr. Townsend moved as a substitute for the whole that the special orders be placed on the file for second reading.

So ordered.

Mr. Beard was granted leave of absence for this afternoon session.

#### RECESS.

Mr. Sweetland moved that the House do now adjourn till ten o'clock Monday.

The ayes and noes being demanded, the roll was called.

Pending the announcement of the vote by the Speaker, the hour of twelve o'clock and thirty minutes P. M. having arrived, the Speaker declared a recess till two o'clock P. M. this day.

#### REASSEMBLED.

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

Speaker Larue in the chair.

The vote on adjournment, taken before recess, was then announced, as follows:

**AYES**—Messrs Barnes, Booth, Cutter, Farley, Faw, Harvey, Hollister, Levenson, Lewison, McClaskey, McDonald, McHale, McKinley, Murphy, O'Connor, Rawle, Rhiel, Rowland, Ryan, Smith, Sweetland, Townsend, Walrath, Wharton, and Wheelan—26.

**NOES**—Messrs. Barry, Beard, Bibb, Carter, Clark, Field, Flynn, Fortna, Hall, Hamilton, Hershey, Irwin, Johnston, Kerrick, Matthews, Moffitt, Parker, Peterson, Reeves, Simon, Stewart, Terry, Wheat, and Mr. Speaker—23.

The Speaker declared that as there was less than two thirds in the affirmative, the motion to adjourn was lost.

Mr. Cutter appealed from the decision of the chair.

The question being: "Shall the decision of the Chair stand as the decision of the House?" the ayes and noes being demanded, the roll was called, and the Chair sustained by the following vote:

**AYES**—Messrs. Barnes, Barry, Bibb, Carter, Clark, Farley, Faw, Field, Flynn, Fortna, Hamilton, Hollister, Irwin, Johnston, Keeler, Kerrick, Lewison, McHale, McKinley, Moffitt, Peterson, Reeves, Rhiel, Rowland, Simon, Stewart, Townsend, and Wheat—28.

**NOES**—Messrs. Booth, Cutter, Harvey, Levenson, McClaskey, McDonald, Murphy, O'Connor, Rawle, Ryan, Smith, Sweetland, Terry, Walrath, and Wharton—15.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Wharton: An Act to repeal section one thousand four hundred and twenty-two of the Civil Code of California.

Referred to Judiciary Committee.

Mr. Terry moved to take the report of the Committee on Attachés and Employés from the table and place it on file.

Lost.

#### THIRD READING OF BILLS.

Assembly Bill No. 98—An Act for the relief of persons whose lands have been sold to the State for taxes.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Barnes, Booth, Carter, Clark, Cutter, Farley, Field, Flynn, Fortna, Hall, Hamilton, Harvey, Hershey, Hollister, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison,

Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Parker, Peterson, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, and Mr. Speaker—43.

Mr. Booth was granted leave of absence from to-day until Monday, at two o'clock P. M.

Mr. Murphy, on behalf of the Committee on Military Affairs, asked that the leave of absence granted the committee yesterday be rescinded, and that the committee be granted leave from Saturday till Wednesday, at twelve o'clock.

Leave granted.

Mr. Wharton moved that one half the Committee on Water Rights and Drainage and one half the Committee on Irrigation be granted leave of absence till Monday, at three o'clock P. M., in order that they might visit Fresno County.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

**AYES**—Messrs. Barnes, Bbb, Booth, Carter, Clark, Faw, Flynn, Hall, Hershey, Hollister, Keeler, Kerrick, Levenson, Matthews, McKinley, Moffitt, Murphy, O'Connor, Rawle, Reeves, Ryan, Smith, Terry, Walrath, and Wharton—23.

**NOES**—Messrs. Barry, Cutter, Farley, Field, Fortna, Hamilton, Harvey, Irwin, Johnston, Lewison, McClaskey, McDonald, McHale, Parker, Peterson, Rhel, Rowland, Sinon, Stewart, Sweetland, Townsend, Wheat, Wheelan, and Mr. Speaker—24.

Assembly Bill No. 99—An Act to amend section seventy-eight of the Civil Code, relating to the establishing the validity of marriage.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Barnes, Barry, Bbb, Carter, Clark, Cutter, Farley, Faw, Field, Flynn, Fortna, Hamilton, Harvey, Hershey, Hollister, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhel, Ryan, Sinon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wheat, Wheelan, and Mr. Speaker—45.

**NOES**—None.

Assembly Bill No. 43—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Mr. Levenson moved to refer the bill to the Committee on County and Township Governments.

So ordered.

#### REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1833.

**MR. SPEAKER** Your Committee on Public Morals, to whom was referred Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday—have had the same under consideration, and now report the same back, and recommend that it do not pass.

HAMILTON, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1833.

**MR. SPEAKER** Your Committee on Public Morals, to whom was referred Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday—have had the same under consideration, and now report the same back, and recommend that it do pass.

LEVERSON, For the Committee.

Mr. Hamilton moved that the majority report of the Committee on Public Morals be printed in the Journal.

So ordered.

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 22, 1883.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code of the State of California, relating to the observance of the Christian Sabbath, and petitions in opposition to said bill—have carefully considered the same, and do now respectfully report as follows.

Although the Supreme Court has decided that laws prohibiting the performance on the Christian Sabbath of acts which on other days are lawful, are not repugnant to section four, article one, of the Constitution of the State, it cannot be denied but that a contrary decision would have commanded a far readier assent from the legal profession on the question of law, and from the public as a matter of principle.

The committee have not been unmindful of the weight to be attached to the petitions signed by over twelve thousand citizens, in opposition to the bill; but the fact that only twelve thousand citizens, many of them under age, could be induced to sign petitions, circulated with the enthusiasm and zeal with which, it is notorious, subscriptions to these petitions have been solicited, cannot be allowed to outweigh the evidence furnished by the sympathy of the public with those who violate the law, as shown by the impossibility of procuring a conviction, even in the most palpable cases, and the equally notorious fact that it was made a main issue in the recent political campaign.

But the committee are not satisfied to rest its recommendation that the bill do pass on these facts, though of themselves sufficient for the purpose. They prefer to base their approval of the bill on the far higher grounds of human freedom.

Even if public morals could be conceived as capable of improvement by enforced Sunday idleness, whatever benefit might be conceived as thereby secured would be more than counterbalanced by the shock to the sense of justice which is done by the spectacle of oppressive and unequal legislation. The spectacle of the Legislature setting the example of injustice by legislating in favor of this or that class, as is done when the "Christian Sabbath" is preferred over that of other religious sects, is of itself demoralizing, nor can the fact that other class legislation does in fact exist be admitted in extenuation of the immorality of a Sunday law.

It is the opinion of the committee that the only purpose for which power can be rightfully exercised over any member of a community, against his will, is to prevent hurt to others. His own good is not sufficient warrant for legislative control; the contingent or "constructive" injury which a person may cause to society by conduct which violates no specific duty which he may owe to the public, nor causes specific hurt to any but those who (having consenting minds) are consenting thereto, is an injury which society can well afford to bear for the sake of the great good of human freedom.

"The only ground," then, as was justly said by the late John S. Mill, "on which restrictions on Sunday amusements" (or occupations) "can be defended, must be that they are religiously wrong; a motive of legislation which can never be too earnestly protested against." "The wrongs done to the gods are the care of the gods," while the notion "that it is one man's duty that another should be religious was the foundation of all the religious persecutions ever perpetrated, and if admitted would fully justify them." Laws of this class restrict man's individuality, arrest divergence, and therefore progress; dwarf the intellect and tend to cast the minds of all the members of the community in one mold of low uniformity. As the last vestige of religious, though not of social and moral intolerance upon the statute books of California, they should be swept away, as is proposed to be effected by Assembly Bill No. 5, and for these reasons the committee recommend that the bill do pass.

MONTAGUE R. LEVERSON

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Irwin: An Act to repeal an Act entitled "An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco," passed March 28, 1872, and passed by the State Legislature February 3, 1876.

Referred to Judiciary Committee.

By Mr. Ryan: An Act to add three new sections to the Political Code, to be known as sections nineteen hundred and seventy-eight, nineteen hundred and seventy-nine, and nineteen hundred and eighty, providing for the election of a Financial Secretary, Treasurer, and Finance Committee in companies of the National Guard.

Referred to Committee on Military Affairs.

Mr. Bibb moved that the House do now adjourn.

Mr. Irwin moved, as an amendment, that the House adjourn till ten o'clock A. M. Monday.

Lost.

The question then recurring on the motion to adjourn, it was lost.

Mr. Irwin renewed his motion to adjourn till Monday, at ten o'clock.

The ayes and noes being demanded, the roll was called, and the motion to adjourn was lost by the following vote:

AYES—Messrs. Barnes, Cutter, Farley, Faw, Field, Fortna, Hall, Harvey, Hershey, Hollister, Irwin, Kerrick, Lewison, McDonald, McHale, Murphy, Rowland, Ryan, Simon, Smith, Sweetland, Terry, Walrath, Wharton, and Wheelan—25

NOES—Messrs. Barry, Bibb, Carter, Clark, Fleming, Hamilton, Johnston, Keeler, Leverson, Matthews, McClaskey, McKinley, Moffitt, O'Connor, Peterson, Rawle, Reeves, Rhiel, Stewart, Townsend, and Mr. Speaker—21.

#### COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole for the purpose of considering Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

Mr. Johnston moved that the committee do now rise, and report the bill back to the House, and recommend its passage.

So ordered.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole has had under consideration Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter—and now report the bill back to the House, and recommend its passage.

Report received.

#### THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repair of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Carter, Clark, Cutter, Farley, Faw, Field, Flynn, Hamilton, Harvey, Hershey, Hollister, Johnston, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—42.

NOES—None.

#### PETITIONS—(OUT OF ORDER).

By Messrs. Faw and Peterson: Petitions in relation to the non-

repeal of temperance laws, for local option, and for prohibition Constitutional amendment.

Referred to Committee on Public Morals.

#### ADJOURNMENT.

Mr. Hollister, at three o'clock and thirty-five minutes, moved that the House do now adjourn till Monday, at ten o'clock A. M.

The ayes and noes being demanded, the roll was called, and the motion to adjourn was carried by the following vote:

AYES—Messrs. Barnes, Clark, Cutter, Farley, Faw, Field, Harvey, Hershey, Hollister, Irwin, Keeler, Kerrick, Levenson, Lewison, McDonald, McHale, McKinley, Murphy, O'Connor, Parker, Reeves, Rhiel, Rowland, Ryan, Sinon, Smith, Sweetland, Terry, Townsend, Walrath, Wharton, and Wheelan—32.

NOES—Messrs. Barry, Bibb, Carter, Flynn, Fortna, Hamilton, Johnston, Matthews, McClaskey, Moffitt, Peterson, Rawle, Stewart, and Mr. Speaker—14.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, January 29, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

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

Messrs. Barnes, Barry, Beard, Booth, Briceland, Brown, Carter, Clement, Crumpton, Cutter, Farley, Faw, Field, Fortna, Granger, Hamilton, Head, Heath, Hershey, Hollister, Hughes, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Nicol, Parker, Peterson, Rawle, Reeves, Rowland, Ryan, Sinon, Smith, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wheat, Yell, and Mr. Speaker.

Quorum present.

Pending the reading of the Journal of Friday, Mr. Rawle moved to dispense with further reading.

So ordered.

Journal of Friday approved as read.

Messrs. Kerrick, Rhiel, and Flynn, were granted leave of absence for this day.

Mr. Granger moved to recommit Assembly Bill No. 244 to the Judiciary Committee.

So ordered.

Mr. Levenson moved to refer Assembly Bill No. 245 to the Committee on State Hospitals.

So ordered.

#### PRESENTATION OF PETITIONS.

By Mr. Head: In relation to the proposed new County of Orange, favoring county division.

Referred to Committee on Counties and County Boundaries.

By Mr. Murdock: In relation to proposed amendment to Penal Code, to provide for probationary treatment of juvenile delinquents. Referred to Judiciary Committee.

By Mr. Terry: In relation to public improvements in cities, favoring proposed amendment to the Constitution of the State of California, amending section nineteen of article eleven of the Constitution of the State.

Received and filed.

#### INTRODUCTION OF BILLS.

By Mr. Keeler: An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in reference to property exempt from execution and forced sale.

Referred to Judiciary Committee.

By Mr. Booth: An Act to authorize the Coroners of cities containing over one hundred thousand inhabitants to appoint a physician to hold autopsies and to fix his compensation for the same.

Referred to Committee on County and Township Governments.

By Mr. Weaver: An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners."

Referred to Committee on Commerce and Navigation.

By Mr. Keeler: An Act to amend sections one hundred and ninety-eight and two hundred and five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to qualifications of jurors and to selecting and returning jurors for Courts of record.

Referred to Judiciary Committee.

By Mr. Yell: An Act to amend section six hundred and two of the Code of Civil Procedure of the State of California, relating to the grounds of challenge to jurors and challenges for cause.

Referred to Judiciary Committee.

By Mr. Barry: An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California, by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Referred to Committee on Federal Relations.

#### FIRST READING OF BILLS.

Assembly Bill No. 144—An Act to amend section five hundred and twenty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to injunction and service thereof.

Read first time, and ordered to second reading.

Assembly Bill No. 154—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 11, 1872, relating to the adverse possession of property under claim of title not written.

Refused first reading.

Assembly Bill No. 10—Proposed amendment to the Constitution of the State of California, amending section nineteen of article eleven of the Constitution of the State.

Read first time, and ordered to second reading.

Assembly Bill No. 4—An Act to declare when a vacancy exists in an elective or appointive office, board, or commission of any county, city, city and county, township, or municipality, and provide for the filling of the same.

Read first time, and ordered to second reading.

Assembly Bill No. 148—An Act to empower the Common Council of the City of Eureka to donate and convey to Humboldt County Block No. 43 in said city, for the purpose of erecting public buildings thereon.

Refused first reading.

Assembly Bill No. 182—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, relating to revenue.

Read first time, and ordered to second reading.

Assembly Bill No. 200—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales.

Read first time, and ordered to second reading.

Assembly Bill No. 201—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.

Read first time, and ordered to second reading.

Assembly Bill No. 202—An Act to amend section two hundred and twenty-four of the Civil Code, in relation to the adoption of children.

Refused first reading.

Assembly Bill No. 204—An Act relating to searchers of records.

Read first time, and ordered to second reading.

Assembly Bill No. 209—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California, relating to the salaries of Judges of the Superior Courts, and to fix the salaries thereof.

Read first time, and ordered to second reading.

Assembly Bill No. 210—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered twenty-two, to correct errors and omissions in the several Codes and laws of the State of California, giving the names of Courts and the Judges thereof.

Refused first reading.

Assembly Bill No. 212—An Act amendatory of and supplemental to 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 public lands," approved March 2, 1867, approved March 30, 1868.

Read first time, and ordered to second reading.

Assembly Bill No. 213—An Act to compel savings and loan corporations to dispose of the real estate acquired by foreclosure.

Refused first reading.

Assembly Bill No. 220—An Act to add a new section to the Penal Code, to be known as section four hundred and two, relative to the practice of dentistry.

Refused first reading.

Assembly Bill No. 222—An Act to amend section eighty-six of part one, title one, chapter five, article one, of the Code of Civil Procedure, relating to Justices' Clerk.

Refused first reading.

Assembly Bill No. 223—An Act to add a new section to the Civil Code, to be known as section six hundred and three, authorizing and providing for the incorporation of dioceses, assembly and conference districts of a church, religious denomination, or society.

Refused first reading.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872.

Read first time, and ordered to second reading.

Assembly Bill No. 229—An Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations in the office of County Clerk certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certificates showing the names and places of residence of certain officers of any such corporation.

Read first time, and ordered to second reading.

Assembly Bill No. 236—An Act to amend sections seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, and seven hundred and eighty-one of the Political Code of the State of California, in relation to printing the reports of the Supreme Court of the State, and to repeal section seven hundred and eighty-two of the same Code.

Refused first reading.

Assembly Bill No. 234—An Act to prevent the payment of fraudulent or duplicate warrants by County Treasurers.

Refused first reading.

Assembly Bill No. 242—An Act to amend section one thousand and thirteen of the Civil Code of California, in relation to bequests or devises of real or personal property to charitable or benevolent societies or corporations, or to any person or persons, in trust for charitable uses.

Refused first reading.

Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Read first time, and ordered to second reading.

Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Read first time, and ordered to second reading.

Senate Bill No 16—An Act to amend section two thousand two hundred and eighty-two of "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Read first time, and ordered to second reading.

Senate Bill No. 31—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, relating to authentication of marriage.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 19—In relation to the working days of the Legislature.

Refused first reading.

Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled “An Act to establish a Penal Code,” approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

Mr. Murdock moved to make the first reading of Senate Bill No. 1 a special order for Friday, at ten o'clock.

Lost.

Bill read first time, and ordered to second reading.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Johnston: An Act to establish a uniform system of county governments, and for that purpose to repeal title two, part four, of the Political Code, and substitute a new title two of said part four therefor.

Referred to Committee on County and Township Governments.

Also—An Act to establish a uniform system of county governments.

Referred to Committee on County and Township Governments.

By Mr. Matthews (by request): An Act to pay the claim of Hiram Clock.

Referred to Committee on Claims.

By Mr. Bibb: An Act to amend section nine hundred and seventy-six of the Code of Civil Procedure.

Referred to Judiciary Committee.

#### SECOND READING OF BILLS.

Assembly Bill No. 190—An Act to amend section three hundred and four of the Civil Code, relating to corporations.

Read second time.

Mr. Levenson moved to recommit the bill to the Committee on Corporations.

Lost.

Bill ordered engrossed and to third reading.

Pursuant to notice, Mr. Levenson moved to reconsider the vote whereby Assembly Bill No. 67 was refused second reading.

So ordered.

Mr. Terry moved to refer the bill to a special committee of five.

So ordered.

Mr. Irwin moved to pass Assembly Bill No. 91 on the file, and have the substitute printed.

So ordered.

Mr. Farley moved that the House go into Committee of the Whole, for the purpose of considering Assembly Bill No. 228—An Act to appropriate money for the construction of sidewalks around the State Capitol grounds.

The ayes and noes being demanded, the roll was called, and it was so ordered by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Brown, Carter, Clement, Crumpton, Cutter, Farley, Faw, Fortna, Granger, Hamilton, Heath, Heishey, Hollister, Hughes, Johnston, Keeler, Levenson, Lewison, McClaskey, McKinley, Murdock, Parker, Rawle, Ryan, Simon, Storke, Sweetland, Terry, Yell, and Mr. Speaker—35.

NOES—Messrs. Field, Head, Irwin, Martin, Matthews, McHale, Nicol, Peterson, Reeves, Rowland, Stewart, Walrath, Weaver, and Wheat—14.

#### IN COMMITTEE OF THE WHOLE.

The House then went into Committee of the Whole, for the purpose of considering Assembly Bill No. 228—An Act to appropriate money for the construction of sidewalks around the State Capitol grounds.

Mr. Johnston in the chair.

Mr. Larue moved the adoption of the amendment as recommended by the committee.

Lost.

Mr. Bibb moved to amend as follows: Strike out of line two, section one, the words "of the same quality and character as that used in the walks in the Capitol grounds."

Lost.

Mr. Lewison moved to amend by inserting the word "but" after the word "patent" in line two, section one, of the printed bill.

Adopted.

Mr. Levenson moved to amend by striking out the word "same," and inserting the word "equal."

Adopted.

Mr. Granger moved to amend section one by adding: "provided the same shall be done by the lowest responsible bidder."

Adopted.

Mr. Storke moved that the committee do now rise, and report the bill back to the House, and recommend that it be referred to the Judiciary Committee.

Lost.

Mr. Storke moved that the committee do now rise and report the bill back to the House, and recommend that the bill be referred to the Committee on Public Expenditures and Accounts.

Mr. Matthews moved, as an amendment, that the committee do now rise and report the bill back to the House, and recommend that it do not pass.

So ordered.

The question then recurring on the original motion as amended, it was so ordered.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

By Mr. Johnston:

MR. SPEAKER The Committee of the Whole has had under consideration Assembly Bill No. 228—An Act to appropriate money for the construction of sidewalks around the State Capitol grounds," and now report the bill back to the House, and recommend that it do not pass.

Report received.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth instant, adopted Senate Joint Resolution No. 1, relative to asking Congressional action on behalf of the University of California.

A. T. VOGELSANG, Assistant Secretary.

## RECESS.

At twelve o'clock and twenty minutes, on motion of Mr. Bibb, the House took a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Special order for this hour: Assembly Bill No. 32—An Act to establish a State Board of Horticulture and appropriate moneys for the expense thereof.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Storke, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 32—An Act to establish a State Board of Horticulture and appropriate moneys for the expense thereof.

Speaker Larue in the chair.

Mr. Nicol moved to amend by striking out of line twenty-one of printed bill, the word "Tuolumne," and insert at the end of line nineteen the word "Tuolumne."

Adopted.

Mr. Johnston moved to amend as follows: Strike out all after the word "orchards" in line fourteen and lines fifteen, sixteen, and seventeen, and insert: "The District Attorneys of the several counties of this State shall prosecute all violations of the laws concerning horticulture and horticultural products."

Adopted.

Mr. McClaskey moved to strike out all of section five of printed bill.

So ordered.

Mr. Crumpton moved to amend section ten by striking out "two hundred and eight," and inserting "twenty-five."

Mr. Murdock moved as an amendment to the amendment, by striking out "two hundred" and inserting "one hundred and fifty."

Adopted.

Mr. Johnston moved to amend section eleven by striking out the word "January" and inserting "November."

Adopted.

Mr. Bibb moved to amend section thirteen, by striking out of lines three and four the words "seven thousand five hundred dollars."

Mr. Murdock moved as an amendment to the amendment, by striking out the words "seven thousand five hundred," and inserting "five thousand."

Adopted.

Mr. Johnston moved to amend as follows: Add to section thirteen,

"all expenditures or indebtedness made or incurred under the provisions of this Act, in any one year, in excess of the amount appropriated herein for such year, shall be utterly invalid and void."

Adopted.

Mr. Murdock moved to amend section twelve, line three, by adding, "he shall receive no compensation for his services."

Adopted.

Mr. Levenson moved to amend section fourteen, line two, after the word passage, "and shall continue in force for the period of two years, and until the end of the session of the Legislature commencing on the first Monday after the first of January, eighteen hundred and eighty-five."

Lost.

Mr. Townsend moved to strike out of section eight, line eleven, printed bill, the word "and," and all of lines twelve and thirteen.

Adopted.

Mr. Crumpton moved to strike out of section fourteen, line two, all after the word "passage."

Adopted.

Mr. Storke moved that the committee do now rise, report the bill back, and recommend its passage.

So ordered.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN OF THE ASSEMBLY: The Committee of the Whole have had under consideration Assembly Bill No 32—An Act to establish a State Board of Horticulture, and appropriate moneys for the expense thereof—and now report the bill back, and recommend that it do pass.

Report received.

The ayes and noes being demanded on the question, "Shall the bill be ordered engrossed, printed, and to third reading, as amended," the roll was called, and it was so ordered by the following vote:

AYES—Messrs. Barnes, Barrv, Booth, Brown, Carter, Clement, Coleman, Cutter, Farley, Faw, Fortna, Hamilton, Harvey, Heath, Hershey, Hollister, Hughes, Irwin, Kerrick, Lewison, McHale, McKinley, Murdock, Nicol, Parker, Rawley, Reeves, Rowland, Simon, Smith, Storke, Sweetland, Townsend, Walrath, and Mr. Speaker—35.

NOES—Messrs. Beard, Bibb, Briceland, Campbell, Cary, Crumpton, Field, Granger, Head, Healy, Johnston, Martin, Matthews, McClaskey, McDonald, Peterson, Rhel, Stewart, Terry, Weaver, Wheat, Wheelan, and Yell—23.

Mr. Storke moved to postpone consideration of the special order for three o'clock P. M. this day, till eleven o'clock A. M. to-morrow.

So ordered.

#### PRESENTATION OF PETITIONS—(OUT OF ORDER).

By Mr. Hollister: In relation to regulating the manufacture and sale of the article known as oleomargarine.

Referred to Committee on Agriculture.

Assembly Joint Resolution, presented by Mr. Levenson: Referring to the consolidation of the Southern Pacific Railroad Company, with other transportation companies.

Referred to Committee on Federal Relations.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined the following Assembly Bills, and report them correctly engrossed:

Assembly Bill No 137—An Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to the proceedings supplementary to the execution.

Also, Assembly Bill No. 158—An Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations

Also, Assembly Bill No. 217—An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison.

Also, Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the Government for the thirty-fourth fiscal year.

Also, Substitute for Assembly Bills Nos. 17 and 30—An Act to establish and support a Bureau of Labor Statistics.

BIBB, Sub. Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 167—An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver—have had the same under consideration, and report the same back, and recommend that sections three and four of said bill be stricken out, and that the words "section five," on page three, be stricken out, and the words "section three" be inserted in place thereof, and that the bill as amended do pass.

BARRY, Chairman.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Concurrent Resolution No 14—Relative to requesting our Senators and instructing our Representatives in Congress to use their influence to enact a law creating a permanent Commission of Transportation, to examine into freight charges and fares—and beg leave to report the same back, and recommend the adoption of the resolution.

McCLASKEY, Chairman.

Adopted.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Storke: An Act to amend section one thousand five hundred and fifty-two of the Political Code of the State of California, and to provide for the salary and compensation of Superintendents of Schools in the counties of this State.

Referred to Committee on Counties and County Governments.

By Mr. Sweetland (by request): An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Referred to Committee on Claims.

By Mr. Booth: An Act to amend section three hundred and thirty-two of the Civil Code, to provide for the levying of assessments by corporations.

Referred to Committee on Corporations.

Also—An Act to add a new section to the Civil Code, to be known as section four hundred and twenty-one, relating to the advertisement of the capital of insurance corporations.

Same reference.

Also—An Act to amend section four hundred and twenty-seven of the Civil Code, to provide for the investment of the capital and accumulations of corporations organized under the laws of this State for the transaction of business in any kind of insurance.

Referred to Committee on Corporations.

## SECOND READING OF BILLS.

Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Read second time.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Farley, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 247—"An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil."

Speaker Larue in the chair.

The amendment proposed by the Committee on Claims was adopted.

Mr. Barry moved to amend by striking out of section one, line six, "four thousand three hundred dollars," and inserting "two thousand dollars."

Mr. Storke moved that the committee do now rise, report the bill back to the House, and recommend it be made a special order for Friday, at two o'clock.

Lost.

The question being on the adoption of the amendment by Mr. Barry, it was lost.

Mr. Barry moved to amend by striking out of line six, "four thousand three hundred dollars," and inserting in lieu "three thousand dollars."

Lost.

Mr. Bibb moved that the committee do now rise and report the bill back, with the recommendation that it be referred to the Committee on Claims.

Lost.

Mr. Murdock moved that the committee do now rise and report the bill back to the House, and recommend that it do pass.

So ordered.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN OF THE ASSEMBLY. The Committee of the Whole has had under consideration Assembly Bill No. 247—"An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil"—and now report the bill back to the House, and recommend its passage as amended.

Report received.

Bill ordered engrossed, printed, and to third reading as amended.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER. I am directed to inform your honorable body that the Senate this day passed Senate Bill No. 88—An Act to amend "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878.

Also, Assembly Bill No. 151—An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

EDWIN F. SMITH, Secretary.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Campbell: An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add five 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Referred to Judiciary Committee.

RESOLUTION—(OUT OF ORDER).

By Mr. Barry :

*Resolved*, That the Clerk of the Corporation Committee be instructed to transcribe his shorthand notes of the evidence taken before said committee in reference to the late Railroad Commissioners, and that he be allowed fifteen cents a folio for so doing, the same to be paid out of the Contingent Fund of the Assembly.

Adopted.

The Speaker appointed Messrs. Levenson, Hamilton, Terry, Ryan, and Booth a special committee to consider Assembly Bill No. 67.

NOTICE OF RECONSIDERATION.

Mr. Johnston gave notice that he would move a reconsideration of the vote whereby Assembly Bill No. 154 was refused first reading.

ADJOURNMENT.

Mr. Healy, at four o'clock and thirty-five minutes P. M., moved that the House do now adjourn.

So ordered.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, January 30, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal of Monday, Mr. Levenson moved to dispense with further reading.

So ordered.

Journal of Monday approved.

Mr. Wharton moved to postpone consideration of the special order for this hour, Assembly Bill No. 105, till Friday morning, at eleven o'clock.

So ordered.

#### PRESENTATION OF PETITIONS.

By Mr. Clark: In relation to amending section six hundred and thirty-four of the Penal Code, relating to the catching of shad.

Referred to Committee on Fish and Game.

By Mr. Barry: Memorial of the Knights of Labor of San Francisco, in relation to establishing a Bureau of Labor Statistics, the uniform system of text-books for public schools, the printing and binding of text-books by the State, and the free distribution to the pupils of the public schools, the establishing of a State bindery for binding all books required by State officers, etc.

Referred to Committee on Labor and Capital.

#### REPORTS OF STANDING COMMITTEES.

##### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER: The Committee on Education is entitled to the following named sums for mileage in visiting the University, Institute for the Deaf, Dumb, and Blind, and San José Normal School.

From Sacramento to San Francisco and return.....	168 miles.
From San Francisco to University and return.....	24 miles.
From San Francisco to Deaf, Dumb, and Blind Asylum and return.....	24 miles.
From San Francisco to San José and return.....	100 miles.

Total .....316 miles.

Messrs. Storke, Barry, and Briceland not having gone to San José, the amount due each member of committee is as follows.

Storke .....	\$21 60
Barry.....	21 60
Briceland .....	21 60
Levenson .....	31 60
Faw .....	31 60
Hollister .....	31 60
Keeler .....	31 60
Aaron Smith, clerk .....	31 60

Total due committee and clerk.....\$222 80

C. A. STORKE, Chairman.

Referred to Committee on Mileage.

## ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 106—An Act to provide apparatus for the Deaf, Dumb, and Blind Asylum—have had the same under consideration, and report the same back with amendments, as follows: Strike out in section one, line one, in printed bill, the words "twenty-five hundred," and insert in lieu thereof "fifteen hundred;" also the whole of subdivision two, in section one, contained in lines six and seven of printed bill—and recommend that it do pass as amended.

Also, a petition relative to whipping in the public schools, and recommend that it be recommended to Committee on Public Morals.

C. A. STORKE, Chairman.

## Referred.

## SWAMP AND OVERFLOWED LANDS.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 246—Entitled "An Act relating to unapproved swamp land surveys"—respectfully beg leave to report that we have had the said bill under consideration in committee, and now report it back to the Assembly, with amendments, and respectfully recommend its passage as amended.

We further beg leave to report that we have under examination Assembly Bill No. 240, and we respectfully ask for ten days further time in which to consider the same, as it involves important interests, and will not admit of hasty action.

All of which is most respectfully submitted.

KERRICK, Chairman.

## Extension of time granted.

## COMMITTEE ON IRRIGATION.

## ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER: The Committee on Irrigation, to whom was referred Assembly Bill No. 16—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.

Also, Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture—have had the same under consideration, and report the same back, and recommend that they do pass.

Also, Assembly Bill No. 314—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," approved March 29, 1878—and recommend that it be recommended to the Committee on Water Rights and Drainage.

Also, Assembly petition, relative to highways, irrigation, etc., no action being required.

BEARD, Chairman.

## COMMITTEE ON CORPORATIONS.

## ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 303—An Act in relation to railroads—have had the same under consideration, and report the same back, and recommend that it pass.

Also, Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations—have had the same under consideration, and now report the same back, and recommend that it pass.

Also, Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods, in violation of law—have had the same under consideration, and now report the same back, and recommend that it do not pass, for the reason that its provisions are covered by Assembly Bill No. 308, which is reported on favorably by your committee.

Also, Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations—have had the same under consideration, and report the same back, and recommend that it pass.

BARRY, Chairman.

## COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people—have had the same under consideration, and report the same back, and recommend that it do pass.

GRANGER, Chairman.

## COMMITTEE ON ELECTIONS.

## ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER: Your Committee on Elections, having fully considered the papers and documents heretofore referred to it, in the matter of Townsend Wood vs. Thomas F. Paw,

concerning a contest for the office of Assemblyman from Monterey County, in this State, hereby report the same back with their findings, conclusions, and recommendations therein, as follows: Construing the statement of the grounds of contest most favorably for contestant, said grounds are as follows:

*First*—That said contestant is a citizen, resident, and elector of the said County of Monterey.

*Second*—That at the last general election in the County of Monterey, John B. H. Cooper and said Thomas F. Faw were candidates, and were voted for the office of Assemblyman.

*Third*—That on November 13, 1882, the Board of Canvassers of said county canvassed the returns from the several precincts of said county; and that such returns showed that said John B. H. Cooper had received twelve hundred votes, and that said Thomas F. Faw had received twelve hundred and one votes, at said election; and that said Board of Canvassers thereupon declared said Thomas F. Faw duly elected to said office of Assemblyman, and caused a certificate of election to be issued to the said Thomas F. Faw.

*Fourth*—Upon information and belief that the Judges and Inspectors of Election in the precinct of Monterey, in the said county, counted for the said Faw five votes which were cast for and which should have been counted for said Cooper.

*Fifth*—That at Castroville precinct, in said county, the Judges and Inspectors of Election improperly counted for said Faw three votes that were cast for Cooper.

*Sixth*—That at San Antonio precinct, in said county, two illegal votes were cast and counted for said Faw.

The answer of said Thomas F. Faw specifically denies each allegation contained in the first, fourth, fifth, and sixth of the foregoing paragraphs, and also sets up other matters which, in the opinion of your committee, it is unnecessary to consider. Your committee further report that the only evidence produced before it in said matter, consisted of the deposition of M. L. Dexter, County Clerk of said Monterey County, taken on behalf of said contestant.

That contestant, after taking said deposition, rested his case, and that the contestee declined to introduce any testimony until the matter came up before the Legislature.

Your committee have carefully considered said deposition, and find that it does not prove, nor even tend to prove, either of the allegations contained in said first, fourth, fifth, and sixth paragraphs, before quoted, and that contestant has failed to make out a prima facie case.

Your committee further report that, for the purpose of affording contestant an opportunity to be heard in said matter, it caused notice to be sent by mail on January twentieth, eighteen hundred and eighty-three, to S. M. Swinerton, attorney of record for said contestant, informing said attorney that said committee would have the matter of said contest before them for consideration on January twenty-seventh, eighteen hundred and eighty-three, upon which occasion, the notice stated, said attorney might either appear in person and present his case, or forward and file his points and authorities, that in response to said notice said S. M. Swinerton telegraphed the Chairman of said committee as follows:

“SALINAS, CAL., January 26, 1883.

“To Chairman of Committee on Contested Elections, Assembly Chamber:

“I move to dismiss proceedings in Wood vs. Faw.

“S. M. SWINERTON, Attorney for contestant.”

Your committee therefore recommend that said contest be dismissed.

PARKER, Chairman.

#### INTRODUCTION OF BILLS.

By Mr. Brown: An Act to amend an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, relative to the time of commencing actions.

Referred to Judiciary Committee.

By Mr. Flynn: An Act for the relief of James Kannavan, George Carlisle, and George Citizen.

Referred to Committee on Claims.

By Mr. Harvey: An Act to amend sections three thousand seven hundred and forty-seven and three thousand seven hundred and forty-nine of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, in relation to collection of property taxes, and to repeal section three thousand seven hundred and forty-eight of said Code.

Referred to Judiciary Committee.

By Mr. Hughes: An Act to provide for the appointment of members of Boards of Health in cities, counties, cities and counties, towns, or municipalities, and to fix their terms.

Referred to Committee on Municipal Corporations.

By Mr. Cary: An Act making an appropriation to preserve and

improve the grounds and buildings of the University of California at Berkeley.

Referred to Committee on Public Buildings.

#### CONCURRENT RESOLUTIONS.

By Mr. Cutter: Proposed amendment to the Constitution, adding a section to article four, permitting special legislation by a two-third vote of the Senate and Assembly.

Referred to the Committee on Constitutional Amendments.

By Mr. Farley: An Act entitled "An Act to amend section nine of article nine of the Constitution of the State of California," and submitting said amendment to the vote of the people.

#### CONSIDERATION OF SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, January 29, 1883.

MR. SPEAKER · I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 88—An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Referred to Judiciary Committee.

Also, Assembly Bill No. 151—"An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three."

EDWIN F. SMITH, Secretary.

Also, Senate Joint Resolution No. 1—Relative to asking Congressional action on behalf of the University of California.

Read and adopted.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Campbell:

*Resolved*, That the thanks of this Assembly are due and are hereby tendered to Sumner Whitney & Co., of San Francisco, for the present by them of the elegantly bound volumes of the Political Code by Newmark, and the Constitution of California by Desty, to each member of this House.

Adopted.

#### FIRST READING OF BILLS.

Assembly Bill No. 145—An Act creating Boards of Bank and Insurance Commissioners, and prescribing their duties and powers, and to abolish the office of Insurance Commissioner and Bank Commissioners.

The ayes and noes being demanded on the question: "Shall the bill be read first time, and ordered to second reading?" the roll was called, and the bill was refused first reading by the following vote:

AYES—Messrs. Bibb, Cutter, Flynn, Hughes, Leverson, and Wheelan—6.

NOES—Messrs. Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Doty, Farley, Faw, Field, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Heath, HERSHEY, Hollister, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—59.

## SPECIAL ORDER.

Special order for this hour: Second reading of Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds and to appropriate money therefor.

Mr. Irwin moved the previous question.

So ordered.

The ayes and noes being demanded on the question of the second reading of the bill, the roll was called, and the bill was ordered read by the following vote :

AYES—Messrs. Barnes, Barry, Beard, Booth, Brown, Carter, Clark, Clement, Coleman, Culver, Cutter, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Hershey, Hollister, Hughes, Irwin, Kerrick, Lewison, Matthews, McDonald, Murdock, Parker, Peterson, Plover, Rawle, Reeves, Rowland, Ryan, Simon, Stephens, Storke, Sweetland, Townsend, Wharton, Wheat, Wheelan, and Mr. Speaker—44.

NOES—Messrs. Bibb, Campbell, Crumpton, Field, Heath, Johnston, Levenson, Martin, McClaskey, McHale, Nicol, Rhuel, Stewart, Terry, Walrath, Weaver, and Yell—17.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Ryan, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 153—“An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.”

Speaker pro tem., Mr. Campbell, in the chair.

The bill was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem., Mr. Campbell, in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

By the Speaker pro tem.:

GENTLEMEN OF THE ASSEMBLY: The Committee of the Whole have had under consideration Assembly Bill No. 153—“An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor”—report progress, and ask leave to sit again.

Report received.

## RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.

Speaker pro tem. Campbell in the chair.

Quorum present

Mr. Cutter moved to postpone consideration of the special order for this hour, Assembly Bill No. 105, till to-morrow, at two o'clock and thirty minutes P. M.

So ordered.

## RESOLUTION—(OUT OF ORDER).

By Mr. Irwin :

*Resolved by the Assembly, the Senate concurring.* That the Assembly Committee on County and Township Governments, and the Senate Committee on Counties, County Governments, and Township Organization, to whom have been referred the various bills relating to county and township governments, be requested to hold open joint sessions for the consideration of such bills, and to use their best endeavors to agree upon one of such bills, or to formulate from the whole such a bill as, in their opinion, will be satisfactory to both Houses, and at as early a date as possible to report the same back for action.

Lost.

## PETITION (OUT OF ORDER).

By Mr. Murdock: In relation to the regulation of the manufacture and sale of the article known as oleomargarine.

Referred to Committee on Agriculture.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, with the Speaker pro tem., Mr. Campbell, in the chair, for the purpose of further considering Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and exhibition building on the State Capitol grounds, and to appropriate money therefor.

The bill was considered in the Committee of the Whole.

## IN ASSEMBLY.

Speaker pro tem., Mr. Campbell, in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

By the Chairman (pursuant to instructions of the committee): Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor—report the bill back to the House, and recommend that it be ordered engrossed, printed, and to third reading as amended.

Mr. Stewart moved that the bill be referred to the Committee on Public Expenditures and Accounts.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

**AYES**—Messrs. Barry, Beard, Bibb, Briceland, Campbell, Culver, Field, Gaussall, Heath, Johnston, Levenson, Lewison, Martin, McClaskey, McHale, Nicol, Peterson, Rhiel, Smith, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, Wheelan, and Yell—28.

**NOES**—Messrs. Barnes, Booth, Brown, Carter, Cary, Clark, Clement, Coleman, Crumpton, Doty, Farley, Faw, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Hershey, Hollister, Hughes, Hunter, Irwin, Kerrick, Matthews, McDonald, McKinley, Murdock, Parker, Plover, Rawle, Reeves, Rowland, Ryan, Sinon, Stephens, Storke, Townsend, Wheat, and Mr. Speaker—40.

The ayes and noes being demanded on the question: "Shall the bill be ordered engrossed, printed, and to third reading as amended?" the roll was called, with the following result :

**AYES**—Messrs. Barnes, Booth, Brown, Carter, Cary, Clark, Clement, Coleman, Culver, Cutter, Doty, Farley, Faw, Flynn, Fortna, Granger, Hamilton, Harvey, Hershey, Hollister, Hughes, Irwin, Kerrick, Matthews, McKinley, Murdock, Parker, Plover, Rawle, Reeves, Rowland, Ryan, Sinon, Stephens, Storke, Sweetland, Townsend, Wheat, and Mr. Speaker—39.

NOES—Messrs. Barry, Beard, Bibb, Briceland, Campbell, Crumpton, Field, Gaussail, Head, Heath, Hunter, Johnston, Leverson, Lewison, Martin, McClaskey, McHale, Nicol, Peterson, Rhiel, Smith, Stewart, Terry, Walrath, Weaver, Wharton, and Yell—27.

Bill ordered engrossed, printed, and to third reading as amended.

MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 30, 1883. }

*To the Assembly of the State of California :*

I have to inform your honorable body that I have approved Assembly Bill No. 151—Entitled “An Act making an appropriation for the deficiency in appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.”

GEORGE STONEMAN, Governor.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 30, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate bills as follows:

Senate Bill No. 82—An Act to pay the salary of the reporter of decisions of the Supreme Court for the period elapsing from January seventh to July first, eighteen hundred and eighty.

Also, Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor.

Also, Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of “An Act to establish a Civil Code,” approved March 21, 1872, relating to powers of corporations.

Also, Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, relating to corporations.

Also, Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of “An Act to establish a Civil Code,” approved March 21, 1872, relating to corporations.

Also, Senate Bill No. 74—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Also, Senate Bill No. 75—An Act to repeal an Act entitled “An Act to protect sheep and lambs in this State,” approved May 18, 1861.

Also, Senate Bill No. 10—An Act amending the Constitution.

A. T. VOGELSSANG, Assistant Secretary.

REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1883.

MR. SPEAKER: The Committee on Enrollment, to whom was referred Assembly Bill No. 151—“An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three”—have examined the same carefully, compared it with the original, and find it correctly enrolled, and approved by the Governor this day, January thirtieth, eighteen hundred and eighty-three

SWEETLAND, Chairman.

LEAVE OF ABSENCE.

Mr. O'Connor was granted leave of absence for one week, on account of sickness, and Mr. Bowers was granted leave of absence for four days.

FIRST READING OF BILLS.

Assembly Bill No. 167—An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depositary, or receiver.

Read first time, and ordered to second reading.

Pursuant to notice, Mr. Johnston moved to reconsider the vote whereby the House refused Assembly Bill No. 154 first reading.

So ordered.

Mr. Johnston moved to recommit Assembly Bill No. 154 to Judiciary Committee.

So ordered.

Mr. Sweetland moved that the House now adjourn.

Lost.

Mr. Hollister moved to pass Assembly Bill No. 31 on the file.

So ordered.

Mr. Storke moved to pass Assembly Bill No. 144 on the file.

So ordered.

#### ADJOURNMENT.

At three o'clock and fifteen minutes, on motion of Mr. Sweetland, the House adjourned.

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### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, January 31, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershhey, Hollister, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Mr. Wharton was granted leave of absence for this morning's session.

Pending the reading of the Journal of Tuesday, Mr. Field moved to dispense with further reading.

So ordered.

Journal of Tuesday approved as read.

#### REPORTS OF STANDING COMMITTEES.

##### PUBLIC BUILDINGS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1883.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 283—Entitled "An Act to change the seat of government of the State"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

PLOVER, Chairman.

## COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No 47—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization—have had the same under consideration, have made some progress therein, and come to the conclusion to report it back to the House, with the recommendation that it be referred to the Judiciary Committee, with the request for an opinion within one legislative day as to the constitutionality of the proposed special Act

Also, Substitute for Assembly Bill No. 138—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change of boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the debts of said counties equitably chargeable to San Benito County, with instructions to make it conform to the provisions of section thirteen, article eleven, of the Constitution—respectfully report the same back amended as per instructions.

D. N. HERSHEY, Chairman.

## STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1883.

MR. SPEAKER. The Committee on State Hospitals, to whom was referred Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California—have had the same under consideration, and report the same back, with the following amendments: That the word "immigrant," in section one, line six, be changed to "railway," and in section four, line one, the amount of "five hundred dollars" be inserted, and recommend it do pass.

Also, Assembly Bill No. 291—and recommend it do pass.

CRUMPTON, Chairman.

## ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 206, have considered the same, and report it back, with the recommendation that it pass as amended.

Also, Assembly Bill No. 21—And recommend that the same do pass.

Also, Assembly Bill No. 25—And recommend that the same do pass.

Also, Assembly Bill No. 93—And respectfully recommend that the same do not pass.

Also, Assembly Bill No. 165—"An Act to prevent the spreading of contagious diseases among domestic animals," and recommend that the same do pass

Also, Assembly Bill No. 72—"An Act relating to the taking up of stray animals, and posting the same," and report the same back, and recommend its passage.

DOTY, Chairman.

## JUDICIARY COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1883.

MR. SPEAKER: The Committee on Judiciary, to whom was referred Assembly Bill No 285—An Act to provide the manner of payment of the salaries of the Judges of the Superior Courts—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled an Act concerning trespassing of animals upon private lands," so far as it relates to Humboldt County—and recommend its passage.

Also, Assembly Bill No. 55—An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands, and lands selected in lieu thereof, made prior to January first, eighteen hundred and eighty-one, from ten to seven per cent per annum—and recommend that it pass.

Also, Assembly Bill No 62—An Act to amend section six hundred and thirty-two, and 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 11, 1872, relative to trials by the Court, and findings in civil cases—and recommend that it do not pass.

Also, Assembly Bill No 64—An Act to amend section one thousand four hundred and five of the Civil Code, in relation to succession to property by non-resident foreigners—and recommend its passage.

Also, Assembly Bill No. 66—An Act to amend section one thousand seven hundred and fifty-one of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardian and ward—and recommend its passage.

Also, Assembly Bill No. 100—An Act to amend section eight hundred and thirty-two,

article two, of the Civil Code, relating to lateral and subjacent support of boundaries—with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 104—An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California, relating to the taking and authentication of testimony on examination in criminal cases—and recommend that it do not pass.

Also, Assembly Bill No. 108—An Act to amend section one thousand two hundred and two and one thousand two hundred and three of the Civil Code, in relation to the acknowledgment and proof of written instruments—and recommend its passage.

Also, Assembly Bill No. 150—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions and the service of summons therein—and recommend that it do not pass.

Also, Assembly Bill No. 161—An Act to amend section one thousand three hundred and three of the Code of Civil Procedure, relative to the hearing of petitions of the probate of wills and notice given thereof—and recommend its passage.

Also, Assembly Bill No. 162—An Act amending section five hundred and twenty-six of the Code of Civil Procedure of the State of California, relative to the granting of injunctions—and recommend its passage.

Also, Assembly Bill No. 172—An Act to amend section one thousand four hundred and two of the Civil Code of the State of California, concerning the community property vested in surviving wife, with amendments—and recommend its passage as amended.

Also, Assembly Bill No. 173—An Act to amend section one thousand four hundred and one and to repeal section one thousand four hundred and two of the Civil Code of the State of California, concerning the community property going to surviving wife and husband—and recommend that it do not pass.

Also, Assembly Bill No. 174—An Act to amend sections one thousand two hundred and forty-one, one thousand two hundred and forty-five, one thousand two hundred and forty-seven, one thousand two hundred and forty-eight, one thousand two hundred and forty-nine, one thousand two hundred and fifty-two, one thousand two hundred and fifty-three, one thousand two hundred and fifty-four, one thousand two hundred and sixty, one thousand two hundred and sixty-three, and one thousand two hundred and sixty-seven of the Civil Code of California, concerning homesteads—and recommend its passage.

Also, Assembly Bill No. 184—An Act to amend section five hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," relating to attachments—and recommend that it do not pass.

Also, Assembly Bill No. 186—An Act to amend section one thousand one hundred and eighty-seven of the Code of Civil Procedure, relating to the time for filing liens—and recommend that it do not pass.

Also, Assembly Bill No. 203—An Act to amend section four thousand three hundred and twenty-eight of the Political Code of the State of California, relating to the payment of the salaries of county officers and Superior Judges—and recommend that it do not pass.

Also, Assembly Bill No. 216—An Act to repeal section sixty-three 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 16, 1880, relating to the appointment of receivers in insolvency proceedings, with a substitute—and recommend the passage of the substitute.

Also, Assembly Bill No. 244—An Act to amend section eleven hundred and one of an Act to establish a Penal Code, approved February 14, 1872, relating to the effect of the discharge of one of several defendants from an indictment, with an amendment—and the majority recommend its passage as amended.

Also, Assembly Bill No. 250—An Act to amend section one thousand five hundred and thirty-nine of the Code of Civil Procedure of the State of California, relative to the sales and conveyances of real property of deceased persons, and notice given thereof—and recommend its passage.

Also, Assembly Bill No. 251—An Act to amend section one thousand five hundred and thirty-one of the Code of Civil Procedure of the State of California, relative to hearing petitions for summary sales of mines and mining interests, and notice given thereof—and recommend its passage.

Also, Assembly Bill No. 252—An Act to amend section one thousand five hundred and forty-seven of the Code of Civil Procedure of the State of California, relative to the notice of the sales of the estates of deceased persons—and recommend its passage.

Also, Assembly Bill No. 253—An Act entitled an Act to add a new section to the Political Code, to be known as section one thousand six hundred and forty-one, relating to Census Marshals of school districts—and recommend that it do not pass.

Also, Assembly Bill No. 254—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relative to postponement of trials, and recommend that it do not pass.

Also, Assembly Bill No. 255—An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California, relating to the taking authentication of testimony on examinations in criminal cases—and recommend that it do not pass.

Also, Assembly Bill No. 257—An Act to amend an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employ them," approved March 30, 1878—and recommend that it do not pass.

Also, Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors,

and fixing licenses—and recommend that it be referred to the Committee on County and Township Governments.

Also, Assembly Bill No. 265—An Act to amend section one thousand eight hundred and forty-four of the Code of Civil Procedure, relative to the general principles of evidence—and recommend that it do not pass.

Also, Assembly Bill No. 266—An Act to repeal section one thousand one hundred and eleven of the Penal Code—and recommend that it do not pass.

Also, Assembly Bill No. 267—An Act to repeal sections one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 268—An Act to repeal section one thousand three hundred and thirty-nine of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 271—An Act to amend section three thousand three hundred and thirty-seven of "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and members of unpaid fire companies, and exempting them from certain duties—and recommend that it do not pass.

Also, Assembly Bill No. 272—An Act to amend section one thousand four hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to pleading—and recommend that it do not pass.

Also, Assembly Bill No. 276—An Act to amend section one hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the jurisdiction of Justices' Courts—and recommend that it do not pass.

Also, Assembly Bill No. 277—An Act to prevent the adulteration of milk, and to create the office of Milk Inspector in the several counties of the State—and recommend that it do not pass.

Also, Assembly Bill No. 280—An Act to amend section eight hundred and forty-nine of the Code of Civil Procedure, relative to service of summons in Justices' Courts—and recommend that it do not pass.

Also, Assembly Bill No. 287—An Act to amend sections two hundred and sixty-nine and two hundred and seventy-four of "An Act to establish a Code of Civil Procedure," in relation to photographic reporters—and recommend that it do not pass.

Also, Assembly Bill No. 297—An Act to compel the Commissioner of Immigration to report and turn over all documents and money in his possession to the Secretary of State—with amendments, and recommend that it pass as amended.

Also, Assembly Bill No. 302—An Act to transfer money, now in what is known as the Drainage Fund, to the General Fund, to be used in payment of claims against the said Drainage Fund, with amendments—and recommend that it do pass as amended.

Also, Senate Bill No. 7—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 11, 1872, relating to bills of exception—and recommend its passage.

Also, Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes—and recommend its passage.

TERRY, Chairman.

#### MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1883.

MR. SPEAKER: The minority of your Committee on Judiciary recommend that Assembly Bill No. 244—An Act to amend section one thousand one hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the effect of a discharge of one of several defendants from an indictment—do not pass.

TERRY.  
JOHNSTON.

#### WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER The Committee on Ways and Means, to whom was referred Assembly Bill No. 156—An Act making appropriation for the deficiency in the appropriation for the postage and expressage of the Superintendent of Public Instruction for the thirty-fourth fiscal year—have had the same under consideration, and report the same back, and recommend that it do pass.

Also, Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee of the Whole.

Also, Senate Bill No. 52—Entitled "An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year"—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Senate Bill No. 53—Entitled an Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Senate Bill No. 54—Entitled “An Act making appropriation for a deficiency in the appropriations for transportation of prisoners for the thirty-third fiscal year”—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Senate Bill No. 55—Entitled “An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year”—have had the same under consideration, and now report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1883.

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 226—An Act to regulate street railroads in cities and towns of the State of California—have had the same under consideration, and report the same back, and recommend the passage of a substitute.

BARRY, Chairman.

COMMITTEE ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: The Committee on Mileage, to whom was referred the report of the Committee on Education, have had the same under consideration, and report the same back to the Assembly, and recommend the adoption of the following resolution.

*Resolved*, That the Controller of State be authorized to draw his warrant on the State Treasurer in favor of C. A. Storke, Chairman of the Committee on Education, for two hundred and twenty-two dollars and eighty cents, to be paid out of the Contingent Fund of the Assembly; the said sum being the amount incurred for mileage by said committee in visiting the University, Asylum for the Deaf, Dumb, and Blind, and San José Normal School.

FLYNN, Chairman.

Adopted.

INTRODUCTION OF BILLS.

By Mr. Wheelan: Relative to the sites of manufactories of violent explosives.

Referred to Committee on Public Buildings.

By Mr. Campbell: An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Referred to Committee on Education.

Also—An Act to appropriate money to A. L. Bancroft & Company, to pay the balance due them under their contract for furnishing California Supreme Court Reports to the State.

Referred to Committee on Ways and Means.

By Mr. Murdock: An Act providing for probation in criminal cases, and for the appointment of probation officers.

Referred to Judiciary Committee.

By Mr. Hollister: An Act entitled “An Act to amend section five hundred and ninety-five of the Penal Code, relating to malicious mischief.”

Referred to Committee on Crimes and Penalties.

By Mr. Head: An Act to provide for the erection and management of a State Asylum for the Insane, to be located in Southern California.

Referred to Committee on Hospitals.

JUDICIARY COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred the question as to whether amendments to the Constitution should be proposed by bill or by concurrent resolution, and whether the proposed amendments must be read three times, have had the same under consideration, and now report that, in their opinion, an amendment may be proposed to the Constitution by a concurrent resolution adopted by a two-thirds vote of both Houses, and that it is not necessary that the proposed amendment be read more than once before being voted upon.

TERRY, Chairman.

## SELECT COMMITTEE.

Your select committee to whom was referred Assembly Bill No. 67—Entitled “An Act to amend the law relating to persons of unsound mind,” have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended.

LEVERSON, Chairman.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on January thirtieth, passed the following bills:

Senate Bill No. 76—An Act to repeal an Act entitled “An Act to protect sheep, and Cashmere and Angora goats, against the ravages of dogs,” approved March 13, 1866.

Also, Senate Bill No. 86—An Act to amend an Act entitled “An Act for the protection of miners,” approved March 13, 1872.

Also, Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, relating to succession.

Also, Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, relating to property claimed by a third party which has been levied on under execution.

Also, Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

A. T. VOGELSAANG, Assistant Secretary.

## PRESENTATION OF PETITION.

By Mr. Sinon: From residents of the City and County of San Francisco, relative to the extension of the seawall.

Referred to Committee on Commerce and Navigation.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 82—An Act to pay the salary of the reporter of decisions of the Supreme Court for the period elapsing from January seventh to July first of the year eighteen hundred and eighty.

Referred to Committee on Ways and Means.

Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, in relation to authorizing Judges of the Superior Courts to hold Court in any county when requested by the Governor.

Referred to Judiciary Committee.

Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of an Act to establish a Civil Code, approved March 21, 1872, relating to powers of corporations.

Referred to Committee on Corporations.

Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, relating to corporations.

Referred to Committee on Corporations.

Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act to establish a Civil Code, approved March 21, 1872, relating to corporations.

Referred to Committee on Corporations.

Senate Bill No. 74—An Act to amend an Act entitled “An Act to

establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Referred to Committee on Agriculture.

Senate Bill No. 75—An Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861.

Referred to Committee on Agriculture.

Senate Bill No. 10—An Act amending the Constitution.

Referred to Committee on Constitutional Amendments.

Senate Bill No. 76—An Act to repeal an Act entitled "An Act to protect sheep, and Cashmere goats and Angora goats, against the ravages of dogs," approved March 13, 1866.

Referred to Committee on Agriculture.

Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872.

Referred to Committee on Mines and Mining.

Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession.

Referred to Judiciary Committee.

Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party which has been levied on under execution.

Referred to Judiciary Committee.

Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for proving instruments, and correcting defective certificates of acknowledgments.

Referred to Judiciary Committee.

#### FIRST READING OF BILLS.

Assembly Bill No. 16—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.

Read first time, and ordered to second reading.

Assembly Bill No. 106—An Act to provide apparatus for the Deaf, Dumb, and Blind Asylum.

Read first time, and ordered to second reading.

Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law.

The ayes and noes being demanded on the question of the first reading of the bill, the roll was called, and the bill was read first time, and ordered to second reading by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Brown, Carter, Clark, Clement, Crumpton, Culver, Doty, Field, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heishey, Hughes, Hunter, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, Parker, Rawle, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, and Wheelan—40.

Noes—Messrs. Barry, Briceland, Campbell, Cary, Coleman, Farley, Faw, Gaussail, Heath, Hollister, Irwin, Kerrick, Peterson, Plover, Reeves, Rhel, Rowland, Simon, Smith, Storke, Terry, Wheat, Yell, and Mr. Speaker—24.

Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Read first time, and ordered to second reading.

Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

Read first time, and ordered to second reading.

Assembly Bill No. 246—An Act entitled "An Act relating to unapproved swamp land surveys."

Read first time, and ordered to second reading.

Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

Read first time, and ordered to second reading.

Assembly Bill No. 308—An Act in relation to railroads.

Read first time, and ordered to second reading.

#### SECOND READING OF BILLS.

Mr. Irwin moved to recommit Assembly Bill No. 74—An Act to pay the claims of the heirs of E. G. Jefferis, late State Printing Expert—to the Committee on Claims, with instructions.

So ordered.

Assembly Bill No. 144—An Act to amend section five hundred and twenty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to injunction and service thereof.

Refused second reading.

Assembly Bill No. 10—Proposed amendment to the Constitution of the State of California, amending section nineteen of article eleven of the Constitution of the State.

Mr. Booth moved to pass temporarily on the file.

So ordered.

Assembly Bill No. 4—An Act to declare when a vacancy exists in an elective or appointive office, board, or commission, of any county, city, city and county, township, or municipality, and provide for the filling of the same.

Mr. Flynn moved to refer the bill to the Judiciary Committee, with instructions that the committee report on its constitutionality, Friday.

So ordered.

Assembly Bill No. 182—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, relating to revenue.

Read second time, and ordered engrossed and to third reading.

Assembly Bill No. 200—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales.

Read second time, and ordered engrossed and to third reading.

Assembly Bill No. 201—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.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 204—An Act relating to searchers of records. Withdrawn.

Assembly Bill No. 209—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California, relating to the salaries of Judges of the Superior Courts, and to fix salaries thereof.

Read second time.

RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Townsend was excused from serving on the special committee to whom was referred Assembly Bill No. 65.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER. Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed:

Assembly Bill No. 190—An Act to amend section three hundred and four of the Civil Code, relating to corporations.

Also, Assembly Bill No. 176—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 2, 1872, relating to revenue and taxation and the method of the collection thereof.

Also, Assembly Bill No. 157—An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony.

Also, Assembly Bill No. 57—An Act to make the furnisher of intoxicating liquors responsible for damages.

Also, Assembly Bill No. 56—An Act to encourage the destruction of coyotes in 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.

Also, Assembly Bill No. 42—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to the repayment of moneys received for certain land and school land warrants.

Also, Assembly Bill No. 140—An Act for the protection of the dairy industries of this State, and the consumers of dairy productions.

CALLAGHAN, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880—have had the same under consideration, and now report the same back, with amendments, as follows: Strike out on line sixteen, words "incorporated and," also, from same section all words following the word "asylum," in line thirty-three, to end of section, and inserting the following: "Provided further, that for each abandoned or foundling infant who shall become an inmate of such foundling asylum, there shall be paid by the State the sum of twelve dollars and fifty cents per month, from the time of its entrance therein until such infant's decease, or become adopted, or reach the age of eighteen months, after which age, such asylum shall receive the same sum as allowed for full orphans"—and recommend that the same do pass as amended.

HAMILTON, Chairman.

## SECOND READING OF BILLS—(RESUMED).

Further consideration of Assembly Bill No. 209—"An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California, relating to the salaries of Judges of the Superior Court, and to fix the salaries thereof."

Mr. Cutter moved to strike out all of section one after the figures 737, and insert: "The Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, who shall receive six thousand dollars each, and the Judges of the Counties of Alameda, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, and Nevada, who shall receive five thousand dollars each, and the Judges of San Joaquin, Colusa, Napa, Amador, and Tehama, who shall receive four thousand dollars each, one half to be paid by the State and the other half by the county for which the Judge is elected, except that in the Counties of Yuba and Sutter one fourth of the salary shall be paid by each county."

Mr. Campbell moved to refer the bill and substitute to the Committee on County and Town Governments.

So ordered.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following bills:

Senate Bill No. 32—An Act to amend section one thousand and forty-two of "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to trials by jury.

Also, Senate Bill No. 24—An Act in relation to the proofs of the incorporation of foreign corporations

Also, Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Also, Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Also, Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment.

A. T. VOGELSANG, Assistant Secretary.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Hughes: An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board

of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Referred to the Committee on Commerce and Navigation.

By Mr. Levenson: An Act to prevent the spread of smallpox.

Referred to Committee on State Hospitals.

By Mr. Keeler: An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880, is hereby repealed.

Referred to Judiciary Committee.

By Mr. Yell: An Act to amend section one thousand seven hundred and seventy-one of the Political Code of the State of California, relating to County Boards of Education, and prescribing their powers.

Referred to Committee on Education.

#### SPECIAL ORDER.

Assembly Bill No. 40—An Act to amend section three hundred and eighty-two of the Code of Civil Procedure, relating to parties to actions.

Mr. Fortna moved to postpone consideration of special order till Monday next, at the same hour.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**AYES**—Messrs. Barry, Beard, Booth, Briceland, Callaghan, Caminetti, Campbell, Coleman, Faw, Field, Fortna, Gaussail, Hall, Healy, Heath, Hershey, Hollister, Keeler, Lewison, Martin, Murdock, Nicol, Plover, Sweetland, Townsend, Walrath, Wheat, and Mr. Speaker—28.

**NOES**—Messrs. Barnes, Bibb, Brown, Carter, Cary, Clark, Clement, Crumpton, Culver, Cutter, Doty, Farley, Flynn, Granger, Hamilton, Harvey, Head, Hughes, Hunter, Irwin, Kerrick, Levenson, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Parker, Peterson, Rawle, Reeves, Rhel, Rowland, Sinon, Smith, Stephens, Storke, Weaver, Wheelan, and Yell—41.

The question being: "Shall the bill be read second time, and ordered to third reading?" the ayes and noes being demanded, the roll was called, and the bill was ordered read by the following vote:

**AYES**—Messrs. Barry, Beard, Bibb, Callaghan, Carter, Clark, Coleman, Culver, Cutter, Field, Flynn, Granger, Hall, Hamilton, Head, Hershey, Hollister, Hughes, Hunter, Kerrick, Levenson, Martin, Matthews, McDonald, Moffitt, Murdock, Peterson, Plover, Rawle, Reeves, Ryan, Sinon, Smith, Stephens, Storke, Terry, Townsend, Weaver, Yell, and Mr. Speaker—40.

**NOES**—Messrs. Barnes, Briceland, Brown, Caminetti, Campbell, Cary, Clement, Crumpton, Doty, Farley, Faw, Fortna, Gaussail, Harvey, Heath, Irwin, Johnston, Keeler, Lewison, McClaskey, McHale, McKinley, Nicol, Parker, Rhel, Rowland, Stewart, Sweetland, Walrath, Wheat, and Wheelan—31.

Bill read second time.

Mr. Granger moved to amend section two, by adding thereto as follows: "And provided that in every action to abate a nuisance or for an injunction to prevent the commission or continuance thereof, only those shall be joined as defendants who reside in one and the same county, and that the defendants in the action shall have the absolute right to make all legal defense thereto in the county where they reside, and before a jury of their own vicinage."

The question being on the amendment by Mr. Granger, the ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

**AYES**—Messrs. Beard, Briceland, Caminetti, Clement, Coleman, Flynn, Granger, Heath, Irwin, Lewison, Matthews, McClaskey, Murdock, Rawle, Rhiel, Rowland, Walrath, and Wheat—18.

**NOES**—Messrs. Barnes, Barry, Bibb, Brown, Callaghan, Campbell, Carter, Cary, Clark, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fortna, Gaussail, Hamilton, Harvey, Head, Healy, Hershey, Johnston, Keeler, Kerrick, Leverson, Martin, McDonald, McHale, McKinley, Moffitt, Parker, Peterson, Plover, Reeves, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Weaver, Wheelan, Yell, and Mr. Speaker—48.

Mr. Storke moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the motion to adjourn was lost by the following vote :

**AYES**—Messrs. Beard, Briceland, Cary, Clement, Crumpton, Culver, Faw, Hall, Healy, Heath, Johnston, Keeler, McDonald, Plover, Rawle, Smith, Storke, Weaver, Wheat, and Mr. Speaker—20.

**NOES**—Messrs. Barnes, Barry, Bibb, Booth, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Cutler, Doty, Field, Fortna, Gaussail, Granger, Harvey, Head, Hershey, Irwin, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, Peterson, Reeves, Rhiel, Rowland, Ryan, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Wheelan, and Yell—46.

Mr. Cutter moved to amend section one, by adding, "but nothing in this section shall be construed to authorize a joinder of parties complained of as defendants, where the nuisance sought to be abated or enjoined is caused by the operation of quartz, drift, or any kind of placer mining other than that by the hydraulic process, so called."

Mr. Cutter moved the previous question.

So ordered.

The question being on the amendment by Mr. Cutter, the ayes and noes being demanded, the roll was called, and the amendment was adopted by the following vote :

**AYES**—Messrs. Barnes, Beard, Bibb, Brown, Carter, Cary, Clark, Clement, Coleman, Culver, Cutter, Field, Flynn, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Kerrick, Leverson, Martin, Matthews, McDonald, Moffitt, Murdock, Peterson, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Storke, Terry, Weaver, Yell, and Mr. Speaker—34.

**NOES**—Messrs. Barry, Briceland, Callaghan, Caminetti, Campbell, Crumpton, Doty, Farley, Faw, Gaussail, Hall, Harvey, Healy, Heath, Irwin, Johnston, Keeler, Lewison, McClaskey, McHale, McKinley, Nicol, Parker, Plover, Rowland, Stewart, Sweetland, Townsend, Walrath, Wheat, and Wheelan—31.

Mr. Irwin moved to amend section one by inserting in line ten of printed bill, after the word "nuisance," the words, "created by mining operations;" and in line twelve of printed bill, after the word "nuisance," "created by mining operations;" and after the word "of," in line thirteen in printed bill, "depositing debris or tailings in the same stream at or near its source."

Lost.

Mr. Cutter moved the previous question.

So ordered.

The ayes and noes being demanded on the question, "Shall the bill be ordered engrossed, printed, and to third reading, as amended?" the roll was called, and the House refused to order the bill engrossed, printed, and to third reading, by the following vote :

**AYES**—Messrs. Barnes, Bibb, Brown, Carter, Clark, Coleman, Cutter, Field, Flynn, Fortna, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Kerrick, Leverson, Martin, Matthews, McDonald, Moffitt, Peterson, Plover, Rawle, Reeves, Ryan, Sinon, Smith, Stephens, Terry, Weaver, Yell, and Mr. Speaker—35.

**NOES**—Messrs. Barry, Beard, Briceland, Callaghan, Caminetti, Campbell, Cary, Clement, Crumpton, Culver, Doty, Farley, Faw, Gaussail, Harvey, Heath, Hunter, Irwin, Johnston, Keeler, Lewison, McClaskey, McHale, McKinley, Murdock, Nicol, Parker, Rhiel, Rowland, Stewart, Storke, Sweetland, Townsend, Walrath, Wheat, and Wheelan—36.

Mr. Booth stated that he was paired with Mr. Coombs on this question—Mr. Coombs would vote “aye” and he would vote “no.”

ADJOURNMENT.

Mr. Johnston, at five o'clock and twenty-five minutes p. m., moved that the House do now adjourn.  
So ordered.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, February 1, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs Barnes, Barry, Beard, Booth, Bowers, Briceland, Callaghan, Camnetti, Campbell, Carter, Cary, Clark, Clement, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Teiry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—65.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Murdock, further reading was dispensed with.

Journal of Wednesday approved.

Mr. Bibb stated that he had introduced Assembly Bill No. 279 by request, and that it did not so appear on the bill. He wished to have the correction made.

So ordered.

PRESENTATION OF PETITIONS.

By Mr. Smith: Remonstrance against the passage of memorial to Congress asking that body to grant lands from the public domain to the State of California, for the purpose of enlarging the Yosemite grant

Referred to Committee on Forestry.

By Mr. Storke: In relation to the regulation, manufacture, and sale of oleomargarine.

Referred to Committee on Agriculture.

By Mr. Bowers: In relation to proposed amendment to section nineteen, article eleven, of the Constitution.

Referred to Committee on Constitutional Amendments.

## REPORTS OF STANDING COMMITTEES.

## WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—have had the same under consideration, and now report the same back, with amendments, and recommend that it pass as amended.

CAMPBELL, Chairman.

## CRIMES AND PENALTIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Crimes and Penalties have had under consideration Assembly Bill No. 28—An Act to repeal section one thousand two hundred and sixty-two of the Penal Code—and report the same back, and recommend that the bill do not pass.

Also, Assembly Bill No. 34—An Act to amend sections one thousand two hundred and seventy-three, one thousand two hundred and seventy-eight, one thousand two hundred and eighty, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-eight, one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven of the Penal Code, relative to miscellaneous proceedings—and recommend that it do not pass.

Also, Assembly Bill No. 35—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eight, relative to the forfeiture of the undertaking of bail or of deposit of money, and have amended the same, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 36—An Act to amend section three hundred and seventy and three hundred and seventy-one of the Penal Code, and to amend said Penal Code by adding sections three hundred and seventy-one and one half, three hundred and seventy-two, three hundred and seventy-two and one half, and three hundred and seventy-three, relating to public nuisances, and providing for the abatement of the same—and recommend that it do not pass.

Also, Assembly Bill No. 51—An Act to amend section one hundred and seventy-two of the Penal Code, and to provide for exceptions in criminal cases—and have amended the same, and recommend that it do pass as amended.

Also, Assembly Bill No. 44—An Act to amend the Penal Code, by adding a new section thereto, to be known as section one hundred and eight, relating to bogus land titles and the purchasing of State or pretended titles for the purpose of instituting suits thereon to prevent stirring up litigation—and recommend that it do not pass.

Also, Assembly Bill No. 50—An Act entitled "An Act to add one new section to the Penal Code, relating to deaths in hotels, inns, boarding or lodging houses, by asphyxia, to be numbered four hundred and one"—and recommend that it do not pass.

Also, Assembly Bill No. 53—An Act for the protection of patients from extortion by dishonest physicians and druggists—and recommend that it do not pass.

Also, Assembly Bill No. 76—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the sale and use of opium and its preparations—and recommend that it do not pass.

Also, Assembly Bill No. 85—An Act to add a new section to the Penal Code, number five hundred and ninety-three—and recommend that it do not pass.

Also, Assembly Bill No. 134—An Act to amend section six hundred and sixty-six and six hundred and sixty-seven of the Penal Code, relating to increased punishment upon a second conviction—and recommend that it do not pass.

Also, Assembly Bill No. 152—An Act to amend section two hundred and sixty-one of the Penal Code, defining rape—and recommend that it be amended by adding the words, "section two hundred and sixty-one" at the beginning of line nine, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 181—An Act to amend section two hundred and sixty-four of the Penal Code, relating to the punishment of rape—and have amended the same, and recommend its passage as amended.

Also, Assembly Bill No. 274—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to punishment for embezzlement—and recommend that it do not pass.

McCLASKEY, Chairman.

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Concurrent Resolution No. 21—"Relative to proposed amendment to section nine, article thirteen, of the Constitution"—have had the same under consideration, and now report the same back, and recommend it be passed.

GRANGER, Chairman.

## ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 155—An Act to provide for the organization, government, and control of irrigation districts—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended.

Also, Assembly Bill No. 293—An Act to amend “An Act to regulate the use of artesian wells, and to prevent the waste of subterranean water in the State,” with amendments—and recommend that it do pass as amended.

BEARD, Chairman.

## ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 261—An Act to encourage the destruction of certain wild animals, and provide a bounty for the same—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly petition, relative to time shad may be caught—and recommend the passage of the accompanying bill in reference thereto.

MOFFITT, Chairman.

## ON STATE PRISONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on State Prisons, to whom was referred Assembly Bill No. 227—An Act to amend an Act entitled “An Act to define, regulate, and govern the State Prisons of California,” approved April 15, 1880—have had the same under consideration, and now report the same back, and recommend that it do not pass.

HUNTER, Chairman.

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the accompanying resolution—“When a motion has been properly made and seconded, the Speaker shall state the same, and if the question is debatable, ask: ‘Is the House ready for the question?’ If no one rises to speak, the Speaker shall rise and take the vote. No debate shall be allowed after the Speaker has risen to take the vote”—have had the same under consideration, and now report the same back to the House, and recommend that it do not pass.

SINON, Chairman.

Adopted.

## INTRODUCTION OF BILLS.

By Mr. Beard: An Act to permit the electors of every Supervisor District in this State to vote on the question of granting licenses to sell intoxicating liquors.

Referred to Committee on Public Morals.

Also—An Act to amend section three thousand seven hundred and fifty-three of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, relating to the collection of property taxes.

Referred to Judiciary Committee.

By Mr. Keeler: An Act to amend section three thousand five hundred and seventy-three of the Political Code, concerning the application for and sale of lands belonging to the State of California in certain cases.

Referred to Committee on Public Lands.

Also—An Act making the several Boards of Supervisors ex officio Boards of Arbitration for the adjustment of water rights and claims, and to fix the rates to be charged for water in their respective counties.

Referred to Committee on Water Rights and Drainage.

Also—An Act to amend section three thousand four hundred and eighty-eight of the Political Code, relating to the sale of swamp and overflowed salt marsh and tide lands.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Wharton: An Act relating to water rights, the usages and customs appertaining thereto, and to repeal section one thousand four hundred and twenty-two of the Civil Code of California.

Referred to Committee on Irrigation.

By Mr. Levenson: An Act to regulate the practice of medicine and surgery in the State of California.

Referred to Committee on Hospitals.

Also—An Act to authorize the bringing of suits against the State.

Referred to Committee on Claims.

By Mr. Hughes (by request): An Act to appropriate the sum of thirty-four thousand eight hundred dollars, with legal interest thereon from date of judgment, to pay the amount found to be due and owing M. Miles and his bondsmen by the District Court of the Sixth Judicial District of the State of California, in the suit of the State of California vs. M. Miles and his bondsmen.

Referred to Committee on Claims.

By Mr. Brown: An Act to add five new sections to the Political Code of the State of California, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, and three thousand six hundred and seventy, relative to the assessment of telegraph lines.

Referred to Judiciary Committee.

By Mr. Johnston: An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand seven hundred and forty-four, relative to Public Administrators, and the duties of persons having property of deceased persons, or persons presumed to be deceased, which has not been administered upon.

Referred to Judiciary Committee.

By Mr. Yell (by request): An Act to amend section four hundred and forty-six of the Code of Civil Procedure of the State of California, relating to verifications of pleadings.

Referred to Judiciary Committee.

By Mr. Terry: An Act to provide for the better protection of human life on railroad trains.

Referred to Judiciary Committee.

By Mr. Cary: An Act to amend section one thousand seven hundred and forty-one of the Code of Civil Procedure, relative to fees chargeable to estates in the hands of the Public Administrators.

Referred to Judiciary Committee.

By Mr. Healy: An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Referred to Judiciary Committee.

By Mr. Cutter: An Act to appropriate money for the purchase of Eagle Point Trail, within the limits of the Yosemite grant.

Referred to Committee on Yosemite Valley, Forestry, etc.

By Mr. Hershey: An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three thousand four hundred and seventy-eight, relative to nuisances.

Referred to Judiciary Committee.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 14—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream, approved March 26, 1868, declaring Islais Creek, in the City and County of San Francisco, a navigable stream of the State, from its mouth in the Bay of San Francisco, as established by the State Harbor Commissioners, to the southwesterly end of its channel, as per Gift Map No. 4, recorded in the office of the County Recorder of the City and County of San Francisco, December 31, 1861, in Map Book No. 2—have had the same under consideration, and now report the same back, and recommend that it do not pass.

COLEMAN, Chairman.

## MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, January —, 1883.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 14, have had the same under consideration, and now report the same back, and recommend that it pass.

J. J. CALLAGHAN.  
CHAS. A. HUGHES.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 24—An Act in relation to the proof of the incorporation of corporations of foreign countries.

Referred to Judiciary Committee.

Senate Bill No. 32—An Act to amend section one thousand and forty-two of an Act to establish a Penal Code of the State of California, approved February 14, 1872, relating to trials by jury.

Referred to Judiciary Committee.

Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertaking therefor, and discharge from imprisonment.

Referred to Judiciary Committee.

Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the money derived from the State school lands, in bonds of the several counties of this State," approved February 2, 1872.

Referred to Judiciary Committee.

Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the State school lands.

Referred to Judiciary Committee.

## CONCURRENT RESOLUTIONS—(OUT OF ORDER).

By Mr. Barry: Relating to the consolidation of the Southern Pacific Railroad with other transportation companies.

Mr. Barry moved the adoption of the resolution without reference to the Committee on Federal Relations.

Mr. Levenson moved to amend by adding sections one and two of the resolution introduced by him on Monday last, referring to the same subject.

Mr. Levenson moved to suspend the rules and consider the resolution as amended.

So ordered.

The resolution as amended was then adopted.

Mr. Caminetti moved to reconsider the vote whereby the resolution was adopted.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**AYES**—Messrs. Barnes, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Cary, Clark, Clement, Coleman, Culver, Doty, Farley, Faw, Gaussail, Hall, Hamilton, Harvey, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, McClaskey, McHale, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Rowland, Simon, Smith, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—51.

**NOES**—Messrs. Crumpton, Cutter, Field, Flynn, Fortna, Head, Hershey, Levenson, Martin, Matthews, McDonald, Moffitt Murphy, and Wheelan—14.

Mr. Levenson withdrew his amendment, and the original resolution by Mr. Barry was unanimously adopted.

Mr. Levenson moved that the Committee on Federal Relations be requested to report Concurrent Resolution No. 24 back to the House immediately.

Mr. Caminetti moved to lay the motion by Mr. Levenson on the table.

So ordered.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

The minority report of the Committee on Irrigation, to whom was referred Assembly Bill No. 155, would respectfully report that it do not pass.

TRUMAN REEVES.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Murdock:

*Resolved*, That a special committee of one be appointed by the Speaker to make the following amendments to Assembly Bill No. 14: Strike out the words, "into which melted butter or any oil thereof," from lines five and six in section two. Add the words, "if inquiry is made," after the word "customers," in line thirteen, section three.

Adopted.

The Speaker appointed Mr. Hollister said committee.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 85—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.

A. T. VOGELSANG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 85—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 State Hospitals.

## FIRST READING OF BILLS.

Assembly Bill No. 138—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change of boundaries thereof.

The ayes and noes being demanded on the question of the first reading of the bill, the roll was called, and the bill was ordered read by the following vote:

**AYES**—Messrs. Barnes, Bibb, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Doty, Farley, Faw, Field, Fortna, Hamilton, Head, Heath, Hershey, Kerrick, Leverson, Martin, Matthews, Murphy, Peterson, Plover, Rawle, Rowland, Sinon, Stephens, Stewart, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—35.

**NOES**—Messrs. Barry, Beard, Booth, Caminetti, Culver, Hall, Harvey, Healy, Hollister, Hunter, Keeler, Lewison, McKinley, Murdock, Parker, Reeves, Smith, Sweetland, Terry, Walrath, Weaver, and Wharton—22.

Bill read first time, and ordered to second reading.

Assembly Bill No. 244—An Act to amend section one thousand one hundred and one of "An Act to establish a Penal Code," approved February 14, 1872, relating to the effect of a discharge of one of several defendants from an indictment.

Read first time, and ordered to second reading.

Mr. Murdock moved to take Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents—from its place on the file (No. 56), and now consider the same.

So ordered.

Bill read first time, and ordered to second reading.

Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations.

Read first time, and ordered to second reading.

Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State," approved April 15, 1880.

Read first time, and ordered to second reading.

Assembly Bill No. 25—An Act to amend sections four and nine of 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," and to add a new section thereto.

Read first time, and ordered to second reading.

Assembly Bill No. 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act concerning trespassing of animals upon private lands,' so far as relates to Humboldt County."

Read first time, and ordered to second reading.

Assembly Bill No. 55—An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands, and lands selected in lieu thereof, made prior to January first, eighteen hundred and eighty-one, from ten to seven per cent per annum.

Read first time, and ordered to second reading.

Assembly Bill No. 62—An Act to amend section six hundred and thirty-two, and 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 11, 1872, relative to trials by the Court and findings in civil cases.

Refused first reading.

Assembly Bill No. 64—An Act to amend section one thousand four hundred and five of the Civil Code, in relation to succession to property by non-resident foreigners.

Read first time, and ordered to second reading.

Assembly Bill No. 66—An Act to amend section one thousand seven hundred and fifty-one of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardian and ward.

Read first time, and ordered to second reading.

Assembly Bill No. 93—An Act to amend sections three and eleven of 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," so as to create an additional district.

Refused first reading.

Assembly Bill No. 100—An Act to amend section eight hundred and thirty-two, article two, of the Civil Code of the State of California, relating to lateral and subjacent support of boundaries.

Read first time, and ordered to second reading.

Assembly Bill No. 104—An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California, relating to the taking and authentication of testimony on examination in criminal cases.

Refused first reading.

Assembly Bill No. 108—An Act to amend section one thousand two hundred and two and one thousand two hundred and three of the Civil Code, in relation to the acknowledgment and proof of written instruments.

Read first time, and ordered to second reading.

Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California.

Read first time, and ordered to second reading.

#### RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

#### FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 150—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions and the service of summons therein.

Read first time, and ordered to second reading.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Moffitt: An Act to amend section four hundred and eighty-one of the Civil Code of the State of California, relating to the duties of railroad corporations.

Referred to Committee on Corporations.

By Mr. Sinon: An Act fixing the terms of office of all officers whose appointment is now or may hereafter be vested in the Governor, except those provided for in the Constitution, and to regulate the terms thereof.

Referred to Judiciary Committee.

By Mr. Wharton: An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State.

Referred to Committee on Public Lands.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Wharton: Proposed amendment to the Constitution, amending sections one, two, three, and four, of article six, in relation to the Supreme Court.

Referred to Committee on Constitutional Amendments.

Mr. Irwin moved that the Committee on Municipal Corporations be granted ten days further time for the consideration of Assembly Bills Nos. 92, 248, 238, 107, 15, 235, 221, 219, 224.

So ordered.

## REPORTS OF COMMITTEES.

## ON WATER RIGHTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Water Rights and Drainage, to whom was referred Assembly Bill No. 139—An Act to amend an Act entitled "An Act to promote irrigation," approved April 1, 1872, and amendments thereto, to promote irrigation and drainage, to reclaim swamp, marshy, and overflowed lands—have had the same under consideration, and now report the same back with a substitute therefor, and recommend the passage of the substitute.

MATTHEWS, Chairman.

## SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, ———, 1883.

MR. SPEAKER. Your special committee, to whom was referred Assembly Bill No. 140—report the same back amended, in accordance with the special instructions ordered by the House, and ask the same to be engrossed, and printed as amended.

HOLLISTER.

## COMMITTEE ON RETRENCHMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Retrenchment, to whom was referred Assembly Bill No. 279—An Act to fix the compensation of the Watchmen in and about the State Capitol and its grounds—respectfully report that they have had the same under consideration, have agreed to recommend an amendment thereto, in line three of printed bill, by striking out the words "and twenty-five" before the word "dollars," thus fixing the compensation of the Watchmen at "one hundred," instead of "one hundred and twenty-five dollars per month," and with such amendment have come to a favorable conclusion thereon, and recommend its passage.

FORTNA, Chairman.

## COMMITTEE ON APPORTIONMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. SPEAKER: Your Committee on Apportionment, to whom was referred Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts—beg leave to report the same back to the Assembly, and recommend its passage.

They also report that they have examined Assembly Bill No. 171—An Act to apportion the State of California into Congressional Districts—and recommend that it do not pass.

YELL, Chairman,  
For majority of Committee.

ASSEMBLY CHAMBER, February 1, 1883.

MR. SPEAKER: I herewith present to you a detailed statement of the miles traveled by the Committee on State Hospitals and the clerk:

Committee—H. J. Crumpton, J. M. Briceland, Dr. Head, J. H. Culver, Dr. Cary, and A. S. Dosh, clerk.

Sacramento to Napa .....	61 miles.
Napa to San Francisco .....	39 miles.
Asylums at San Francisco and South San Francisco .....	12 miles.
San Francisco to San Rafael and Petaluma and return .....	76 miles.
San Francisco to Berkeley and return .....	22 miles.
San Francisco to Sacramento .....	84 miles.
Sacramento to Stockton and return .....	96 miles.
Total .....	390 miles.

CRUMPTON, Chairman.

### Referred to Committee on Mileage.

ASSEMBLY CHAMBER, February 1, 1883.

MR. SPEAKER: I herewith present to you a detailed statement of the miles traveled by the Committee on Commerce and Navigation, the clerk, and the Sergeant-at-Arms:

Committee—J. V. Coleman, James Callaghan, H. G. Weaver, C. A. Hughes, J. A. Culver, clerk pro tem., J. F. Meagher; Sergeant-at-Arms, Mr. McHenry.

Sacramento to San Francisco and return .....

168 miles.

JAS. V. COLEMAN, Chairman.

### Referred to Committee on Mileage.

ASSEMBLY CHAMBER, February 1, 1883.

MR. SPEAKER: I herewith present you a detailed statement of the miles traveled by the Military Committee and clerk.

Committee—S. C. Bowers, Thos H. Murphy, A. B. Moffitt, Sydney Hall, J. M. Keeler, J. F. Wharton, F. D. Ryan; P. J. Harney, clerk.

One hundred and sixty-eight miles.

S. C. BOWERS, Chairman.

### Referred to Committee on Mileage.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 1, 1883.

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

Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlements of estates of deceased persons.

Also, Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, 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.

Also, Senate Bill No. 34—An Act to amend section sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages.

Also, Senate Bill No. 46—An Act to amend sections one hundred and four, one hundred and five, and one hundred and six of the Code of Civil Procedure, relating to Justices of the Peace and Justices' Courts.

Also, Senate Bill No. 27—An Act to amend section seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county, when requested by the Judge thereof, or the Governor.

J. J. McCARTHY, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 100—Referred to Judiciary Committee.  
 Senate Bill No. 83—Referred to Judiciary Committee.  
 Senate Bill No. 34—Referred to Judiciary Committee.  
 Senate Bill No. 46—Referred to Judiciary Committee.  
 Senate Bill No. 27—Referred to Judiciary Committee.

## FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 156—An Act making appropriation for the deficiency in the appropriation for the postage and expressage of the Superintendent of Public Instruction for the thirty-fourth fiscal year.

Read first time, and ordered to second reading.

Assembly Bill No. 161—An Act to amend section one thousand three hundred and three of the Code of Civil Procedure, relative to the hearing of petitions of the probate of wills and notice given thereof.

Read first time, and ordered to second reading.

Assembly Bill No. 162—An Act amending section five hundred and twenty-six of the Code of Civil Procedure of the State of California, relative to the granting of injunctions.

Read first time, and ordered to second reading.

Assembly Bill No. 165—An Act to prevent the spreading of contagious diseases among domestic animals

Read first time, and ordered to second reading.

Assembly Bill No. 172—An Act to amend section one thousand four hundred and two of the Civil Code of the State of California, concerning the community property vested in surviving wife.

Read first time, and ordered to second reading.

Assembly Bill No. 173—An Act to amend section one thousand four hundred and one and to repeal section one thousand four hundred and two of the Civil Code of the State of California, concerning the community property going to surviving wife and husband.

Refused first reading.

Assembly Bill No. 174—An Act to amend sections one thousand two hundred and forty-one, one thousand two hundred and forty-five, one thousand two hundred and forty-seven, one thousand two hundred and forty-eight, one thousand two hundred and forty-nine, one thousand two hundred and fifty-two, one thousand two hundred and fifty-three, one thousand two hundred and fifty-four, one thousand two hundred and sixty, one thousand two hundred and sixty-three, and one thousand two hundred and sixty-seven of the Civil Code of California, concerning homesteads.

Read first time, and ordered to second reading.

Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Read first time, and ordered to second reading.

Assembly Bill No. 184—An Act to amend section five hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," relating to attachments.

Refused first reading.

Assembly Bill No. 186—An Act to amend section one thousand

one hundred and eighty-seven of the Code of Civil Procedure, relating to the time for filing liens.

Refused first reading.

Assembly Bill No. 203—An Act to amend section four thousand three hundred and twenty-eight of the Political Code of the State of California, relating to the payment of the salaries of county officers and Superior Judges.

Refused first reading.

Assembly Bill No. 206—An Act to encourage the destruction of squirrels and gophers in the different counties of the State, and authorize the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Read first time, and ordered to second reading.

Assembly Bill No. 216—An Act to repeal section sixty-three 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 16, 1880, relating to the appointment of receivers in insolvency proceedings.

Read first time, and ordered to second reading.

Assembly Bill No. 226—An Act to regulate street railroads in cities and towns of the State of California.

Read first time, and ordered to second reading.

Assembly Bill No. 250—An Act to amend section one thousand five hundred and thirty-nine of the Code of Civil Procedure of the State of California, relative to the sales and conveyances of real property of deceased persons, and notice given thereof.

Read first time, and ordered to second reading.

Assembly Bill No. 251—An Act to amend section one thousand five hundred and thirty-one of the Code of Civil Procedure of the State of California, relative to hearing petitions for summary sales of mines and mining interests, and notice given thereof.

Read first time, and ordered to second reading.

Assembly Bill No. 252—An Act to amend section one thousand five hundred and forty-seven of the Code of Civil Procedure of the State of California, relative to the notice of the sales of the estates of deceased persons.

Read first time, and ordered to second reading.

Assembly Bill No. 253—An Act entitled an Act to add a new section to the Political Code, to be known as section one thousand six hundred and forty-one, relating to Census Marshals of school districts.

Refused first reading.

Assembly Bill No. 254—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure, relative to postponement of trials.

Refused first reading.

Assembly Bill No. 255—An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California, relating to the taking authentication of testimony on examinations in criminal cases.

Refused first reading.

Assembly Bill No. 257—An Act to amend an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employ them," approved March 30, 1878.

Refused first reading.

Assembly Bill No. 265—An Act to amend section one thousand eight hundred and forty-four of the Code of Civil Procedure, relative to the general principles of evidence.

Refused first reading.

Assembly Bill No. 266—An Act to repeal section one thousand one hundred and eleven of the Penal Code.

Refused first reading.

Assembly Bill No. 267—An Act to repeal sections one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight of the Code of Civil Procedure.

Refused first reading.

Assembly Bill No. 268—An Act to repeal section one thousand three hundred and thirty-nine of the Code of Civil Procedure.

Refused first reading.

Assembly Bill No. 271—An Act to amend section three thousand three hundred and thirty-seven of "An Act to establish a Political Code," approved March 12, 1872, relating to officers and members of unpaid fire companies, and exempting them from certain duties.

Refused first reading.

Assembly Bill No. 271—An Act to amend section one thousand four hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to pleading.

Refused first reading.

Assembly Bill No. 276—An Act to amend section one hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the jurisdiction of Justices' Courts.

Refused first reading.

Assembly Bill No. 277—An Act to prevent the adulteration of milk, and to create the office of Milk Inspector in the several counties of the State.

Refused first reading.

Assembly Bill No. 280—An Act to amend section eight hundred and forty-nine of the Code of Civil Procedure, relative to service of summons in Justices' Courts.

Refused first reading.

Assembly Bill No. 283—An Act to change the seat of government of the State.

Refused first reading.

Assembly Bill No. 285—An Act to provide the manner of payment of the salaries of the Judges of the Superior Courts.

Read first time, and ordered to second reading.

Assembly Bill No. 287—An Act to amend sections two hundred and sixty-nine and two hundred and seventy-four of "An Act to establish a Code of Civil Procedure," in relation to phonographic reporters.

Read first time, and ordered to second reading.

Senate Bill No. 7—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 11, 1872, relating to bills of exceptions.

Read first time, and ordered to second reading.

Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Read first time, and ordered to second reading.

Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Read first time, and ordered to second reading.

Senate Bill No. 54—An Act making appropriation for a deficiency in the appropriations for transportation of prisoners, for thirty-third fiscal year.

Read first time, and ordered to second reading.

Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year.

Read first time, and ordered to second reading.

Assembly Bill No. 291—An Act to promote the public safety on railroads.

Read first time, and ordered to second reading.

Assembly Bill No. 297—An Act to compel the Commissioner of Immigration to report and turn over all documents and money in his possession to the Secretary of State.

Read first time, and ordered to second reading.

Assembly Bill No. 302—An Act to transfer money, now in and what is known as the Drainage Fund, to the General Fund, to be used in payment of claims against the said Drainage Fund.

Read first time, and ordered to second reading.

Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

Read first time, and ordered to second reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Barnes :

WHEREAS, T. A. Cullen, 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 and Employés.

#### SECOND READING OF BILLS.

Assembly Bill No. 72—An Act regulating the taking up of estray animals and posting the same.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind.

Read second time, and substitute adopted.

Mr. Irwin moved to amend section two, line five, by striking out all after the word "by."

Adopted.

The ayes and noes being demanded on the question: "Shall the bill be ordered engrossed, printed, and to a third reading, as amended?" the roll was called, and it was so ordered by the following vote:

**AYES**—Messrs. Barnes, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Carter, Clement, Coleman, Crumpton, Culver, Doty, Faw, Field, Flynn, Fortna, Gaussail, Hamilton, Head, Heath, Hunter, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McKinley, Murdock, Murphy, Peterson, Plover, Rawle, Rhel, Ryan, and Terry—38.

**NOES**—Messrs. Bowers, Caminetti, Campbell, Cary, Farley, Harvey, Hershey, Irwin, Johnston, McClaskey, McHale, Nicol, Reeves, Rowland, Smith, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—24.

Assembly Bill No. 10—Proposed amendment to the Constitution of the State of California, amending section nineteen of article eleven of the Constitution of the State.

Read second time.

Mr. Johnston moved to pass on the file.

So ordered.

Assembly Bill No. 212—An Act amendatory of and supplemental to 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 public lands," approved March 2, 1867, approved March 30, 1868.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872.

Read second time.

Mr. Bibb moved to amend as follows: At the end of line fifteen the words, "provided, however, if such naturalized citizen shall have been previously registered as a qualified elector in any of the counties of this State, his name must not be entered by the clerk, unless he produce a certificate of such registration issued by the party authorized by law to issue such certificate, which certificate shall be prima facie evidence of his naturalization."

Adopted.

Mr. Booth moved to amend page two, line twelve, after word "place," insert words "and Court."

The ayes and noes being demanded on the amendment, the roll was called, and the amendment was lost by the following vote:

**AYES**—Messrs. Barnes, Booth, Brown, Caminetti, Cary, Clement, Culver, Harvey, Heath, Keeler, Lewison, McHale, McKinley, Murdock, Reeves, Walrath, and Weaver—17.

**NOES**—Messrs. Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, Moffitt, Murphy, Nicol, Peterson, Plover, Rawle, Rhel, Rowland, Smith, Stewart, Sweetland, Terry, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—49.

Bill ordered engrossed, printed, and to third reading as amended.

Assembly Bill No. 229—An Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations in the office of County Clerk certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certificates showing the names and places of residence of certain officers of any such corporation.

Read second time, ordered engrossed and to third reading.

Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Read second time, ordered engrossed and to third reading.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

## WAYS AND MEANS.

MR. SPEAKER Your Committee on Ways and Means respectfully return Assembly Bill No. 239—Entitled an Act to appropriate money for the support of aged and indigent persons residing in the Home of the Veterans' Home Association, and recommend that it be referred to the Committee on State Hospitals.

CAMPBELL, Chairman.

Referred.

## ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER Your Committee on Fish and Game, to whom was referred Assembly Bill No. 164—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 and fish ponds—have had the same under consideration, and now report the same back with amendment, as instructed by the House, and recommend that it do pass as amended.

MOFFITT, Chairman.

## ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, ———, 1883.

MR. SPEAKER Your Committee on Mileage, to whom was referred the report of the Committee on Commerce and Navigation, have had the same under consideration, and now report the same back to the Assembly, and recommend the adoption of the following resolution:

*Resolved*, That the Controller of State be and is hereby authorized to draw his warrant for one hundred and seventeen dollars and sixty cents, in favor of James V. Coleman, for mileage due the Committee on Commerce and Navigation, payable out of the Contingent Fund of the Assembly.

JAMES J. FLYNN.

Adopted.

## ADJOURNMENT.

Mr. Wharton, at four o'clock and fifty minutes P. M., moved that the House do now adjourn.  
So ordered.

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 IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, February 2, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs Barnes, Barry, Beard, Bibb, Booth, Brown, Callaghan, Cammett, Campbell, Carter, Cary, Clark, Clement, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Johnston, Keeler, Kennick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. Caminetti, further reading was dispensed with.  
Journal of Thursday approved.

## LEAVE OF ABSENCE.

Mr. Stephens was granted indefinite leave of absence, on account of sickness, Mr. Hollister for this day, and Mr. Clark from to-day till Monday noon.

The Committee on Internal Improvements was granted further time, for the purpose of considering Assembly Bill No. 272.

## PRESENTATION OF PETITIONS.

By Mr. Rhiel: In relation to the proposed amendment to section nineteen of article eleven of the Constitution.

Referred to Committee on Constitutional Amendments.

## LEAVE OF ABSENCE.

The Committee on Agriculture, Mining, and Mechanics' Arts College was granted leave of absence till to-morrow, and the Committee on Elections from to-day, at eleven o'clock, till Monday morning.

The Committee on Counties and County Boundaries was granted further time, for the purpose of considering Assembly Bill No. 78.

## SPECIAL ORDER.

Assembly Bill No. 5—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code of the State of California, relating to the observance of the Christian Sabbath.

Mr. Johnston moved that Senate Bill No. 1 be substituted for Assembly Bill No. 5.

So ordered.

Bill read second time.

Mr. Weaver moved to amend, by striking out of section one, line one, the words "two hundred and ninety-nine."

Lost.

Mr. Weaver moved to amend, by striking out of section two, line one, the word "immediately," and inserting "and be in force from and after two years from its passage."

Lost.

Bill ordered engrossed and to third reading.

Mr. Barry moved the bill be engrossed and placed at the head of to-morrow's file.

So ordered.

## REPORTS OF STANDING COMMITTEES.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 159—An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes and also, Assembly Bill No. 160—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and thirty, relative to the commencement of suits for the purpose of testing the legality or validity of assessment and collection of taxes—have had the said bills under consideration, and now report the same back with a substitute therefor, and recommend the passage of the substitute

Also, Assembly Bill No. 101—An Act to amend section one thousand one hundred and eighty-

seven of the Code of Civil Procedure, in relation to the filing of liens, by mechanics, laborers, and others, upon real property, for labor and materials furnished, and to simplify the form of such lien—and recommend that it do not pass.

Also, Assembly Bill No. 231—An Act supplemental and amendatory to an Act entitled “An Act giving a lien to loggers and laborers employed in logging camps, upon the logs cut and hauled by the persons who employ them,” approved March 30, 1875 (statutes 1877-8, page seven hundred and forty-seven, and amended April 12, 1880), giving a lien to loggers, laborers, and persons employed in cutting, hauling, and driving logs, and to laborers employed in and about sawmills, in manufacturing lumber, a lien upon the lumber manufactured by their labor—and recommend that it do not pass.

Also, Assembly Bill No. 197—An Act to amend section eight hundred and forty-two of “An Act to establish a Code of Civil Procedure,” in relation to persons who may appear and act as attorneys in Justices’ Courts—and recommend that it do not pass.

Also, Assembly Bill No. 311—An Act to amend section eight hundred and eleven of the Penal Code, relating to informations or complaints laid before magistrates, and their duties thereon, and to repeal section eight hundred and twelve of said Code, relating to the contents of depositions taken before such magistrates—and recommend its passage.

Also, Assembly Bill No. 312—An Act to add a new section to the Code of Civil Procedure, to be numbered two hundred and twelve, relating to the drawing of jurors for Justices’ Courts by the Boards of Supervisors—and recommend its passage.

Also, Assembly Bill No. 313—An Act to repeal sections two hundred and thirty, two hundred and thirty-one, and two hundred and thirty-two, of article six, chapter one, title three, of the Code of Civil Procedure, in relation to the summoning of jurors for Courts not of record, and to substitute a new article, to be designated as article six, including new sections, to be numbered two hundred and twenty-nine, two hundred and thirty, two hundred and thirty-one, two hundred and thirty-two, and two hundred and thirty-three, in relation to the drawing and summoning of jurors for Courts not of record—and recommend its passage.

TERRY, Chairman.

MAJORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 309—An Act to provide for the appointment of subordinate officers in the service of the State—have had the same under consideration, and now report the same back to the Assembly, and recommend its passage.

BARRY,  
For majority of Committee.

MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER The minority of the Committee on Judiciary recommend that Assembly Bill No. 309—An Act to provide for the appointment of subordinate officers in the service of the State—do not pass.

TERRY,  
McCLASKEY,  
NICOL.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1883.

MR. SPEAKER Your Committee on Agriculture have had under consideration Senate Bill No. 74—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals—and recommend its passage.

Also, Assembly Bill No. 75—An Act to repeal an Act entitled “An Act to protect sheep and lambs in this State,” approved March 18, 1861—and recommend that it pass.

Also, Assembly Bill No. 76—An Act to repeal an Act entitled “An Act to protect Cashmere and Angora goats against the ravages of dogs,” approved March 13, 1866—and recommend its passage.

DOTY, Chairman.

ON PUBLIC BUILDINGS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 347—Entitled “An Act making an appropriation to preserve and improve the grounds and buildings of the University of California at Berkeley”—have had the same under consideration, and now report the same back with an amendment, and recommend the passage of the same as amended.

PLOVER, Chairman.

## ON PUBLIC LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1883.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 315—An Act to amend sections five hundred and one, three thousand three hundred and ninety-eight, three thousand four hundred and ten, three thousand four hundred and fourteen, three thousand four hundred and seventeen, three thousand four hundred and ninety-four, three thousand four hundred and ninety-eight, three thousand five hundred and two, three thousand five hundred and sixteen, three thousand five hundred and thirty-three, three thousand five hundred and forty-six, three thousand five hundred and fifty-nine, and three thousand five hundred and seventy-one of the Political Code, relating to public lands of the State—have had the same under consideration, and now report the same back, and recommend that it do not pass.

PETERSON, Acting Chairman.

## ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Concurrent Resolution No. 23—Relative to section six, article one, of the Constitution of the State of California, relating to cruel and unusual punishment—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 237—An Act to carry into effect section eighteen, article eleven, of the Constitution.

Also, Assembly Petition No. 1—Relative to amending Constitution and striking out a portion of section nineteen, article eleven—have had the same under consideration, and now report the same back, and recommend the same be referred to Judiciary Committee.

Also, Senate Bill No. 10—An Act amending the Constitution—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 17—Relative to proposed amendment to the Constitution to amend section twelve of article thirteen thereof—have had the same under consideration, and now report the same back, and recommend in favor of amendment of Constitution.

Also, Assembly Concurrent Resolution No. 25—Relative to amending article four of section thirty-six of the Constitution of the State of California, in regard to special or local legislation—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 22—Proposing an amendment to the Constitution of the State of California, in relation to the sessions of the Legislature, the introduction of bills therein, the pay and mileage of members and attachés thereof—have had the same under consideration, and now report the same back, and recommend its passage.

GRANGER, Chairman.

## MINORITY REPORT.

MR. SPEAKER: The undersigned members of Committee on Apportionment, having had under consideration Assembly Bill No. 129—"An Act to divide the State of California into Congressional Districts"—report the same back to the Assembly, with the recommendation that it do not pass.

LEWISON,  
HOLLISTER,  
McKINLEY,

Minority of Committee.

## ON STATE HOSPITALS

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1883

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 269, have had the same under consideration, and now report the same back, and recommend its passage.

CRUMPTON, Chairman.

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 214—An Act entitled "An Act to authorize and direct the State Board of Harbor Commissioners to construct culverts on the water front line or seawall of the City and County of San Francisco, wherever necessary to carry off stagnant water, or nuisances created, or which may be created by the construction of said water front line or seawall"—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 325—An Act to amend section two thousand five hundred and twenty-four of the Political Code of the State of California, relative to the powers of State Harbor Commissioners—and recommend that it do not pass.

COLEMAN, Chairman.

## ON EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Bill No. 223—An Act to appropriate money for construction of sidewalks around the State Capitol grounds—have had the same under consideration, and now report the same back with amendments, and recommend the passage of the bill as amended.

CAMINETTI, Chairman.

## INTRODUCTION OF BILLS.

By Mr. Ryan: An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court.

Referred to Judiciary Committee

By Mr. Rawle: An Act to prohibit aliens, who have not declared their intention to become citizens of the United States, from receiving license to drive, and from driving any vehicle for the driving of which a license is required by law.

Referred to Judiciary Committee.

By Mr. Head: An Act for the further promotion and protection of the viticultural industries of the State.

Referred to Committee on Culture and Improvement of the Grapevine.

By Mr. Ryan: An Act to amend section one thousand three hundred and thirteen of the Civil Code.

Referred to Judiciary Committee.

By Mr. Campbell: An Act to amend section two hundred and twenty-four of the Civil Code of California, in relation to the adoption of children.

Referred to Judiciary Committee.

By Mr. Head: An Act to provide for the formation of new counties.

Referred to Committee on Counties and County Boundaries.

By Mr. Brown: An Act to amend section three thousand six hundred and forty-four of the Political Code, relative to the assessment of property.

Referred to Committee on Commerce and Navigation.

By Mr. Harvey: An Act to repeal section eight hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to disqualification of officers.

Referred to Judiciary Committee.

By Mr. Bibb: An Act to authorize fees and salaries of officers, and compensation of other persons, to be taken in attachment and execution, and to prohibit assignments to defraud creditors.

Referred to Judiciary Committee.

By Mr. Farley: An Act entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,'" approved March 12, 1872, and section five hundred and twenty-six, relating to duties of Superintendent of State Printing.

Referred to Committee on Printing.

## REPORT OF COMMITTEE ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 75—An Act to repeal sections numbers 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 thirty-three, two thousand seven hundred and thirty-four, two thousand seven hundred and thirty-five, 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 12, 1872, relating to roads and highways, and to add seventy-four 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, two thousand six hundred and seventy-six, two thousand six hundred and seventy-seven, two thousand six hundred and seventy-eight, two thousand six hundred and seventy-nine, 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-six, 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, two thousand six hundred and ninety-one, and two thousand six hundred and ninety-two—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 1—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 to substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways—and recommend its passage with

certain amendments therein appended to the printed copy of said bill, and herewith transmitted.

Respectfully submitted.

NICOL, Chairman.

Mr. Campbell moved to take up Assembly Bill No. 77 as though it was on the special file provided for by the rules of the House.

So ordered.

FIRST READING OF BILLS.

Assembly Bill No. 77—An Act making appropriations for the support of the Government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Read first time, and ordered to second reading.

Mr. Campbell moved that the rules be suspended, and the second reading of Assembly Bill No. 77 be made a special order for Tuesday morning, after the reading of the Journal, and that the amendments proposed by the Committee on Ways and Means be printed.

So ordered.

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

Read first time, and ordered to second reading.

Assembly Bill No. 171—An Act to apportion the State of California into Congressional Districts.

Refused first reading.

Mr. Wharton moved to refer Assembly Bill No. 105 to the Judiciary Committee, to ascertain as to the constitutionality of the bill.

So ordered.

Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes.

Read first time, and ordered to second reading.

Mr. Beard asked leave of absence for the Committee on Irrigation from Sunday until Wednesday noon.

The ayes and noes being demanded, the committee was granted leave by the following vote:

AYES—Messrs. Barnes, Beaul, Brice land, Brown, Callaghan, Carter, Cary, Clement, Coleman, Crumpton, Culver, Farley, Faw, Fortna, Hall, Hamilton, Harvey, Heath, Hershey, Hughes, Hunter, Kerrick, Levenson, Martin, Matthews, McKinley, Murdock, Reeves, Rowland, Smith, Storke, Terry, Townsend, Waliath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—40.

NOES—Messrs. Barry, Irwin, Johnston, Keeler, McClaskey, McHale, Peterson, Rhel, and Stewart—9.

Assembly Bill No. 28—An Act to repeal section one thousand two hundred and sixty-two of the Penal Code.

Refused first reading.

Assembly Bill No. 34—An Act to amend sections one thousand two hundred and seventy-three, one thousand two hundred and seventy-eight, one thousand two hundred and eighty, one thousand two hundred and eighty-seven, one thousand two hundred and eighty-eight, one thousand three hundred and five, one thousand three hundred and six, and one thousand three hundred and seven of the Penal Code, relative to miscellaneous proceedings.

Read first time, and ordered to second reading.

Assembly Bill No. 35—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eight, relative to the forfeiture of the undertaking of bail or of deposit of money.

Read first time, and ordered to second reading.

Assembly Bill No. 36—An Act to amend sections three hundred and seventy and three hundred and seventy-one of the Penal Code, and to amend said Penal Code by adding sections three hundred and seventy-one and one half, three hundred and seventy-two, three hundred and seventy-two and one half, and three hundred and seventy-three, relating to public nuisances, and providing for the abatement of the same.

Read first time, and ordered to second reading.

Assembly Bill No. 51—An Act to amend section one thousand one hundred and seventy-two of the Penal Code, and to provide for exceptions in criminal cases.

Read first time, and ordered to second reading.

Assembly Bill No. 44—An Act to amend the Penal Code, by adding a new section thereto, to be known as section one hundred and eight, relating to bogus land titles and the purchasing of State or pretended titles for the purpose of instituting suits thereon, to prevent stirring up litigation.

Refused first reading.

Assembly Bill No. 50—An Act entitled "An Act to add one new section to the Penal Code, relating to deaths in hotels, inns, boarding or lodging houses, by asphyxia, to be numbered four hundred and one."

Refused first reading.

On motion of Mr. Bibb, Assembly Bill No. 53 was passed on the file.

Assembly Bill No. 76—An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the sale and use of opium and its preparations.

Refused first reading.

Assembly Bill No. 85—An Act to add a new section to the Penal Code, number five hundred and ninety-three.

Refused first reading.

Assembly Bill No. 134—An Act to amend sections six hundred and sixty-six and six hundred and sixty-seven of the Penal Code, relating to increased punishment upon a second conviction.

Read first time, and ordered to second reading.

Assembly Bill No. 152—An Act to amend section two hundred and sixty-one of the Penal Code, defining rape.

Read first time, and ordered to second reading.

Assembly Bill No. 281—An Act to amend section two hundred and sixty-four of the Penal Code, relating to the punishment of rape.

Read first time, and ordered to second reading.

Assembly Bill No. 274—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to punishment for embezzlement.

Refused first reading.

Assembly Concurrent Resolution No. 21—To amend section nine of article thirteen of the Constitution.

Read first time.

Mr. Farley moved to make further consideration a special order for Wednesday next, at three o'clock P. M.  
So ordered.

CONCURRENT RESOLUTIONS—(OUT OF ORDER).

By Mr. Granger: Declaring the constitutional relation of the Legislature to Railroad Commission, and asserting its constitutional prerogative to determine what shall constitute dereliction of duty, corruption, or incompetency in their office.

Referred to special committee.

By Mr. Campbell: Instructing our Senators and requesting our members in the Congress of the United States to urge the passage of laws for the promotion and protection of the viticultural industries of the State of California and other States of the Union.

Referred to Committee on Culture and Improvement of the Grapevine.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Irwin: An Act to add to part two, division two, of the Civil Code, a new title, to be known as title five, containing nineteen sections, to be numbered eight hundred and seventy-two, eight hundred and seventy-three, eight hundred and seventy-four, eight hundred and seventy-five, eight hundred and seventy-six, eight hundred and seventy-seven, 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, and eight hundred and ninety, relating to mining laws, forming mining districts, and the recording of mining locations.

Referred to Judiciary Committee.

FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 155—An Act to provide for the organization, government, and control of irrigation districts.

Read first time, and ordered to second reading.

Assembly Bill No. 293—An Act to amend "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean water in the State."

Read first time, and ordered to second reading.

Assembly Bill No. 261—An Act to encourage the destruction of certain wild animals, and provide a bounty for the same.

Read first time, and ordered to second reading.

RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess until two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

## FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 227—An Act to amend an Act entitled “An Act to define, regulate, and govern the State Prisons of California,” approved April 15, 1880.

The ayes and noes being demanded on the question of the first reading of the bill, the roll was called, and the bill was ordered read by the following vote:

**AYES**—Messrs. Barnes, Bibb, Bowers, Brown, Callaghan, Carter, Cary, Clement, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hughes, Irwin, Johnston, Leverson, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, Peterson, Rawle, Reeves, Rowland, Smith, Stewart, Storke, Terry, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—45.

**NOES**—Messrs. Caminetti, Campbell, Crumpton, Harvey, Heath, Hunter, Keeler, Martin, Rhuel, and Yell—10.

Mr. Head asked leave to withdraw the bill introduced by him this morning, and referred to the Committee on County and County Boundaries.

Request granted.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Head: An Act to provide for the formation of new counties, to determine the location of county seat by an election, to declare the manner of providing officers, to provide funds for its support by the issuance of bonds, and to determine what portion of the old county debt is chargeable to such new county.

Referred to Committee on Counties and County Boundaries.

## FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 279—An Act to fix the compensation of the Watchmen in and about the State Capitol and its grounds.

Read first time, and ordered to second reading.

Assembly Bill No. 139—An Act to amend an Act entitled “An Act to promote irrigation,” approved April 1, 1872, and amendments thereto, to promote irrigation and drainage, to reclaim swamp, marshy, and overflowed lands.

Read first time, and ordered to second reading.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON MILEAGE.

ASSEMBLY CHAMBER, February 2, 1883.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the report of the Committee on Military—have had the same under consideration, and now report the same back to the Assembly, and recommend the adoption of the following resolution:

*Resolved*, That the Controller be and is hereby authorized to draw his warrant for one hundred and thirty-two dollars and forty cents (\$132 40) in favor of S. C. Bowers, for mileage due the Committee on Military, payable out of the contingent fund of the Assembly.

FLYNN,  
CARTER,  
FLEMING,

Committee.

Adopted.

Mr. Farley moved that the bill introduced by him to-day, and re-

ferred to the Committee on Printing, be considered by said committee, and reported back immediately.

So ordered.

NOTICE.

MR. SPEAKER: I hereby give notice that on to-morrow, or at the next daily session of this House, I will move the following amendment to Standing Rule Number Two of the Assembly, to wit:

ORDER OF BUSINESS.

12. Third Reading of Bills.
13. Motions and Resolutions
14. Second Reading of Bills and business on General File.

M. FARLEY.

Referred to Committee on Rules.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. McClaskey: An Act to amend sections five hundred and one, three thousand four hundred and fourteen, three thousand four hundred and seventeen, and three thousand four hundred and ninety-eight of the Political Code, relating to public lands of the State.

Referred to Committee on Public Lands.

By Mr. Hershey: An Act to provide for and regulate the business of searchers of records.

Referred to Judiciary Committee

By Mr. Storke: An Act to create the County of Los Alamos, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and funds for its support by the issue of bonds, or otherwise, and to provide for taking the census of Santa Barbara County.

Referred to Committee on Counties and County Boundaries.

By Mr. Bowers (by request): An Act to amend section two thousand three hundred and forty-nine of the Political Code, relating to public waters.

Referred to Committee on Irrigation.

SECOND READING OF BILLS.

Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Read second time, and ordered to third reading.

Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Read second time, and ordered to third reading.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

Read second time, and ordered to third reading.

Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one,

of the Penal Code of the State of California, relating to the question of game and fish.

Read second time; substitute adopted.

Mr. Irwin moved to amend by striking out of line three of printed bill, after the word "speckled," the word "trout," and insert in lieu thereof the word "or," and strike out of line four the words "salmon" and "or any variety of trout."

Mr. Nicol moved to defer action on Assembly Bill No. 91 until the Committee on County and Township Governments reports.

Lost.

The question recurring on the amendment by Mr. Irwin, it was adopted.

Mr. Weaver moved to amend by striking out "November" and inserting "December."

Lost.

Mr. Johnston moved to amend, by inserting in section one, line three, of printed bill, "six hundred and thirty-three"

Adopted.

Ordered engrossed, printed, and to third reading, as amended.

Assembly Bill No. 167—An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver.

Read second time.

Recommendations of committee adopted.

Ordered engrossed, printed, and to third reading.

Assembly Bill No. 16—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.

Mr. Stewart moved to amend section one, by adding to the same at the end of the section:

*Provided*, That such purchaser shall satisfy such individual, company, or corporation owning or controlling water as in this section mentioned, for the payment of water that may be distributed to such purchaser

Adopted.

Mr. Stewart moved to amend section one, by inserting on line three, after the word "irrigation," "or mining."

Adopted.

Read second time, ordered engrossed, printed, and to third reading as amended.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Johnston, the House went into Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 106—An Act to provide apparatus for the Deaf, Dumb, and Blind Asylum.

The bill was considered in the Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

The Speaker stated as follows:

GENTLEMEN The Committee of the Whole has had under consideration Assembly Bill No. 106—An Act to provide apparatus for the Deaf, Dumb, and Blind Asylum—and now report the bill back to the House, and recommend that it be ordered engrossed and to third reading.

Report received.

Bill ordered engrossed and to third reading.

SPECIAL COMMITTEE.

The Speaker appointed Messrs. Granger, Barry, Johnston, Campbell, and Wharton a special committee to consider Assembly Concurrent Resolution relative to declaring the constitutional relation of the Legislature to the Railroad Commissioners.

Mr. Cutter moved to make Assembly Bill No. 192 and Assembly Bill No. 308 special order for Tuesday, February sixth, at three o'clock p. m.

So ordered

SECOND READING OF BILLS.

Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Read second time.

Mr Storke moved to pass the bill on file.

Lost.

Bill ordered engrossed, printed, and to third reading.

Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

Read second time, ordered engrossed, printed, and to third reading.

Assembly Bill No. 246—An Act entitled "An Act relating to unapproved swamp land surveys."

Read second time, amendment of committee adopted, and ordered engrossed, printed, and to third reading as amended.

Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

Read second time, ordered engrossed and to third reading.

Assembly Bill No. 138—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change of boundaries thereof.

The ayes and noes being demanded on the question of the second reading of the bill, the roll was called, and the bill was ordered read by the following vote:

AYES—Messrs. Barnes, Brown, Callaghan, Carter, Clement, Coleman, Doty, Farley, Faw Field, Foutz, Granger, Hamilton, Head, Hughes, Hunter, Irwin, Keeler, Leveison, Martin, Matthews, McKinley, Moffitt, Nicol, Peterson, Reeves, Rhel, Rowland, Ryan, Simon, Townsend, Walrath, Wheat, Yell, and Mr Speaker—35.

NOES—Messrs. Beard, Bowers, Fleming, Gaussail, Hall, Harvey, Johnston, McClaskey, Murlock, Rawle, Smith, Stewart, Storke, Sweetland, Terry, Weaver, Wharton, and Wheelan—18.

Bill read second time; substitute by the committee adopted.

The ayes and noes being demanded on the question of engrossment and reference of the bill, the roll was called, and the bill was ordered engrossed, and printed, and to third reading, as amended, by the following vote:

AYES—Messrs. Barnes, Bibb, Bowers, Briceland, Brown, Campbell, Carter, Clement, Coleman,

Crumpton, Doty, Farley, Faw, Field, Fortna, Granger, Hamilton, Head, Hershey, Hughes, Hunter, Keeler, Kerrick, Leverson, Martin, Matthews, McKinley, Moffitt, Peterson, Reeves, Rhel, Rowland, Ryan, Townsend, Wheat, and Mr. Speaker—36

NOES—Messrs. Beard, Callaghan, Caminetti, Culver, Fleming, Flynn, Gaussail, Hall, Harvey, Healy, Johnston, McClaskey, McDonald, McHale, Murdock, Rawle, Smith, Sweetland, Terry, Walrath, Weaver, Wharton, and Wheelan—23.

Assembly Bill No. 244—An Act to amend section one thousand one hundred and one of an Act to establish a Penal Code, approved February 14, 1872, relating to the effect of a discharge of one of several defendants from an indictment.

Bill read second time

Mr. Healy moved the previous question.

So ordered.

The question being: "Shall the bill be ordered engrossed and to third reading?" the ayes and noes being demanded, the roll was called, and the House refused to order the bill engrossed and to third reading by the following vote:

AYES—Messrs. Barry, Beard, Briceland, Callaghan, Campbell, Clement, Crumpton, Doty, Faw, Fleming, Granger, Hamilton, Heath, Leverson, Martin, McHale, Moffitt, Rhel, Storke, Townsend, Walrath, Wharton, Wheat, and Mr. Speaker—24.

NOES—Messrs. Barnes, Bibb, Brown, Caminetti, Carter, Coleman, Culver, Cutter, Farley, Field, Flynn, Fortna, Gaussail, Harvey, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Lewison, Matthews, McClaskey, McDonald, McKinley, Murdock, Nicol, Peterson, Rawle, Reeves, Rowland, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Weaver, Wheelan, and Yell—42.

Mr. Townsend moved that Assembly Bill No 72 be recommitted to its author, with special instructions to so amend it, that before the property of any animal taken up under the provisions of this Act is vested in the taker up of said animal, said taker up shall pay into the county treasury the full appraised value of such animal, less the cost that may have accrued under the provisions of this Act, or any damages that may have been done by such animals.

Adopted.

Mr. Simon moved that the rules be suspended, and the substitute for Assembly Bills Nos. 17 and 30 be read third time, and put on their final passage.

So ordered.

Mr Storke moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Beard, Carter, Clark, Clement, Crumpton, Granger, Head, Hunter, Irwin, Johnston, Kerrick, Martin, McDonald, McHale, Nicol, Reeves, Rhel, Rowland, Storke, Weaver, Wheat, and Wheelan—22

NOES—Messrs. Barnes, Bairy, Bibb, Brown, Callaghan, Caminetti, Coleman, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hughes, Keeler, Leverson, Matthews, McClaskey, McKinley, Moffitt, Murdock, Murphy, Peterson, Rawle, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Yell, and Mr. Speaker—45.

#### THIRD READING OF BILLS.

Assembly Bill No. 17—An Act to establish and support a Bureau of Labor Statistics.

Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics in and for the State of California.

Substitute read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Barnes, Barry, Bibb, Bowers, Brown, Callaghan, Caminetti, Carter, Clement, Coleman, Culver, Cutler, Doly, Fairley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Healy, Heishey, Hughes, Keeler, Kerrick, Levenson, Lewison, Matthews, McDonald, McKinley, Moffitt, Mundock, Murphy, Peterson, Rawle, Reeves, Rowland, Ryan, Simon, Smith, Sweetland, Terry, Townsend, Waiath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—52

**NOES**—Messrs. Beard, Crumpton, Head, Heath, Hunter, Johnston, McClaskey, Nicol, Rhiel, Stewart, and Wheat—11.

#### COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined the following Assembly Bills, and find them correctly engrossed

Assembly Bill No. 92—An Act to establish a State Board of Horticulture and appropriate moneys for the expense thereof.

Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds and appropriate money therefor.

Assembly Bill No. 182—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, relating to revenue.

Assembly Bill No. 200—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales.

Assembly Bill No. 201—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.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872.

BIBB, Chairman.

#### COMMITTEE ON MILEAGE.

ASSEMBLY CHAMBER, February 2, 1883.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the report of the Committee on State Hospitals, have had the same under consideration, and now report the same back to the Assembly, and recommend the adoption of the following resolution:

*Resolved*, That the Controller of State be and is hereby authorized to draw his warrant for two hundred and thirty-four dollars in favor of H. J. Crumpton, for mileage due the Committee on State Hospitals, payable from the Contingent Fund of the Assembly.

JAS. J. FLYNN,  
G. W. T. CARTER,  
T. R. FLEMING.

Mr. Barnes gave notice that he would, to-morrow, move a reconsideration of the vote whereby the Committee on Irrigation was granted a leave of absence.

#### ADJOURNMENT.

Mr. Rhiel, at five o'clock and twenty-five minutes, moved that the House do now adjourn.

So ordered.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, February 3, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Johnston, Keeler, Kerrick, Lewison, Martun, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Rawie, Heeves, Rhuel, Rowland, Ryan, Simon, Smith, Stewart, Storke, Terry, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Friday, on motion of Mr. Nicol, further reading was dispensed with.

Journal of Friday approved.

Messrs. Sweetland, Coleman, and Irwin granted leave of absence.

#### REPORT OF COMMITTEE ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1883.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 70—An Act directing the Boards of Supervisors of the several counties to transfer all moneys remaining in "County School Land Fund," arising from the sale of sections sixteen and thirty-six, State school lands, into the unapportioned County School Fund.

Also, Assembly Bill No. 270—An Act to amend sections one thousand eight hundred and thirty, one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, and one thousand eight hundred and thirty-seven of the Political Code, in relation to public schools—have had the same under consideration, and now report the same back, and recommend that they do pass.

Also, Assembly Bill No. 175—An Act to provide plans for school houses—and recommend that it do not pass.

STORKE, Chairman.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Heath:

*Resolved*, That the Controller be and he is hereby instructed to draw his warrant on State Treasurer for the sum of fifteen dollars, payable out of the Contingent Fund of the Assembly, in favor of John D. Jost, for remodeling Secretary's stationery case.

Adopted.

By Mr. Culver:

*Resolved*, That it is the business of somebody to light the lamps beside the steps of the Capitol grounds each night during this session of the Legislature, and the person whose duty it is to perform the same is instructed to do so from this date.

Adopted.

By Mr. Ryan:

*Resolved*, That J. F. Carter be and is hereby employed to light the gas, and attend to the gas fixtures in the Assembly Chamber from this date until the end of the session, at a per diem of two dollars, payable out of the fund for contingent expenses of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Farley:

*Resolved*, That George W. Peckham, Journal Clerk of the Assembly, be allowed leave of absence until Wednesday next.

Adopted.

## REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER: The undersigned special committee of one, to whom was referred Assembly Bill No. 72, with special instructions, beg leave to report said bill back, with amendments inserted as per instruction of the House

MATTHEWS, Special Committee.

## LEAVE OF ABSENCE.

Mr. Doty was granted leave of absence for this day.

## INTRODUCTION OF BILLS.

By Mr. Johnston: An Act to amend sections seven hundred and seventy-one, seven hundred and seventy-three, seven hundred and seventy-four, and seven hundred and seventy-five of the Political Code, relating to the duties of reporter of Supreme Court decisions.

Referred to Judiciary Committee.

By Mr. Keeler: An Act to repeal section one thousand six hundred and eighteen of the Political Code.

Referred to Judiciary Committee.

Also—An Act to amend sections one thousand five hundred and thirty-two, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and fifty, one thousand six hundred and eighty-seven, one thousand seven hundred, and one thousand eight hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools.

Referred to Committee on Education.

By Committee on Ways and Means: An Act to fix the salary of the State Engineer; and, for that purpose, to amend section number two of "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878, relating to the compensation of the State Engineer.

Ordered placed on file without reference.

By Mr. Campbell: An Act entitled "An Act to amend an Act to authorize the erection and maintenance of a drawbridge across Petaluma Creek, in the City of Petaluma," approved April 1, 1876.

Referred to Committee on Commerce and Navigation.

By Mr. Parker: An Act to add a new section to the Penal Code of California, to be numbered section nine hundred and seventy-three, providing for amending informations.

Referred to Judiciary Committee.

## SPECIAL FILE—FIRST READING.

Assembly Bill No. 1—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 to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Read first time, and ordered to second reading.

Assembly Bill No. 75—An Act to repeal sections numbers 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 12, 1872, relating to roads and highways, and to add seventy-four 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, two thousand six hundred and seventy-six, two thousand six hundred and seventy-seven, two thousand six hundred and seventy-eight, two thousand six hundred and seventy-nine, 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-six, 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, two thousand six hundred and ninety-one, and two thousand six hundred and ninety-two.

Refused first reading.

#### RESOLUTION.

Mr. Farley, pursuant to notice, moved the following:

*Resolved*, That Standing Rule Number Two of the Assembly, and subdivisions twelve thirteen, and fourteen, be amended so that said subdivisions shall read as follows

#### ORDER OF BUSINESS.

12. Third Reading of Bills.
13. Motions and Resolutions.
14. Second Reading of Bills and business on General File.

Referred to Committee on Rules and Regulations.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Storke: An Act to amend section one thousand and ninety-nine of the Penal Code, relating to State's evidence.

Referred to Committee on Crimes and Penalties.

The consideration of Assembly Concurrent Resolutions Nos. 22 and 27, were, on motion of Messrs. Campbell and Farley respectively, made a special order for February seventh, at three o'clock and thirty minutes P. M.

## GENERAL FILE—FIRST READING.

Assembly Bill No. 159—An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes.

Assembly Bill No. 160—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and thirty, relative to the commencement of suits for the purpose of testing the legality or validity of assessment and collection of taxes.

Substitute for Assembly Bills Nos. 159 and 170—Adopted, read first time, and ordered to second reading.

Assembly Bill No. 101—An Act to amend section one thousand one hundred and eighty-seven of the Code of Civil Procedure, in relation to the filing of liens by mechanics, laborers, and others, upon real property, for labor and materials furnished, and to simplify the form of such lien.

Read first time, and ordered to second reading.

Assembly Bill No. 231—An Act supplemental and amendatory to an Act entitled "An Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them," approved March 30, 1878 (Statutes 1877-8, page seven hundred and forty-seven, and amended April 12, 1880), and giving a lien to loggers, laborers, and persons employed in cutting, hauling, and driving logs, and to laborers employed in and about sawmills, in manufacturing lumber, a lien upon the lumber manufactured by their labor

Refused first reading.

Assembly Bill No. 197—An Act to amend section eight hundred and forty-two of an Act to establish a Code of Civil Procedure, in relation to persons who may appear and act as attorneys in Justices' Courts.

Refused first reading.

Assembly Bill No. 311—An Act to amend section eight hundred and eleven of the Penal Code, relating to informations or complaints laid before magistrates, and their duties thereon, and to repeal section eight hundred and twelve of said Code, relating to the contents of depositions taken before such magistrates.

Read first time, and ordered to second reading.

Assembly Bill No. 312—An Act to add a new section to the Code of Civil Procedure, to be numbered two hundred and twelve, relating to the drawing of jurors for Justices' Courts by the Boards of Supervisors.

Read first time, and ordered to second reading.

Assembly Bill No. 313—An Act to repeal sections two hundred and thirty, two hundred and thirty-one, and two hundred and thirty-two, of article six, chapter one, title three, of the Code of Civil Procedure, in relation to the summoning of jurors for Courts not of record, and to substitute a new article, to be designated as article six, including new sections, to be numbered two hundred and twenty-nine, two hundred and thirty, two hundred and thirty-one, two hundred and thirty-two, and two hundred and thirty-three, in relation to the drawing and summoning of jurors for Courts not of record.

Read first time and ordered to second reading.

Assembly Bill No. 309—An Act to provide for the appointment of subordinate officers in the service of the State.

Read first time, and ordered to second reading.

Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Read first time, and ordered to second reading.

Senate Bill No. 75—An Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861.

Read first time, and ordered to second reading.

Senate Bill No. 76—An Act to repeal an Act entitled "An Act to protect Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866.

Read first time, and ordered to second reading.

Assembly Bill No. 347—An Act making an appropriation to preserve and improve the grounds and buildings of the University of California at Berkeley.

Read first time, and ordered to second reading.

Assembly Bill No. 315—An Act to amend sections five hundred and one, three thousand three hundred and ninety-eight, three thousand four hundred and ten, three thousand four hundred and fourteen, three thousand four hundred and seventeen, three thousand four hundred and ninety-four, three thousand four hundred and ninety-eight, three thousand five hundred and two, three thousand five hundred and sixteen, three thousand five hundred and thirty-three, three thousand five hundred and forty-six, three thousand five hundred and forty-eight, three thousand five hundred and forty-nine, and three thousand five hundred and seventy-one of the Political Code, relating to public lands of the State.

Refused first reading.

On motion of Mr. Yell, the consideration of Assembly Concurrent Resolution No. 23 was made a special order for February seventh, immediately after the disposal of Assembly Concurrent Resolutions Nos 17 and 22.

Assembly Concurrent Resolution No. 25—Proposed amendment to the Constitution, adding a section to article four, permitting special legislation by a two-third vote of the Senate and Assembly.

Lost.

Mr. Ryan moved that the consideration of Senate Bill No. 10 be made a special order for Monday, February fifth, at ten o'clock A. M.  
So ordered.

Mr. Wharton moved that the rules be suspended, and Assembly Bill No. 176 be taken up, read third time, and put on its final passage.  
So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Hollister :

*Resolved*, That on Monday night, the fifth of February, and on each and every night thereafter, Saturday and Sunday excepted, this House do hold night sessions from seven o'clock and thirty minutes to ten o'clock P. M.

Referred to Committee on Rules.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 3, 1883.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on January thirty-first, passed Senate Bill No. 25—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two of article thirteen of the Constitution a felony.

A. T. VOGELSANG, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 25—Referred to Judiciary Committee.

THIRD READING.

Assembly Bill No. 176—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled "An Act to establish a Political Code," approved March 2, 1872, relating to revenue and taxation and the method of the collection thereof.

Mr. Wharton moved that the clerk supply the clerical error, and insert the word "not."

So ordered.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Clement, Coombs, Crumpton, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Rawle, Reeves, Rhuel, Rowland, Stewart, Storke, Terry, Walrath, Whaiton, Wheat, Yell, and Mr. Speaker—55

NOES—None.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that he would, on Monday, move a reconsideration of the vote whereby the House refused to have read Assembly Concurrent Resolution No. 25.

Mr. Barry moved that the rules of the House be suspended, and Senate Bill No. 1 be taken up, read third time, and put on its passage.

So ordered.

Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14,

1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

Mr. Cutter moved that the bill be recommitted to the Committee on Public Morals, with instructions that section number two hundred and ninety-nine be stricken out.

Mr. Granger moved to amend the motion, by striking out all after the word referred.

Lost.

The question recurring on the original motion, the ayes and noes being demanded, the roll was called, and the bill was recommitted by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Briceland, Brown, Caminetti, Carter, Clement, Coombs, Crompton, Cutter, Farley, Faw, Field, Fortna, Hamilton, Harvey, Head, Heath, Heishey, Hollister, Johnston, Keeler, Lewison, Martin, Matthews, McKinley, Murdock, Nicol, Reeves, Rowland, Ryan, Storke, Walrath, and Weaver—35.

NOES—Messrs. Barry, Beard, Bowers, Callaghan, Fleming, Flynn, Granger, Hall, Healy, Hughes, Hunter, Kerrick, McClaskey, McDonald, McHale, Moffitt, Murphy, Parker, Peterson, Rawle, Rhuel, Stewart, Terry, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—23.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Keeler: An Act to add a new section to the Political Code of California, to be known as section two thousand and thirty-one, providing for the pay of non-commissioned officers and privates of the National Guard attending encampments.

Referred to Committee on Military.

Mr. Johnston moved that the House remain in session till two o'clock this day, and then adjourn out of respect to the memory of Mrs J. G. Downey, wife of ex-Governor Downey.

So ordered.

Mr. Bibb gave notice that he would, on Monday, move a reconsideration of the vote whereby the House ordered Senate Bill No. 1 recommitted to the Committee on Public Morals.

Mr. Fortna was granted leave of absence till Monday noon.

#### FIRST READING—(RESUMED).

Assembly Bill No. 269—An Act to add two new sections to an Act entitled "An Act to establish a Political Code," to be numbered respectively three thousand one hundred and twelve and three thousand one hundred and thirteen, in relation to the duties and powers of Boards of Supervisors over cemeteries and places of burial situated in unincorporated towns or villages in this State, and to authorize them to prevent further interments therein, or the removal thereof, when the sanitary condition of such towns are endangered by them.

Read first time, and ordered to second reading.

Mr. Hollister was granted leave of absence until Monday, at two P. M.

Assembly Bill No. 325—An Act to amend section two thousand five hundred and twenty-four of the Political Code of the State of California, relative to the powers of State Harbor Commissioners.

Refused first reading.

## CALL OF THE HOUSE.

On motion of Mr. Yell, a call of the House was demanded.

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

Messrs. Barnes, Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Carter, Coombs, Crumpton, Cutter, Farley, Field, Fleming, Flynn, Granger, Hall, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McKinley, Moffitt, Murdock, Nicol, Parker, Reeves, Rhel, Rowland, Ryan, Stewart, Storke, Terry, Walthath, Wharton, Wheat, Yell, and Mr. Speaker.

Mr. Nicol moved that the Sergeant-at-Arms be instructed to arrest all absentees, except those excused and those doing committee duty.

So ordered.

Mr. Cutter moved that further proceedings under the call of the House be dispensed with.

So ordered.

## SECOND READING.

Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

Bill read second time, amendment by committee adopted, and bill ordered engrossed, printed, and to third reading as amended.

Assembly Bill No. 164—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 and fish ponds.

Read second time.

Mr. Head moved to amend, by striking out the words "for reclamation."

Amendment adopted.

Committee on Fish and Game moved to amend, by inserting in section one, line five, after the word "for" the words "more than twenty years, nor for."

Mr. Johnston moved to amend the amendment, by striking out "twenty" and inserting "one."

Lost.

Mr. Farley moved to amend the amendment, by striking out "twenty" and inserting "five."

Lost.

Mr. Granger moved to strike out "twenty" and insert "ten."

Lost.

The question then recurring on the amendment by the committee, it was adopted.

Mr. Murdock moved that the bill be referred to Judiciary Committee, with instructions that the bill be reported back to the House by Tuesday morning.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Briceland: An Act to regulate the practice of medicine and surgery in the State of California.

Referred to Committee on State Hospitals.

## SECOND READING—(RESUMED).

Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations.

Read second time, ordered engrossed, and to third reading.

Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State," approved April 15, 1880.

Read second time.

Mr. Yell moved to amend by striking out the words "at the county seat," in line eleven of the printed bill.

Adopted.

Bill ordered engrossed, printed, and to third reading as amended.

Assembly Bill No. 25—An Act to amend sections four and nine of 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," and to add a new section thereto.

Mr. Storke moved that the bill be passed on the file.

So ordered.

Assembly Bill No. 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act concerning trespassing of animals upon private lands,'" so far as it relates to Humboldt County.

Read second time.

Mr. Weaver moved to amend by striking out of section one, line three, the words "so far as it relates to the County of Humboldt."

Adopted.

Bill ordered engrossed, printed, and to third reading as amended.

Assembly Bill No. 55—An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands and lands selected in lieu thereof, made prior to January first, eighteen hundred and eighty-one, from ten to seven per cent per annum.

Read second time, ordered engrossed, and to third reading.

## ADJOURNMENT.

At two o'clock P. M., on motion of Mr. Storke, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, February 5, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Catter, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Field, Flynn, Gaussaul, Granger, Hamilton, Healy, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Rhuel, Rowland, Ryan, Simon, Smith, Storke, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker

Quorum present.  
Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, on motion of Mr. Murdock, further reading was dispensed with.

Journal of Saturday approved.

Mr. Atwell, Assemblyman elect from Tulare County, now came forward and took the oath of office, which was administered by the Speaker, 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 discharge the duties of Assemblyman, according to the best of my ability. So help me God.

Mr. Granger moved that Mr. Levenson be added to the special committee to whom was referred the Assembly Concurrent Resolution relative to the relation of the Legislature to the Railroad Commission.

So ordered.

#### REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1883

MR. SPEAKER: Your select committee, to whom was referred Assembly Bill No. 65—Entitled "An Act to establish a simple, speedy, and inexpensive system of procedure in civil cases"—have had the same under consideration, and now report the same back, with amendments, and recommend its passage as amended.

The undersigned, M. R. Levenson, Chairman of select committee, and members of said select committee, desire further to report that they have had before them, and have contrasted with the procedure proposed by Assembly Bill No. 65, an epitome of the procedure under the present system—the correctness of the epitome being established by the actual records of cases pending in the Courts of this State, and which were procured from the State Library, to submit to the committee, but which have not been examined by the other members of the select committee, owing to their having been engaged on other committees at the time such epitome and records were considered by the undersigned. The examination of those documents has disclosed a state of things which is simply horrible.

The undersigned are of opinion that not one of all the inventions which have benefited mankind has ever realized so great a benefit as that which is likely to be effected by the adoption of the simple, speedy, and inexpensive system of legal procedure provided by Assembly Bill No. 65, as amended by your committee.

The undersigned have also considered the answers received from two well known and able lawyers of this State, to a series of questions addressed to them, which questions and answers are annexed to this report. The attention of the House is respectfully solicited to this testimony. The opinion of a single reputable attorney condemnatory of the existing system, and commendatory of that proposed by the bill under consideration, should have more weight than the combined testimony of all other attorneys to the contrary—exactly as the testimony of a single intelligent slaveholder upon the horrors of slavery weighed more in the minds of all thoughtful persons than the otherwise unanimous advocacy of that institution by the slaveholders. A truth which was demonstrated to your committee—which has never yet been realized by the people, but which they cannot learn too soon—is, that they are to-day held in virtual slavery by the lawyers, and they are so held by means of the veil of sham learning and factitious or manufactured difficulty with which legal proceedings are surrounded.

Assembly Bill No. 65 offers the first real attempt to emancipate the community from this slavery ever offered to the people of this country. It is offered, too, by the terms of its first section, as an experiment for the benefit of the whole community, at the risk of those only who are willing to try it, and does not propose to overturn anything, except as the natural result of the "survival of the fittest" under a free competition between the two systems.

All honest plaintiffs will proceed under the system provided by Assembly Bill No. 65. Should it become law, the dishonest will prefer that now in force.

We, therefore, recommend that the bill do pass as amended.

Respectfully submitted.

MONTAGUE R. LEVERSON.  
WILLIAM M. CUTTER.  
D. V. HERSHEY.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1883.

*Joseph Leggett, Esq., Attorney at law.*

DEAR SIR Will you kindly favor the committee, to which has been referred Assembly Bill No. 65, with answers to the following questions.

Q. 1. What has been the extent of your experience as an attorney in this State? A. I have been engaged in the practice of law in this State since eighteen hundred and seventy-five.

Q. 2. Are you connected in any and what capacity with any and what legal publication? A. Am one of the editors of "The American Decisions."

Q. 3. What, in your opinion, are the proper ends of legal procedure? A. To secure complete justice to litigants with the least possible expense and delay.

Q. 4. What do you consider that the Code of Civil Procedure in force in this State is calculated or adapted to attain these ends in the following particulars, viz *First*—As to cost of procedure: *Second*—As to vexation to parties, witnesses, jurors, and all others who may be involved in the litigation, *Third*—As to speedy decision, *Fourth*—As to the ascertainment of truth: *Fifth*—As to the ultimate right decision? A. I cannot say that it is. The cost, vexation, and delay are much greater than they ought to be.

Q. 5. What do you consider to be the real, as distinguished from the alleged, object of the system of procedure in force in this State? A. Decisions are much more speedily reached in the lower courts of this city since the adoption of the new system of judicature, but the Supreme Court is still a long way behind its business. It takes about two years to reach a case appealed to it. It would, I think, be too severe to say that its real object is to defeat the ends of justice; but, no doubt, it can be and is used by some to attain that object.

Q. 6. Have you read and considered Assembly Bill No. 65? A. I have read it, and considered it as far as I have had time, in press of business, to do so.

Q. 7. How, in your judgment, does the system of procedure contemplated by that bill compare with the existing system in all the proper objects of judicature? A. I think the system therein provided is simpler; that it would be less expensive, and more surely attain the ends of justice than the one now in use.

Q. 8. Do you see any objection to, or difficulty in, permitting the system of Assembly Bill No. 65 to exist side by side with the present system, the suitors being at liberty to adopt either system, under the restrictions provided by the bill? A. I do not.

Q. 9. Supposing you were indifferent as to the rectitude of your clients' claims, and desirous only of "winning the case," which class of cases—those in which you believed your client to be in the right, or those in which you believed him to be in the wrong—would you wish to prosecute or defend under the system of Assembly Bill No. 65, and under that of the existing Code of Civil Procedure? A. A good lawyer, with a good case, would prefer the system provided in Assembly Bill No. 65, because it is better calculated to ascertain the truth in all matters pertaining to questions in dispute.

I regret that I find myself unable to answer your questions more fully. I have done the best I could in the time at my disposal. Yours respectfully,

JOSEPH LEGGETT.

Knowing the proofs of devotion to the public weal you have so often given, I will make no apology for asking you to give the fullest answers to the foregoing in your power, beyond stating that I believe your sacrificing to the public the time and labor necessary for doing so will be of great public benefit. Veily respectfully,

MONTAGUE R. LEVERSON,  
Chairman of Committee to which is referred Assembly Bill No. 65.

SAN JOSE, January 26, 1883.

*Hon. Montague R. Leverson.*

DEAR SIR. A paper addressed to me, and over your signature, and dated January twenty-fourth, eighteen hundred and eighty-three, is before me, in which you request an answer to certain interrogatories, with a view to informing the committee of the Assembly of the State Legislature to whom was referred Assembly Bill No. 65. The inquiries propounded involve subjects that require a more elaborate consideration than either time or opportunity will permit. Such reply as for the moment seems to me appropriate, I will endeavor to give in response to your questions in as condensed a form as possible.

"1. What has been the extent of your experience as a practicing attorney in this State?"

(1) I have practiced law as an attorney for twenty years, have once been a member of the State Legislature of the State of California, was District Attorney of Santa Clara County for two years, was a member from said county of the last Constitutional Convention of this State, and am at the present time the City Attorney for the City of San José.

"2. What do you consider the proper objects of judicature?"

(2) To this I answer as to what I conceive to be its true objects, or what its objects should be. And these are: To arrive at the truth as speedily and with as little trouble and expense to litigants and others as possible. In other words, the proper objects of judicature are, or should be, to secure an impartial inquiry into the facts affecting matters of judicial cognizance at issue, and submitted to investigation for final decision by and before the proper tribunals, and the just and impartial application by such tribunals of the law to the facts of the whole case, and thus through those tribunals to arrive at a just, speedy, certain, inexpensive, and final determination of the matters in litigation between suitors, according to the law and the facts.

"3. To what extent do you consider the Code of Civil Procedure in force in this State, calculated to carry out these objects, in any of the following particulars, viz: 1. As to expense?"

(3) The present system is beyond question too cumbersome, circuitous, and as a necessary consequence, too expensive. To what extent precisely, it is more difficult to determine

"4. As to vexations of suitors, witnesses, and others?"

(4) Differences between litigants to a greater or less degree entail hardships upon all, whether nearly or remotely interested—whether as suitors, witnesses, jurors, judges, or as members merely of the body politic. Very serious vexations under the present system arise from the unequal advantages it affords to vicious and litigious persons of financial ability to prolong litigation, multiply proceedings, and entail costs and expense, and, as it were, "freeze out" their less favored adversary. This practice, so possible under the present system, has been availed of so often that the saying growing out of it, that "a bad compromise is better than a successful suit," has passed into a proverb. To a man of limited means, and attached to the ways of peace, on becoming entangled in the meshes of the law, in opposition to such characters, the endless variety of procedures, motions, and counter motions, trials of fact, trials of questions of law, new trials of fact, retrials of law, appeals with hearings in department, with hearings in bank, and with rehearings in department and in bank, are enough to drive the poor wretch to his final appeal to the bar of eternal justice, with anxious longing for the swift coming of the last great day.

5. "As to speedy decisions?"

This proposition is answered as fully by the reply to the last foregoing interrogatory as is consistent with the dimensions of a single letter.

6 and 7. "As to ascertainment of truth," and "as to right decision?"

A Judge or Court is never better qualified to decide upon a set of facts, or series of legal propositions applicable to the subject-matter in dispute, than at the instant of the final submission of a cause. If not then prepared to decide, the Court or Judge is not fully advised, and the cause itself has not been fully argued, or has not been properly presented.

Diverse causes, having diverse facts affecting each, and each controlled by diverse legal propositions jumbled together in one judicial mind, under submissions that may and do sometimes endure for weeks, months, and even years, are not so apt to lead to a definite and correct decision, however convenient for the time being, the procrastination of the final order, judgment, or decree may be to the Judge, Justice, or Chancellor.

8. "What do you regard as the real object of the existing system, as distinguished from its alleged object?"

Its practicable effect has been in many important cases to drive the poor litigant out of Court, by exhausting his resources, rather than by disclosing any want of merit in his case. In other respects, the present system seems to be one of fee earning and office speculation. Impartial investigation and just judgment are not facilitated by it to the extent they might be under different regulations. These defects are easy to perceive, but it is not so easy to improvise the remedy. Not being furnished with a copy of Assembly Bill No 65, I am unable to answer pertinently the residue of the questions which your letter suggests.

Hoping that some system may yet be devised that will secure more exact justice in cases submitted to the arbitrament of the Courts and the law, or that will at least secure a more speedy and inexpensive determination of cause.

I have the honor to subscribe myself,

Your obedient servant,

D. W. HERRINGTON.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1883.

MR. SPEAKER The undersigned, while concurring in the report of the select committee to whom was referred Assembly Bill No. 65, that the said bill pass as amended, desires to state that he reserves the right to vote against the bill on the third reading, if any valid objections to the details of the measure should be shown on the second reading which cannot be remedied.

J. H. MATTHEWS

MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1883

MR. SPEAKER The undersigned, one of your select committee to whom was referred Assembly Bill No. 65, entitled "An Act to establish a simple, speedy, and inexpensive system of procedure in civil cases," has had the same under consideration, and has arrived at the conclusion that such a law would revolutionize the whole judicial system of the State, whether in the interests of the litigants the undersigned feels incompetent to determine, but believes such to be the purpose of the author of the bill, and therefore recommends that the bill be read for information.

CRUMPTON, one of the Committee.

## LEAVE OF ABSENCE.

Messrs. Sweetland and Fleming were granted leave of absence.

## SPECIAL FILE—SECOND READING.

Assembly Bill No. 1—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 to substitute the same in the place of said repealed chapter two in said Code, relating to roads and highways.

Read second time.

Mr. Townsend moved to strike out of section two thousand six hundred and eighteen, line three, the word "abandoned."

Lost.

Mr. Farley moved to strike out of section two thousand six hundred and twenty, line one, the word "width," and insert "right of way."

Lost.

Mr. Farley moved to insert in section two thousand six hundred and twenty-one, after the word "and," in line three, "a route of travel used by the public over another's land shall become a public road or by-way by use or prescription, when so declared by the Board of Supervisors, in accordance with the provisions of this Act."

Lost.

The committee amends section two thousand six hundred and thirty-two, line four, between the words "with" and "horse," by inserting the word "mule."

Adopted.

Mr. Townsend moved to amend section two thousand six hundred and thirty-three, line two, after the word "may," by inserting "with permission of the Board of Supervisors."

Lost.

The committee amends section two thousand six hundred and thirty-three—between the words "whoever" and "injuries," insert the word "willfully."

Adopted.

Mr. Caminetti moved to strike out section two thousand six hundred and thirty-three.

Lost.

Mr. Brown moved to amend section two thousand six hundred and forty-one, line two, by inserting after the word "district," the following: "But they shall not create more than four road districts in any Supervisor District."

Lost.

The committee amends section two thousand six hundred and forty-two, line seven, after "Road Overseer," by inserting "Road-master or Road Commissioner."

Adopted.

Mr. Brown moved to amend section two thousand six hundred and forty-two, line one, by striking out "when they deem it necessary," and inserting the following: "Upon the presentation of a petition containing the names of a majority of the taxpayers of said road district."

Adopted.

Mr. Head moved to amend section two thousand six hundred and forty-two by striking out the whole of the section and inserting the following: "There must be elected in all counties, at the general election in the year one thousand eight hundred and eighty-four, and every two years thereafter, one elector of each and every road district in the county, to act as Road Overseer in their respective districts, to hold office for two years, commencing on the first Monday after the first day of January next succeeding their election, or until their successors are elected and qualified. They must give an official bond in such sum as the Board of Supervisors may determine, and take the usual oath of office."

Lost

Mr. Weaver moved to amend section two thousand six hundred and forty-two, by striking out of line four the words: "pleasure of the Board," and insert the words "not to exceed a period of two years from and after their appointment."

Adopted

Mr. Heath moved to amend section two thousand six hundred and forty-three as follows: Strike out in line sixteen all after the words "highways," and "dollars," in line seventeen.

Lost.

Amendment by committee adopted.

Mr. Caminetti moved to amend as follows: Add to subdivision two, section two thousand six hundred and forty-three: "*Provided*, that all streets, roads, and highways, which have been used as such by the public for a period of five years before the passage of this Act, shall continue as such for the use of the public, unless the Board by ordinance abandon the same."

Lost.

Mr. Cutter moved to amend section two thousand six hundred and forty-three as follows. Strike out all of lines six and seven, paragraph two, to the word "also."

Lost

Mr. Weaver moved to amend by striking out of section two thousand six hundred and fifty-one, subdivision two, line two, "twenty" and inserting "forty."

Lost.

Mr. Weaver moved to amend by striking out of section two thousand six hundred and fifty-one, subdivision two, line two, "twenty" and inserting "thirty-five."

Adopted.

Mr. Carter moved to amend section two thousand six hundred and forty-five, subdivision two, line two, by striking out all after the word "repair."

Lost.

Mr. Rhiel moved to amend section two thousand six hundred and fifty-two by striking out "three dollars" and inserting "two dollars."

Lost.

Mr. Brown moved to amend the amendment by striking out "two dollars" and inserting "four dollars."

Lost.

Mr. Farley moved to strike out the words "not exceeding three dollars."

Lost

Mr. Hamilton moved to amend section two thousand six hundred and fifty-two, line three, the word "five."

Lost.

Mr. Leverson moved to amend section two thousand six hundred and fifty-two, line two, by inserting after the word "each" the word "able-bodied."

Lost.

RECESS.

Pending the discussion of the bill, the hour of twelve o'clock and thirty minutes arrived, and the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER Your Judiciary Committee, to whom was referred Assembly Bill No. 4—An Act to declare when a vacancy exists in an elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and provide for the filing of the same—have had the same under consideration, and now report the same as being constitutional.

Also, Assembly Bill No. 286—An Act to regulate the business of pawnbrokers—and recommend that it do not pass.

Also, Assembly Bill No. 296—An Act to amend section three hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the designation and number of civil executive officers—and recommend that it do not pass.

Also, Assembly Bill No. 299—An Act to repeal section three of an Act concerning salaries and fees of officer of certain county and township officers of the County of San Bernardino, approved February 14, 1878—and recommend its passage.

Also, Assembly Bill No. 87—An Act to amend section eight hundred and sixty-seven of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 154—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 11, 1872, relating to the adverse possession of property under claim of title not written—and recommend its passage.

Also, Assembly Bills Nos. 177, 178, 179, 180, and 181—Acts for the relief of Henry Lienberger, George Cooper, John Hoagland, W. B. Tothunter, and James Reid, respectively—and report the same without recommendation.

Also, Senate Bill No. 11—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872—with amendments, and recommend its passage as amended.

Also, Senate Bill No. 88—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878—and recommend that it do not pass.

Also, Assembly Bill No. 300—An Act to amend section one thousand seven hundred and four of the Code of Civil Procedure, in relation to the entry of orders and decrees in probate proceedings—and recommend that it pass.

Also, Assembly Bill No. 316—An Act to amend section one thousand two hundred and twenty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to voting and challenge—and recommend its passage.

Also, Assembly Bill No. 317—An Act to amend section one thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to qualifications and disabilities of electors—and recommend its passage.

Also, Assembly Bill No. 318—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be known as section three hundred and eighty-two a, relative to the sale, or keeping or offering for sale, of any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, under a false name with fraudulent intent to deceive as to the character of the same, and relative to the evidence thereof—and recommend its passage.

Also, Assembly Bill No. 324—An Act in relation to pawnbrokers and pledgees—with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 332—An Act to amend sections one hundred and ninety-eight and

two hundred and five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to qualifications of jurors, and to selecting and returning jurors for Courts of record—and recommend that it do not pass.

Also, Assembly Bill No. 333—An Act to amend section six hundred and two of the Code of Civil Procedure of the State of California, relating to the grounds of challenges to jurors, and challenges for cause—and recommend its passage.

Also, Assembly Bill No. 338—An Act to amend section nine hundred and seventy-six of the Code of Civil Procedure—and recommend that it do not pass.

Also, Assembly Bill No. 344—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add five 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand six hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railroads by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment—and recommend that it be referred to the Committee on Ways and Means.

Also, Assembly Bill No. 345—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the time of commencing actions—and recommend that it do not pass.

Also, Assembly Bill No. 348—An Act to amend sections three thousand seven hundred and forty-seven and three thousand seven hundred and forty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to collection of property taxes, and to repeal section three thousand seven hundred and forty-eight of said Code—with amendment, and recommend its passage as amended.

TERRY, Chairman.

#### ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, —. 1883.

MR. SPEAKER Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 357—An Act to prevent the spread of smallpox—have had the same under consideration, and now report the same back with the following amendments: Section first lines first, second, third, and fourth, and words on fifth line up to and including the word "thereupon," printed bill, to be stricken out; and recommend passage of bill as amended.

Also, Senate Bill No. 85—have had the same under consideration, and now report the same back without recommendation.

CRUMPTON, Chairman.

Mr. Caminetti, pursuant to notice, moved to reconsider the vote whereby the House recommitted Senate Bill No. 1, and that the consideration of the bill be made a special order for to-morrow morning, immediately after the reading of the Journal.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Terry was granted leave of absence for this afternoon.

Mr. Caminetti, pursuant to notice, moved to reconsider the vote whereby the House refused to have read Assembly Concurrent Resolution No. 25, and that the resolution be made a special order for to-morrow, at eleven o'clock A. M.

So ordered.

Further consideration of Assembly Bill No. 1.

Mr. Weaver moved to amend section two thousand six hundred and fifty-two, lines twenty-six and twenty-seven, by striking out the words "twenty per cent of all road poll taxes so collected shall," and insert therefor "a sum not exceeding thirty-five per cent of all road poll taxes so collected may."

Adopted.

Mr. Carter moved to amend section two thousand six hundred and fifty-two, by striking out of line six all after the word "levied;" all of lines seven, eight, nine, ten, eleven, twelve, and in line thirteen to the word "and."

Lost.

Mr. Townsend moved to amend section two thousand six hundred and fifty-two, line six, by inserting after the word "provided," the words "that the Board of Supervisors may by ordinance provide."

Adopted

Mr. Stewart moved to amend by striking out of section two thousand six hundred and fifty-two, line seven, the word "two," and inserting "one."

Lost.

Mr. Brown moved to amend by inserting in section two thousand six hundred and fifty-four, line two, after the word "purpose," the words "and must not exceed forty cents on each one hundred dollars in value of taxable property."

Lost.

Mr. Hollister moved to amend by inserting in section two thousand six hundred and fifty-five, line two, after the word "collected," the words "or as otherwise ordered by the Board of Supervisors."

Lost

Mr. Weaver moved to amend by adding to section two thousand six hundred and fifty-five, line three, after "fifty-one," the words "fifty-two."

Adopted.

Mr. Weaver moved to amend by striking out all of section two thousand six hundred and seventy-one, and substituting the following: "Corporations or other employers of persons in any road district subject to road tax are chargeable for road poll tax assessed against their employes to the extent of any credit in their hands not exceeding such tax; *provided*, the Road Overseer shall first give notice to such employer or managing agent of such corporation, and from the time of such notice the amount of any credit in his hands, or that shall thereafter accrue, sufficient to satisfy said tax, shall be paid to the Road Tax Collector, whose receipt shall be evidence in bar of the prosecution of any action by the employe against the principal for the recovery of the same. It shall be the option of any employe to satisfy his principal for the amount of his poll tax by two days' labor."

Adopted.

Mr. Carter moved to strike out all of the substitute after the word "same," in line eight.

Adopted

Mr. Hollister moved to amend section two thousand six hundred and eighty-one as follows: By inserting the word "ten" in place of the word "five," in line one.

Adopted.

Mr. McHale moved to amend section two thousand six hundred and eighty-four as follows: Strike out of line two "must be a surveyor."

Lost.

Mr. Brown moved to amend section two thousand six hundred and sixty-four as follows: Insert, "to be made in accordance with the description in the petition," in line three, after the word "road"

Lost.

Mr. Hollister moved to amend section two thousand six hundred and eighty-five as follows: Strike out of lines one and two, "but not petitioners."

Lost.

Mr. Brown moved to amend section two thousand six hundred

and eighty-five as follows: Insert in line nine the word "made," instead of "had."

Adopted.

Mr. Yell moved to amend section two thousand six hundred and eighty-six as follows: After the word "and," in line three, insert the word "probable."

Adopted.

The committee recommend the following amendment to section two thousand six hundred and eighty-seven as follows: Line one, section two thousand six hundred and eighty-seven, between the words "paid" and "three," insert the words "not to exceed." Also, in line three, in said section, between the words "per diem" and "five," strike out the word "of," and insert "not to exceed."

Adopted.

Mr. Weaver moved to amend section two thousand six hundred and ninety-two as follows: Insert after the word "opened," in line twelve, the following: "*And provided further*, that if there be no reasonable way in which the petitioner or petitioners can gain access to the public highway or the public schools of his district, other than by passage across the land of said non-consenting owners, and the said petitioner or petitioners execute and file with the County Clerk a sufficient bond, with two sureties, to be approved by the Board of Supervisors of the district in which said road is sought to be established, conditioned for the faithful payment to said non-consenting owner or owners, or occupant under lease of the land over which said road is to pass if the petition be granted, of all damages that may be sustained from the temporary use thereof by said petitioner or petitioners pending the final determination of the petition and proceedings had thereunder, the Road Overseer of said district shall thereupon order the said road temporarily opened. If the owner or owners, or persons in possession of said land, shall refuse to open temporarily said private road, in accordance with the Overseer's order, he or they shall be responsible in damages to the party or parties injured thereby, the amount to be determined by a proceeding in a Court of competent jurisdiction. In all cases where private roads are established or located, it shall be one of the conditions of the same that the erection of gates, repairs of roads, building of bridges, and all costs of the maintenance of the same, together with the costs of location and damages allowed, if any, shall be paid by and become a charge against the parties seeking or desiring to have the said road so located, and that the road district shall be put to no expense on account thereof."

Lost.

Mr. McClaskey moved to amend section two thousand six hundred and ninety-two, as follows: Strike out of line one the words "private or."

Lost.

Mr. Brown moved to amend section two thousand seven hundred and eleven, as follows: By inserting after the word "taxes," in line six, the following: "Or out of the general county fund, or both; or they may levy a special tax therefor, not exceeding one fourth of one per cent on the taxable property of the county annually, until the amount appropriated in aid is raised and paid."

Lost.

Mr. Hollister moved to amend section two thousand seven hun-

dred and thirteen as follows: Strike out of line three the word "two" and insert "three."

Lost.

Mr. Townsend moved to amend section two thousand seven hundred and thirteen, as follows: Strike out the word "neighboring" in line seven.

Lost.

Mr. Granger moved to amend section two thousand seven hundred and thirty-seven by adding thereto: 'And whoever willfully injures any public bridge is hereby declared to be guilty of a misdemeanor, and is also liable for actual damages for such injury, to be recovered by the county in a civil action.'

Adopted.

Mr. Brown moved to amend by adding to section two thousand seven hundred and thirty-seven, the following: "All persons excavating irrigating ditches across public highways are required to bridge said ditches at such crossings, and upon neglect to do so, the Road Overseer for that road district shall construct the same, and recover the cost of constructing of such persons by actions, as provided in this section."

Adopted.

The committee recommend the following amendment to section two thousand six hundred and forty-one: by striking out "six" and inserting "five."

Adopted.

Mr. Farley moved to amend section two thousand seven hundred and forty-three by inserting in line two, after the word "district," the words: "by suit in the name of the county in which said road district is situated."

Adopted.

Mr. Granger moved to amend by adding in section two thousand seven hundred and forty-three, line two, after the word "Overseer," the words "or Commissioner."

Adopted.

The committee offered the following amendment: In section two, article eight, line five, after the word "commenced" add: "*Provided further*, nothing herein contained shall prevent the governmental authority of any incorporated city, or city and county, or town, or colony in this State, from providing by law for the maintenance and the improvement of public roads, streets, alleys, lanes, courts, places, squares, and bridges of such city, or city and county, or town, or colony, as such authority may deem necessary and proper in lieu of the poll tax and property tax herein provided."

Adopted.

Mr. Farley moved to amend section two thousand six hundred and forty-five, as follows: Strike out of lines seventeen and eighteen "not to exceed one hundred days."

Lost.

Mr. Carter moved to amend section two thousand six hundred and forty-five as follows: Strike out all of paragraph two.

Lost.

Mr. Atwell moved to amend section two thousand six hundred and forty-five, as follows: Strike out of line twenty-one, page six, the words "to the credit of the respective District Road Funds."

Adopted.

Mr. Caminetti moved to amend section two thousand six hundred and forty-four, as follows: Strike out of lines six and seven the words; "the bond must be approved by the Board of Supervisors."

Adopted.

Mr. Hollister moved to amend, as follows: Strike out all of section two thousand seven hundred and fourteen.

Lost.

Mr. Nicol moved to amend section seven thousand six hundred and forty-four, as follows: By adding, "the bond must be approved by the Judge of the Superior Court."

Adopted.

Mr. McClaskey moved to amend section two thousand six hundred and ninety-five, as follows: By striking out of line four, the words "or by posting the same on the fence."

Lost.

Mr. Hamilton moved to amend, as follows: Strike out section two thousand seven hundred and thirty-nine.

Lost.

Also, strike out section two thousand seven hundred and forty-five.

Lost.

Mr. Doty moved to amend section — as follows: Strike out the words "deemed to have been served," and insert the words "shall be served."

Lost.

Mr. Field moved to amend section two thousand six hundred and forty-five as follows: Add after word "same," being last word, subdivision four, section two thousand six hundred and forty-five, the words, "also the amount and value of the materials and kind thereof."

Adopted.

Bill ordered engrossed, printed, and to third reading as amended.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Caminetti: An Act to add new sections to article five, chapter two, of title eight, of the Political Code, to be numbered three thousand and sixty-four, three thousand and sixty-five, three thousand and sixty-six, three thousand and sixty-seven, three thousand and sixty-eight, three thousand and sixty-nine, three thousand and seventy, and three thousand and seventy-one, in relation to the powers and duties of the Board of Supervisors to make improvements in counties or portions thereof, when the sanitary conditions thereof are endangered by defective drainage, or other causes injurious to the public health, and to provide for the payment of the cost of such improvement.

Referred to Committee on State Hospitals.

By Mr. Yell: An Act to divide the State of California into Congressional Districts.

Referred to Committee on Apportionment.

By Mr. Doty: An Act to provide for the care of intoxicated persons, and for the payment of damages done by them.

Referred to Committee on Public Morals.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Brown: Relative to the termination of the reciprocity treaty between the Government of the United States and that of Hawaii.

Referred to Committee on Federal Relations.

## RESOLUTION—(OUT OF ORDER).

By Mr. Hershey:

*Resolved*, That the relief bills of John Hoagland, Henry Lienbeiger, George Cooper, James Reed, and William B Toddhunter, which were this day reported to this House by the Judiciary Committee without recommendation, be referred to the Committee on Claims, and the said committee is hereby directed to hear evidence as to whether said parties, or either of them, were damaged by reason of the change made by the Levee Commissioners in the channel of the American River, and diverting the waters of said American River into the Sacramento River above the ancient mouth of said American River, under the authority of an Act of the Legislature of this State entitled "An Act concerning the construction and repairs of levees in the County of Sacramento, and the mode of raising revenues therefor," approved April 9, 1862. And if it appear from such evidence that said parties, or either of them, was damaged by reason of said canal, then said committee are directed to hear evidence as to the amount of damage so sustained by each of said parties, and report the same to this House.

Adopted.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO. February 5. 1883.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 298—An Act to provide for the payment of Calvin Brown for services rendered on the seawall investigation—have had the same under consideration, and now report that they believe the claim to be a just and equitable one, but that it is contrary to the provisions of section thirty-two of article four of the Constitution, said section thirty-two prohibiting the payment of any claim against the State arising out of a contract made without express authority of law. Therefore, your committee recommend that the bill do not pass

GRANGER, Chairman.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO. February —, 1883.

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 398—An Act to amend sections one thousand five hundred and thirty-two, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and fifty, one thousand six hundred and eighty-seven, one thousand seven hundred, and one thousand eight hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools—have had the same under consideration, and now report the same back, and recommend its passage.

STORKE, Chairman.

## REPORT OF COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO. February 5, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed.

Assembly Bill No 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act concerning trespassing of animals upon private lands,'" so far as it relates to Humboldt County

Also, Assembly Bill No. 55—An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands, and lands selected in lieu thereof, made prior to January first, eighteen hundred and eighty-one, from ten to seven per cent per annum

Also, Assembly Bill No 212—An Act amendatory of and supplementary to 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 Con-

gress entitled "An Act for the relief of the inhabitants of cities and towns upon public lands," approved March 2, 1867, approved March 30, 1868.

Also, Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

Also, Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one, of the Penal Code of the State of California, relating to the question of game and fish.

Also, Assembly Bill No. 16—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.

Also, Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations.

Also, Assembly Bill No. 140—An Act for the protection of the dairy industries of the State, and the consumers of dairy productions.

Also, Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind.

Also, Assembly Bill No. 246—An Act entitled "An Act relating to unapproved swamp land surveys."

We also beg leave to report that in the following Assembly Bills, errors occur, not an error of Engrossing Clerk, but in the original bills:

Assembly Bill No. 91—No provision for date in first section.

Assembly Bill No. 46—Title and body of bill do not agree.

Assembly Bill No. 55—Enacting clause placed wrong, by being placed before title of bill.

Assembly Bill No. 189—Should read, in section first, after the words "so as to read as follows," section five hundred and ninety-nine.

CALLAGHAN, Chairman.

Mr. Cutter moved that the clerk be instructed to correct mistakes in engrossed bills.

So ordered.

Mr. Bibb moved to suspend the rules, for the purpose of taking up out of its order Assembly Bill No. 225.

Lost.

Mr. Cutter moved to suspend the rules for the purpose of considering Assembly Bill No. 25.

So ordered.

#### SECOND READING—(RESUMED).

Assembly Bill No. 25—An Act to amend sections four and nine of 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," and to add a new section thereto.

Read second time.

Mr. Campbell moved to recommit the bill to the Agricultural Committee, with instructions.

Lost.

Mr. Storke moved to adjourn.

Lost.

Mr. Cutter moved to amend, by inserting the following as section one: "Section 1. Section three of the Act of which this is amendatory, 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 15, 1880, is amended to read as follows:

Section 3 The Counties of Butte, Colusa, and Tehama shall constitute Agricultural District No. 3.

Also, to make section one read section two, and section two read section three.

Also, to make section three read section four, and amend same to read section four.

Section eleven of said Act is amended so as to read as follows:

Section 11. The Counties of Plumas, Lassen, Modoc, and Sierra, shall constitute Agricultural District No. 11; the Counties of Mendocino and Lake shall constitute Agricultural District No. 12; and the Counties of Sacramento, Yolo, Yuba, and Sutter, shall constitute Agricultural District No. 13.

Also, to make section four read section five.

Adopted.

Bill ordered engrossed, printed, and to third reading as amended.

#### ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Rhie!, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, February 6, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kernick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhie!, Rowland, Suon, Smith, Stephens, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Reading and approval of the Journal.

Pending the reading of the Journal of Monday, on motion of Mr. Campbell, further reading was dispensed with.

Journal of Monday approved.

#### LEAVE OF ABSENCE.

Messrs. Terry and Irwin were granted leave of absence.

#### PRESENTATION OF PETITIONS.

By Mr. Doty: In relation to licenses, and protesting against the enactment of a law authorizing their collection.

Referred to Committee on Counties and County Governments.

#### REPORTS OF STANDING COMMITTEES.

##### ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. SPEAKER. Your Committee on Attachés and Employés, to whom was referred Resolution No. —, introduced by Mr. Barnes, relating to granting extra per diem to Porter of the Sergeant-at-Arms, have considered the same, and hereby recommend the adoption thereof.

Your committee have also considered the resolution of Mr. Ryan, in relation to the employment of J. F. Carter to light the gas in the Assembly Chamber, etc., introduced on February third, eighteen hundred and eighty-three, and recommend that the name of C. H. Lamkins be substituted for the name of J. F. Carter, and that the resolution be adopted as amended.

FIELD, Chairman.

## Adopted

### ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. SPEAKER Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 208—Entitled an Act to amend section two thousand six hundred and sixty-three of the Political Code, relating to road tax—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 22—Entitled an Act to encourage the improvement of avenues and highways in colonies—have had the same under consideration, and now report the same back, and recommend that it do not pass.

NICOL, Chairman.

### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1883.

MR. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 386—An Act to amend section three thousand six hundred and forty-four of the Political Code, relative to the assessment of property—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 303—An Act to declare Feather River navigable above the point of its present navigation—and recommend that it do pass.

Also, Assembly Bill No. 33—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 March 23, 1880—and recommend that it do pass.

COLEMAN, Chairman.

### ON THE GRAPEVINE

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. SPEAKER Your Committee on Culture and Improvement of the Grapevine, to whom was referred Assembly Concurrent Resolution No. 29, beg leave to report that they have had said bill under consideration, and now report same back, and recommend its passage.

HEAD, Chairman.

### SPECIAL ORDER.

Special order for this hour, consideration of Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

The question being on the reconsideration of the vote whereby the House recommitted the bill to the Committee on Public Morals, Mr. Campbell moved the previous question.

So ordered.

The ayes and noes being demanded on the motion to reconsider, the roll was called, and the motion was carried by the following vote:

AYES—Messrs Barry, Bibb, Bowers, Briceland, Callaghan, Ciminetti, Campbell, Clark, Coleman, Crumpton, Doty, Farley, Fleming, Flynn, Gaussal, Granger, Hershey, Hunter, Johnston, Kendrick, Levenson, Matthews, McClaskey, McHale, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Rowland, Stephens, Stewart, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—40.

NOES—Messrs Atwell, Barnes, Booth, Brown, Carter, Cary, Clement, Coombs, Culver, Cutter, Field, Fortna, Hamilton, Harvey, Heath, Hollister, Keeler, Lewison, Martin, McKinley, Murdock, Ryan, Storke, Walrath, and Weaver—25.

The question then being on the motion to recommit the bill to the Committee on Public Morals, the ayes and noes being demanded, the roll was called, and the motion to recommit was lost by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Cutter, Fortna, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Keeler, Lewison, Martin, McKinley, Murdock, Ryan, Storke, Walrath, and Weaver—24.

NOES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Gaussaul, Granger, Hunter, Kerrick, Levenson, Matthews, McClaskey, McHale, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Stephens, Stewart, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—41.

### THIRD READING OF BILLS.

Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

Mr. Murdock moved to recommit the bill to the Committee on Public Morals, with instructions to amend by substituting a bill amending section two hundred and ninety-nine, by striking out the words "saloon and theater," and repealing sections three hundred and three hundred and one.

Mr. Atwell moved to amend by striking out "Sunday" and inserting "Saturday."

Lost.

The question then recurring on the original motion, the ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Culver, Cutter, Hamilton, Harvey, Head, Heath, Hollister, Johnston, Keeler, Lewison, Martin, McKinley, Murdock, Ryan, Storke, and Walrath—22.

NOES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussaul, Granger, Healy, Hershey, Hughes, Hunter, Kerrick, Levenson, Matthews, McClaskey, McHale, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Smith, Stephens, Stewart, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—47.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussaul, Granger, Healy, Hughes, Hunter, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McHale, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Simon, Smith, Stephens, Stewart, Townsend, Wheelan, Yell, and Mr. Speaker—47.

NOES—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Keeler, Lewison, McKinley, Murdock, Ryan, Storke, Walrath, Weaver, and Wheat—21.

Mr. Culver stated that he would vote no, but was paired with Mr. Sweetland, who, if present, would vote aye.

Pursuant to notice, Mr. Cutter moved to reconsider the vote whereby the House refused to have read Assembly Concurrent Resolution No. 25—Relative to special legislation.

Lost.

### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Coleman: In relation to the protection and preservation of the forests on the shores of Lake Tahoe, and providing for the appointment of a commission who shall inquire into the feasibility

of plans to protect the same, and report to the Governor before the meeting of the next Legislature.

Referred to Committee on Forestry.

SPECIAL ORDER.

Special order for this hour, consideration of Assembly Bill No. 77—An Act making appropriations for the support of the Government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 77—An Act making appropriations for the support of the Government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Committee arose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the Government of the State of California for the thirty-fifth and thirty-sixth fiscal years—and hereby report progress, and ask leave to sit again.

Report received.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, February 6, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions as follows.

Assembly Concurrent Resolution No. 1—Relative to the law restricting Chinese immigration and its construction by officers of the General Government—adopted as amended.

Also, Assembly Concurrent Resolution No. 13—Relative to instructing our Senators and requesting our Representatives in Congress to use their influence to restore to the public domain all lapsed land grants to railroads.

Also, Assembly Concurrent Resolution No. 15—Concerning litigation to determine the title to Mussel Slough lands in Tulare and Fresno Counties, California—and refuse concurrence in said resolution.

Also, Assembly Concurrent Resolution No. 6—Relative to election of President and Vice-President by a direct vote of the people.

Also, Assembly Concurrent Resolution No. 14—Relative to requesting our Senators and instructing our Representatives in Congress to use their influence to enact a law creating a permanent Commission of Transportation, etc.

A. T. VOGELSANG, Assistant Secretary.

RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
 Speaker Larue in the chair.  
 Quorum present.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Murdock: An Act to so amend section one hundred and ninety of the Penal Code that imprisonment for life may, at the discretion of the Court, be construed as for the expectation of life.

Referred to Judiciary Committee.

By Mr. Hershey (by request): An Act for the relief of Rebecca C. Hoagland.

Referred to Committee on Claims.

By Mr. Atwell: To provide for payment for surveys and segregations of swamp and overflowed lands within this State.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Hamilton: An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

Referred to Committee on Counties and County Boundaries.

By Mr. Hughes: An Act to amend sections five hundred and forty-nine and six hundred and eighty-nine of the Code of Civil Procedure, relative to attachments and executions.

Referred to Committee on Judiciary.

## REPORT OF COMMITTEE ON STATE PRISONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. SPEAKER: Your Committee on State Prisons, to whom was granted leave of absence to visit State Prison at San Quentin, would report the following bill of mileage and expenses:

NAME.	Miles	Amount
Mr. Hunter, to San Quentin and return -----	192	\$19 20
Mr. Doty, to San Quentin and return -----	192	19 20
Mr. Bowers, to San Quentin and return -----	192	19 20
Mr. Martin, to San Quentin and return -----	192	19 20
Mr. Heath, to San Quentin and return -----	192	19 20
Mr. Yell, to San Quentin and return -----	192	19 20
Mr. Storke, to San Quentin and return -----	192	19 20
Mr. Clement, to San Quentin and return -----	192	19 20
Mr. Murdock, to San Quentin and return -----	192	19 20
Mr. T. S. Nagle, Clerk, to San Quentin and return -----	192	19 20
Mr. Edward Griffin, Reporter, to San Quentin and return -----	192	19 20
Mr. John McRea, Sergeant-at-Arms (San Quentin, three days) -----		15 00

Your committee would ask further time to submit a full report of investigations.

HUNTER, Chairman.

Referred to Committee on Mileage.

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, February 6, 1883.

MR. SPEAKER: The undersigned, members of your Committee on Commerce and Navigation, desire to report adversely to the passage of Assembly Bill No. 33—relating to the construction of the seawall.

JAS. V. COLEMAN.  
 J. H. G. WEAVER.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The committee arose, reported progress, and asked leave to sit again.

## IN ASSEMBLY.

Speaker Larue in the chair.

Report of Committee of the Whole.

By the Speaker :

GENTLEMEN—The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years, and hereby report progress and ask leave to sit again.

Report received.

Mr. Barry moved to take up the special order set for three o'clock P. M. this day.

Mr. Caminetti arose to a point of order—his point of order being “that as the time set for consideration of the special order had passed, it went over to unfinished business, under the rules of the House.”

The Chair ruled the point of order not well taken.

Mr. Caminetti appealed from the decision of the Chair.

The question being : “Shall the decision of the Chair stand as the judgment of the House?” the Chair was sustained.

The question then recurring on the motion of Mr. Barry, it was so ordered.

Mr. Barry moved to suspend the rules for the purpose of considering Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods, in violation of law.

Also, Assembly Bill No. 308—An Act in relation to railroads.

The ayes and noes being demanded, the roll was called, and the rules were suspended by the following vote :

AYES—Messrs Atwell, Barry, Bibb, Booth, Bowers, Briceland, Callaghan, Caminetti, Campbell, Cary, Clark, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hamilton, Head, Healy, Heath, HERSHEY, Hollister, Hunter, Johnston, Keeler, Kennick, Levenson, Lewison, Martin, Matthews, McCluskey, McHale, Muddock, Nicol, O'Connor, Parker, Peterson, Plover, Rhuel, Rowland, Ryan, Simon, Stephens, Stewart, Storke, Towusend, Walrath, Wheat, Wheelan, Yell, and Mr Speaker—55.

NOES—Messrs. Baines, Brown, Clement, Coombs, Cutter, Harvey, and Rawle—7.

## REPORT OF COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR SPEAKER Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and had them correctly engrossed :

Assembly Bill No 167—An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver.

Also, Substitute for Assembly Bill No 138—An Act to amend an Act entitled “An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization,” approved February 12, 1874, providing for a change of boundaries thereof.

Also, Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State," approved April 15, 1880.

Also, Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

Also, Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Also, Assembly Bill No. 25—An Act to amend sections four and nine of 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," and to add a new section thereto.

Also, Assembly Bill No. 229—An Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations in the office of County Clerk certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certificates showing the names and places of residence of certain officers of any such corporation.

Also, Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

CALLAGHAN, Chairman.

Mr. Rawle, at four o'clock and thirty minutes P. M., moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Caminetti, Cary, Clement, Coombs, Cutter, Farley, Harvey, Lewison, Rawle, and Walrath—10.

NOES—Messrs. Atwell, Barnes, Barry, Bibb, Booth, Briceland, Brown, Callaghan, Campbell, Clark, Crumpton, Doty, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hamilton, Head, Healy, Heath, Hollister, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rhiel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—52.

#### SECOND READING OF BILLS.

Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law.

Read second time.

Mr. Cutter moved to amend section two thousand one hundred and twenty-five, line eighteen, by striking out the word "lowest" and inserting the word "same."

Lost.

Mr. Caminetti moved to amend section two thousand one hundred and twenty-six, line twenty-six, by striking out "five" and inserting "two."

Adopted.

Mr. Cutter moved to amend section two thousand one hundred and twenty-six, line twenty-three, by striking out the word "extort" and inserting the word "exact."

Adopted.

Mr. Caminetti moved to amend section two thousand one hundred and twenty-six, line thirty-nine, by striking out the word "five" and inserting the word "two."

Adopted.

Mr. Flynn moved to refer the bill to the Judiciary Committee, with instructions.

Mr. Hollister, at four o'clock and fifty-five minutes P. M., moved that the House do now adjourn.

The ayes and noes being demanded by the requisite number, the roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Barnes, Briceland, Campbell, Cary, Clement, Coombs, Cutter, Farley, Lewison, Parker, Ryan, Smith, and Walrath—13.

NOES—Messrs. Atwell, Barry, Bibb, Booth, Brown, Callaghan, Caminetti, Carter, Clark, Crumpton, Doty, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Leverson, Martin, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Rawle, Rhel, Rowland, Sinon, Stephens, Stewart, Storke, Townsend, Wheat, Yell, and Mr. Speaker—47.

The question then recurring on the motion to refer, the ayes and noes being demanded, the House refused to refer the bill by the following vote:

AYES—Messrs. Briceland, Clement, Farley, Flynn, and Weaver—5.

NOES—Messrs. Barnes, Barry, Bibb, Booth, Bowers, Brown, Caminetti, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Field, Fleming, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Kerrick, Leverson, McClaskey, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Townsend, Wheat, Yell, and Mr. Speaker—52.

Mr. Cutter moved to amend, by striking out lines forty-one to fifty-six, inclusive, and inserting the following:

He shall recover from such carrier twice the value of the goods, reckoned at the highest price of the market at the place of intended destination, at the date when such goods could have reached such place in ordinary course, together with such counsel fees as mentioned in section two thousand one hundred and twenty-six.

Adopted.

Mr. Leverson moved to add the words "section one" before the word "the" in the first section of the bill.

Adopted.

Bill ordered engrossed, printed, and to third reading as amended.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 6, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 49—An Act to provide an industrial department for the Deaf, Dumb, and Blind Asylum.

A. T. VOGELSANG, Assistant Secretary.

#### SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 308—An Act in relation to railroads.

Read second time.

Mr. Cutter moved to amend as follows: In line six make "road" read "roads."

Lost.

Mr. Cutter moved to amend section two, line three, by striking out the word "its," and inserting "their."

Adopted.

Mr. Cutter moved to amend, by striking out of section two, line six, the word "persons" and inserting the word "shippers."

At five o'clock and twenty minutes, Mr. Rawle moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Barnes, Brown, Caminetti, Cary, Clement, Harvey, Keeler, Lewison, Rawle, Rowland, Ryan, and Walrath—12.

NOES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Carter, Clark, Coombs,

Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Healy, Heath, Hershey, Hunter, Johnston, Kerrick, Leverson, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rhiel, Sinon, Stephens, Stewart, Storke, Townsend, Wheat, Yell, and Mr. Speaker—48.

The question then recurring on the amendment by Mr. Cutter, it was lost.

Mr. Cutter moved to amend, by striking out of section three, line seven, the word "request," and inserting "personal application."

Lost.

Mr. Cutter moved to amend by striking out section four.

Mr. Leverson moved that the further consideration of the bill be made a special order for to-morrow, immediately after the reading of the Journal.

So ordered.

#### ADJOURNMENT.

At five o'clock and forty minutes p. m., on motion of Mr. Storke, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, February 7, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bibb, Booth, Bowers, Briceand, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Rhiel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Murphy, further reading was dispensed with.

Journal of Tuesday approved.

#### LEAVE OF ABSENCE.

Messrs. Sweetland and Terry were granted indefinite leave of absence, on account of sickness.

#### SPECIAL ORDER.

Special order for this hour, consideration of Assembly Bill No. 308—An Act in relation to railroads—(resumed).

The question being upon the amendment by Mr. Cutter, to strike out section "four" of the bill, the ayes and noes being demanded, the roll was called, and the motion to strike out was lost by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Caminetti, Cary, Clement, Coleman, Culver, Cutter, Farley, Harvey, Lewison, McKinley, Ryan, Walrath, and Weaver—16.

NOES—Messrs. Barry, Bibb, Bowers, Briceland, Callaghan, Campbell, Carter, Clark, Coombs, Crumpton, Doty, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Johnston, Keeler, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rowland, Sinon, Smith, Stephens, Stewart, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—52.

Mr. Levenson moved to adopt the following substitute for section four:

Section 4. No railroad corporation organized under the laws of this State is permitted to accept any charter or corporate franchise from any other government, state, or sovereignty, without permission first had and obtained from the Board of Railroad Commissioners. Such permission to be granted only after public hearing of the application, and notice to the Attorney-General to appear and show cause for or against the same. The decision of said Railroad Commissioners to be given in writing, and to state the reasons of public benefit and advantage on which such decision is founded. And no corporation organized under the laws of any other government, state, or sovereignty, is permitted to operate any railroad, or carry by rail within this State, without the permission of said Board of Railroad Commissioners, obtained and given in like manner as hereinbefore provided in the case of railroad corporations organized under the laws of this State.

Lost.

Mr. Coleman moved to amend section four as follows: Add to section four "unless under a special charter or corporate franchise from this State."

Lost.

Mr. Barry moved to amend by striking out of section seven, line seven, the word "of" and inserting the word "on."

Adopted.

Also, to amend by striking out of section seven, line twelve, the word "or" and inserting the word "those."

Adopted.

Mr. Cutter moved to amend section eight by striking out all after the word "dissolved."

Lost.

Mr. Levenson moved to amend by adding to the end of section eight "unless the Court shall otherwise order on a special application for such stay."

Lost.

Mr. Johnston moved to amend by striking out all of section six.

The ayes and noes being demanded, the roll was called, and the House refused to strike out by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Cary, Culver, Cutter, Farley, Harvey, Hershey, Johnston, Lewison, McDonald, McHale, Murdock, Murphy, Parker, and Walrath—17.

NOES—Messrs. Barry, Bibb, Bowers, Briceland, Callaghan, Caminetti, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Healy, Heath, Hollister, Hughes, Hunter, Keeler, Kernick, Levenson, Martin, Matthews, McClaskey, O'Connor, Peterson, Plover, Rawle, Rhuel, Rowland, Smith, Stephens, Stewart, Storke, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—47.

#### PRESENTATION OF PETITIONS—(OUT OF ORDER).

By Messrs. Yell, Hershey, and Crumpton: In relation to non-

repeal of temperance laws, for local option, and for prohibition constitutional amendment.

Referred to Committee on Public Morals.

Mr. Barry moved that the bill be ordered engrossed, printed, and to third reading as amended, and that the third reading be made a special order for to-morrow morning, at ten o'clock.

So ordered.

#### CONSIDERATION OF SENATE MESSAGES.

Assembly Concurrent Resolution No. 1—Relative to the law restricting Chinese immigration and its construction by officers of the General Government.

The resolution was amended by the Senate as follows: The word "unauthorized" was stricken out.

The amendment was concurred in, and the resolution was adopted as amended.

Senate Bill No. 49—An Act to provide an industrial department for the Deaf, Dumb, and Blind Asylum.

Referred to Committee on Ways and Means.

#### REPORTS OF COMMITTEES.

##### ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER Your Committee on Military Affairs, to whom was referred Assembly Bill No. 292—An Act to amend sections one thousand nine hundred and thirty-two, one thousand nine hundred and seventy, two thousand and six, two thousand and seven, two thousand and twenty-eight, and two thousand and ninety-five, and to repeal section one thousand nine hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the National Guard—and now report the same back, and recommend its passage.

Also, Assembly Bill No. 328—An Act to add three new sections to the Political Code, to be known as sections one thousand nine hundred and seventy-eight, one thousand nine hundred and seventy-nine, and one thousand nine hundred and eighty, providing for the election of a Financial Secretary, Treasurer, and Finance Committee in Companies of the National Guard—have had the same under consideration, and now report the same back, and recommend that it do not pass.

BOWERS, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER Your Committee on Military Affairs, having visited and inspected that portion of the National Guard of California located in the Cities of San Francisco and Sacramento, beg leave to make the following report as the result of their investigation, and to offer such recommendations and suggestions as are deemed proper relative to the military department of the State Government.

The National Guard of California is comprised of six Brigades, as follows:

First Brigade—With headquarters at San Bernardino; one (1) Cavalry and two Infantry Companies—the Company of Cavalry located at San Bernardino, and the Companies of Infantry at Los Angeles and San Diego.

Second Brigade—With headquarters at San Francisco; one (1) Regiment of Infantry of eight companies, all located at San Francisco; one (1) Regiment of Artillery of eight Companies, all located at San Francisco; one (1) Battalion of Infantry of four Companies, one each located at the following named places: Oakland, Vallejo, San José, and Petaluma, two (2) unattached Companies of Cavalry, one each located at San Francisco and Oakland.

Third Brigade—With headquarters at Stockton; one (1) Company of Infantry, located at Stockton.

Fourth Brigade—With headquarters at Sacramento; one (1) Regiment of Artillery, of six Companies—three of which are located at Sacramento, one at Woodland, one at Nevada City, and one at Camptonville.

Fifth Brigade—With headquarters at Red Bluff; one (1) Company of Infantry, located at Chico.

Sixth Brigade—With headquarters at Crescent City, one (1) Company of Infantry, located at Eureka.

In addition to the regularly organized Companies of the National Guard, as set forth in the

foregoing, there are two (2) Companies of Cadets, one each being attached to the Second Artillery of San Francisco and First Artillery of Sacramento.

Your committee visited and inspected the seventeen Companies and Company of Cadets located in San Francisco, and the three Companies and Company of Cadets located in Sacramento, all of which nearly comprise two thirds of the entire force of the National Guard of the State. We found the companies in both of said places to be in excellent condition, the property of the State well taken care of, and the general discipline of the troops to be such that justly merits the highest commendation. We find that the allowances made by the State have been properly expended. The expenditures in most cases exceed the State allowances, the officers and men of the different companies being compelled to pay the excess out of their own pockets. In the judgment of your committee sufficient appropriations should be made by the State to pay all actual and necessary expenses of the National Guard. It seems to us to be unjust for men who devote their time and attention to the maintenance of the National Guard, which has been established by the State to render assistance to the civil authorities in the enforcement of law and order, to be compelled to contribute out of their own pockets to meet the necessary expenses required in keeping up the organization.

#### ARMORIES.

That portion of the First Artillery Regiment located in the City of Sacramento has succeeded in erecting one of the most commodious armory and drill halls that can be found in any State in the Union. The building is sufficiently large to quarter an entire regiment, and, in addition, a spacious drill hall, large enough to enable the regiment to participate in battalion evolutions.

This armory and drill hall has been erected and fitted up without any State aid.

A joint stock association has been formed, known as the "Armory Hall Association," which is under the management of a Board of Directors, consisting of seven members. Twenty thousand shares of stock have been placed on the market, at the rate of one dollar per share. Eleven thousand of this is to be held by the military and the remaining nine thousand by outsiders. By this method the controlling power will always remain with the military.

The companies are required to pay to the association no more rent than what they would be required to pay elsewhere, though the accommodations afforded are greatly superior.

The cost of this building will reach nearly twenty thousand dollars.

The officers of the First Artillery Regiment are entitled to much credit for the enterprise displayed in the undertaking named.

#### SAN FRANCISCO ARMORIES.

A great drawback to the military located in the City of San Francisco, is the fact that none of the regiments have an armory sufficient to quarter all their companies.

The armories of the different companies are scattered around in all portions of the city, and but very few have even the necessary accommodations for drilling purposes.

There are seventeen companies and one cadet corps located in the city, and it has been repeatedly recommended by the different commanders of the Second Brigade, in their biennial reports to the Adjutant-General, that some steps should be taken by the State in the construction of a suitable armory, large enough to accommodate all the companies in the city.

Your committee have carefully considered this matter, and believe that it would be for the best interest of the State for the present Legislature to make an appropriation for the erection of such a building.

The committee have been informed that a suitable site on which to erect the structure would be donated by the City of San Francisco.

As the matter stands now, the greatest expense of the companies in San Francisco is for armory rent, and if an armory was erected by the State, the allowance to companies could be correspondingly decreased. This reduction in the allowance, in a few years, would more than fully compensate the State for the construction of the armory. The erection of such a building from a point of security is very much needed. The armories of the different companies as at present located are scattered, and in case of any riotous disturbance, which is always possible in large cities such as San Francisco, the fact that the arms, etc., of the military are stored in different buildings throughout the city, would make their safety very insecure. Aside from this, the advisability of having the military of San Francisco all located in some central location, at which they could assemble within a reasonable time in any call for duty, seems clear and convincing.

#### ANNUAL ENCAMPMENTS.

The Legislature of eighteen hundred and seventy-nine-eighty made provision for the holding of annual encampments of regiments of the National Guard, lasting for eight days. That this action greatly benefited the different commands cannot be gainsaid.

The encampments that have been held thus far have proved that they are of incalculable benefit to the National Guard.

The commissioned officer, by these yearly assemblages, has every opportunity afforded him to familiarize himself with the duties that he would be called upon to perform in active service.

The non-commissioned officer and private have likewise the same advantages afforded them. Strict discipline is enforced, drills held daily, and everything conducted in a manner that must necessarily have a tendency to elevate the esprit de corps of the State force.

However, some additional encouragement should be given the non-commissioned officers and privates who attend these yearly assemblages. The allowance made by the State for the holding of these encampments is barely sufficient to meet the actual expenses incurred in defraying the cost of transportation, furnishing rations, music, etc. As the non-commissioned officers and privates are mostly working men, some having large families depending on them for support, to attend the encampments without some remuneration from the State seems hardly fair or proper. In most of the Eastern States they are paid for their time, which example, in the judgment of your committee, should be followed by the State of California. We would recommend that the companies of each regiment attending said encampments with forty-five members, rank and file, be allowed the sum of two dollars per day for each non-commissioned officer and private in attendance.

#### STATE ARSENAL.

Your committee also visited the State Arsenal, which is located in the City of Sacramento. In addition to the military property of the State in possession of the different commands of the National Guard, there still remains quite an additional supply in the State Arsenal, which is under the supervision of the Adjutant-General.

#### COMPANIES.

The law fixes the maximum number of companies in the National Guard at forty. The present appropriation is not sufficient to maintain such a force. There are now organized thirty-four companies, exclusive of cadet organizations. In the judgment of your committee, to make the National Guard of California more effective, and to have it compare with most of the Eastern States, the minimum number of companies in the organization should not be less than forty.

The usefulness of a State National Guard has been sufficiently demonstrated, not only in our own commonwealth, but in most of the States in the Union. It serves as a police power—always prepared to respond for duty on a call by the civil authorities—and public safety would render it an act of prudent policy on the part of the State to foster and encourage the system of a citizen soldiery by furnishing all the means requisite for its advancement.

BOWERS, Chairman.

Mr. Flynn moved to dispense with the reading of the report, and that it be printed in the Journal.

So ordered.

#### PUBLIC BUILDINGS AND GROUNDS.

##### ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. SPEAKER. Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 249—An Act entitled "An Act to grant the Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Also, Assembly Bill 350—Relative to the sites of manufactories of violent explosives—have had the same under consideration, and now report the same back, and recommend that they do not pass.

Also, the Committee on Public Buildings and Grounds for visiting and inspecting the State Asylums for the Insane, State University, State and Branch Normal Schools, and the State Institute for the Deaf, Dumb, and Blind, are entitled to mileage for the following distances traveled:

Messrs Plover and Campbell—From Sacramento to Napa, to San Francisco, from San Francisco to San José and return, from San Francisco to Berkeley and return, San Francisco to Stockton and to Sacramento, and from Sacramento to Los Angeles and return—each, one thousand three hundred and twenty miles.

Mr. Gaussall—From Sacramento to Napa, to San Francisco, to San José and return, to Stockton and Sacramento, and from Sacramento to Los Angeles and return—one thousand two hundred and ninety-five miles.

Mr. Culver—From San Francisco to Napa and return, and from Sacramento to Los Angeles and return—one thousand and thirty-four miles.

Mr. Stephens—From Sacramento to Napa, to San Francisco, to San José and return, to Berkeley and return, from San Francisco to Stockton and Sacramento—three hundred and sixty-four miles.

Mr. Doty—From San Francisco to Berkeley and return, and from San Francisco to Stockton, and Sacramento—one hundred and sixty-four miles.

Mr. Hunter—From San Francisco to Berkeley and return, and from San Francisco to Stockton, and Sacramento—one hundred and sixty-four miles.

Mr. Campbell, clerk of committee—From Sacramento to Napa, to San Francisco, to San José and return, to Berkeley and return, and from San Francisco to Stockton, and Sacramento—three hundred and sixty-four miles.

Total number of miles—six thousand and twenty-six.

PLOVER, Chairman.

Mr. Flynn moved that the reading of the report be dispensed with, and that the report be printed in the Journal.

So ordered.

Mr. Campbell moved that that portion of the report relating to mileage of members be referred to the Committee on Mileage.

So ordered.

ON ELECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Elections, to whom was referred Assembly Bill No. 306—An Act to amend sections one thousand two hundred and fifty-nine, one thousand two hundred and sixty, and one thousand two hundred and sixty-three, and to repeal sections one thousand two hundred and sixty-five and one thousand two hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to canvassing and returning the votes

Also, Assembly Bill No. 307—An Act to amend section one thousand one hundred and twenty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to election precincts, hereby report said bills back to the Assembly, the former without recommendation, and the latter with the recommendation that the same do pass.

PARKER, Chairman.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Assembly Resolution

*Resolved*, That Standing Rule Number Two of the Assembly, and subdivisions twelve, thirteen, and fourteen, be amended so that said subdivisions shall read as follows:

ORDER OF BUSINESS.

12. Third reading of bills.

13. Motions and resolutions.

14. Second reading of bills, and business on general file.

Have had the same under consideration, and now report the same back to the House, and recommend that it do pass.

SINON, Chairman.

Adopted.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 344—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add five 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railroads by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment—have had the same under consideration, and now report the same back, and recommend that it do pass.

CAMPBELL, Chairman

Mr. Campbell moved the consideration of Assembly Bill No. 344—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add five 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment

of the sections, the new sections, and the repeal of portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county, and city and county taxes due upon such assessment.

So ordered.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 342—An Act to add a new section to the Civil Code, to be known as section four hundred and twenty-one, relating to the advertisement of the capital of insurance companies.

Also, Assembly Bill No. 79—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, and recommend their passage.

Also, Assembly Bill No. 232—An Act to facilitate the giving of bonds required by law—have had the same under consideration, and now report the same back, and recommend that it do not pass.

BARRY, Chairman.

ON PUBLIC LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER Your Committee on Public Lands, to whom was referred Assembly Bill No. 388—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State.

Also, Assembly Bill No. 168—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of this State—have had the same under consideration, and now report the same back, and recommend that they do not pass.

COOMBS, Chairman.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Hershey:

*Resolved*, That the Assembly Judiciary Committee are respectfully requested to report back without delay to Assembly Committee on Counties and County Boundaries, Assembly Bill No. 47, which was referred to them on question of constitutionality.

Adopted.

By Mr. Coleman:

*Resolved*, That the State Printer is hereby directed to print two hundred copies of the testimony presented before the Joint Committees on Commerce and Navigation in the Harbor and Pilot Commissioners' investigation.

Mr. Bibb moved to amend, by making the number three hundred copies.

Lost.

The question then recurring on the original resolution, it was adopted.

By Mr. Coleman:

*Resolved*, That the Controller is hereby directed to draw his warrant in favor of Clement Bennett for the sum of two hundred and twenty-five dollars (\$225), due for reporting and transcribing testimony taken before the joint Committee on Commerce and Navigation, in the investigation of the Board of State Harbor Commissioners, payable out of the Contingent Fund of the Assembly.

COLEMAN, Chairman.

Referred to Committee on Public Expenditures and Accounts.

INTRODUCTION OF BILLS.

By Mr. Farley: An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and section three

hundred and thirty-five thereof, relative to notice of assessments of stock.

Referred to Committee on Corporations.

By Mr. Atwell: An Act to amend section two hundred and eighty-three of article one, chapter one, title one, part four, of the Civil Code, being the general provisions applicable to all corporations.

Referred to Committee on Corporations.

By Mr. Culver: An Act to authorize the Coroner in consolidated city and county governments to appoint a physician to hold autopsies, and fix his compensation for the same.

Referred to Committee on State Hospitals.

Also—An Act to provide for the payment of Warren B. Ewer for services rendered at the National Mining Exposition at Denver, Colorado.

Referred to Committee on Claims.

By Mr. Campbell: An Act to amend section two of an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, relating to salaries of Railroad Commissioners, Secretary, and Bailiff.

Referred to Committee on Corporations.

By Mr. Coleman: 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 Claims.

Mr. Hollister moved to suspend the rules, and make the consideration of Assembly Bill No. 140 a special order for to-morrow, at two o'clock P. M.

Lost.

#### LEAVE OF ABSENCE.

The Committee on Yosemite Valley and Mariposa Big Trees was granted leave of absence for this afternoon.

#### RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

#### REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### COMMITTEE ON PUBLIC EXPENDITURES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Expenditures and Accounts, to whom was referred the claim of two hundred and twenty-five dollars in favor of Clement Bennett, for services rendered the Joint Committee on Commerce and Navigation as shorthand reporter, have examined the same, find it correct, and recommend that it be allowed.

WEAVER, Chairman pro tem.

Adopted.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 164—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 and fish ponds, have had the same under consideration, and now report the same as being constitutional, and also report that under existing laws tide lands permanently submerged cannot be leased, purchased, or otherwise acquired from the State of California.

TERRY, Chairman.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, with the Speaker in the chair, for the purpose of further considering Assembly Bill No. 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

The committee arose, reported progress, and asked leave to sit again.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years, and hereby report progress, and ask leave to sit again.

Mr. Johnston moved that the report be received and the request granted.

So ordered.

Mr. Campbell called up the special order for this hour—The consideration of Assembly Concurrent Resolution No. 21, Assembly Concurrent Resolution No. 22, Assembly Concurrent Resolution No. 17, Senate Bill No. 10, and Assembly Concurrent Resolution No. 23.

Mr. Cutter moved that the consideration of the special order be made a special order for to-morrow, at three o'clock P. M.

Lost.

## SPECIAL ORDER.

Assembly Concurrent Resolution No. 21—To amend section nine of article thirteen of the Constitution.

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

AYES—Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Keeler, Kerrick, Leverson, Martin, Matthews, McDonald, McHale, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhuel, Rowland, Ryan, Simon, Stephens, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—61.

NOES—Messrs. Cutter, Johnston, and McClaskey—3.

Mr. Atwell gave notice that he would, to-morrow, move a reconsideration of the vote whereby the House adopted Assembly Concurrent Resolution No. 21.

Assembly Concurrent Resolution No. 22—Proposing an amendment to the Constitution of the State of California, in relation to the sessions of the Legislature, the introduction of bills therein, the pay and mileage of members and attachés thereof.

Mr. Cutter moved to amend, by striking out of section two, line five, the word "eighty," and inserting "one hundred."

Lost.

Mr. Cutter moved to amend, by striking out of section two, line five, the word "eighty," and inserting "ninety."

Mr. Atwell moved the previous question.

Lost.

The question then recurring on the amendment by Mr. Cutter, it was lost.

Mr. Cutter moved to amend by striking out of section twenty-three, lines three and four, of printed resolution, the words "for the first sixty days, nor more than four dollars per diem for the remaining twenty days."

Adopted.

The section as amended was then adopted.

The question then being on the adoption of the resolution, the roll was called, with the following result:

AYES—Messrs. Barnes, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Culver, Cutter, Farley, Fleming, Flynn, Fortna, Granger, Hall, Harvey, Heath, Hollister, Hughes, Irwin, Keeler, Levenson, Matthews, McDonald, Murdock, Murphy, Nicol, O'Connor, Rawle, Reeves, Rowland, Ryan, Smith, Stewart, Storke, and Wharton—41.

NOES—Messrs. Atwell, Barry, Beard, Briceland, Clark, Coombs, Crumpton, Doty, Faw, Field, Gaussail, Hamilton, Head, Hershey, Johnston, Lewiston, Martin, McClaskey, McHale, Parker, Peterson, Plover, Rhiel, Simon, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—31.

The resolution, having received less than two thirds in the affirmative, it was lost.

Mr. Cutter gave notice that he would, to-morrow, move a reconsideration of the vote whereby the House refused to adopt Assembly Concurrent Resolution No. 22.

Assembly Concurrent Resolution No. 17—Relative to proposed amendment to the Constitution, to amend section twelve of article thirteen thereof.

Mr. Heath moved to amend by inserting in section four, line six, after the word "except," the words "active, unpaid firemen."

Lost.

Mr. Farley moved to amend by striking out all after the word "collected," in line nine.

Adopted.

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

AYES—Messrs. Bibb, Booth, Bowers, Cary, Clement, Fleming, Hamilton, Levenson, and Murphy—9.

NOES—Messrs. Atwell, Barnes, Barry, Beard, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Head, Heath, Hershey, Hollister, Hughes, Irwin, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—58.

Mr. Farley gave notice that he would move a reconsideration of the vote whereby the House refused to adopt Assembly Concurrent Resolution No. 17.

Senate Bill No. 10—An Act amending the Constitution.

Read first time.

Mr. Storke moved to amend by striking out of line six the word "general."

Lost.

Mr. Levenson moved to amend, as follows :

Whenever any public work, or improvement of any description whatever, shall be done or made in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense whereof is made chargeable or may be assessed upon private property by special assessment, the owners of property assessed for the same who may dissent from such improvement, may surrender such property to the owners of property desiring such improvement, at a price equal to the last assessed value of such property, with ten per cent added thereto, unless it shall be shown that such property had been assessed above its real value, and such price shall be paid to the dissentient owners before the improvement is carried out.

Lost.

Mr. Atwell moved the previous question, which was so ordered.

The question then recurring on the adoption of the resolution, the roll was called, and the resolution passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershhey, Hollister, Hughes, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Simon, Stephens, Stewart, Storke, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—68.

NOES—Messrs. Briceland and Townsend—2.

Title approved.

Mr. Barry gave notice that he would, to-morrow, move a reconsideration of the vote whereby the House adopted Senate Bill No. 10.

Mr. Levenson moved that Assembly Bill No. 192 be included in the special order set for to-morrow morning immediately after the reading of the Journal.

Lost.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Storke: An Act to amend section five hundred and sixteen of "An Act to establish a Political Code," approved March 12, 1872, relating to the traveling expenses of the Superintendent of Public Instruction.

Referred to Committee on Mileage.

By Mr. Ryan: An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding two new sections thereto, to be known as sections three thousand four hundred and seventy-seven and three thousand four hundred and seventy-eight, relative to nuisances.

Referred to Judiciary Committee.

#### REPORT OF COMMITTEE ON CRIMES AND PENALTIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Crimes and Penalties have had under consideration Assembly Bill No. 94—An Act to amend section eight hundred and nine of the Penal Code, relating to the duty of the District Attorney in filing information charging the defendant with the offense for which he has been committed—and beg leave to report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 187—An Act to provide for the payment of jurors in criminal cases

in Superior Courts—the committee have amended the bill by striking out the words “three dollars,” and have inserted the words “two dollars,” and recommend the passage of the bill as amended.

Also, Assembly Bill No. 188—An Act to repeal section fifteen thousand six hundred and fourteen of the Penal Code, entitled “An Act to prohibit the collection of accounts for liquors sold at retail”—the committee find there is no such section in the Penal Code applying to the matter mentioned in the bill; therefore your committee request that the bill be returned to the author.

Also, Assembly Bill No. 170—An Act entitled “An Act to add four new sections to the Penal Code,” relating to the protection of the people of the State of California against tramps—and recommend that it do not pass.

Also, Assembly Bill No. 194—An Act to add a new section to the Penal Code, to be known as section two hundred and sixty-eight, relating to seduction—the committee have amended the bill, and recommend that it pass as amended.

Also, Assembly Bill No. 211—An Act to amend section eight hundred and eighty-two of the Penal Code, in relation to witnesses conditionally examined to give security—and have amended the bill by adding section one, and recommend the passage as amended.

Also, Assembly Bill No. 402—An Act to amend section one thousand and ninety-nine of the Penal Code, relating to State’s evidence—and have prepared a substitute for section one thousand and ninety-nine, and recommend the adoption of the substitute.

McCLASKEY, Chairman.

#### ADJOURNMENT.

At five o’clock and five minutes, on motion of Mr. Wharton, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, February 8, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceand, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O’Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Simon, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Clark, further reading was dispensed with.

Journal of Wednesday approved.

#### RESOLUTION.

By Mr. Bibb:

*Resolved*, That Assembly Bill No. 225 be recommitted to a special committee of one, to make the following changes In the title, after the words “March 12, 1872,” add the words “relating to electors and registration of voters,” in line one, before the word “section,” prefix the words

“section one;” in line seventeen of the amended bill, after the word “county,” add the words “or cities and counties.”

Adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The Speaker appointed Mr. Bibb a special committee to make correction in Assembly Bill No. 225.

PETITION—(OUT OF ORDER).

By Mr. Head: In relation to bee culture—Requesting the enactment of a law restricting persons from maintaining or keeping bees within two miles of any fruit district.

Referred to Committee on Agriculture.

SPECIAL ORDER.

Mr. Barry called up the special order for this hour, the further consideration of Assembly Bill No. 308—An Act in relation to railroads.

Mr. Cutter moved that the special order be postponed till Monday next, at two o'clock p. m.

Mr. Caminetti moved as an amendment that the bill be referred to the Judiciary Committee, with instructions to report as early as possible as to the constitutionality of the bill.

The question being on the motion of Mr. Cutter to postpone, the ayes and noes being demanded, the roll was called, and the House refused to postpone by the following vote:

AYES—Messrs. Atwell, Barnes, Booth, Bowers, Cary, Clement, Coombs, Culver, Cutter, Farley, Faw, Fleming, Hall, Harvey, Hollister, Irwin, Leverson, Lewison, McClaskey, McDonald, McKinley, Murphy, Nicol, O'Connor, Rowland, Sweetland, Walrath, Wharton, and Wheelan—29.

NOES—Messrs. Barry, Beard, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Crompton, Doty, Field, Fortna, Gaussail, Granger, Hamilton, Head, Healy, Hershely, Hughes, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McHale, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—41.

The question then recurring on the amendment, Mr. Nicol moved the previous question.

Mr. Hollister moved a call of the House.

So ordered.

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

Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershely, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Hollister, further proceedings under the call of the House were dispensed with.

The question being upon the previous question, it was so ordered.

The question then recurring on the amendment of Mr. Caminetti,

the ayes and noes being demanded, the roll was called, and the House refused to refer the bill by the following vote:

**AYES**—Messrs. Atwell, Barnes, Booth, Bowers, Brown, Caminetti, Cary, Clement, Coombs, Culver, Cutter, Farley, Faw, Hall, Harvey, Healy, Hershey, Hollister, Leverson, Lewison, McClaskey, McDonald, McKinley, Murdock, Murphy, Rawle, Ryan, Smith, Stewart, Sweetland, Walrath, Wharton, and Wheelan—33.

**NOES**—Messrs. Barry, Beard, Bibb, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Crompton, Doty, Field, Fleming, Flynn, Fortna, Gaussal, Granger, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McHale, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhel, Rowland, Sinon, Stephens, Storke, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—45.

THIRD READING OF BILLS.

Assembly Bill No. 308—An Act in relation to railroads.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crompton, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—65.

**NOES**—Messrs. Barnes, Booth, Clement, Culver, Farley, Harvey, Hershey, Lewison, McKinley, Murdock, Sweetland, and Walrath—12.

Title approved.

Mr. Cutter gave notice that he would, to-morrow, move a reconsideration of the vote whereby the House passed Assembly Bill No. 308.

REPORTS OF COMMITTEES.

ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed:

Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law.

Assembly Bill No. 308—An Act in relation to railroads.

Assembly Bill No. 91—An Act to amend section six hundred and thirty-one, subdivision thirteen thousand six hundred and thirty-one, of the Penal Code of the State of California, relating to the question of game and fish.

Assembly Bill No. 55—An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands and lands selected in lieu thereof, made prior to January 1, 1881, from ten to seven per cent. per annum.

Assembly Bill No. 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled an Act concerning trespassing of animals upon private lands," so far as it relates to Humboldt County.

Assembly Bill No. 72—An Act regulating the taking up of estray animals and posting the same.

CALLAGHAN, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Irrigation are entitled to the following amounts for mileage:

From Sacramento to Fresno and return.....	338 miles.
From Fresno to Barton, Eisen, and Cleander and return.....	44 miles.
From Fresno to Hanford and return.....	96 miles.
From Hanford to Grangeville and Lamoore and return.....	26 miles.
Total .....	504 miles.

The names of the committee entitled to mileage are as follows: Messrs. Beard, Moffitt, Faw, Reeves, Hall, Wharton, and Aaron Smith, clerk.

Total amount due committee and clerk, three hundred and fifty-two dollars and eighty cents.

BEARD, Chairman.

## Referred to Committee on Mileage.

### ON SWAMP AND OVERFLOWED LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 240—An Act to amend sections three thousand four hundred and seventy-eight and three thousand four hundred and seventy-nine, article two, chapter one, title eight, part three, of the Political Code, relating to the reorganization of swamp land reclamation districts and the payment of the indebtedness of said districts—beg leave to report that they have had the same under continued and careful consideration, and now beg leave to report the same back to your honorable body, with the recommendation that it do not pass.

KERRICK, Chairman.

### ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 397—An Act entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,'" approved March 12, 1872, and section five hundred and twenty-six, relating to duties of Superintendent of State Printing—have had the same under consideration, and now report the same back in amended form, and recommend that it pass.

GAUSSAIL, Chairman.

### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 49—Entitled "An Act to provide an industrial department for the Deaf, Dumb, and Blind Asylum"—have had the same under consideration, and now report the same back, and recommend that it do pass as amended.

CAMPBELL, Chairman.

### ON MINES.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1883.

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872—have had the same under consideration, and now report the same back, and recommend its passage.

FARLEY, Chairman.

### ON THE GRAPEVINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on Culture and Improvement of the Grapevine, to whom was referred Assembly Bill No. 383—An Act for the further promotion and protection of the viticultural industries 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.

HEAD, Chairman.

### ON WATER RIGHTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on Water Rights and Drainage, to whom was referred Assembly Bill No. 314—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," approved March 29, 1878—have had the same under consideration, and now report the same back and recommend that it do not pass.

MATTHEWS, Chairman.

The Committee on Water Rights and Drainage was granted further time for the purpose of considering Assembly Bill No. 363.

### INTRODUCTION OF BILLS.

By Mr. Farley: An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Political Code,"

approved March 12, 1872, relating to the Deputy Superintendent of Public Instruction.

Referred to Judiciary Committee.

By Mr. Sweetland: An Act to amend the Civil Code of the State of California, relating to water rights, by amending sections one thousand four hundred and fifteen, one thousand four hundred and sixteen, and one thousand four hundred and twenty of said Code, and by repealing section one thousand four hundred and twenty-two of said Code, and by adding a new section, to be known as section one thousand four hundred and twenty-two of said Code, all relating to water rights.

Referred to Committee on Water Rights and Drainage.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Bibb, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 77—“An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.”

The committee arose, reported progress, and asked leave to sit again after recess.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 77—“An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years”—and now report progress, and ask leave to sit again after recess.

On motion of Mr. Johnston, the report was received, and the request granted.

#### LEAVE OF ABSENCE.

Mr. Heath was granted a leave of absence for this day, on account of sickness.

#### RECESS.

The Speaker, at twelve o'clock and thirty minutes, declared a recess till two o'clock P. M. this day.

#### REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

#### REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER: Your special committee, appointed to amend Assembly Bill No. 225, beg leave to report that they have amended the bill as directed.

BIBB, Chairman.

## REPORTS OF COMMITTEES—(RESUMED).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 47—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization—have had the same under consideration, and now report the same back as being unconstitutional.

TERRY, Chairman.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Keeler: An Act to provide for a system of irrigation and for the organization of irrigation districts.

Referred to Committee on Irrigation.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Bibb, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

The committee arose, reported progress, and asked leave to sit again.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—report progress, and ask leave to sit again.

Report received and the request granted.

## REPORTS OF STANDING COMMITTEES.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, February 8, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bill, and find it correctly engrossed.

Assembly Bill No. 1—An Act to repeal chapter two, of title four, of part third, 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 third, of said Code, and to substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways.

CALLAGHAN, Chairman.

## ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Concurrent Resolution No. 13—Instructing our Senators and requesting our Representatives in Congress to use their influence to restore to the public domain all lapsed land grants to railroads.

Also, Assembly Concurrent Resolution No. 15—Concerning litigation to determine the title to Mussel Slough lands, in Fresno and Tulare Counties, California.

And the same were, at two o'clock and twenty minutes p. m., February eighth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Nicol:

*By the Assembly of the State of California be it resolved,* That the State Printer be and he is hereby directed to print three hundred and sixty copies of Assembly Bill No. 1, as amended, in addition to the number now required to be printed, for the use of members of both Houses.

Adopted.

By Mr. Murdock:

*Resolved.* That the Committee on Printing be requested to report the advisability of the publication by the State of the decisions of the Supreme Court.

Referred to Committee on Printing.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Cutter: An Act to amend section four thousand and forty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to funding and refunding county indebtedness.

Referred to Committee on Counties and County Governments.

Mr. Atwell, pursuant to notice, moved to reconsider the vote whereby the House passed Assembly Concurrent Resolution No. 21—To amend section nine, of article thirteen, of the Constitution.

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

So ordered.

SPECIAL FILE—THIRD READING.

Assembly Bill No. 1—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.

Read third time.

Mr. Smith moved a call of the House.

Lost.

CALL OF THE HOUSE.

Mr. Townsend moved a call of the House.

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

Messrs. Barnes, Barry, Beard, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Faw, Field, Fleming, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Hollister moved that the Sergeant-at-Arms be instructed to arrest absentees and bring them before the bar of the House.

So ordered.

The Sergeant-at-Arms presented at the bar of the House Messrs. Flynn, Atwell, Cary, Callaghan, Bibb, Farley, and Storke.

Mr. Crumpton moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Cutter moved that the Sergeant-at-Arms bring the members in his custody to the bar of the House, and that they make the excuses provided for in the rules.

So ordered.

Messrs. Cary, Atwell, Callaghan, Flynn, Bibb, Storke, and Farley tendered their excuses, were excused, and released from the custody of the Sergeant-at-Arms, by order of the House.

Mr. Hollister moved that further proceedings under the call of the House be dispensed with.

So ordered.

Mr. Crumpton moved that Assembly Bill No. 1 be referred to a committee of one, for the purpose of making a correction, and that the committee report immediately.

So ordered.

The Speaker appointed Mr. Crumpton as the special committee.

#### SPECIAL COMMITTEE.

Mr. Crumpton reported that the corrections had been made in Assembly Bill No. 1.

Report received.

The question then being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Hamilton, Harvey, Head, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—70.

NOES—None.

Title approved.

Mr. Barry, pursuant to notice, moved to reconsider the vote whereby Senate Bill No. 10 was passed.

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

So ordered.

Mr. Campbell moved that Assembly Bill No. 344 be made a special order for to-morrow, at three o'clock P. M.

So ordered.

Mr. Cutter, pursuant to notice, moved to reconsider the vote whereby the House refused to adopt Assembly Concurrent Resolution No. 22.

So ordered.

Mr. Cutter moved that the consideration of Assembly Concurrent Resolution No. 22 be made a special order for to-morrow, immediately after the consideration of Assembly Bill No. 344.

Mr. Ryan asked leave to withdraw Assembly Bill No. 10.

Granted.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Coleman :

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the following named persons, witnesses subpoenaed by the Committee on Commerce and Navigation, for the amounts set opposite their respective names as mileage, payable out of the Contingent Fund of the Assembly

NAME.	Miles	Amount
George Evans, from San Francisco to Sacramento and return.....	168	\$16 80
James Croke, from San Francisco to Sacramento and return.....	168	16 80
Total.....	336	\$33 60

Referred to Committee on Mileage.

## REPORT OF COMMITTEE ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER · Your Committee on Mileage, to whom was referred the report of the Chairman of the Committee on Irrigation, have had the same under consideration, and now report the same back, and recommend the adoption of the following resolution.

*Resolved*, That the Controller be and is hereby authorized to draw his warrant for the sum of three hundred and fifty-two dollars and eighty cents in favor of E. B. Beard, for mileage due the Committee on Irrigation, payable from the Contingent Fund of the Assembly.

JAS. J. FLYNN,  
F. R. FLEMING,  
G. W. T. CARTER.

Adopted.

Mr. Clark, at five o'clock and ten minutes P. M., moved that the House do now adjourn.

Lost.

## NOTICE.

By Mr. Hollister :

MR. SPEAKER · I hereby give notice that to-morrow I will move to add a new rule to the Standing Rules, limiting members to five-minute speeches.

## ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Irwin, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, February 9, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs. Atwell, Barnes, Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gausail, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Muddock, Murphy, Nicol, O'Connor, Parkei, Peterson, Plover, Rawle, Reeves, Rhel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.  
Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. Murphy, further reading was dispensed with.  
Journal of Thursday approved as corrected.

RESOLUTION—(OUT OF ORDER).

By Mr. Brown (by request):

WHEREAS, Assembly Bill No. 65 offers to the House one of the most important subjects ever laid before any Legislature for its consideration, and whereas, from the crowded state of the file it is doubtful whether that bill could be reached in time to pass it this session, if taken in the ordinary course;

Resolved, That Assembly Bill No. 65 be taken up immediately, read a first time, and its second reading made a special order for ten a. m. on Wednesday, the fourteenth of February

Lost.

Mr. Cutter moved to suspend the rules and consider Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

So ordered.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 310—"An Act to amend an Act entitled 'An Act to appropriate money for the support of orphans, half orphans, and abandoned children,' approved March 25, 1880."

Speaker Larue in the chair.

Committee rose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880—report progress and ask leave to sit again immediately.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on February eighth, adopted Assembly Concurrent Resolution No. 21—Relative to requesting our Senators and Representatives in Congress to use all honorable means to defeat the bill now pending in the Congress of the United States, for the purpose of allowing the Southern Pacific Railroad to be merged with other railroads.

J. J. McCARTHY, Assistant Secretary.

Mr. Barry moved that Assembly Concurrent Resolution No. 21 be enrolled immediately, and transmitted to the Secretary of State.  
So ordered.

## RESOLUTION—(OUT OF ORDER).

By Mr. Sinon:

*Resolved*, That W. P. Wand be appointed Assistant to Journal Clerk of the Assembly, at a per diem of six dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

## REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

Mr. SPEAKER: There is due to each member of the Committee on Public Expenditures and Accounts, and to the clerk thereof, mileage as follows:

NAME.	Miles	Amount.
L. H. Brown.....	168	\$16 80
Thomas Healy.....	168	16 80
L. C. Granger.....	168	16 80
A. Caminetti.....	168	16 80
E. Meehan, clerk.....	168	16 80
Total.....	840	\$84 00

The same being for travel to San Francisco and back, to investigate the office of Commissioner of Immigration, as per order of the Assembly.

Respectfully submitted.

CAMINETTI, Chairman.

Referred to Committee on Mileage.

ASSEMBLY CHAMBER, February 9, 1883.

Mr. SPEAKER Your Committee on Public Expenditures and Accounts hereby report that the following expenses were incurred by the committee in the investigation of the affairs of the Commissioner of Immigration, viz.: Eighty-six dollars and eighty cents for services of the expert and reporter, John F. Burriss, as per bill herewith submitted, and one dollar and fifty cents expressage on transporting papers, books, etc., of said Commissioner. The said committee recommends the payment of the above sums to John F. Burriss.

CAMINETTI, Chairman.

Adopted.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Townsend, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and Assembly Bill No. 77—An Act making

appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The bills were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880—and recommend that it do pass.

Also, Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal year—report progress, and ask that that portion of the bill relating to the Yosemite Valley be referred to the Committee on Yosemite Valley and Mariposa Big Trees, and ask leave to sit again after recess.

On motion of Mr. Cutter, the report was received, and the request granted.

LEAVE OF ABSENCE.

Willie Jobson (Page) was granted leave of absence till Monday next.

RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

Speaker Larue in the chair.

Quorum present.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth day of February, eighteen hundred and eighty-three, passed Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Also, on February ninth, eighteen hundred and eighty-three, adopted Assembly Concurrent Resolution No. 7—Relative to bills which take effect immediately after they are approved by the Governor.

Also, on this day refused to read the first time Assembly Bill No. 8 (substitute)—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to the powers and duties of guardians.

J. J. MCCARTHY, Assistant Secretary.

RESOLUTION—(OUT OF ORDER).

By Mr. Hollister:

I move to add the following rule to the Standing Rules of this Assembly, to be known as Rule Eighty-four

Rule 84. Members are limited to five-minute speeches, unless the leave of the House is obtained to continue.

Referred to Committee on Rules.

## REPORT OF COMMITTEES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 71—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—have had the same under consideration, and now report the same back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 400—An Act entitled "An Act to amend an Act to authorize the erection and maintenance of a drawbridge across Petaluma Creek, in the City of Petaluma," approved April 1, 1876—have amended the same, and recommend its passage as amended.

COLEMAN, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 337—"An Act to pay the claim of Hiram Clock"—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 367—"An Act to authorize the bringing of suits against the State," and recommend that it be referred to the Judiciary Committee.

Also, Assembly Bill No. 340—"An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention"—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 74—"An Act to pay the claim of the heirs of E. G. Jeffers, late State Printing Expert." The advocates of this claim represented to your committee that the deceased, E. G. Jeffers, was employed by the State Board of Examiners as a Printing Expert, at a salary of one hundred and fifty dollars per month, and worked under that contract from November first, eighteen hundred and seventy-two, to September first, eighteen hundred and seventy-five. That an appropriation was made in the Appropriation Act of eighteen hundred and seventy-one—two of two thousand four hundred dollars for a Printing Expert, and in eighteen hundred and seventy-four—five another appropriation of one thousand dollars for such Expert. That for all the time said Jeffers worked as Expert he drew one thousand two hundred dollars. That the Controller would never allow him any more than fifty dollars per month, planting himself stubbornly on the Political Code, which fixed the salary of a Printing Expert at that sum—the only Act fixing his salary that was ever passed—and obstinately persisting that an appropriation Act setting apart money for an officer does not nullify the Act fixing his salary. That said Jeffers died about eighteen hundred and seventy-nine, leaving as heirs a widowed wife and children, who, in poverty and distress, were applying to us for simple justice in the sum of three thousand four hundred dollars.

The tedious examination of this case by your committee disclosed the following facts: That said Jeffers was a printer, an honest Quaker from Pennsylvania, industrious, quiet, intelligent, but unassuming, having the confidence of the few who knew him, worked for several years in his profession here, and died of consumption at the house of John Simpson in this city, sometime in eighteen hundred and seventy-nine, intestate, being about forty years of age. The letters he left indicated no relative but a brother in Westchester, Pa., to whom Mr. Simpson wrote, announcing his decease; and on receiving a reply, forwarded to him the only effects of deceased of any value, being a gold ring, watch, and other little jewelry. That in eighteen hundred and eighty, the Public Administrator was induced to apply for letters of administration on the estate, which were granted; and, singularly enough, he allowed this claim to be made against the State by the heirs of deceased—two sisters in Pennsylvania, he said—not knowing that he alone as such administrator had the right to obtain payment or to discharge the State from the claim. The Controller's books show that the deceased Jeffers drew regularly his monthly salary from the twelfth day of October, one thousand eight hundred and seventy-two, to the latter part of July, one thousand eight hundred and seventy-five, at fifty dollars per month. And these are all the material facts in the case.

Wherefore, your committee conclude that the State is not indebted to the estate of E. G. Jeffers, deceased—and recommend that the bill do not pass.

GRANGER, Chairman.

Mr. Keeler moved to allow the Committee on Education leave of absence for Monday and Tuesday next to visit Los Angeles.

The ayes and noes being demanded by the requisite number, the motion was lost by the following vote:

AYES—Messrs. Beard, Booth, Bowers, Briceland, Callaghan, Cary, Crumpton, Culver, Faw, Harvey, Head, Healy, Hollister, Hughes, Keeler, McKinley, Murphy, Reeves, Smith, Stoker, Wharton, and Mr. Speaker—22.

NOES—Messrs. Atwell, Barnes, Brown, Caminetti, Campbell, Carter, Clark, Coombs, Cutter, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Hershey, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Peterson, Rawle, Rhiel, Stephens, Townsend, Waliath, Weaver, Wheat, and Yell—41.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments—have had the same under consideration, and now report the same back, with the recommendation that it pass.

Also, Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled 'An Act to regulate the practice of pharmacy in the City and County of San Francisco,'" passed March 23, 1872, and passed by the State Legislature February 3, 1872—with amendments, and recommend its passage as amended.

JOHNSTON, Chairman pro tem.

### ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Assembly Bill No. 339—An Act to amend section one thousand five hundred and fifty-two of the Political Code of the State of California, and to provide for the salary and compensation of Superintendents of Schools in the counties of this State—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 43—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools—have had the same under consideration, and now report the same back, and recommend that it do not pass, and with a minority report that it do pass.

Also, Assembly Bill No. 83—An Act to amend section four thousand and forty-eight of the Political Code of the State of California, in relation to funding and refunding county indebtedness—have had the same under consideration, and now report the same back, and recommend that it pass.

JOHNSTON, Chairman.

### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 351—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 359—An Act to amend section one thousand seven hundred and seventy-one of the Political Code of the State of California, relating to County Boards of Education, and prescribing their powers—have amended the same, and recommend that it do pass as amended.

STORKE, Chairman.

### ON PUBLIC LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 392—An Act to amend sections five hundred and one, three thousand four hundred and fourteen, three thousand four hundred and seventeen, and three thousand four hundred and ninety-eight of the Political Code, relating to public lands of the State—have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended.

COOMBS, Chairman.

## ON ELECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Elections report, that there being no longer any necessity for a clerk for said committee, they have this day dispensed with the further services of said clerk.

PARKER, Chairman.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

The committee arose, reported progress, and asked leave to sit again.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years"—report progress, and ask leave to sit again.

On motion of Mr. Campbell, the report was received, and the request granted.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bill, and find it correctly engrossed:

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of "An Act to establish a Political Code," approved March 12, 1872.

CALLAGHAN, Chairman.

## ON YOSEMITE BIG TREES AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Yosemite Big Trees and Forestry, to whom was referred Assembly Concurrent Resolution No. 31—"Relative to the appointment of a Commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Tahoe."

Also, Assembly Bill No. 375—An Act to appropriate money for the purchase of Eagle Point Trail, within the limits of the Yosemite Grant.

Have had the same under consideration, and now report the same back, by amending Assembly Concurrent Resolution No. 31, by inserting in line eight, after the word "Secretary," the words "such salary not to exceed in the aggregate three thousand dollars during the term of the Commission"—and recommend that they do pass.

SMITH, Chairman.

## ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled:

Assembly Concurrent Resolution No. 1—Relative to the law restricting Chinese immigration and its construction by officers of the General Government.

And the same was, at four o'clock and twenty-seven minutes P. M., February ninth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

## ON PUBLIC MORALS.

MR. SPEAKER: Your Committee on Public Morals beg leave to submit the following report with reference to Assembly Bills Nos. 69 and 110, relative to gaming—they report the same back to the House, and ask for instructions as to the principle the Assembly desires to recognize. The present laws against gambling are inoperative, except as a means of demoralizing the police, who obtain surreptitious and dishonest means of blackmailing the gamblers. The attempt might be made to make them effective by greater stringency, but experience shows that laws which are in conflict with a passion so general as gambling, cannot be suppressed. Another course, to license gambling, as used to be done in Germany and Belgium, and is now done at Monaco, by which means a large revenue could be secured to the local government. The licensees would take care to prevent the opening of unlicensed gambling houses, and cheating games would not be able to live.

The committee also had under consideration Assembly Bill No. 95, and recommend the same do pass, with the following amendments: Amend by adding after the words "twenty-one," and before the word "or," in line six of printed bill, the words "chuckaluck, keno, highball poker." Also, amend by striking out the word "two," in line eight of printed bill, and insert the word "one." Also, amend by striking out in line nine of printed bill, the words "one thousand," and insert the words "five hundred." We have also had under consideration Assembly Bill No. 196, and find that said bill is almost identical with Assembly Bill No. 95, which we have amended and recommended for passage. We therefore return said Bill No. 196, and recommend that it do not pass.

HAMILTON, Chairman.

MR. SPEAKER: In concurring in the report of the Committee on Public Morals on Assembly Bill No. 95, the undersigned wishes to explain that he so concurs because that bill proposes to supply an omission in the present statutes, in case the policy or no-policy of the present law shall be maintained. His opinion as to the effect of the present condition of the law is expressed in the general report of the committee.

M. R. LEVERSON.

## ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the report of the Committee on Public Buildings, have had the same under consideration, and now report the same back and recommend the adoption of the following resolution:

*Resolved*, That the Controller of State is authorized to draw his warrant in favor of P. Plover, Chairman of the Committee on Public Buildings and Grounds, for the sum of six hundred and two dollars and sixty cents, payable out of the Contingent Fund of the Assembly, the same being the amount due the members and clerk of said committee for mileage in traveling to and from the public institutions of the State.

G. W. T. CARTER,  
F. R. FLEMING,  
JAS. J. FLYNN.

Adopted.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the report of the Committee on Public Expenditures and Accounts, have had the same under consideration, and now report the same back, and recommend the adoption of the following resolution:

*Resolved*, That the Controller of State is authorized to draw his warrant in favor of A. Caminetti, Chairman of said committee, for the sum of eighty-four dollars, payable out of the Contingent Fund of the Assembly.

JAS. J. FLYNN,  
G. W. T. CARTER.

Adopted.

RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti:

*Resolved*, That the sum of eighty-eight dollars and thirty cents be hereby allowed to J. F. Burris for services, as per order of Committee on Public Accounts and Expenditures, as detailed in report this day submitted, payable from the Contingent Fund of the Assembly.

Referred to Committee on Public Expenditures.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Murphy (by request): An Act to appropriate the sum of

thirty-five thousand dollars for the purchase of statuary for the State Capitol at Sacramento.

Referred to Committee on Public Buildings.

LEAVE OF ABSENCE.

Mr. Rowland was granted an indefinite leave of absence, on account of sickness.

SPECIAL ORDER.

Mr. Cutter called up the special order for this hour: the consideration of Assembly Concurrent Resolution No. 22—Proposing an amendment to the Constitution of the State of California, in relation to the sessions of the Legislature, the introduction of bills therein, the pay and mileage of members and attachés thereof.

Read.

Mr. Campbell moved to strike out the last section of the resolution.

So ordered.

The question then being on the passage of the resolution, the roll was called, with the following result:

AYES—Messrs. Bibb, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Fleming, Flynn, Fortna, Granger, Hall, Harvey, Healy, Hollister, Hughes, Keeler, Leverson, Lewison, Matthews, McClaskey, McKinley, Murdock, Murphy, O'Connor, Rawle, Reeves, Smith, Storke, and Wharton—36.

NOES—Messrs. Atwell, Barnes, Barry, Beard, Briceland, Clark, Coleman, Crumpton, Doty, Field, Hamilton, Head, Hershey, Hunter, Johnston, Kerrick, Martin, McHale, Nicol, Peterson, Plover, Rhel, Simon, Stewart, Sweetland, Townsend, Walrath, Wheat, Wheelan, Yell, and Mr. Speaker—31.

The resolution having failed to receive two thirds of all the votes cast, it was declared lost.

Mr. Campbell moved to take up Assembly Bill No. 344.

Lost.

Mr. Caminetti moved to suspend the rules, take Senate Bill No. 88 from the file, and refer it to the Judiciary Committee.

So ordered.

GENERAL FILE—PASSAGE.

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in 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. Atwell, Barnes, Beard, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Hughes, Hunter, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, Murdock, Murphy, O'Connor, Plover, Rawle, Reeves, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—56.

NOES—Messrs. Head, Peterson, and Rhel—3.

Mr. Johnston moved to amend the title of the bill by striking out the word "coyote," and inserting "wild animals."

So ordered.

Assembly Bill No. 72—An Act regulating the taking up of stray animals and posting the same.

Read third time.

## CALL OF THE HOUSE.

Mr. Matthews moved a call of the House.

So ordered.

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

Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Briceland, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hughes, Hunter, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Nicol, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Rhiel, further proceedings under the call of the House were dispensed with.

The question then being on Assembly Bill No. 72, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Beard, Booth, Briceland, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Head, Hershey, Hollister, Hughes, Hunter, Keeler, Kerrick, Leverson, Martin, Matthews, McKinley, Murdock, Nicol, Plover, Reeves, Rhiel, Sinon, Smith, Stephens, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—44

NOES—Messrs. Atwell, Barnes, Bibb, Caminetti, Clement, Harvey, Johnston, Lewison, McClaskey, McHale, Murphy, O'Connor, Peterson, Rawle, Stewart, Storke, Sweetland, and Walrath—18.

Title approved.

## ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Coleman, the House adjourned.

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 IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, February 10, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhiel, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, on motion of Mr. Murphy, further reading was dispensed with.  
Journal of Friday approved.

## RESOLUTIONS.

By Mr. Levenson :

*Resolved*, That the Committee on Public Expenditures and Accounts be requested to report to the House all Acts and parts of Acts under which a fixed expenditure is required or provided to be made by the State ; also, such reduction in such expenditure as they think might be made, without detriment to the public service ; also, to report to the House a bill or bills amendatory of or repealing such Acts or parts of Acts as may be necessary to effect the desired reductions.

Adopted.

Mr. McClaskey moved that the rules be suspended, and that Mr. Atwell be added to the Committee on Irrigation.

So ordered.

Mr. Coleman was granted two days leave of absence.

By Mr. Campbell :

*WHEREAS*, Grave charges have been made against the official conduct of honorable Marcus P. Wiggin, a Judge of the Superior Court in and for the County of Mono, and whereas, certain documentary evidence has been submitted in this Assembly relating to said charges ; therefore,

*Resolved*, That a select committee of five be appointed by the Speaker to inquire into said charges, and report whether articles of impeachment, in the name of this Assembly and of the people of the State of California, shall be presented against the said Marcus P. Wiggin, Judge of the Superior Court of said County of Mono, for misdemeanors in office, said committee to have power to send for persons and papers and take testimony, and shall report to this Assembly articles of impeachment against the said Marcus P. Wiggin, if warranted by the evidence before them

Adopted.

By Mr. Johnston :

*Resolved*, That there be printed one thousand copies of statement fixing a classification of the counties of this State, for the purpose of fixing salaries.

Adopted.

By Mr. Murphy :

*Resolved*, That the State Printer be instructed to print two hundred and forty copies of the revised list of Standing Committees.

Referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES.

## ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT Your Committee on Military Affairs, to whom was referred Assembly Bill No. 218—An Act to repeal sections one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine, one thousand nine hundred, one thousand nine hundred and one, and one thousand nine hundred and two of an Act entitled "An Act to establish a Political Code," providing for District or County Assessors to report names of citizens subject to military duty, to pay for such services, and action thereon by proper officers, and to substitute in place thereof a new section, to be numbered one thousand eight hundred and ninety-seven, providing for the enrollment of the inhabitants of the State subject to military duty—have had the same under consideration, and now report the same back, with the recommendation that it do not pass.

MURPHY, Chairman pro tem.

## ON IRRIGATION AND WATER RIGHTS.

SACRAMENTO, February 8, 1883.

MR. SPEAKER. The Committee on Irrigation report the following: We have visited the Counties of Fresno and Tulare, in which irrigation is carried on more extensively than any other portion of the State, and examined the canals and ditches constructed and used within an area of land lying in these two counties, some seventy miles in length, running north and south, and some thirty miles in breadth, running east and west, making two thousand one hundred square miles, all susceptible of irrigation, and unsurpassed in fertility.

All this area is covered by a sandy loam, which yields readily to the farmer's implements, and does not cohere after flooding from the canals. This land, without irrigation, is for the most part a sterile plain, and at best yields but a light crop of wild grasses, and is of nominal value. The climate of this region is of an exceedingly dry character, the average rainfall per annum being only four and one half inches, hence the farmer cannot rely upon the rainfall to supply the necessary moisture to his crops. We observed, upon examination of numerous canals and ditches, that but little labor is required to cause the diverted water to flow in almost any desired direction. The Sierras supply the rivers flowing therefrom with an abundance of water during the season when most needed. The colonies and other large irrigated settlements of Fresno County, and the large irrigated area in the Mussel Slough country impressed us with the belief that there is no portion of California more fertile than this under the system of irrigation now in vogue there.

Both of these counties present every evidence of agricultural thrift. All the irrigable lands command as much as fifty dollars per acre. In the colonies we found colonists making comfortable livings for their families on twenty-acre lots. Of the twenty-one thousand people in those two counties your committee estimate that fully seven tenths derive their living directly or indirectly from the lands now under irrigation. These counties without irrigation are of little value to the agriculturist: with irrigation they are capable of supporting a very dense population.

In the Central California Colony there are upwards of one hundred persons to the square mile, and upon this area they wholly derive subsistence.

We found upon examination that these counties are already more or less under the influence of the irrigable canals, even miles away from the ditches, the subterranean waters having risen to meet the surface waters carried outward by percolation and capillary attraction, and in consequence thereof less water will be required each succeeding year for a given area.

No reservoirs have yet been constructed, but we believe, by the exercise of due care to prevent waste, that the natural supply from the streams will prove sufficient to supply the country herein referred to for some time to come.

We found upon examination that the bed of Kings River is composed of an all-absorbing sand, and that many cubic feet of water would be required at the foothills to continue the stream twenty-five miles below.

It is the deliberate conclusion of your committee that for these counties—and in fact for the south half of this State—a system of irrigation is indispensable. That without it the progress of the State must be fatally retarded. Therefore, we earnestly recommend that such legislation be immediately had as will protect what has already been done, and render more perfect the system now in operation, and such other legislation as shall guarantee the greatest good to the greatest number.

Respectfully submitted.

BEARD, Chairman.

## ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER. Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Resolution, relative to the pay of J. F. Burris, have had the same under consideration, and now report the same back and recommend its adoption.

CAMINETTI, Chairman.

## ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER. Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 405—An Act to add new sections to article five, chapter two, of title eight, of the Political Code, to be numbered three thousand and sixty-four, three thousand and sixty-five, three thousand and sixty-six, three thousand and sixty-seven, three thousand and sixty-eight, three thousand and sixty-nine, three thousand and seventy, and three thousand and seventy-one, in relation to the powers and duties of the Board of Supervisors to make improvements in counties or portions thereof when the sanitary conditions thereof are endangered by defective drainage, or other causes injurious to the public health, and to provide for the payment of the cost of such improvements—have had the same under consideration, and now report the same back, and recommend the passage of the bill.

Also, Assembly Bill No. 417—An Act to authorize the Coroner in consolidated city and county governments to appoint a physician to hold autopsies, and fix the compensation for the same.

Also, Assembly Bill No. 239—An Act to appropriate money for the support of aged and in-

digent persons residing in the Home of the Veterans' Home Association, as amended by the committee—have had the same under consideration, and now report the same back, with the recommendation that they do pass.

CRUMPTON, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 301—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 amendments, and recommend its passage as amended.

Also, Assembly Bill No. 169—An Act entitled "An Act to amend section five thousand five hundred and one of the Civil Code," relating to rates of fares of street railroads—have had the same under consideration, and now report the same back, and recommend that it do not pass.

BARRY, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 107—An Act to allow the appointment of an Inspector of Weights, Measures, and Merchandise in cities of one hundred thousand inhabitants and upwards—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 221—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities—have had the same under consideration, and now report the same back and recommend that it do not pass.

IRWIN, Chairman.

ON ELECTIONS.

MR. SPEAKER: Your Committee on Elections, to whom was referred the contest of E. C. Dozier against D. G. Barnes for a seat in the Assembly from the County of Solano, beg leave to report that they have had the same under consideration, and after an examination of the testimony and argument by opposing counsel, find that the contestant, E. C. Dozier, is entitled to the seat in the Assembly from the County of Solano now occupied by the respondent, D. G. Barnes.

EDWARD PARKER, Chairman.  
ARCHIBALD YELL,  
P. PLOVER,  
JAS. V. COLEMAN.

MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: The undersigned, minority of the Committee on Elections, in the matter of the contest of E. C. Dozier, contestant, against D. G. Barnes, respondent, for a seat in the Assembly from Solano County, report as follows: That, after an examination of the evidence on the part of the contestant and respondent, and a careful consideration of the facts of the case, and the law relating thereto, we find that the sitting member, D. G. Barnes, is entitled to his seat as a member of this Assembly from Solano County.

A. G. BOOTH,  
J. L. LEWISON.

Mr. Yell moved to make the consideration of the reports a special order for Tuesday next, at ten o'clock A. M.

Mr. Cutter moved to amend by making the time Wednesday next, at seven o'clock and thirty minutes P. M.

So ordered.

ON APPOINTMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Apportionment, to whom was referred Assembly Bill No. 128—An Act to divide the State into Assembly Districts and to provide for the election of Assemblymen therein—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein—report the same back with amendments, and recommend its passage as amended.

YELL, Chairman.

## ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 141—An Act to provide for the separate confinement and correctional discipline of juvenile offenders—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 407—Entitled “An Act to provide for the care of intoxicated persons, and for the payment of damages done by them”—have had the same under consideration, and now report the same back, and recommend that it do pass.

HAMILTON, Chairman.

## ON AGRICULTURE, MINING, AND MECHANIC ARTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Agricultural, Mining, and Mechanics Arts College are entitled to the following sum for mileage from Sacramento to Berkeley, ninety-five miles. The following are the names of the committee who are entitled to mileage. Messrs. Leverson, Sinon, Cary, and Sallie M. McKern, clerk.

Total amount due, seventy-six dollars.

TOWNSEND, Chairman.

Referred to Committee on Mileage.

## ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 411—Entitled “An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties”—have had the same under consideration, and recommend its passage.

Also, that they have had under consideration Assembly Bill No. 390—An Act to provide for the formation of new counties, to determine the location of county seat by an election, to declare the manner of providing officers, to provide funds for its support by the issuance of bonds, and to determine what portion of the old county debt is chargeable to such new county—and recommend the passage of accompanying substitute bill entitled “An Act to provide for the division of existing counties and for the creation of new counties.”

HERSHEY, Chairman.

## ON INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Internal Improvements, to whom was referred Assembly Bill No. 282—An Act to encourage the industry of manufacturing steel direct from magnetic black sea sand of the Pacific Coast, and granting a reward therefor—have had the same under consideration, and now report the same back with the following amendments: Strike out in section one, line two of printed bill, the word “fifty,” and insert “twenty:” also in line three, section one, after the word “shall,” insert “within five years,” also in section three, lines eight and nine, strike out “twenty-five,” and insert “ten”—and recommend that it do pass as amended.

RHIEL, Chairman.

## INTRODUCTION OF BILLS.

By Mr. Hughes: An Act to add a new section to the Penal Code, to be known as section one hundred and eighty, relative to crimes against public justice.

Referred to Committee on Crimes and Penalties.

By Mr. Doty: An Act to provide for the weighing of hay, and to provide for a weigher.

Referred to Committee on Municipal Corporations.

By Mr. Cary: An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices Courts in townships and cities.

Referred to Committee on Municipal Corporations.

By Mr. Cutter: An Act to amend the Penal Code, by adding a new section thereto, to be numbered two hundred and ninety-nine, to restrain vice and immorality, and prohibit barbarous and noisy amusements on the Sabbath day.

Referred to Committee on Public Morals.

By Mr. Farley: An Act for the redemption of certain Controller's warrants.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Moffitt: An Act to amend section one hundred and three, article two, chapter five, title one, part one, Code of Civil Procedure, relating to Justices' Courts in townships.

Referred to Judiciary Committee.

By Mr. Kerrick: An Act to amend section two thousand and ninety-four, of chapter five, article six, title two, of the Political Code, relating to the Board of Military Auditors.

Referred to Committee on Military Affairs.

By Mr. Irwin: An Act to amend section six hundred and two of the Penal Code, in relation to trespassers.

Referred to Judiciary Committee.

By Mr. Wharton: An Act to amend section six of an Act entitled "An Act supplementary to and amendatory of an Act entitled an Act to regulate the practice of medicine in the State of California, approved April 3, 1876," passed April 1, 1878.

Referred to Committee on State Hospitals.

#### LEAVE OF ABSENCE.

Messrs. Hershey, Bowers, and Kerrick were granted leave of absence for this day; Messrs. Caminetti and Keeler till Monday next, at two o'clock and thirty minutes P. M., and Mr. Parker indefinitely, on account of sickness.

#### SPECIAL COMMITTEE.

The Speaker announced the following special committee to inquire into the charges against Hon. Marcus P. Wiggin, Judge of the Superior Court of Mono County: Messrs. Campbell, Johnston, Farley, Yell, and Ryan.

Mr. Wharton moved to add Mr. Matthews to the Committee on Irrigation.

So ordered.

Mr. Yell moved to suspend the rules, and have read first time Assembly Bills Nos. 128 and 130.

So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Read first time.

Mr. Atwell moved to recommit the bill to the Committee on Apportionment, with instructions to fill in the blanks.

Lost.

Bill ordered to second reading.

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

Read first time.

Mr. Atwell moved to recommit the bill to the Committee on Apportionment, with instructions to fill in the blanks.

Lost.

Bill ordered to second reading.

Mr. Bibb moved to suspend the rules, and consider Assembly Bill No. 225—"An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code," approved March 12, 1872.

So ordered.

THIRD READING.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Atwell, Barry, Beard, Bibb, Briceland, Campbell, Carter, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Storke, Sweetland, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—53

NOES—Messrs Baines, Booth, Brown, Cary, Clement, Culver, Harvey, Hollister, Lewison, McKinley, Murdock, and Weaver—12.

Title approved.

The Committee on Swamp and Overflowed Lands was granted five days further time in which to report on bills now under consideration.

Consideration of Senate message—Senate Bill No. 106.

Referred to Committee on Corporations.

RESOLUTION—(OUT OF ORDER).

By Mr. Culver:

*Resolved*, That further consideration of Assembly Bill No. 77, as regards the appropriations for the various State institutions, be deferred until the committees whose duty it is to examine or visit the same have reported their views thereon as to the necessity or need of the sums asked for; and the said committees are requested to report as soon as possible.

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

Lost.

The question being then on the resolution, the ayes and noes being demanded, the roll was called, and the resolution was lost by the following vote:

AYES—Messrs. Booth, Briceland, Cary, Clement, Culver, Keeler, Reeves, and Smith—8.

NOES—Messrs. Atwell, Barnes, Barry, Beard, Brown, Campbell, Carter, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Hughes, Hunter, Irwin, Johnston, Lewison, Martin, Matthews, McDonald, McHale, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Stewart, Storke, Townsend, Wheat, Yell, and Mr. Speaker—46.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Townsend, the House went into Committee of the Whole for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The committee arose, reported progress, and asked leave to sit again.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—now report progress and ask leave to sit again.

On motion of Mr. McClaskey, the report was received, and the request granted.

## RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

## LEAVE OF ABSENCE.

Messrs. Coombs, Murphy, Hughes, McKinley, and Booth were granted leave of absence till Monday.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled—Assembly Concurrent Resolution No. 27—Relative to requesting our Senators and Representatives in Congress to use all honorable means to defeat the bill now pending in Congress, for the purpose of allowing the Southern Pacific Railroad to be merged with other railroads—and the same was, at twelve o'clock and ten minutes P. M., February tenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

## ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 365—An Act relating to water rights, the usages and customs appertaining thereto, and to repeal section one thousand four hundred and twenty-two of the Civil Code of California—have had the same under consideration, and now report the same back, and recommend that it do pass.

BEARD, Chairman.

## ON WATER RIGHTS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Water Rights and Drainage, to whom was referred Assembly Bill No. 363—An Act making the several Boards of Supervisors ex officio Boards of Arbitration for the adjustment of water rights and claims, and to fix the rates to be charged for water in their respective counties—have had the same under consideration, and now report the same back without recommendation.

MATHEWS, Chairman.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Levenson (at request of the Committee on Counties and County Boundaries): That the substitute for Assembly Bill No. 390—An Act to provide for the formation of new counties, to determine the location of county seat by an election, to declare the manner of providing officers, to provide funds for its support by the issuance of bonds, and to determine what portion of the old county debt is chargeable to such new county—be printed, and laid on the desks of the members for their information.

Adopted.

By Mr. Murdock:

*Resolved*, That a sub-committee of four members of the Committee on Education be granted leave of absence for Monday and Tuesday next to visit Los Angeles.

Mr. Hollister moved the previous question.

So ordered.

The question then recurring on the resolution, the ayes and noes being demanded, the roll was called with the following result:

**AYES**—Messrs. Barnes, Barry, Bibb, Booth, Briceland, Brown, Cary, Clement, Crumpton, Culver, Faw, Hamilton, Harvey, Head, Hollister, Hunter, Keeler, McKinley, Moffitt, Murdock, Murphy, Plover, Reeves, Ryan, Storke, Sweetland, Walrath, Weaver, Whaton, and Yell—30.

**NOES**—Messrs. Atwell, Carter, Clark, Cutter, Farley, Field, Fleming, Flynn, Fortna, Granger, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Nicol, Peterson, Rawle, Rhel, Simon, Stephens, Stewart, Townsend, Wheat, and Mr. Speaker—29.

Less than two thirds of the members having voted in the affirmative, it was declared lost.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Fleming: An Act to repeal articles one, two, three, four, and six, of chapter two, and all of chapter six, of the Political Code, relating to the State militia.

Referred to Committee on Military Affairs.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

**MR. SPEAKER.** Your Committee on Judiciary, to whom was referred Assembly Bill No. 109—An Act to amend section three thousand one hundred and seventy-two of the Political Code, approved March 30, 1874, relating to marks and brands—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 191—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand six hundred and sixty-six, relating to the assessment of animals and migratory stock—and recommend that it do not pass.

Also, Assembly Bill No. 326—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code of California—and recommend that it do not pass.

Also, Senate Bill No. 88—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878—with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 329—An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in reference to property exempt from execution and forced sale—and recommend its passage.

Also, Assembly Bill No. 358—An Act to repeal an Act entitled "An Act to provide an

additional Judge of the Superior Court for the County of Mono," approved April 16, 1880, is hereby repealed—and recommend its passage.

Also, Senate Bill No. 34—An Act to amend section sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages—and recommend that it do not pass.

Also, Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, 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.

Also, Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment—and recommend that it do not pass.

Also, Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlements of estates of deceased persons—and recommend its passage.

Also, Senate Bill No. 27—An Act to amend section seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county, when requested by the Judge thereof or the Governor—and recommend its passage.

Also, Senate Bill No. 24—An Act in relation to the proofs of the incorporation of foreign corporations, with amendments—and recommend its passage as amended.

Also, Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party, which has been levied on under execution—and recommend that it do not pass.

Also, Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county, when requested by the Governor—and recommend its passage.

Also, Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession—and recommend that it do not pass.

JOHNSTON, Chairman pro tem.

#### ON MILEAGE

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the report of the Committee on State Prisons, have had the same under consideration, and now report the same back and recommend the adoption of the following resolution.

*Resolved*, That the Controller is hereby authorized to draw his warrant in favor of A. B. Hunter, of said committee, for the sum of two hundred and twenty-six dollars and twenty cents, payable out of the Contingent Fund of the Assembly.

FLYNN, Chairman.

Adopted.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The committee arose, reported progress, and asked leave to sit again.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years, now report progress, and ask leave to sit again.

Report received and request granted.

## ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Cutter, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, February 12, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Clark, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussall, Granger, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, on motion of Mr. Faw, further reading was dispensed with.

Journal of Saturday approved.

## LEAVE OF ABSENCE.

Messrs. Harvey, Hollister, Hershey, Clement, Healy, Cary, Fleming, Culver, Bibb, and Murphy were granted leave of absence for this day.

## REPORTS OF COMMITTEES.

## ON IRRIGATION—(MINORITY REPORT).

MR. SPEAKER: The undersigned, a minority of the Committee on Irrigation, to whom was referred Assembly Bill No. 365—"Relating to water rights, the usages and customs appertaining thereto, and to repeal section one thousand four hundred and twenty-two of the Civil Code of California"—respectfully report as follows:

That ever since the acquisition of the State of California, the common law, and not the Mexican law, as pertaining to water rights, has been universally recognized both by the statutes and decisions of the Courts in this State; that law, as so recognized, entitles the riparian proprietor to use the water flowing in the natural streams, and under such laws all of the lands bordering upon the various watercourses in the State have been acquired, and the waters used by the riparian proprietors for the uses of their stock, household uses, and purposes of irrigation. That the earliest settlers in California settled upon and located the lands adjoining such watercourses, and have acquired rights which it is not competent or possible for the Legislature of the State to take away.

That the policy of the bill is injurious, unreasonable, and destructive of these rights, which have been so universally acknowledged. That the latest decision of the Supreme Court upon this subject, in the case of the St. Helena Water Company against Forbes, decided on the twenty-third day of November last, fully recognizes this right, and the Supreme Court of the State therein holds that the right to have water flowing in the streams is part and parcel of the land through which the water flows.

According to the highest authority, the right to have the flowing stream pursue its natural course is a part of the land itself through which it runs, and the Legislature has no greater power to take from the land such a stream than it would have to take from the same lands the trees that grow upon it, or the soil that constitutes a portion of it, and give it to another private person. It has never been the policy of the State Governments to take from one individual that which belongs to him and give it to another. The legislation here proposed has for its object the taking of the streams which were purchased by the riparian proprietors, and the giving of these streams to individuals who have acquired lands remote from them. The object, in other words, is to take from those who have purchased lands along Kern, Kings, and the other rivers, the waters flowing through those rivers, and giving those waters to persons who have acquired interests in the sand plains that lie back of the lands that border upon them.

This, further, is legislation for the purpose of meeting individual cases. Its object is not to further the interest of the great mass of people. The people of California, taken as a whole, have made no demand for such legislation, but large land owners in particular counties, who have acquired lands under the Desert Land Act, and who have conveyed portions of them to settlers, with a guarantee that water shall be furnished in ample quantities, seek legislative aid in this instance in order to carry out their contracts, and to defeat the decisions of the Courts. Legislation should have for its object the general welfare of the general public, not the enrichment of the few to the disadvantage of the many, nor the setting aside of the vested rights, or the confiscation of property of private individuals for private uses. Such an Act, if it should receive the sanction of both Houses of the Legislature, would be unconstitutional, and would be set aside by the Courts.

One of the fundamental principles of the Constitution is that private property shall not be taken for a private use, but that it may only be taken for a public use, upon making a just compensation.

It is true that the Courts have sometimes held that in the exercise of its coordinate powers the legislative department may determine what shall constitute a public use, and that the Courts will only set aside such a determination where, upon the face of the Act making the determination, there appears to be an evident attempt to evade this fundamental principle, but where either of the coordinate departments have the power to determine a question in such a manner as to bind the other departments of the government, the Constitution should at least be binding upon the consciences of those constituting the department making the determination. To those who have given this subject any study, and who are acquainted with the facts connected with attempted legislation, it is evident, as before stated, that the object of the legislation is to take from those who originally acquired the right to streams running through their lands, and to give the waters thereof to other private individuals. The use is in no just sense a public one, it is essentially a private one. Even if a law such as that here proposed were passed, and were held to be constitutional because of the coordinate powers of the Legislature, one of the fundamental principles of the Constitution would be violated.

The Courts themselves may misconstrue the Constitution, but such a misconstruction would not make the determination right; and so if the Legislature in a matter submitted to its discretion and power improperly determines the meaning of the Constitution, its determination would not make the act right.

The most serious objection to the bill is that its preamble is ridiculous and untrue. One hundred years of judicial history in the United States has established the existence in almost every State in the Union of the common law doctrine relating to the rights of riparian proprietors. More than thirty years of the judicial history of California has established the existence in this State of the same doctrine. The existence of such a doctrine in California was never questioned until recently, when the interest of large land holders and monopolists demanded the establishment of another rule. But one decision can be found in this State which questions the rights of riparian proprietors to have the streams flow in their natural way through their lands, and that decision is of a nisi prius Court.

This latter decision, however, overrules the Supreme Court in every case which the latter has decided since the organization of the State Government, and since its rendition the Supreme Court has taken occasion to again announce the doctrine of the common law of England as being a part of the law of this State applicable to this subject. It is hardly probable that the Legislature of California is desirous of placing itself in the position, in a preamble so extraordinary as that under consideration, of denying the existence of legal principles so well settled and understood as those of the existence of which that preamble denies.

A department of the government cannot afford to assert that which is untrue, and particularly that which is notoriously untrue. The object of this preamble is to direct the Supreme Court as to how it shall decide cases. All lawyers and nearly all statesmen have heard that there are three coordinate departments of the government, and that each department within the limits of its powers, as conferred by the organic law, is supreme. The Legislature has just as much power to instruct the Supreme Court as to how it shall decide cases submitted to it as the Supreme Court has to instruct the Legislature as to the policy of legislation to be enacted by it. That the Supreme Court will take judicial knowledge of usages and customs which are general in their nature is a thing which is generally known and is required by the provisions of the Code. This preamble directs the Supreme Court that they shall decide that to be a usage and custom which that Court cannot believe to be a usage or custom. In case of a difference of opinion between those two departments it is fair to presume that the Court, deciding as to what constituted a custom or usage, would probably cause its opinions to prevail over the opinions of this Legislature. If, as recited in the preamble, those things enumerated have been or are

usages and customs under well settled principles, the Court is bound to take judicial notice of them, and it is absolute nonsense to recite in the preamble things which are not usages and customs, and then to undertake to provide that a coordinate department of the government shall violate its own official conscience by recognizing that as true which is untrue.

If the things recited are customs, the Court knows such to be true, and the recitation contained in the preamble is not only extraordinary and contrary to all legislative usages and customs, but is absolutely useless. The provisions at the end of this preamble mean nothing; they are but the reenactment in a special way of that which is true in a general way, that is, that the Courts will at all times take judicial knowledge of all general customs.

Besides, there can be no necessity for this legislation if its object is legitimate. If the riparian proprietors have an ownership in the streams, that ownership cannot be divested by legislation, but only by condemnation. If the object is to condemn the rights of riparian proprietors for a public use, the law as it now stands is ample. The Codes provide ample machinery for the legitimate condemnation of property, and the Constitution provides what uses of water are public, so that if the uses intended by this bill are public and therefore legitimate, the present law affords a complete remedy. This view was sustained by the Supreme Court in the case of *St. Helena Water Company vs. Forbes, supra*.

For the foregoing and many other reasons, we think this bill ought not to pass.

A. J. ATWELL,  
A. WALRATH,  
TRUMAN REEVES.

#### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 207—An Act to ascertain the sum due on all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars—have had the same under consideration, and now report the same back and recommend that the bill do pass, and that three hundred and sixty copies of the report of the committee be printed, as a supplement to the Journal.

GRANGER, Chairman.

#### SUPPLEMENTAL REPORT OF COMMITTEE ON CLAIMS.

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 207—An Act to ascertain the sum due on all claims for work done and material furnished under the provisions of "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same not exceeding two hundred and seventy-five thousand dollars—have had the same under consideration, and do now beg leave to report thereon as follows:

#### ORIGIN OF THE CLAIMS, ETC.

The history of the debris question is familiar to every one who has carefully observed the current events of this State, and your committee do not feel at liberty to recount the same in this report, but it will be sufficient to say a bitter controversy arose some years since between the mining and agricultural, and, to some extent, the commercial interests of a large portion of the State, growing out of the flow of debris from the mines into the river channels, and upon the valley lands. The attention of the United States Government was attracted to the question, and Colonel Mendell and other Government engineers gave the matter consideration, and recommended the construction of elaborate works to restrain the flow of sands, gravel, and other matter in the streams, and the correction, deepening, and otherwise improving the streams and increasing their carrying capacity.

The Legislature, in eighteen hundred and seventy-eight, passed an Act entitled "An Act to provide a system of irrigation, and to promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers." This Act established the office of State Engineer, and provided for his appointment and prescribed his duties. William Ham Hall, a thoroughly competent and scientific engineer, was commissioned by Governor Irwin to that important office, and after a very extensive examination of the question, after complete data had been obtained by actual surveys, and after full consideration of the important questions involved, and benefited by the observations and counsel of the Government scientists, made a report to the Legislature of eighteen hundred and eighty, giving the results of his work and recommending a comprehensive system of irrigation and drainage, embracing the correction of the dangers from the flow of tailings from the mines and the wash of the mountains.

Following the recommendations of this exhaustive report, the Legislature enacted a law entitled "An Act to promote drainage," which was approved April twenty-third, eighteen hundred and eighty. This Act constituted the Governor, Surveyor-General, and State Engineer a Board of Commissioners, and authorized them to establish one or more drainage districts in the State and provided means of raising funds to carry on such works as might be constructed under the law. It also empowered the Governor to appoint three Directors of each drainage district so to be established, who should, under the advice and with the assistance of the State Engineer, carry on and conduct the affairs of such district. This Commission met at the Capital and

established "Drainage District Number One," embracing the Sacramento Valley and all of its watershed. The Governor appointed as Directors of said district Hon. Niles Searls, Hon. W. H. Parks, and William F. Knox, and the Board of Directors thus constituted, with the advice of State Engineer Hall, and after full consultation with Captain Eads, who personally visited and examined the region of country to be operated in, adopted a plan for the promotion of drainage in their district and proceeded to construct the works.

The law under which they were acting provided for a State tax on all property in the State, a tax upon the property of the district, and a tax upon the water used for hydraulic mining, as the means of raising funds for such operations, and there was collected from those several sources, and paid into the State treasury, the sum of \$362,625 09, as appears from the State Controller's report.

The work was done largely by contract, and the interests of the State seem to have been well guarded by the Directors in the letting of all contracts, and we have failed to discover any trace of extravagance or unfairness. Contracts were let as follows:

1. Rideout & Binney to build dam on Yuba River. Contract amounted to \$105,284 72.
2. Doane & McBean to build dam on Bear River. Contract amounted to \$73,950 08.
3. To John Welch to build levee on South side of Yuba River, and repairing and adding to levees already built. Contract amounted to \$19,744 50.
4. Toomb & Dufficy to build levees on Yuba River. Contract amounted to \$21,450 35.
5. Rideout & Binney to construct revetment and brush work on Yuba River. Amount included in No 1.
6. John Maguire to build levee on north side Yuba River, what is known as Brown's Valley Grade, to the citizens' levee. Contract amounted to \$12,754 11.
7. Contract to Wood & Jasper to build levee north side of Bear River—Johnson's Crossing to Railroad Bridge. Contract amounted to \$22,968 45.
8. Sewell & Seaward to build levee—lower or western—on north side of Bear River. Amount of contract, \$21,260 33.
9. M. Doane to build levee on south side Bear River. Contract amounted to \$34,717 90.
10. John Elliott to raise and repair the lower Berry & Johnson levee on south side of Bear River, and rivet with brush; build brush spurs, etc. Contract included in Maguire's contract No. 6.
11. D. P. Durst to build levee on north side of Bear River from Railroad Bridge to Long Bridge. Contract amounted to \$12,152 34.
12. P. A. Miller to reform and protect west bank of Sacramento River at Washington Point. Contract amounted to \$8,641 89.
13. P. A. Miller closing Todhunter break, west side Sacramento River. Amount of contract \$4,665 21.
14. P. A. Miller on Americnn River—rescinded, and no work done.
15. James Tlayner to build and improve citizens' levee on Yuba River, north side. Contract amounted to \$12,985 50.
16. Marcuse & Peck closing Humphrey's break on Feather, and constructing levees connecting therewith. Also, constructing levee on west side Feather River, opposite Town of Nicolaus. Contract amounted to \$28,106.
17. Steinman & Hall to build levee on north side of Bear River from Long Bridge to Oakley's. Amount, \$80,717 39.
18. Patrick Ney to protect and reform west bank of Sacramento River, opposite foot of V Street. Contract amounted to \$6,031 78.
19. Rideout & Binney, work done by Howell Davis, building levee on upper Sacramento River. Contract amounted to \$7,700.
20. Patrick Ney to construct escape weir in English break, above Washington. Contract amounted to \$10,548 61.

The Directors of Drainage District No. 1 have duly audited and allowed the following claims, but warrants have not been drawn by the Controller:

W. H. Parks, salary as Director	\$900 00
W. F. Knox, salary as Director	900 00
Niles Searls, salary as Director	900 00
C. M. Coglan, salary as Secretary	900 00
J. C. Pierson, salary and cash to his men	615 73
C. E. Grunsky, engineer	308 00
J. T. Pennington, engineer	155 00
C. H. Wallace, engineer corps	36 67
J. G. Mather, engineer corps	36 67
J. Robert, engineer corps	27 50
A. M. Wright, engineer corps	30 00
A. Thorpe, engineer corps	20 00
J. Garrett, engineer corps	20 00
L. C. Ross, engineer corps	17 33
John Stile, engineer corps	22 50
W. Coglan, engineer corps	20 00
Wm Griffin, engineer corps	48 00
Jo. Holbrook, engineer corps	48 00
A. Boschke, engineer corps	50 00

C. F. Beardon, engineer corps.....	\$20 00
W. T. Beveridge, engineer corps.....	8 00
E. H. Coffrey, engineer corps.....	8 00
Wm. Johnston, engineer corps.....	8 00
James Banks, engineer corps.....	9 00
William Jackson, engineer.....	34 16
F. R. Coffee, engineer.....	100 00
E. Boehme, engineer.....	55 00
H. S. Crocker & Co., stationery.....	4 50
F. B. Whiting, Auditor Plumas County.....	150 00
G. Osgood, Auditor Butte County.....	75 00
D. O. Eutrican, laborer.....	23 00
John Hoagland, material.....	177 50
W. B. Todhunter, material.....	225 00
Bear River News, advertising.....	12 00
J. H. Prior, printing tax receipts.....	5 00
Joseph Johnson, engineer.....	94 50
B. E. Burns, provisions.....	105 13
D. J. Ketchum, hardware.....	6 00
J. M. C. Jasper, livery.....	30 00
Carl Rabsopff, repairing instrument.....	10 00
James Lowell, vegetables.....	7 53
L. M. Justis, meats.....	133 87
Goodkind & Co., merchandise.....	44 88
Fowle & Co., lumber.....	13 00
Levy & Pineus, merchandise.....	15 58
M. M. Newstadt, board of engineers.....	38 15
Daniel Chick, merchandise.....	20 63
George Wopple, board of resident engineers.....	77 00
James T. Taylor, engineer.....	119 65
E. C. Ross, merchandise.....	2 37
Schen & Swank, board of engineers.....	36 35
C. N. Dickey & Co., stationery.....	7 65
C. B. Kimball, livery for engineers.....	35 21
C. D. Rhodes, resident engineer; salary.....	600 00
S. K. Smith, stakes.....	56 50
Hobbs & Murphy, meat.....	38 26
Lowry & Nelson, livery for engineers.....	29 00
S. L. Dolson, engineer.....	54 00
W. T. Ellis, merchandise and office rent.....	212 30
Thomas Murphy, meat.....	65 71
Buckeye Mill Company, materials.....	2,200 46
F. Freyberger, hay.....	140 00
Garrett & Elder, merchandise.....	1,451 69
John Hall, engineer.....	931 00
Henry W. Wilson, engineer.....	150 00
Henry A. Wilson, engineer.....	54 00
Henry D. Abbott, engineer.....	50 00
Seth Gainsley, engineer.....	42 00
Philip E. Dresher, engineer.....	138 75
George B. Dresher, engineer.....	20 00
W. G. Lovell, engineer.....	69 10
W. M. Doty, engineer.....	12 40
Z. Dunning, engineer.....	20 25
W. Hart, engineer.....	8 00
U. S. Dunlevy, engineer.....	8 00
J. B. McDonald, livery.....	4 50
Booth & Co., merchandise.....	80 44
T. B. Hull, labor and materials.....	102 95
Marcuse & Peck, contract and board.....	8,580 49
R. H. Goodwin, engineer.....	53 83
H. Bodwell, engineer.....	17 28
E. J. Leake, engineer.....	9 24
P. Johnson, engineer.....	9 24
J. H. Krause, carpenter work.....	20 00
Mrs. Lwise, batley.....	43 11
N. S. Cornell, boat.....	20 00
L. Newbeit, hay.....	32 16
James O'Brien, barley.....	10 50
Daniel Shay, cordwood.....	12 00
R. G. Stanwood, redwood posts.....	178 66
W. D. Heath, engineer.....	40 00
E. Teegarden, horse hire.....	15 87

Wheatland Lumber Company, lumber.....	\$8 88
Holbrook, Merrill & Stetson, hardware.....	7 49
F. Dolby, canvas.....	9 85
Union Lumber Company, lumber.....	23 88
Pat. C. Slattery, meat.....	104 25
Simon Wolle & Company, groceries.....	66 36
Rideout & Binney, work on contract.....	11,113 66
Howell Davis, work on contract.....	5,700 14
James Trayner, citizens' levee contract.....	3,246 30
P. A. Miller, work on contract.....	5,156 81
Pat. Ney, work on contract.....	10,905 72
Jno. Walsh, contract south side of Yuba.....	9,505 50
Toomb & Duffey, contract south side of Yuba.....	11,102 00
Wood & Jasper, contract north side of Yuba.....	11,255 55
Sewell & Seaward, contract north side of Yuba.....	10,460 50
Stennan & Hall, contract north side of Yuba.....	4,412 12
J. Elhott, contract south side of Yuba.....	3,974 27
D. P. Durst, contract north side of Yuba.....	4,690 62
Doane & McBean, contracts on dam and south side Bear River.....	61,348 16
H. C. Trainor, assignee for laborers at dam.....	27 00
Thos. Moran, labor at dam.....	19 50
Jno. Mulvihill, labor at dam.....	42 80
Harvey Dalton, labor at dam.....	448 11
James Harris, labor at dam.....	43 64
Rideout & Smith, assignees for laborers at dam.....	1,537 18
J. & J. Lask, assignees for laborers at dam.....	1,190 97
Geo. Crowell, assignee for laborers at dam.....	547 68
A. Farnham, assignee for laborers at dam.....	293 42
Jacob Tompkins, assignee for laborers at dam.....	558 52
James O'Brien, assignee for laborers at dam.....	

Besides these contracts considerable sums were expended and indebtedness incurred for work done directly under employment of the Directors, and to this must also be added the salaries of engineers and their assistants, as well as material and supplies purchased.

Warrants were drawn in favor of the several contractors and others against the funds in the State treasury appropriated to this district, amounting to the sum of \$363,990 06, all of which were paid, except those embraced within the following list, amounting to the sum of \$55,757 62, as follows

2670. C. M. Cogan.....	\$100 00
2749. W. E. Gerber.....	255 00
2751. E. W. Whitner.....	50 00
2752. J. E. Carr.....	250 00
2753. Thomas A. Galt.....	120 00
2809. Doane & McBean.....	96 70
2810. Doane & McBean.....	18 00
2811. P. C. Slattery.....	92 99
2812. E. D. Hayes.....	9 12
2813. Holbrook, Merrill & Stetson.....	9 06
2815. J. Dunning.....	24 67
2816. J. Dunning.....	30 00
2817. L. M. Justis.....	72 05
2818. M. M. Newstadt (Sacramento Bank, assignee).....	51 50
2819. M. M. Newstadt (Sacramento Bank, assignee).....	64 91
2820. Marysville Coal and Gas Company.....	7 25
2821. Garrett & Elder.....	21 29
2822. A. Pierces.....	2 75
2823. W. T. Ellis.....	23 35
2824. S. L. Dolsen (M. Doane, assignee).....	10 00
2825. George Wapple (Sacramento Bank, assignee).....	44 80
2826. J. B. McDonald.....	431 11
2827. R. H. Goodwin (C. A. Glidden, assignee).....	8 50
2829. Lockwood & Dawson (Sacramento Bank, assignee).....	200 00
2830. Sheehan & King (Sacramento Bank, assignee).....	110 00
2831. Henry W. Wilson.....	150 00
2832. Henry A. Wilson.....	60 00
2833. H. D. Abbott.....	60 00
2834. John Hoagland.....	75 00
2835. Seth Gainsley.....	52 00
2836. S. L. Dolsen (M. Doane, assignee).....	135 00
2837. R. S. Culverwell.....	90 00
2838. Jas T Taylor.....	102 50
2839. Edw. Vander Nailen.....	76 70

2840.	John F. Scally	\$36 00
2841.	John Hall	40 00
2842.	Walter E. Hooper	25 35
2843.	Jas. Robert	27 50
2844.	Jos F. Culver	7 35
2845.	J. Haggerty	6 35
2846.	Robert McLean	6 00
2847.	----- O'Brien	4 15
2848.	Sam'l Drummond	34 70
2849.	C. E. Grunsky	75 00
2850.	J. G. Mather	50 00
2851.	C. N. Wallace	50 00
2852.	F. J. Carroll	20 00
2853.	A. M. Wright	30 00
2854.	A. Thorpe	20 00
2855.	W. A. Gett, Jr.	20 00
2856.	A. J. Campbell	10 66
2857.	J. Garrett	20 00
2858.	S. E. Dickens	20 00
2859.	L. C. Ross (Henry Miller, assignee)	20 00
2860.	John Style	22 50
2861.	J. C. Pierson	150 00
2862.	M. C. De Veie	100 00
2863.	Howard Bassett	75 00
2864.	E. A. Fove	100 00
2865.	Henry Ryan	45 00
2866.	Albert Govan	40 00
2867.	Harry Moore	40 00
2868.	Jos. Boyd	40 00
2869.	James C. Hawkins	40 00
2870.	Chas. F. Koch	40 00
2871.	Peter Foley	40 00
2872.	A. Vander Nulden	50 00
2873.	Jas. O'Brien	50 00
2874.	R. H. Goodwin (C. A. Glidden, assignee)	100 00
2875.	H. Bodwell (C. A. Glidden, assignee)	75 00
2876.	E. J. Leake (C. A. Glidden, assignee)	40 00
2877.	Peter Johnson	32 34
2878.	W. G. Lovell	100 00
2879.	W. M. Doty	40 00
2880.	Ed. Hines (C. A. Glidden, assignee)	40 00
2881.	Phil. E. Drescher	150 00
2882.	W. D. Heath	40 00
2883.	G. B. Drescher	57 50
2885.	Booth & Company	13 65
2888.	C. E. Grunsky	75 00
2889.	F. J. Carroll	50 00
2890.	C. M. Wallace	50 00
2891.	J. G. Mather	50 00
2892.	A. J. Campbell	20 00
2893.	A. Thorpe	20 00
2894.	W. A. Gett, Jr.	20 00
2895.	J. Garrett	20 00
2896.	A. M. Wright	30 00
2897.	S. E. Dickens	21 31
2898.	L. C. Ross (Henry Miller, assignee)	20 00
2899.	John Style	28 50
2900.	A. B. Boschke	150 00
2901.	C. F. Rearden (Henry Miller, assignee)	100 00
2902.	W. F. Beveridge (Henry Miller, assignee)	40 00
2903.	W. S. Dunlevy	40 00
2904.	Walter Hart	40 00
2905.	E. H. Coffey (Henry Miller, assignee)	40 00
2906.	James Banks	45 00
2907.	Wm. Johnston	40 00
2908.	F. G. Smith	5 32
2909.	John Lynch	5 32
2910.	Wm. Jackson	5 32
2911.	Joe Holbrook	5 32
2912.	M. Griffin	5 32
1913.	C. Hanson	5 32
2914.	Ed. Yorke	259 70

2915.	N. King.....	\$155 00
2916.	M. G King.....	155 00
2917.	F. R Coffee (Sacramento Bank, assignee).....	105 00
2918.	E Boehme.....	40 00
2919.	M Manson.....	155 00
2920.	E. S Taylor.....	100 00
2921.	A. Boeschke.....	150 00
2922.	C F Rearden.....	100 00
2923.	W. F. Beveridge (Henry Miller, assignee).....	40 00
2924.	W. S. Dunlevy.....	-----
2925.	Walter Hat.....	-----
2926.	E. N. Coffrey (Henry Miller, assignee).....	-----
2927.	Jas. Banks.....	-----
2928.	Wm Johnston.....	-----
2929.	M. King.....	-----
2930.	M. Manson (Sacramento Bank, assignee).....	150 00
2931.	John Judge.....	40 00
2932.	Ed. Boehme.....	40 00
2933.	F. R. Coffee.....	100 00
2934.	Phil. E Drescher.....	112 50
2935.	G B. Cosby.....	300 00
2936.	Phil E. Diescher.....	301 66
2937.	Henry W. Wilson.....	21 39
2938.	Henry W Wilson.....	11 75
2939.	Henry W. Wilson.....	38 50
2940.	Henry A. Wilson.....	8 66
2941.	Henry W. Wilson.....	155 00
2942.	Henry A. Wilson.....	65 00
2943.	Henry D. Abbott.....	65 00
2944.	Seth Gainsly.....	20 00
3045.	C. E. Grunsky.....	150 00
3076.	C. H. Wallace.....	100 00
3077.	J. G. Mather.....	100 00
3078.	Jas. Robert.....	44 50
3079.	A M. Wright.....	60 00
3080.	A. Thorpe.....	40 00
3081.	J Garrett.....	40 00
3082.	W A. Gett, Jr.....	32 00
3083.	L. C. Ross (Henry Miller, assignee).....	40 00
3084.	J. Style.....	45 00
3085.	J. Coglan.....	21 67
3086.	S E Dickens.....	5 33
3523.	J. C Pierson (M. Doane, assignee).....	78 66
3524.	J. C Pierson (M. Doane, assignee).....	44 50
2690.	J. C. Pierson (Sacramento Bank, assignee).....	150 00
2691.	E. A. Foye (Sacramento Bank, assignee).....	100 00
2692.	Howard Bassett (Sacramento Bank, assignee).....	75 00
2693.	M E DeVete (Sacramento Bank, assignee).....	25 00
2694.	A. Vander Naiten (Sacramento Bank, assignee).....	75 00
2695.	Henry Ryan (Sacramento Bank, assignee).....	45 00
2696.	Robert Govan (Sacramento Bank, assignee).....	40 00
2697.	Harry Moore (Sacramento Bank, assignee).....	40 00
2698.	John J. Cory (M. Doane, assignee).....	17 33
2699.	Joseph Boyd (Sacramento Bank, assignee).....	40 00
2700.	James C Hawkins (Sacramento Bank, assignee).....	40 00
2701.	Charles F. Koch (Sacramento Bank, assignee).....	22 66
2702.	Peter Foley (Sacramento Bank, assignee).....	22 66
2703.	Thomas H. King (Sacramento Bank, assignee).....	50 00
2704.	R H Goodwin (Sacramento Bank, assignee).....	102 00
2705.	W G Lovell (Sacramento Bank, assignee).....	100 00
2706.	H Bodwell (Sacramento Bank, assignee).....	40 00
2707.	W M. Doty (Sacramento Bank, assignee).....	40 00
2708.	E J. Leake (Sacramento Bank, assignee).....	40 00
2709.	Ed. Hines (Sacramento Bank, assignee).....	40 00
2710.	H Meyers (Sacramento Bank, assignee).....	26 00
2711.	F. Davis (Sacramento Bank, assignee).....	32 13
2712.	Samuel Dolson (Sacramento Bank, assignee).....	150 00
2713.	Richard S. Culterwell (Sacramento Bank, assignee).....	100 00
2714.	James T Taylor (Sacramento Bank, assignee).....	100 00
2715.	Edward Vander Naiten (Sacramento Bank, assignee).....	100 00
2716.	James Robert (Sacramento Bank, assignee).....	75 00
2717.	John F Scally (Sacramento Bank, assignee).....	40 00
2718.	Joseph F. Culver.....	40 00

2719.	Walter Hooper (Sacramento Bank, assignee) .....	\$12 90
2720.	Eugene J White .....	16 77
2721.	John Hall (Sacramento Bank, assignee) .....	-----
2722.	Hite McCubbin (Sacramento Bank, assignee).....	25 80
2723.	Charles D. Arbuckle (Sacramento Bank, assignee) .....	40 00
2727.	Samuel Drummond (Sacramento Bank, assignee).....	40 00
2685.	Doane & McBean (Pacific Bank, assignee) .....	4,865 85
2686.	Doane & McBean (Pacific Bank, assignee) .....	10,967 70
2688.	Doane & McBean (Pacific Bank, assignee) .....	1,346 45
2725.	Marcuse & Peck (Sacramento Bank, assignee).....	105 20
2727.	James Trayner (Sacramento Bank, assignee).....	2,523 10
2729.	Wood & Jasper (Sacramento Bank, assignee).....	4,105 45
2730.	Sewell & Seaward (Sacramento Bank, assignee) .....	3,473 13
2732.	John Welch (Sacramento Bank, assignee) .....	2,125 50
2734.	D. P. Durst (Sacramento Bank, assignee) .....	3,730 86
2736.	Steinman & Hall (Pacific Bank, assignee).....	1,087 88
2738.	Elliott & McGuire (Sacramento Bank, assignee).....	3,309 92
2741.	C. D. Rhodes (Sacramento Bank, assignee).....	150 00
2742.	P. A. Miller (Sacramento Bank, assignee).....	3,712 50
2744.	Patrick Ney (Sacramento Bank, assignee) .....	1,763 64
2746.	S. J. Stabley .....	300 00
2755.	Rideout & Bruney (Sacramento Bank, assignee).....	100 80
2756.	Garrett & Elder .....	276 14
2757.	E. C. Ross .....	101 59
2758.	Booth & Co .....	58 68
2759.	S. L. Dolsen (Sacramento Bank, assignee) .....	13 00
2760.	Goodkind & Co .....	7 95
2761.	Swan & Hudson .....	33 95
2762.	Frost & Schaefer (Sacramento Bank, assignee).....	24 00
2763.	Ed. Denney & Co. ....	20 00
2764.	L. M. Justis .....	76 00
3029.	C. M. Cogan (Sacramento Bank, assignee).....	25 00

At this point of time all proceedings were suddenly stopped by the decision of the Supreme Court, declaring the Act to promote drainage unconstitutional. The State Treasurer could pay no more warrants, and those just enumerated remain unpaid, although there is still in the treasury to the credit of the State Drainage Construction Fund the sum of \$35,226 35, and to the credit of the Construction Fund of Drainage District Number One the sum of \$21,048 75, making in the aggregate the sum of \$56,275 10.

The State Controller could not legally draw any more warrants, and it appears that the Directors of Drainage District Number One had, prior to the said decision, passed upon and audited a long list of demands, the original bills and vouchers whereof are now on file in the Controller's office. The following is a list of such audited claims upon which no warrants have been drawn. [There were also other claims which had not been presented and audited, and which are represented as containing equities just as great as those already enumerated.] The following list is believed to embrace nearly all of the unaudited claims, and we are assured that but few more exist.

## UNAUDITED CLAIMS.

Jackson Eby, clerical hire on assessment roll .....	\$368 00
Wm. E. Ward, printing water statements .....	15 00
F. Sehlman, making assessment roll .....	550 00
Jos. Keough, time order .....	28 12
Sewell & Seaward, extra bill .....	223 60
Toomb & Dufficy, Board of Engineers .....	266 00
Toomb & Dufficy, extra bills .....	609 80
Weekly Mercury, publishing delinquent tax list .....	1,402 50
Levee District No. 1, labor performed on levee .....	114 00
John Adams, time orders .....	31 50
H. S. Crocker & Co., assessment books .....	69 50
G. B. Hardin, making assessment roll .....	1,000 00
C. D. Rhodes, salary for March and April .....	400 00
W. T. Luther, making assessment roll .....	350 00
Daniel Chick, feed furnished, Bear River dam .....	20 63
J. C. Boggs, collecting taxes .....	305 25
Thos. Hagen, brush and earth furnished to V Street .....	604 80
C. B. Kimball, horse hire .....	45 75
James O'Brien, time orders .....	169 12
Henry Dalton, time orders .....	84 87
P. C. Slattery, meat furnished at Yuba dam .....	156 45
L. M. Justis, meat furnished at Bear River dam .....	369 47
Roddan & Oakley, timber from land for Bear River dam .....	2,591 64

P. A. Miller, extra bill .....	\$1,795 44
S. B. Carpenter, time order .....	49 50
Patrick Shea, time order .....	51 30
Patrick Nolan, time order .....	36 80
Henry O'Neal, time order .....	42 10
David Young, time order .....	88 35
Nelson Lyon, time order .....	276 50
T. W. Lowell, time order .....	232 50
John Steinman, time order .....	5 50
David Wood, time order .....	87 75
S. O. Wood, assignee, time order .....	61 05
J. M. C. Jasper, time order .....	62 50
W. O. Armstead, time order .....	92 00
F. Kishner, time order .....	35 00
D. P. Durst, time order .....	120 00
John King, time order .....	28 00
C. Schlosser, time order .....	18 00

From the foregoing the following summary may be deduced:

	\$12,860 69
Amount of warrants paid .....	\$308,021 67
Amount of warrants issued and unpaid .....	55,968 39
Amount of audited claims .....	179,910 89
Amount of unaudited claims (not over) .....	17,500 00

Making a grand total of.....\$561,400 95

Which represents the entire cost of all operations under the Act to promote drainage, if all were paid.

From this total sum of .....	\$561,400 95
Deduct the amount already paid .....	308,021 67

And we have the total amount now claimed .....	\$253,379 28
From which deduct amount now in treasury .....	56,275 10

And the net appropriation demanded is.....\$197,104 18

From an examination of the foregoing statements and lists we ascertain the following facts:

The total amount of audited accounts held by contractors is .....	\$138,256 43
Amount of warrants held by contractors is .....	43,117 18
Amount of warrants and audited accounts held by engineers .....	13,315 26
Amount claimed as salaries of Directors, Secretary, and Resident Engineer .....	4,300 00
Amount claimed for materials, provisions, labor, etc .....	23,453 63
Amount claimed by contractors for extra work—audited .....	13,406 78

#### EQUITIES OF THE CLAIMS.

It has been erroneously reported, and by many persons believed, that the money expended and liability incurred under the drainage Act, were almost exclusively devoted to the construction of useless brush dams, and we think it only just to say that more than two thirds of all the works constructed consisted in levees and other means of confining the rivers within their channels.

Your committee do not desire to be understood as in any degree indorsing the drainage Act scheme, and neither do we feel at liberty to criticize the policy or expediency of the law or the scheme adopted under it. It is for us to deal with the people who contracted, as they thought, with the State, and performed labor and sold materials on the faith and credit of the State. These claims are held, in the main, by the original parties, although some of them are in the hands of assignees. The evidence before us shows that the assignees who hold purchased claims either purchased for cash within two or three per cent of par, or gave credit or furnished money to the contractors to enable them to perform their contracts. It is said that several of these claimants have been compelled to mortgage all their property, including their homesteads, by reason of their inability to obtain the money which they had a right to expect from the State. Now have these people been negligent or careless of their own interests, for it appears that many of the contractors and others consulted eminent counsel before contracting or purchasing State warrants, and were uniformly advised that it would be safe to trust the State under said law. It is stated, and is probably a fact, that the result of a failure to recognize and pay these claims would bring upon many of the claimants financial disaster and ruin. Independently of the legal questions involved, can the State afford to reject these demands? Your committee do not pretend to adjust the amounts, if any, due to the respective claimants, as that duty would necessarily fall upon the State Board of Examiners, if the bill under consideration should pass.

If the same facts and equities existed in favor of any one of these claimants whose claim is

just and correct in amount, against a private person or corporation, he would, under the laws of the State, have a right of action, and could, assuredly, obtain a judgment in Court and enforce its collection. The State is sovereign and cannot be sued, and as a corollary to this proposition comes the maxim that the sovereign power can do no wrong. Strict economy in the administration of the public affairs is necessary and just, and so economy in individual affairs is just and commendable; but when economy goes so far as to deprive others of their just dues, or inflicts injury and distress upon confiding innocence, it degenerates, and ceasing to be economy, becomes injustice and oppression. It was not to be expected that every man who put in a bid for a contract advertised to be let, or who worked by the month with his hands, could foresee that the Supreme Court would hold that the Act of the Legislature under which he was employed was in contravention of some clause of the Constitution. The laborer who worked and the farmer or merchant who sold his goods acted in good faith and had good reason to expect pay, and his family had the right to expect bread as the fruit of his toil. Whatever amounts are honestly due the respective claimants, are debts of honor due from the State, and in the opinion of your committee should be honorably paid, unless there is some constitutional inhibition against the assumption and payment by the State. Although the amount required seems large, that is no argument against the justice of the claim. It is small to the State in comparison with the corresponding loss to the individual. The taxpayer will scarcely perceive the burden, while on the other hand many families may be deprived of the necessities of life.

#### LEGALITY OF THE CLAIMS.

Your committee having fully considered the equities of these claimants, and having passed upon the same to their entire satisfaction, with unanimous concurrence therein, were not unmindful of the fact that there were great difficulties arising from the decision of the Supreme Court of this State adverse to the constitutionality of the Act under which the work and services of the claimants had been expended—difficulties which confronted them in the way of a final determination of their duties in regard to the bill referred to them. The decision of our highest judicial tribunal in the State upon the constitutionality of this "drainage" Act, in the case of *The People, Appellants, v. Dicks et al., Respondents*, was filed as early as September twenty-sixth, eighteen hundred and eighty-one, and was published simultaneously through the press of the State, and read with uncommon interest by nearly all its intelligent taxpayers. It was then and has since remained the general opinion of the people that the decision in that case had terminated at least the legality of the claims that remained unpaid and outstanding against the State, arising out of this Act, and that they were declared by such decision to be unconstitutional and void. For section thirty-two of article four of the Constitution provides as follows: "The Legislature shall have no power \_\_\_\_\_ to pay, or to authorize the payment of any claim hereafter created against the State under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void." Therefore, in the estimation of the committee, the claims under consideration resting upon contracts made under an Act which was passed since the adoption of our present Constitution, were themselves transferred from the field of equitable jurisdiction to the province of the law itself, and, being merged therein, were to be finally decided in great part, if not entirely, by the stern letter of the organic law of the State.

It is a notable instance of the fallibility of the most enlightened human reason that one of the learned jurists of that Court dissented *in toto* from the opinion and judgment of the other eminent Judges upon that bench as to the unconstitutionality of this "drainage" Act, while the majority themselves disagreed with each other in some important points determining such unconstitutionality, concurring, however, in the general decision of the question. Such being the case, it did not seem to your committee to be a matter of special wonder that the claimants should have placed confidence in the Act framed by the Legislature and approved by the Governor, acting under their oath of office, and sworn to obey the Constitution governing all alike, and that these claimants should have hazarded their labor and means under an Act having such approval and semblance of constitutionality. Surely, your committee reasoned, if the rule of constitutional construction which generally holds, namely, that every act done under an unconstitutional law is *ab initio*, void and of no legal force or effect, is of an absolute and universal application, without any exception whatever, then justice would, in many cases, become an unwilling sacrifice to public expediency. It, therefore, became a question in the minds of the committee whether there might not be found in the whole field of constitutional construction some clear exceptions to the general rule which has been so long formulated and followed, especially in the history of American deviations from the strict letter of the common law rule of decision.

For the purpose of obtaining all possible light upon the legal aspects of the case of these claimants, your committee propounded to the learned attorneys who presented these claims before us in behalf of the claimants, and to the Attorney-General of the State, acting in behalf of the people, the legal proposition in substance as follows: Whether the claimants are protected in their contracts made and executed under the "Act to promote drainage," so far as the same were made and performed, *prior* to the decision of the Supreme Court declaring the Act unconstitutional; and whether the legislative Act itself was not an "express authority of law" sufficient to legalize the contracts made and performed under it, *until* the adverse judicial determination of its constitutionality? The subject-matter of the legal question involved in the proposition thus presented was discussed before the committee at considerable length by Col. Flournoy and Judge Deuson, attorneys for claimants, and subsequently a brief of points

and authorities was filed by the former with the committee, which appears accompanying this report, marked "Exhibit A," and made a part hereof. The press of official business at this time falling upon the Attorney-General precluded his making an oral argument before the committee upon the legal proposition submitted to him, but this officer gave to the subject assiduous care and attention, and after several days patient examination thereof, filed with your committee his opinion fully sustaining the legality of the claims under consideration, the opinion of this officer being hereunto attached, marked "Exhibit B," and made a part of this report.

Wherefore in view of the law as expounded to us by the highest legal adviser and counselor of the State, settling the legality of these claims, your committee hereby recommend that the said Assembly Bill, No. 207, do pass.

GRANGER, Chairman.

"EXHIBIT A."

BRIEF OF CLAIMANTS.

The power of the Legislature to pass this bill, appropriating money of the State to pay the claims referred to in it, depends upon the construction to be given the latter clause of the thirty-second paragraph of the fourth article of the Constitution of California.

Having expressed other limitations on the legislative power imbibing extra compensation to "public officers or agents, *after* the service has been rendered, or contract entered into and performed, in whole or in part," the section proceeds to declare: "Nor to pay or to authorize the payment of any claim hereafter created against the State, under any agreement or contract made without express authority of law."

The history of legislation not only in California but generally in all the States before the adoption of the above or similar limitations on the legislative power, was that at each session much time was occupied in the consideration and large amounts expended in the payment of alleged equitable claims against the State, growing up in a variety of ways, but chiefly through contracts of public officers for repairs, improvements, etc., on public property and grounds, or in causing work and labor to be done and material furnished, to be utilized (as often alleged) in protecting public property. So common had this custom become, and so exorbitant were the demands usually presented and paid (the claims being always gauged at speculative prices because of the supposed risk, the payment depending upon future action of the Legislature), that it was wisely determined to prevent the Legislature from making appropriations to pay any claims based upon agreements or contracts which the Legislature had not upon due consideration previously authorized.

These matters are referred to to illustrate the consistent propriety of the only possible reasonable construction of the thirty-second section of article four.

To hold that it means by "express authority of law" anything more than legislative authorization, would admit a construction which would render the administration of the government simply impracticable.

The general principle enunciated by Judge Cooley, in his admirable work on Constitutional Limitation, page 186, "that when a law is declared unconstitutional it is as though it had never been, rights cannot be built up under it, contracts which depend upon it for their consideration are void, etc." is properly construed correct as a general principle, but subject to an almost infinite number of exceptions. This is well illustrated by an examination of the authorities referred to in the note to Judge Cooley's text, and especially to the cases of *Sessums vs. Botts*, 34 Texas, 335, *Columbia Co. vs. King*, 13 Florida, 454-5, *People vs. Salomon*, 54 Ill. 46; *Meagher vs. Storey Co.*, 5 Nevada, 244. Indeed, none of the cases referred to by Judge Cooley's edition, in the notes to page 183, can be said to fully support the general declaration of the text, if it be construed to mean that no rights nor equities which Courts can and do recognize, ever grow out of the temporary administration of a law afterwards declared unconstitutional and void.

There are numerous authorities recognizing the contrary, besides those already referred to as embraced in his notes, to wit *The People v. Morris*, 3 Denio, 382, a very lengthy case, but worth reading, in order to fully understand its precise bearing.

Also *Gelpeke v. City of Dubuque*, 1 Wal. U. S. 175. *Ohio Ins. Co. v. Debolt*, 16 Howard, 432. *Meyer v. City of Muscatine*, 1 Wallace, 384. *Thompson v. Lee County*, 3 Wallace, 327.

Read opinion of Scott Senator in *Morris v. People*, 3 Denio, 392 (N. B. 398), precisely in point, upon one proposition.

Many of the above cases arose upon rights growing up under a law as administered, and which had previously even been especially held constitutional by the Supreme Court, at first, but after changes in the personnel of the members of the Court, afterwards were held unconstitutional.

It is, however, most clear that had the "Drainage Act" been declared constitutional by the Supreme Court of California before any of the contracts upon which the equities of these claimants are based had been entered into: if, instead of simply having the Act of the Legislature and the approval of the public officers of the State and the opinions of attorneys, they had also had a decision of our Supreme Court specially holding the law constitutional, there would scarcely be found a lawyer bold enough to assert that they would then have entered upon the contracts and performed them at the peril of the Supreme Court subsequently changing its opinion, and, in the event of such a change, would have acquired no rights whatever, however lawful and genuine had been their purpose.

Now, it is also equally clear that the decision of the Supreme Court, as to the constitutionality of a law becomes worthless when subsequently overruled, and can not be referred to, or depended upon in any sense to give integrity, or force, or effect to the law, which the latter decision declares null and void, or as Judge Cooley says "As though it had never been."

The above suggestions are made and authorities referred to, not because deemed essential to a proper construction of the thirty-second section of article four, but to illustrate the fact that valid and lawful rights may and constantly do depend upon unconstitutional laws, or laws which at any moment may be declared unconstitutional.

The view first expressed as to the proper construction of article four, section thirty-two of the Constitution is the correct one, viz "express authority of law" means and can only mean in the connection used, "authority" of the Legislature, or previous legislative authority.

This view is consistent with the history of the character of legislation that caused the provision to be made, and does not involve a construction that would render the Government incapable of being reasonably administered.

## " EXHIBIT B "

### OPINION OF THE ATTORNEY-GENERAL.

SACRAMENTO, February 9, 1883.

HON. L. C. GRANGER, Chairman Committee on Claims—SIR: I have examined the bill number two hundred and seven. I have also carefully considered the questions upon which the committee has asked my opinion. My opinion is that the Legislature has power to legalize as against the State the unauthorized or invalid act of "any officer." (Const., Art. IV, Sec. twenty-five, sub. eighteenth.) The "Board of Drainage Commissioners" are officers, and their acts may be legalized, and in my opinion the bill number two hundred and seven does legalize their acts.

The Legislature has all the powers of sovereignty except as limited by the organic law, State or Federal. I know of no provision of the organic law in conflict with the bill in question. Article four, section thirty-two, Constitution of California, prohibits the Legislature, among other things, from authorizing the payment of any claim against the State under any contract made without express authority of law.

My opinion is that the section thirty-two is not in conflict with bill number two hundred and seven. It is true that the law by the express authority of which the obligations intended to be met by bill number two hundred and seven were incurred has been decided to be unconstitutional. But the "Act to promote drainage" was, until pronounced unconstitutional by a competent tribunal, the "express authority of law" required by section thirty-two. The only question which I shall consider is: Has an unconstitutional law any effect or legal consequence? It has been in some elementary works stated very broadly that an unconstitutional law has no validity, and is as if it had never been. I think by the light of many carefully reasoned cases, that this is not law. I think that a list of cases, which I shall refer to, prove conclusively that rights and obligations do arise under laws which are in conflict with the organic law. I think the cases to which I shall refer support beyond a doubt the construction that "express authority of law" means enactment by the lawfully constituted Legislature. I believe no civilized society could exist under the construction that no rights are vested and no obligation incurred when the highest power in the State issues its mandate to the citizen. From the date of the decision that a law is unconstitutional it becomes a nullity, but up to that time it claims obedience and affords protection.

Citizens do not and cannot *judge*—they obey—and while they *resist* law at their proper peril, they obey it under the impenetrable shield of "express authority of law," or its equivalent, legislative enactment. A different doctrine would require not only executive approval of every law before it became a safe rule of action, but would require a construction by the Courts—and a farther provision that the Courts should never reverse their own decisions. (See 34 Texas, p. 335; 13 Florida, p. 454; 54 Illinois, p. 46; 5 Nevada, p. 244; 3 Denio, p. 382; 1 Wallace, p. 175; 16 Howard, p. 432; 1 Wallace, p. 334; 3 Wallace, p. 327.)

More than one of the cases referred to is where the Courts first sustained a law and after, when the persons composing the Court were changed, reversed the opinion. Could any Court or lawyer say in such a case that the law was as if it had never been—and that all citizens live and act and hold their property in such fatal insecurity?

I have not felt called upon to discuss the policy of the Convention in the adoption of section thirty-two, though such discussion would very materially strengthen the opinion I have given. I will, however, ask attention to the policy and history of the "debris law."

Not one of the opinions given in the case of *People v. Parks* questions the power of the Legislature over the subjects treated in the "debris bill." No doubt is expressed but that all the things attempted to be done, could be done, and were within the power of the Legislature; but the methods adopted were in violation of the constitutional provisions; the objections were purely and narrowly technical. The bill itself was as maturely considered and deliberately enacted, perhaps, as any law ever passed in the State. It was in the discharge of the highest duty of statesmen, the early and just reconciliation of important but conflicting interests, it was dictated by an enlarged policy, and based upon a generous morality, promulgated by the highest authority in the land, indorsed by public opinion, and obeyed with unquestioning faith.

It is not law that such an Act, though unconstitutional, is without authority and wholly void

from the beginning, and it would be difficult to persuade those whose fortunes are ruined and lives wrecked, that it is "as if it had never been."

E. C. MARSHALL,  
Attorney-General.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1883.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 143—Entitled "An Act to protect children"—have had the same under consideration, and now report the same back with a substitute, and recommend that said substitute do pass

HAMILTON, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 343—An Act to amend section four hundred and twenty-seven of the Civil Code, to provide for the investment of the capital and accumulations of corporations, organized under the laws of this State for the transaction of business in any kind of insurance.

Also, Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of the Civil Code, in relation to corporations.

Also, Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations—have had the same under consideration, and now report the same back, and recommend that they do not pass

Also, Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Also, Assembly Bill No. 341—An Act to amend section three hundred and thirty-two of the Civil Code, to provide for the levying of assessments by corporations.

Also, Assembly Bill No. 379—An Act to amend section four hundred and eighty-one of the Civil Code of the State of California relating to the duties of railroad corporations—have had the same under consideration, and now report the same back, and recommend their passage.

Also, Assembly Bill No. 80—An Act to amend sections four and eleven of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, relating to the examination of the books and accounts of savings banks, and savings associations—have had the same under consideration, and now report the same back, and recommend that it be referred to the Judiciary Committee.

BARRY, Chairman.

INTRODUCTION OF BILLS.

By Mr. Moffitt: An Act to amend section three thousand seven hundred and seventy-seven of the Political Code, and to require certificates of tax sales to be recorded.

Referred to Judiciary Committee.

Also—An Act to amend sections four thousand two hundred and thirty-five and four thousand two hundred and thirty-six of the Political Code.

Referred to Judiciary Committee.

By Mr. Farley: An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be known as section three hundred and seventy-four *a*, and relating to dead animals.

Referred to Committee on Crimes and Penalties.

Also—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, to be known as section one thousand nine hundred and twenty-seven, relating to the report of shorthand reporters, and using the same as evidence.

Referred to Judiciary Committee.

By Mr. Heath: An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds

and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Referred to Committee on Education.

MOTION.

Mr. Townsend moved to go into Committee of the Whole for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Lost.

Mr. Cutter moved to pass the special file.

So ordered.

GENERAL FILE—THIRD READING.

Assembly Bill No. 58—An Act to add a new section to the Penal Code, to be known as section forty [2], to prevent the sale of adulterated milk.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Peterson, Rawle, Reeves, Rhuel, Simon, Smith, Stephens, Stewart, Storke, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—48.

NOES—Messrs. McDonald and O'Connor—2.

Title approved.

Mr. Simon gave notice that he would, to-morrow, move to reconsider the vote whereby the House passed Assembly Bill No. 58.

Assembly Bill No. 103—An Act to amend section one thousand eight hundred and eighty of the Political Code, relating to elections upon the questions of the issuance of bonds of school districts for the purpose of raising money for school purposes.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Rawle, Reeves, Rhuel, Stewart, Storke, Sweetland, Terry, Townsend, Wallath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—48.

NOES—Messrs. Carter and Peterson—2.

Title approved.

Assembly Bill No. 133—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hughes, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Rhuel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—53.

NOES—None.

Title approved.

Assembly Bill No. 135—An Act to amend section five hundred and thirty-two of the Penal Code, and prescribe punishment for obtaining money or property by false pretense and by false reports of wealth.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mudock, O'Connor, Peterson, Rawle, Reeves, Rhel, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—51.

NOES—None.

Title approved.

Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations.

Read third time.

Mr. Leverson moved to recommit the bill to the Judiciary Committee, with instructions.

Lost.

The question then recurring on the passage of the bill, the roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Heath, Hughes, Hunter, Irwin, Johnston, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mudock, O'Connor, Peterson, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—52.

NOES—None.

Title approved.

Assembly Bill No. 13—An Act to amend sections six hundred and twenty-six, six hundred and twenty-eight, and six hundred and thirty of the Penal Code of California, relating to the preservation of fish and game, and to provide for the preservation of wild game and fish.

Read third time.

Mr. Cutter moved the previous question.

So ordered.

The question recurring on the passage of the bill, the roll was called, and the bill was refused passage by the following vote :

AYES—Messrs. Atwell, Barnes, Beard, Booth, Briceland, Campbell, Crumpton, Cutter, Doty, Field, Flynn, Fortna, Head, Heath, Hughes, Hunter, Johnston, Lewison, Martin, Matthews, McDonald, McHale, Moffitt, Mudock, O'Connor, Rawle, Rhel, Smith, Stephens, Stewart, Storke, Townsend, Wharton, Yell, and Mr. Speaker—35.

NOES—Messrs. Barry, Brown, Carter, Farley, Faw, Granger, Irwin, Leverson, McClaskey, McKinley, Peterson, Reeves, Simon, Sweetland, Terry, Walrath, Weaver, and Wheat—18.

Mr. Campbell gave notice that he would, to-morrow, move to reconsider the vote whereby the House refused to pass Assembly Bill No. 13.

Assembly Bill No. 157—An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hunter, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Rhuel, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—51.

NOES—None.

Title approved.

Assembly Bill No. 42—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to the repayment of moneys received for certain land and school land warrants.

Read third time.

The roll was called, and the bill was refused passage by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Heath, Irwin, Levenson, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Smith, Stephens, Storke, Sweetland, Weaver, Wharton, Yell, and Mr. Speaker—39.

NOES—Messrs. Head, Hunter, Johnston, Martin, Matthews, McClaskey, Rhuel, Sinon, Stewart, Terry, Townsend, and Wheat—12

Assembly Bill No. 57—An Act to make the furnisher of intoxicating liquors responsible for damages.

Read third time.

Mr. Farley moved to recommit the bill to the Judiciary Committee.

Mr. Cutter moved the previous question.

So ordered.

The question being on the motion to recommit, it was lost.

The question then recurring on the passage of the bill, the roll was called and the bill refused passage by the following vote:

AYES—Messrs. Barnes, Beard, Briceland, Brown, Campbell, Carter, Doty, Farley, Faw, Fortna, Granger, Head, Heath, Hughes, Hunter, Martin, McKinley, Moffitt, Murdock, Reeves, Ryan, Smith, Stephens, Storke, Townsend, Weaver, and Wharton—27.

NOES—Messrs. Atwell, Barry, Crumpton, Cutter, Flynn, Hamilton, Irwin, Johnston, Levenson, Matthews, McClaskey, McDonald, McHale, O'Connor, Peterson, Rawle, Rhuel, Sinon, Stewart, Sweetland, Terry, Wheat, Yell, and Mr. Speaker—24.

Mr. Wharton gave notice that he would, to-morrow, move to reconsider the vote whereby the House refused to pass Assembly Bill No. 57.

Assembly Bill No. 137—An Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to the proceedings supplementary to the execution.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Reeves, Rhuel, Ryan, Sinon, Stephens, Stewart, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—47.

NOES—Mr. Weaver—1.

Title approved.

Assembly Bill No. 158—An Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations.

The question being on the third reading of the bill, Mr. Cutter moved the previous question.

So ordered.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Flynn, Fortna, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Martin, McClaskey, McHale, McKinley, Moffitt, Murdock, Peterson, Rawle, Reeves, Rhel, Ryan, Sinon, Smith, Stephens, Stewart, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—44.

**NOES**—Messrs. Field, Granger, Levenson, Matthews, O'Connor, and Yell—6.

Title approved.

Assembly Bill No. 217—An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Barnes, Beard, Booth, Briceland, Brown, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Heath, Hughes, Hunter, Irwin, Johnston, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Rhel, Ryan, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—47.

**NOES**—Messrs. Atwell, Head, and Storke—3.

Title approved.

Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, O'Connor, Rawle, Reeves, Rhel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—52.

**NOES**—Mr. Head—1.

Title approved.

Assembly Bill No. 190—An Act to amend section three hundred and four of the Civil Code, relating to corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Beard, Booth, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Peterson, Rawle, Reeves, Rhel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—50.

**NOES**—Messrs. Granger, Levenson, and Terry—3.

Title approved.

Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Read third time.

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Barnes, Beard, Booth, Briceland, Brown, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Ryan, Sinou, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—48.  
**Noes**—Messrs. Atwell, Barry, Head, Rhel, and Stephens—5.

Title approved.

Mr. Doty moved to make the consideration of Assembly Bill No. 153 a special order for three o'clock p. m. this day.

So ordered

Assembly Bill No. 182—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, relating to revenue.

Read third time.

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Barnes, Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Rhel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—51.  
**Noes**—Messrs. Atwell and Levenson—2.

Title approved.

Assembly Bill No. 200—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales.

Read third time

The roll was called, and the bill passed by the following vote:

**Ayes**—Messrs. Atwell, Barnes, Barry, Beard, Briceland, Brown, Campbell, Carter, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Johnston, Lewison, Martin, Matthews, McClaskey, McHale, Moffitt, Murdock, O'Connor, Peterson, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—51.  
**Noes**—Mr. Levenson—1.

Title approved.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

##### ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1883.

MR. SPEAKER: Your Committee on Rules, to whom was referred Mr. Hollister's resolution, relative to night sessions, have had the same under consideration, and now report the same back to the House, and recommend its adoption as amended.

SINON, Chairman.

*Resolved*, That on Monday night, the twelfth of February, and on each and every night thereafter, Saturday and Sunday excepted, that this House do hold night sessions, from seven o'clock and thirty minutes to ten o'clock p. m.

HOLLISTER.

Mr. Brown moved to amend by striking out "seven o'clock and thirty minutes" and "ten o'clock," and inserting instead "seven o'clock" and "nine o'clock," respectively.

## RECESS.

Pending the consideration of the report, the hour of twelve o'clock and thirty minutes having arrived, the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON RULES—  
(RESUMED).

Mr. Sweetland moved the following amendment to the amendment:

*Resolved*, That on Wednesday night, the fourteenth of February, and on each and every Friday, Monday, Tuesday, and Wednesday nights thereafter, of each week, that the Assembly do hold night sessions from seven o'clock P. M. to ninth o'clock P. M.

Mr. Farley moved to lay the whole matter on the table.  
So ordered.

## LEAVE OF ABSENCE.

One member of the Committee on Corporations was granted leave of absence for one day.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 12, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on February ninth, adopted Senate Concurrent Resolution No. 6, relative to the passage of Chinese through the United States, and denied the first reading of Assembly 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."

A. T. VOGELSANG, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 6—Referred to Committee on Federal Relations.

## THIRD READING—(RESUMED).

Assembly Bill No. 201—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.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Campbell, Carter, Cary, Coleman, Coombs, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussall, Granger, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Johnston, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murdock, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—54.

NOES—Messrs. Barnes, Brown, Clément, Murphy, and Weaver—5.

Title approved.

Assembly Bill No. 29—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the use of poisonous or explosive substances in fishing, and the placing or passing into the waters of this State deleterious matter.

Read third time.

Mr. Granger moved to recommit the bill to Committee on Fish and Game, with instructions.

Mr. Cutter moved the previous question.

So ordered.

The question then recurring on the motion of Mr. Granger to recommit, the ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**AYES**—Messrs. Atwell, Barnes, Carter, Cary, Farley, Flynn, Granger, Hamilton, Heath, Irwin, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, O'Connor, Peterson, Rawle, Stewart, Storke, Sweetland, Walrath, Wharton, and Wheelan—28.

**NOES**—Messrs. Beard, Bibb, Booth, Briceland, Brown, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Faw, Field, Fortna, Gaussail, Hall, Harvey, Head, Hunter, Johnston, Moffitt, Murdock, Reeves, Rhel, Ryan, Simon, Stephens, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—32.

The question then recurring on the passage of the bill, the roll was called, and the bill was refused passage by the following vote:

**AYES**—Messrs. Beard, Bibb, Brown, Clement, Coleman, Crumpton, Doty, Faw, Fortna, Gaussail, Hall, Harvey, Head, Hughes, Hunter, Johnston, Moffitt, Murdock, O'Connor, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Townsend, Weaver, Yell, and Mr. Speaker—29.

**NOES**—Messrs. Atwell, Barnes, Booth, Briceland, Carter, Cary, Coombs, Cutter, Farley, Field, Flynn, Granger, Heath, Irwin, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, Peterson, Stewart, Storke, Sweetland, Walrath, Wharton, and Wheelan—30.

Mr. Storke gave notice that he would, to-morrow, move to reconsider the vote whereby the House refused to pass Assembly Bill No. 29.

Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind.

Read third time.

Mr. Cutter moved the previous question.

So ordered.

The question then recurring on the passage of the bill, the roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs. Barnes, Booth, Brown, Carter, Cary, Clement, Coleman, Crumpton, Cutter, Doty, Farley, Faw, Field, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hughes, Hunter, Kennick, Levenson, Lewison, Martin, Matthews, McDonald, McKinley, Moffitt, O'Connor, Rawle, Reeves, Ryan, Simon, Stephens, Stewart, and Terry—38.

**NOES**—Messrs. Atwell, Beard, Bibb, Briceland, Campbell, Coombs, Harvey, Irwin, Johnston, McClaskey, McHale, Murdock, Nicol, Peterson, Rhel, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—22.

Assembly Bill No. 212—An Act amendatory of and supplemental to 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 public lands," approved March 2, 1867, approved March 2, 1868.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Beard, Booth, Briceland, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, Nicol, Peterson, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—56.

**NOES**—Mr. Kerrick—1.

Title approved.

Assembly Bill No. 229—An Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations in the office of County Clerk certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certificates showing the names and places of residence of certain officers of any such corporation.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Barnes, Booth, Briceland, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhiel, Smith, Stephens, Storke, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—55.

**NOES**—None.

Title approved.

Mr. Levenson gave notice that he would to-morrow move to reconsider the vote whereby the House refused to pass Assembly Bill No. 67.

Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Refused third reading.

#### SPECIAL ORDER.

Special order for this hour, Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds and to appropriate money therefor.

Read third time.

Mr. Cutter moved the previous question.

So ordered.

The question then recurring on the passage of the bill, the roll was called, and the bill was refused passage by the following vote :

**AYES**—Messrs. Barnes, Booth, Bowers, Cary, Coleman, Coombs, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Hughes, Irwin, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Rawle, Ryan, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—39.

**NOES**—Messrs. Atwell, Beard, Bibb, Briceland, Brown, Campbell, Carter, Clement, Crumpton, Cutter, Faw, Field, Head, Hunter, Johnston, Kerrick, Levenson, Martin, Peterson, Reeves, Rhiel, Smith, Terry, Weaver, and Yell—25.

Mr. Doty gave notice that he would to-morrow move to reconsider the vote whereby the House refused to pass Assembly Bill No. 153.

Mr. Irwin gave notice that he would to-morrow move to reconsider the vote whereby the House refused to pass Senate Bill No. 12.

Senate Bill No. 14—An Act to amend sections three thousand four

hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Barnes, Booth, Briceland, Brown, Carter, Cary, Clement, Coleman, Coombs, Cutter, Doty, Farley, Flynn, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, Murdock, Peterson, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—49.

NOES—Messrs. Campbell, Faw, Fortna, McDonald, and Nicol—5.

Title approved.

Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Barnes, Booth, Bowers, Briceland, Brown, Campbell, Cary, Clement, Coleman, Crumpton, Cutter, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Peterson, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—49.

NOES—Messrs. Bibb, Faw, Murphy, Nicol, and Rawle—5.

Title approved.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Bowers, Briceland, Brown, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Peterson, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—53.

NOES—Messrs. Faw and Nicol—2.

Title approved.

Assembly Bill No. 91—An Act to amend section six hundred and thirty-three, subdivision thirteen thousand six hundred and thirty-one of the Penal Code of the State of California, relating to the question of game and fish.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Campbell, Carter, Cary, Coleman, Crumpton, Doty, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McKinley, Moffitt, Murphy, O'Connor, Rawle, Reeves, Rhiel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—45.

NOES—Messrs. Barnes, Coombs, Cutter, Farley, Faw, Fortna, Johnston, McHale, Peterson, and Sweetland—10.

Title approved.

Assembly Bill No. 167—An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depositary, or receiver.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Barnes, Bibb, Booth, Bowers, Briceland, Brown, Campbell, Cary, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hughes, Irwin, Kerrick, Levenson, Lewison, Martin, Matthews, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Reeves, Rhiel, Simon, Sweetland, Walrath, Wharton, Wheat, Yell, and Mr Speaker—47.

**NOES**—Messrs. Carter, Cutter, Hunter, Johnston, McClaskey, Stephens, Stewart, Storke, and Townsend—9.

Title approved.

Mr. Granger gave notice that on to-morrow he would move to reconsider the vote by which Assembly Bill No. 167 was passed.

Assembly Bill No. 16—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.

Mr. Sweetland moved to recommit the bill to Committee on Irrigation, with instructions.

So ordered.

Assembly Bill No. 106—An Act to provide apparatus for the Deaf, Dumb, and Blind Asylum.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Barnes, Beard, Bibb, Briceland, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Heath, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhiel, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—57.

**NOES**—Mr. Head—1.

Title approved.

Mr. Wharton moved that Assembly Bill No. 16 be referred to a committee of one to make the necessary correction.

So ordered.

The Chair appointed Mr. Sweetland on said committee.

Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Read third time.

The roll was called, and the bill was passed by the following vote :

**AYES**—Messrs. Atwell, Beard, Bibb, Bowers, Brown, Carter, Cary, Clement, Coleman, Crumpton, Doty, Farley, Faw, Fortna, Gaussail, Granger, Hamilton, Head, Heath, Hughes, Irwin, Kerrick, Levenson, Martin, Matthews, McKinley, Moffitt, Murdock, Peterson, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Wharton, Wheat, Yell, and Mr Speaker—43.

**NOES**—Messrs. Barnes, Coombs, Cutter, Field, Harvey, Hunter, Johnston, McClaskey, McHale, Murphy, Nicol, Stewart, Weaver, and Wheelan—14.

Title approved.

## REPORT OF SPECIAL COMMITTEE.

The committee of one to whom was referred Assembly Bill No. 16 reported that the necessary correction had been made.

Report received.

Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Barnes, Beard, Bibb, Booth, Bowers, Briceland, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Failey, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerriek, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhel, Stephens, Stewart, Storke, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—58.

NOES—None.

Title approved.

Mr. Johnston moved to refer Assembly Bill No. 246 to Mr. McClaskey (its author), with instructions.

So ordered.

Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Barnes, Beard, Bibb, Booth, Briceland, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Failey, Faw, Field, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerriek, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—57.

NOES—None.

Title approved.

Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

Read third time.

The roll was called, and the bill was passed by the following vote:

AYES—Messrs. Barnes, Beard, Bibb, Booth, Bowers, Briceland, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Doty, Faw, Field, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerriek, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—56.

NOES—Messrs. Atwell and Flynn—2.

Title approved.

Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations.

Read third time.

Mr. Irwin moved to refer the bill to a special committee of one, with instructions.

Lost.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Barnes, Beard, Bibb, Booth, Brown, Campbell, Carter, Cary, Clement, Coleman, Crumpton, Cutter, Doty, Farley, Field, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—55.

NOES—None.

Title approved.

Assembly Bill No. 21—An Act supplementary to an Act entitled “An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State,” approved April 15, 1880.

Read third time.

Mr. Cutter moved the previous question.

So ordered.

The question then recurring on the passage of the bill, the roll was called, and the bill was refused passage by the following vote :

AYES—Messrs. Atwell, Beard, Bibb, Booth, Bowers, Brice land, Carter, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Flynn, Fortna, Gaussal, Hall, Harvey, Head, Heath, Hughes, Hunter, Johnston, Lewison, McKinley, Moffitt, Murdock, Murphy, O'Connor, Peterson, Reeves, Ryan, Storke, Sweetland, Wharton, Wheat, and Yell—38.

NOES—Messrs. Barnes, Brown, Campbell, Cary, Clement, Faw, Granger, Hamilton, Irwin, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Nicol, Rawle, Simon, Stephens, Stewart, Townsend, Weaver, Wheelan, and Mr. Speaker—25.

Mr. Heath gave notice that he would to-morrow move to reconsider the vote whereby the House refused to pass Assembly Bill No. 21.

#### REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER. Your special committee to whom was referred Assembly Bill No. 246, for amendments, begs leave to report that he has amended section one, as instructed, and now reports the same back, and recommends the passage of the bill as amended.

Respectfully submitted.

McCLASKEY, Special Committee.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Coleman :

*Resolved*, That the State Printer be and is hereby authorized to print the requisite number of copies of substitute submitted by Committee on Commerce and Navigation in lieu of Assembly Bill No. 71, relative to pilots and pilot regulations.

Adopted.

Mr. Flynn, at five o'clock and five minutes P. M., moved that the House take a recess till this evening, at seven o'clock and thirty minutes.

#### ADJOURNMENT.

Pending the consideration of Mr. Flynn's motion, Mr. McDonald moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the motion to adjourn was carried by the following vote :

AYES—Messrs. Atwell, Barnes, Beard, Brown, Carter, Cary, Clement, Coleman, Farley, Faw, Field, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Heath, Hunter, Lewison, Martin,

McDonald, McHale, Moffitt, Murphy, O'Connor, Peterson, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Stewart, Storke, Townsend, Walrath, Wharton, and Wheat—39.

NOES—Messrs. Bibb, Booth, Bowers, Briceland, Campbell, Coombs, Crumpton, Cutter, Doty, Flynn, Fortna, Hughes, Irwin, Johnston, Kerrick, Levenson, Matthews, McClaskey, McKinley, Murdock, Nicol, Sweetland, Weaver, Wheelan, Yell, and Mr. Speaker—26.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, February 13, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Beard, Bibb, Booth, Briceland, Brown, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Murphy, further reading was dispensed with.

Journal of Monday approved.

LEAVE OF ABSENCE.

Messrs. Martin and Reeves were granted leave of absence on account of sickness.

RESOLUTION—(OUT OF ORDER).

By Mr. Levenson:

*Resolved*, That a new rule, to be numbered Rule Eighty-four, be added to the rules of the House as follows: Eighty-four—Whenever a bill shall on its third reading receive the votes of a majority of the members voting, but such majority shall be less than a majority of all the members of the House, the result of the vote shall be stated for the information of the House, but shall not be announced by the Chair. The third reading of such bill shall then be made a special order for the following day, directly after the reading of the Journal on that day, and a call of the House shall be had, and made prior to the ayes and noes being taken thereon.

Referred to Committee on Rules.

By Mr. Bibb:

*Resolved*, That Fred. Taylor is hereby declared to be the proper person entitled to be Postmistress' Page.

Referred to Committee on Attachés and Employés.

Mr. Wharton moved to suspend the rules, and place Assembly Bill No. 155 on the special file.

The ayes and noes being demanded, the roll was called, and the House refused to suspend the rules by the following vote:

AYES—Messrs. Beard, Bibb, Booth, Brown, Culver, Farley, Faw, Flynn, Hall, Harvey, Healy, Heath, Hollister, Hughes, Lewison, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Rawle, Snuth, Sweetland, Walrath, Wharton, and Wheelan—28.

NOES—Messrs. Atwell, Barnes, Briceland, Campbell, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Field, Fortna, Granger, Hamilton, Head, Heisley, Hunter, Irwin, Johnston, Keeler, Kerick, Levenson, McHale, Nicol, O'Connor, Peterson, Plover, Rhiel, Stephens, Stewart, Storke, Weaver, Wheat, Yell, and Mr. Speaker—36.

#### PRESENTATION OF PETITIONS.

By Mr. Atwell: In relation to irrigation in the Mussel Slough country, requesting that no legislation be had on the subject.

Referred to Committee on Irrigation.

By Mr. Moffitt: In relation to the town of Anaheim, requesting that the same be disincorporated.

Referred to Committee on Municipal Corporations.

By Mr. Farley: In relation to the payment of witnesses in criminal cases.

Referred to Judiciary Committee.

#### REPORTS OF COMMITTEES.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled: Assembly Concurrent Resolution No. 7—Relative to bills which take effect immediately after they are approved by the Governor—and the same was, at four o'clock and thirty minutes P. M., February twelfth, eighteen hundred and eighty-three, presented to the Governor for his approval.

MURDOCK, for Chairman.

##### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 166—An Act to authorize the Treasurer of State to pay out certain money paid into the treasury under an Act entitled "An Act to promote drainage," approved April 23, 1880—have had the same under consideration, and now report the same back, and state that they believe its conditions are already provided for in Assembly Bill No. 207. Your committee, therefore, recommend that it do not pass.

GRANGER, Chairman.

##### ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1883.

MR. SPEAKER. Your Committee on Attachés and Employés, to whom was referred Resolution No. —, introduced by Mr. Simon, on February eighth, eighteen hundred and eighty-three—In relation to appointing W. P. Wand as Assistant Journal Clerk of the Assembly—have had the same under consideration, and now report the same back without recommendation.

FIELD, Chairman.

Mr. Johnston moved to lay on the table.

So ordered.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Keeler: By direction of the Committee on Agriculture, Mining, and Mechanics' Arts College:

*Resolved*, That the report presented by the Committee on Agriculture, Mining, and Mechanics' Arts College be entered as a supplement to the written Journal of the House, and that an entry be made on such written Journal in relation thereto as follows:

The Committee on Agriculture, Mining, and Mechanics' Arts College presented a report which is ordered to be printed in a supplement to the Journal of the House.

### Adopted.

#### SUPPLEMENTARY REPORT OF COMMITTEE ON AGRICULTURE, MINING, AND MECHANICS' ARTS COLLEGE.

MR. SPEAKER: Your Committee on Agriculture, Mining, and Mechanics' Arts College, have visited the Agricultural College, the School of Mines, and Mechanics' Arts College, at Berkeley, and have the honor to report as follows:

The following table shows the amount of appropriation asked for, and the amount recommended by the committee

Wages of regular force .....	\$6,000
Wages for additional help according to season (for two years).....	2,040
Salary of Professor on Practical Agriculture.....	3,600
Course on Dairying.....	260
Doctor on Viticulture.....	240
For clerical work, paid for by the hour.....	650
Purchase of implements, repairs, shoeing of horses, purchasing of seeds, etc.....	2,000
<b>Total for Mechanics' Arts College.....</b>	<b>\$16,570</b>
For machinery and tools, practical applications of the theoretic instructions given in the College .....	\$10,000

#### *The Department of Mines.*

	Amount Asked	Amount Recommended.
For model of stamp mill and dressing works.....	\$6,000	Nil.
For other apparatus and chemicals.....	2,000	\$2,000

Your committee has exercised great care in arriving at the foregoing recommendations.

The College of Agriculture must be regarded from two points of view *First*—As an educational institution for those who are to make the pursuit of agriculture their life business. *Second*—As a means of instructing the farmers of the State in correct methods of cultivation; in the employment of appropriate fertilizers in a proper manner; the introduction of new and valuable vegetable productions; the means of exterminating destructive parasites of cereals, vines, and trees, as the result of experiments carried on in the laboratory and grounds of the department.

As an educational institution, your committee regret to say that the advantages it offers have not been appreciated by the farmers of the State, and if the maintenance of the institution were to be determined upon this consideration alone, your committee would not feel justified in recommending any appropriation for its support. But a work is being done, under the direction of Professor Hilgard and his able corps of assistants, which has repaid one hundred fold every dollar which has been expended upon it, and will repay enormously the appropriation now asked for, if expended in the manner proposed.

The investigation carried on by the Agricultural College into waters for irrigation have already saved a useless expenditure in various parts of the State, greatly exceeding the entire cost of the department. There has also been diffused throughout the State information respecting the prevention and cure of the various diseases of plants, including cereals, fruits, and vines, which suggest the possibility of, at some future date, saving to the State Board of Agriculture and the Viticultural and Horticultural Commission by consolidating them into one department at the University.

Your committee examined the operation of the Mining School, and consider that school also to be well conducted; but in view of the financial condition of the people, they think the providing of the model stamp mill and dressing works should be dispensed with for the present, and that the total appropriation asked for should be reduced to two thousand dollars.

With regard to the Mechanics' Arts College, your committee, though greatly pleased with that establishment, entertained at first grave doubts as to the amount of benefit to the State obtained from it, and one of the members addressed letters to the various graduates of the school, whose addresses could be procured, and those letters are attached to this report.

On consideration of the statements there made, the committee feel it their duty to recommend that an appropriation of eight thousand dollars, instead of ten thousand dollars, be made to that institution.

JOHN H. M. TOWNSEND, Chairman.

MR. SPEAKER: Fully concurring in the report of the Committee on Agriculture, Mining, and Mechanics' Arts College, the undersigned respectfully urges on the consideration of the House that the money difficulty which affects the various colleges of the University would be almost got rid of by the imposition of tuition fees, to be paid in money by those who are able to do so, and for those not able to give, their promise to pay when able. Experience has shown that not five per cent of such debts are lost. Over ninety-five per cent are repaid, generally with large additions from those who become successful in life, in aid of the same class of struggling students to which they themselves belonged. By making a part of the remuneration of the professors dependent upon such tuition fees, and giving to the professors an active control over the management of the University, by appointing them to be its Regents, interest and duty would no longer be divorced, but income would depend in great part on the extent and utility of the work performed.

Respectfully,

MONTAGUE R. LEVERSON.

SAN FRANCISCO, February 7, 1883.

Dr. Levenson, Assembly Chamber, Sacramento, Cal.

DEAR SIR: Your communication in reference to the appropriation for the Mechanic' Arts College duly received, and I am pleased to reply:

To your first question, I do not hesitate to declare that my instruction under Professor Hesse has proven of great value to me, and knowing the aid it has been to me I should certainly be willing to pay for it, although the present advantages are much greater than I enjoyed, because I was the very first student in the Mechanics' Arts College, and the curriculum was not established, nor methods proven and established as now—still the benefit was great.

In reply to your second question, I think the State has and is receiving a return for the money spent on my education, and in this way when I was graduated in eighteen hundred and seventy-seven I had nothing but my education; by applying it properly I now have a rapidly increasing business, and am paying taxes upon twenty thousand dollars of property accumulated since that time, directly by applied mechanics. I furnish employment for ten men, most of whom have families depending upon them, and have invented and am manufacturing specialties in mining machinery which are in demand on this coast—thus assisting and encouraging home manufacture, which is a benefit to any community.

The nature of a mechanical business is such that if I allowed the element of bias to creep in it would completely ruin one's reputation for good judgment, which is a foundation stone in this profession; consequently, in so plain a matter as the one you present to me, I do not think I have varied from the fact.

You are at liberty to use the above in any honorable way. Hoping it will enable you to solve your problem, and assuring you that I should be pleased to furnish any additional information, I am, yours respectfully,

EDWARD A. RIX.

SAN FRANCISCO, February 8, 1883.

Dr. M. R. Levenson:

MY DEAR SIR: Your letter I have just received, and I shall most willingly and gladly endeavor to answer your questions.

As to the first question, which, as I understand it, relates to myself personally, I reply, "most certainly, yes;" and I only wish to add that I entered the College of Mechanics, intending eventually to make a professional study of the law of patents. I take it, that it needs no argument on my part to convince you of the incalculable advantage, and even necessity, of the course of training I received in the college.

In regard to your several questions, whether the people of the State have, as yet, derived sufficient benefit from the instruction furnished to myself and others by the Mechanics' Arts College to justify the continuance of appropriations for its maintenance, I deem it very difficult to answer, for the reason that the college has been in active operation but for a few years, and it is only very recently (viz: eighteen hundred and seventy-seven) since the first students graduated from it. It is, therefore, impossible for me, and probably for any one else, to say with certainty that the people of the State have derived any very perceptible advantage, in so short a time, from the mere instruction in the mechanics' arts.

Whether the people of the State are likely to derive sufficient benefit to warrant them in continuing to support the college, as regards myself, I answer, "I sincerely hope so." As regards others who have and will graduate from it, I answer, unqualifiedly, "Yes."

The ways in which the benefit is manifested cannot be direct from the very nature of things, but among the indirect benefits I may mention—

1. The addition to the citizens of the State of a body of men skilled in the theory and practice of the mechanical arts, whereby the people of the State are benefited by new and improved inventions.

2. The education of such mechanical engineers in a place where needed inventions are readily seen and appreciated, viz: within the State, whereby the State derives an advantage in improvements sooner than otherwise, if at all.

3. The mere mental training by the instruction in the College of the Mechanics' Arts is second to that of no other college, whereby the State gains an advantage, through a higher order of citizenship, in supporting it. I need not here dwell upon the necessity of the State

educating her citizens, but I deem it sufficient to say that if the State believes in any instruction, she must certainly believe in the *best*.

4. If we are interested in a higher order of civilization, it necessarily follows that we are interested in whatever develops such higher order, and I take it to be universally admitted that no one thing has advanced civilization more than the mechanics' arts.

5. If there is any wisdom and benefit in founding industrial colleges, like those of the Mechanics' Arts and Agriculture (and I think it can safely be assumed that there is, from the character of those who have originated and supported the idea), then there certainly is wisdom and benefit in supporting them when so founded.

6. Finally, if a Mechanics' Arts College anywhere is to be supported, it should be that of the University of California under its present management.

In closing, I shall simply state that in writing this no bias or prejudice whatever has influenced me. I have but argued on the merits of the case. You have my permission to use this as you see fit.

Very respectfully and truly yours,

CHARLES W. SLACK.

EUREKA, NEVADA, February 10, 1883.

*Dr. Levenson:*

DEAR SIR: Your valued favor of the fifth is at hand, and I assure you I thoroughly appreciate the high motives which have prompted you to act as you have in the matter. What I have to say in return is given you freely, and for the benefit of any whom it may concern.

But first, as to my ability to answer the questions asked—and in order to speak of this, it will be necessary to branch off a little from the main subject. Being of a family mechanically inclined, and with a father a foundry superintendent, I was apprenticed to the mechanic's trade when but little more than fifteen years of age. After becoming a journeyman, I began to feel that it was next to impossible for any young man after doing a hard day's work to make any headway with his studies in the evening; so, at the age of twenty, and with a good practical knowledge of mechanics, I entered the State University, and graduated after a full course of four years.

The first year after leaving college was spent as foreman of the erecting department at the Risdon Iron Works; since then, I have been connected with the office, making all sorts of calculations, plans, etc., for all branches of mechanics; so I feel as though I am as good a judge of the course as any student of the college, and will now proceed to answer your questions without bias or prejudice. In reply to your first, I answer "Yes," and will say in addition that I would willingly spend the last dollar I have in order to get the same course as received at the State University.

In reply to your second, I answer, that practical and theoretical mechanics are very few and far between in California, and any State can't help but be benefited by the presence of men capable of directing enterprises intelligently.

How many hundreds of thousands of dollars are annually thrown away in the useless search for perpetual motion? And why is this? *Simply because people don't understand the first fundamental principles of mechanics.* In the senior year of our course, *hydraulics* was thoroughly taken up and digested. I knew nothing of the subject before that time. To-day I am in Eureka as the Superintendent Engineer of the Risdon Iron Works—sent by them to put in operation and turn over to the proper authorities one of the largest hydraulic hoisting and pumping arrangements in the world. To be sure, much practical knowledge has been obtained outside of the University, but I certainly feel indebted to my alma mater for the inculcating of these first principles of mechanics thoroughly into my mind. I am perfectly satisfied with my course pursued under Prof. Hesse, and know that I have been *greatly* benefited by it. I am certain that from some other graduates you will be told that the course has been of little use to them; and why? They spend four years at the University at a mechanical course, and then apply to a foundry for a position as either draughtsman or engineer, when they know nothing but theoretical mechanics—all that can be taught them without the proper appliances such as are now asked for by Hesse and his assistant.

Give them an appropriation that such tools and machines may be purchased, so the student may understand his task and work intelligently. It will be years (perhaps never) before we can include a well-appointed machine shop among our University possessions, but let us make a beginning. It is *absolutely necessary* to have suitable apparatus in connection with a mechanical course; and if thorough practical and theoretical mechanics are expected from the State of California in the future, give the University the means of producing them at once, and not let a student spend four years with theoretical mechanics, and then become discouraged at not being able to find employment, and give up the profession for something more lucrative.

Yours respectfully,

R. S. MOORE.

In a few days I expect to be in Sacramento, and will call on you, and try to explain a little more intelligently my ideas than I have above.

R. S. M.

SAN FRANCISCO, February 8, 1883.

*Hon. M. R. Levenson.*

DEAR SIR: Yours of the fifth instant was received to-day. I have just returned from Los Angeles, or should have answered before. First, as to whether the instruction received at the Mechanics' Arts College has fitted me for my profession—I reply, that it gave me a start in the right direction, though it has not taught me experience—that no education can do. The year I entered the college was the first of its organization, and the course had not been fully decided on, so I am hardly able to answer for the college as now organized. My instruction there in the theory of mechanics has been of great benefit to me (for theory is the basis of engineering in its highest sense) in a general way. It might have been more practical, but, as I have said, the college was in its infancy, and had nothing in the way of illustration but the blackboard and the draughting table.

I am fully satisfied as to the money expended on my education, and should go to the University and enter the College of Mechanics' Arts if I had it to do over again.

As to whether the people of the State have or are likely to derive any benefit, etc., I do not wish to be credited with egotism (that might be inferred), but simply state that I am a draughtsman and mechanical engineer in the employ of the Central Pacific Railroad, am respected by my equals, and have the confidence of my superiors in mechanical construction and design. I am twenty-seven years of age, young in my profession, and what the future may bring forth, who can tell? But as for the past, my record can surely cause the people of the State no regret.

Hoping that the college may receive funds necessary to widen its capacity for the instruction of those who intend following the profession it outlines,

I am, respectfully yours,

HOWARD STILLMAN.

#### INTRODUCTION OF BILLS.

By Mr. Cutter: An Act to amend an Act entitled "An Act to amend section one hundred and seventy-two of the Penal Code," approved April 3, 1876, relating to selling liquor within two miles of the State Prison, etc.

Referred to Committee on Public Morals.

By Mr. Hughes: An Act to repeal section one thousand eight hundred and sixty-one of the Civil Code, relating to innkeepers.

Referred to Committee on Public Morals.

Also—An Act to regulate sailor boarding houses and shipping offices and to provide for the creation of a Board of Commissioners and prescribing their powers and duties.

Referred to Committee on Commerce and Navigation.

By Mr. Stephens: An Act to provide for the appointment in each and every county of the State of California a Public Weigher and Measurer.

Referred to Committee on Municipal Corporations.

By Mr. O'Connor: An Act relating to policies of insurance upon real property in case of total loss by fire and the measure of damages therefor.

Referred to Judiciary Committee.

By Mr. Murdock: An Act to amend section five hundred and twenty-eight of the Political Code, in relation to the number of laws to be printed.

Referred to Committee on Printing.

Mr. Kerrick moved to suspend the rules for the purpose of considering Assembly Bill No. 165.

Lost.

Mr. Cutter moved to pass the special file till after recess.

So ordered.

Mr. Cutter moved to reconsider the vote whereby the House refused to pass Assembly Bill No. 58.

Mr. Wharton moved that the motion lay on the table.

So ordered.

Mr. Campbell, pursuant to notice, moved to reconsider the vote whereby the House refused to pass Assembly Bill No. 13.

So ordered.

Mr. Cutter moved the previous question.

So ordered.

The question being then on the passage of the bill, the roll was called, and the House refused to pass the bill by the following vote:

**AYES**—Messrs. Beard, Booth, Campbell, Clark, Culver, Field, Fortna, Granger, Hamilton, Head, Heath, Hughes, Hunter, Johnston, Kerrick, Lewison, Matthews, Moffitt, Murdock, Rhiel, Stephens, Stewart, Storke, Sweetland, Townsend, and Wharton—26.

**NOES**—Messrs. Barnes, Bibb, Brown, Carter, Cary, Coleman, Coombs, Crumpton, Cutter, Farley, Faw, Gaussail, Hall, Harvey, Healy, Hershey, Hollister, Irwin, Keeler, Levenson, McClaskey, McDonald, McHale, McKinley, Nicol, Peterson, Rawle, Simon, Terry, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—35.

Mr. Wharton, pursuant to notice, moved to reconsider the vote whereby Assembly Bill No. 57 was refused passage.

Lost.

Mr. Doty, pursuant to notice, moved to reconsider the vote whereby Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds and to appropriate money therefor—was refused passage.

So ordered.

Mr. Doty moved a call of the House.

So ordered.

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

Messrs. Atwell, Barnes, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Peterson, Plover, Rawle, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Bibb, further proceedings under the call of the House were dispensed with.

The question then being on the passage of the bill, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Bibb, Booth, Bowers, Callaghan, Carter, Cary, Clark, Coleman, Coombs, Culver, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Hershey, Hollister, Hughes, Irwin, Keeler, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Plover, Rawle, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—47.

**NOES**—Messrs. Atwell, Barnes, Beard, Briceland, Brown, Campbell, Clement, Crumpton, Faw, Field, Harvey, Head, Heath, Hunter, Johnston, Kerrick, Levenson, Peterson, Rhiel, Smith, Terry, Weaver, and Yell—23.

Title approved.

Mr. Irwin, pursuant to notice, moved to reconsider the vote whereby the House refused Senate Bill No. 12 third reading.

So ordered.

#### THIRD READING.

Senate Bill No. 12—An Act to amend section three hundred and twenty-three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Atwell, Barnes, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Peterson, Rawle, Rhel, Smith, Stephens, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—55.

**NOES**—Messrs. Campbell, Hall, Healy, Murphy, Nicol, O'Connor, Plover, and Stewart—8.

Title approved.

Mr. Levenson, pursuant to notice, moved to reconsider the vote whereby Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind—was refused passage.

The ayes and noes being demanded, the roll was called, and the motion to reconsider was carried by the following vote :

**AYES**—Messrs. Atwell, Barnes, Beard, Booth, Briceland, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Farley, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Keeler, Kerrick, Levenson, Lewison, Matthews, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Peterson, Plover, Rawle, Sinon, Stephens, Terry, Townsend, and Yell—44.

**NOES**—Messrs. Bowers, Campbell, Coombs, Doty, Irwin, Johnston, McClaskey, McHale, Nicol, Rhel, Storke, Weaver, Wheat, and Mr. Speaker—14.

Mr. Cutter moved the previous question.

So ordered.

Mr. Levenson moved a call of the House.

So ordered.

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

Messrs. Atwell, Barnes, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Atwell moved that the Sergeant-at-Arms be directed to arrest absentees, and bring them before the bar of the House.

So ordered.

Mr. Murdock moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being then on the passage of Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind—the roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Barnes, Booth, Bowers, Brown, Callaghan, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Keeler, Levenson, Lewison, Matthews, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Plover, Rawle, Ryan, Sinon, Stephens, Stewart, and Terry—45.

**NOES**—Messrs. Atwell, Beard, Bibb, Briceland, Campbell, Coombs, Doty, Farley, Irwin, Johnston, Kerrick, McClaskey, McHale, Nicol, Peterson, Rhel, Smith, Storke, Sweetland, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—26.

Title approved.

Mr. Heath, pursuant to notice, moved to reconsider the vote whereby Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State," approved April 15, 1880—was refused passage.

So ordered.

Mr. Cutter moved the previous question.

So ordered.

The question then being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Beard, Bibb, Booth, Bowers, Briceland, Callaghan, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Keeler, Levenson, Lewison, McClaskey, McHale, McKinley, Moffitt, Mundock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhel, Ryan, Smith, Stewart, Storke, Sweetland, Terry, Walrath, Wharton, Wheat, Wheelan, and Yell—56.

NOES—Messrs. Brown, Campbell, Cary, Faw, Granger, Irwin, Kerrick, Matthews, Stephens, Townsend, Weaver, and Mr. Speaker—12.

Title approved.

#### THIRD READING.

Assembly Bill No. 26—An Act to add a new section to the Code of Civil Procedure, to be known as section six hundred and twenty-nine, abrogating the distinction between the force and effect of verdicts in cases of equity and actions at law.

Read third time.

Mr. Johnston moved the previous question.

So ordered.

The question recurring on the passage of the bill, the roll was called, and the bill failed to pass by the following vote:

AYES—Messrs. Barnes, Beard, Bibb, Booth, Briceland, Campbell, Carter, Crumpton, Culver, Doty, Faw, Field, Gaussail, Hamilton, Hughes, Kerrick, Lewison, Matthews, McKinley, Murphy, Peterson, Rawle, Ryan, Sinon, Smith, Stephens, Terry, Wharton, Wheat, and Mr. Speaker—30.

NOES—Messrs. Atwell, Brown, Cary, Clark, Clement, Coleman, Coombs, Cutter, Fortna, Granger, Hall, Harvey, Head, Healy, Hershey, Hollister, Irwin, Johnston, Keeler, Lewerson, McClaskey, McDonald, McKinley, Nicol, Plover, Rhel, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, and Yell—33.

Assembly Bill No. 140—An Act for the protection of the dairy industries of this State and the consumers of dairy productions.

Read third time.

Mr. Campbell moved the previous question.

So ordered.

The question recurring on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Beard, Bibb, Booth, Bowers, Briceland, Callaghan, Campbell, Clark, Coleman, Crumpton, Culver, Cutter, Doty, Faw, Field, Flynn, Gaussail, Hamilton, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Johnston, Kerrick, Lewison, Matthews, McClaskey, McDonald, McKinley, Nicol, Plover, Rawle, Rhel, Ryan, Sinon, Smith, Stephens, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—50.

NOES—Messrs. Brown, Cary, Clement, Coombs, Farley, Fortna, Granger, Harvey, Head, Irwin, Keeler, Levenson, McHale, Moffitt, O'Connor, Peterson, Stewart, Storke, and Wheelan—19.

Title amended and approved.

Mr. Cutter gave notice that he would to-morrow move to reconsider the vote whereby the House passed Assembly Bill No. 140.

## REPORTS OF COMMITTEES—(RESUMED).

## ON YOSEMITE VALLEY, BIG TREES, AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1883.

MR. SPEAKER: Your Committee on Yosemite Valley, Big Trees, and Forestry, to whom was referred Assembly Bill No. 295—Entitled "An Act to establish a State Board of Forestry and Parks, and to appropriate moneys for the expenses thereof"—have had the same under consideration, and now report a substitute back, and recommend that it do pass.

SMITH, Chairman.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1883.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No. 418—An Act to provide for the payment to Warren B. Ewer for services rendered at the National Exposition at Denver, Colorado—have had the same under consideration, and now report the same back, and state that they believe the same to be contrary to the provisions of section thirty-two, article four, of the Constitution, and recommend that it do not pass.

GRANGER, Chairman.

## ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, —, 1883.

MR. SPEAKER Your Committee on State Library, to whom was referred Assembly Bill No. 63—An Act to amend section two thousand two hundred and ninety-six of the Political Code, relating to officers taking books from the State Library—have had the same under consideration, and now report the same back, and recommend its passage as amended.

BRICELAND, Chairman.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Campbell: An Act to provide a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature.

Referred to Committee on Ways and Means.

## RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Atwell moved that the House go into Committee of the Whole for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Lost.

Mr. Wharton moved to pass the special file for the present.

So ordered.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 32—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Read third time.

Mr. Townsend moved a call of the House.

Lost.

Mr. Campbell moved the previous question.

So ordered.

The question being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Brown, Callaghan, Carter, Clark, Clement, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Flynn, Fortna, Grainger, Hamilton, Harvey, Heath, Hollister, Hughes, Irwin, Keelel, Levenson, Lewison, McDonald, McKinley, Moffitt, Murdock, Simon, Smith, Stephens, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—42.

NOES—Messrs. Atwell, Beard, Briceland, Campbell, Crumpton, Field, Gaussail, Head, Hershey, Hunter, Johnston, Matthews, McClaskey, McHale, Murphy, Nicol, O'Connor, Peterson, Rawle, Stewart, Terry, Wheat, and Yell—23.

Title approved.

Assembly Bill No. 138—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change of the boundaries thereof.

Read third time.

The roll was called, and the bill failed to pass by the following vote:

AYES—Messrs. Barnes, Briceland, Brown, Campbell, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fortna, Grainger, Hamilton, Head, Hershey, Hunter, Irwin, Keelel, Kerrick, Matthews, McDonald, Moffitt, Murdock, Nicol, Peterson, Rawle, Simon, Stephens, Stewart, Townsend, Wheat, and Mr. Speaker—33.

NOES—Messrs. Atwell, Beard, Bibb, Booth, Callaghan, Clark, Culver, Flynn, Gaussail, Harvey, Heath, Hughes, Johnston, Lewison, McClaskey, McHale, McKinley, O'Connor, Plover, Smith, Storke, Sweetland, Terry, Weaver, Wharton, Wheelan, and Yell—27.

#### REPORT OF A STANDING COMMITTEE.

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly bills, and find them correctly engrossed:

Assembly Bill No. 16—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.

Assembly Bill No. 246—An Act entitled an Act relating to unapproved swamp land surveys.

Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

CALLAGHAN, Chairman.

#### THIRD READING—(RESUMED).

Assembly Bill No. 16—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.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Beard, Bibb, Booth, Brown, Callaghan, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fortna, Gaussail, Grainger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Kerrick, Levenson, Lewison, Matthews, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—57.

NOES—Messrs. Briceland, Johnston, Keelel, McClaskey, McHale, and Stewart—6.

Title approved.

Mr. Matthews gave notice that he would to-morrow move to recon-

sider the vote whereby the House refused to pass Assembly Bill No. 138.

LEAVE OF ABSENCE.

Mr. Rhiel was granted an indefinite leave of absence on account of sickness.

Assembly Bill No. 246—An Act entitled an Act relating to unapproved swamp land surveys.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Barnes, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Peterson, Plover, Rawle, Ryan, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—61.

NOES—None.

Title approved.

Assembly Bill No. 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act concerning trespassing of animals upon private lands,'" in certain counties in the State of California, approved March 7, 1878.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Bibb, Booth, Briceland, Brown, Campbell, Cary, Clement, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Hollister, Hughes, Hunter, Johnston, Keeler, Levenson, Lewison, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Weaver, Wharton, Wheat, and Yell—52.

NOES—Messrs. Beard, Clark, Crumpton, Heath, Hershey, Kerrick, Matthews, and Mr. Speaker—8.

Title approved.

CALL OF THE HOUSE.

Mr. Cutter moved a call of the House.

So ordered.

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

Messrs. Barnes, Beard, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Sinon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Cutter moved that the Sergeant-at-Arms be directed to bring absentees before the bar of the House, and that they be fined one dollar each.

The Sergeant-at-Arms presented Messrs. Atwell, Carter, and Ryan at the bar of the House.

Mr. Yell moved to excuse all members who may give satisfactory excuses.

Lost.

Mr. Hollister moved that Mr. Atwell be released from the custody of the Sergeant-at-Arms, and that the fine be remitted.

Lost.

Messrs. Atwell, Carter, and Ryan came forward, paid the fine imposed, and were released.

On motion of Mr. Hollister, further proceedings under the call of the House were dispensed with.

Mr. Murphy moved that the three dollars collected as fines from Messrs. Atwell, Carter, and Ryan be turned over to the Sergeant-at-Arms.

So ordered.

### THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 55—An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands and lands selected in lieu thereof, made prior to January first, eighteen hundred and eighty-one, from ten to seven per cent per annum.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Beard, Bibb, Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Heath, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Rawle, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—60.  
 NAYS—Messrs. Atwell, Head, Hershey, and Plover—4.

Title approved.

Assembly Bill No. 25—An Act to amend sections four and nine of 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," and to add a new section thereto.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Barnes, Beard, Bibb, Booth, Bowers, Briceland, Caminetti, Carter, Cary, Clark, Clement, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Flynn, Fortna, Granger, Hamilton, Harvey, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Peterson, Plover, Rawle, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—59.  
 NAYS—Mr. Storke—1.

Title amended and approved as amended.

Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Beard, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Coombs, Crompton, Cutter, Doty, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, O'Connor, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Weaver, Wharton, and Yell—52.

NOES—Messrs. Atwell, Briceland, Clement, Coleman, Farley, Healy, Moffitt, Murdock, Nicol, Wheat, Wheelan, and Mr. Speaker—12.

Title approved.

Mr. Sweetland gave notice that he would to-morrow move to reconsider the vote whereby the House passed Assembly Bill No. 192.

Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Beard, Bibb, Briceland, Brown, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Field, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, Peterson, Plover, Rawle, Ryan, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—60.

NOES—None.

Title approved.

Assembly Bill No. 43—An Act to amend section one thousand eight hundred and fifty-seven of the Political Code, relating to public schools.

Mr. Sinon moved that the consideration of the bill be indefinitely postponed.

So ordered.

Mr. Yell, pursuant to notice, moved to reconsider the vote whereby Assembly Bill No. 29—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the use of poisonous or explosive substances in fishing, and the placing or passing into the waters of this State deleterious matter—was refused passage.

So ordered.

The question being on the passage of the bill, Mr. Granger moved the previous question.

So ordered.

Mr. Yell moved a call of the House.

So ordered.

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

Messrs. Atwell, Barnes, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O Connor, Peterson, Plover, Rawle, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Lewison, further proceedings under the call of the House were dispensed with.

The question then recurring on the passage of the bill, the roll was called, and the House refused to pass the bill by the following vote:

AYES—Messrs. Bibb, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Doty, Faw, Fortna, Gaussall, Hall, Hamilton, Harvey, Head, Heath,

Hershey, Hughes, Hunter, Johnston, Kenrick, Moffitt, Murdock, Murphy, Rawle, Ryan, Simon, Stephens, Townsend, Weaver, Wheat, and Yell—36.

NOES—Messrs. Atwell, Barnes, Beard, Booth, Briceland, Caminetti, Coombs, Culver, Cutter, Farley, Field, Flynn, Granger, Hollister, Irwin, Keeler, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Nicol, O'Connor, Peterson, Plover, Stewart, Storke, Sweetland, Walrath, Wharton, Wheelan, and Mr. Speaker—34.

Mr. Coleman moved to suspend the rules for the purpose of considering Assembly Concurrent Resolution No. 31—In relation to the protection and preservation of the forests on the shores of Lake Tahoe, and providing for the appointment of a commission, who shall inquire into the feasibility of plans to protect the same, and report to the Governor before the meeting of the next Legislature.

So ordered.

The committee recommend the following amendment: After the word "Secretary," insert the words "such salary not to exceed in the aggregate three thousand dollars during the term of the commission."

Adopted.

Mr. Caminetti moved the following amendment: "And, whereas, it is with a feeling of fear as to the future climatic conditions of our State that we witness the destruction of our forests, without any effort being made to replace them."

Adopted.

At five o'clock and twenty minutes P. M., Mr. Wharton moved that the House do now adjourn.

The roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Atwell, Beard, Briceland, Campbell, Carter, Cary, Clark, Clement, Culver, Farley, Granger, Hall, Heath, Hershey, Hunter, Irwin, Lewison, Matthews, McHale, Moffitt, Murdock, Murphy, Plover, Reeves, Stephens, Stewart, Sweetland, Walrath, Weaver, Wharton, and Wheat—31.

NOES—Messrs. Barnes, Bibb, Booth, Brown, Callaghan, Caminetti, Coleman, Coombs, Crumpton, Cutter, Doty, Field, Flynn, Fortna, Gaussal, Hamilton, Harvey, Head, Hughes, Johnston, Keeler, Kenrick, Levenson, McClaskey, McDonald, McKinley, Nicol, O'Connor, Peterson, Ryan, Simon, Storke, Townsend, Yell, and Mr. Speaker—35.

#### RECESS.

Mr. Flynn moved that the House take a recess till seven o'clock and thirty minutes P. M., for the purpose of considering the first reading file.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Bibb, Booth, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussal, Hall, Hamilton, Harvey, Head, Hershey, Hughes, Irwin, Johnston, Kenrick, Levenson, McClaskey, McDonald, McKinley, Murphy, O'Connor, Peterson, Simon, Stephens, Stewart, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—42.

NOES—Messrs. Atwell, Barnes, Beard, Briceland, Brown, Carter, Cary, Clement, Culver, Granger, Heath, Hunter, Keeler, Lewison, Matthews, McHale, Moffitt, Murdock, Nicol, Plover, Reeves, Ryan, Sweetland, Walrath, Weaver, and Wharton—26.

#### REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

Messrs. Johnston, Hall, Head, Townsend, Irwin, and Atwell were granted leave of absence for this evening.

Mr. Sinon moved that further consideration of Assembly Concurrent Resolution No. 31 be made a special order for to-morrow morning, immediately after the reading of the Journal.

So ordered.

FIRST READING.

Assembly Bill No. 53—An Act for the protection of patients from extortion by dishonest physicians and druggists.

Withdrawn.

Assembly Bill No. 14—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream, approved March 26, 1868, declaring Islais Creek, in the City and County of San Francisco, a navigable stream of the State, from its mouth in the Bay of San Francisco, as established by the State Harbor Commissioners, to the southwesterly end of its channel, as per Gift Map No. Four, recorded in the office of the County Recorder of the City and County of San Francisco, December thirty-first, eighteen hundred and sixty-one, in Map Book No. Two.

Read first time, and ordered to second reading.

Mr. Irwin gave notice that he would to-morrow move to reconsider the vote whereby the House passed Assembly Bill No. 46.

Assembly Bill No. 214—An Act entitled "An Act to authorize and direct the State Board of Harbor Commissioners to construct culverts on the water front line or seawall of the City and County of San Francisco, wherever necessary to carry off stagnant water or nuisances created, or which may be created, by the construction of said water front line or seawall."

Read first time, and ordered to second reading.

Assembly Bill No. 70—An Act directing the Boards of Supervisors of the several counties to transfer all moneys remaining in the "County School Land Fund," arising from the sale of sections sixteen and thirty-six, State school lands, into the unapportioned County School Fund.

Read first time, and ordered to second reading.

Assembly Bill No. 270—An Act to amend sections one thousand eight hundred and thirty, one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, and one thousand eight hundred and thirty-seven of the Political Code, in relation to public schools.

Read first time, and ordered to second reading.

Assembly Bill No. 175—An Act to provide plans for school houses.

Refused first reading.

Mr. Levenson moved a call of the House.

Lost.

Assembly Bill No. 65—An Act to establish a simple, speedy, and inexpensive system of procedure in civil cases.

Mr. Flynn moved the previous question.

So ordered.

The question being on the first reading of the bill, the ayes and noes being demanded, the roll was called, and the bill was ordered read by the following vote:

AYES—Messrs. Barnes, Beard, Bibb, Brown, Carter, Cary, Clark, Crumpton, Cutter, Flynn, Fontna, Gaussail, Granger, Hamilton, Healy, Hershby, Hughes, Keeler, Kerrick, Levenson, Matthews, McDonald, McKinley, Moffitt, Muddock, O'Connor, Sinen, Sweetland, Terry, Wabath, Wheat, and Wheelan—32.

NOES—Messrs. Callaghan, Caminetti, Campbell, Coleman, Farley, Field, Harvey, Hollister, McHale, Nicol, Peterson, Smith, Storke, Wharton, Yell, and Mr. Speaker—16.

Mr. Healy moved a call of the House.

Lost.

Bill read first time, and ordered to second reading.

Mr. Levenson moved that the amendments to the bill be printed, and that the second reading be made a special order for two o'clock and thirty minutes p. m. Friday next.

Lost.

Assembly Bill No. 286—An Act to regulate the business of pawn-brokers.

Refused first reading.

Assembly Bill No. 296—An Act to amend section three hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the designation and number of civil executive officers.

Refused first reading.

Assembly Bill No. 87—An Act to amend section eight hundred and sixty-seven of the Code of Civil Procedure.

Refused first reading.

Assembly Bill No. 154—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 11, 1872, relating to the adverse possession of property under claim of title not written.

Read first time, and ordered to second reading.

Senate Bill No. 11—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872.

Read first time, and ordered to second reading.

Assembly Bill No. 300—An Act to amend section one thousand seven hundred and four of the Code of Civil Procedure, in relation to the entry of orders and decrees in probate proceedings.

Read first time, and ordered to second reading.

Assembly Bill No. 316—An Act to amend section one thousand two hundred and twenty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to voting and challenge.

Read first time, and ordered to second reading.

Assembly Bill No. 317—An Act to amend section one thousand and eighty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to qualifications and disabilities of electors.

Read first time, and ordered to second reading.

Assembly Bill No. 318—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be known as section three hundred and eighty-two *a*, relative to the sale, or keeping or offering for sale of any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, under a false name, with fraudulent intent to deceive as to the character of the same, and relative to the evidence thereof.

Read first time, and ordered to second reading

## PROPOSED AMENDMENTS TO THE CONSTITUTION.

By Mr. Sinon: Proposed amendment to section thirteen of article twenty of the Constitution.

Referred to Committee on Constitutional Amendments.

Also, proposed amendment to section six of article four of the Constitution.

Referred to Committee on Constitutional Amendments.

## FIRST READING—(RESUMED).

Assembly Bill No. 324—An Act in relation to pawnbrokers and pledgees.

Read first time, and ordered to second reading.

Assembly Bill No. 332—An Act to amend sections one hundred and ninety-eight and two hundred and five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the qualifications of jurors, and to selecting and returning jurors for Courts of record.

Read first time, and ordered to second reading.

Assembly Bill No. 333—An Act to amend section six hundred and two of the Code of Civil Procedure of the State of California, relating to the grounds of challenge to jurors, and challenges for cause.

Read first time, and ordered to second reading.

Assembly Bill No. 338—An Act to amend section nine hundred and seventy-six of the Code of Civil Procedure.

Refused first reading.

Assembly Bill No. 345—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the time of commencing actions.

Refused first reading.

Assembly Bill No. 348—An Act to amend sections three thousand seven hundred and forty-seven and three thousand seven hundred and forty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to collection of property taxes, and to repeal section three thousand seven hundred and forty-eight of said Code.

Read first time, and ordered to second reading.

Assembly Bill No. 357—An Act to prevent the spread of smallpox.

Read first time, and ordered to second reading.

Senate Bill No. 85—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 first time, and ordered to second reading.

Assembly Bill No. 298—An Act to provide for the payment of Calvin Brown for services rendered on the seawall investigation.

Refused first reading.

Assembly Bill No. 398—An Act to amend sections one thousand five hundred and thirty-two, one thousand five hundred and seventy-seven, one thousand six hundred and seventeen, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and fifty, one thousand six hundred and eighty-seven, one thousand seven hundred, and one thousand eight

hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools.

Read first time, and ordered to second reading.

Assembly Bill No. 380—An Act to amend section six hundred and thirty-four of the Penal Code, approved February 14, 1872, in relation to the taking of salmon and shad from the waters of the State. (On behalf of the Committee on Fish and Game.)

Read first time, and ordered to second reading.

Assembly Bill No. 399—An Act to fix the salary of the State Engineer, and for that purpose to amend section number two of an Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers, approved March 29, 1878, relating to the compensation of the State Engineer. (On behalf of the Committee on Ways and Means.)

Read first time, and ordered to second reading.

Assembly Bill No. 208—An Act to amend section two thousand six hundred and sixty-three of the Political Code, relating to road tax.

Refused first reading.

Assembly Bill No. 22—An Act to encourage the improvement of avenues and highways in colonies.

Withdrawn.

Assembly Bill No. 368—An Act to amend section three thousand six hundred and forty-four of the Political Code, relative to the assessment of property.

Refused first reading.

Assembly Bill No. 303—An Act to declare Feather River navigable above the point of its present navigation.

Read first time, and ordered to second reading.

Assembly Bill No. 249—An Act entitled "An Act to grant the Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Refused first reading.

#### ADJOURNMENT.

At nine o'clock and forty minutes P. M., on motion of Mr. McDonald, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, February 14, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerriek, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Sweetland, Teiry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Campbell, further reading was dispensed with.  
Journal of Wednesday approved.

## RESOLUTION—(OUT OF ORDER).

By Mr. Moffitt:

*Resolved*, That Miss Lena Bowers is hereby appointed Assistant Journal Clerk, at the same per diem as is allowed the Journal Clerk of the Assembly.

Referred to Committee on Attachés and Employés.

Mr. Irwin moved that the Senate be requested to return to the House Assembly Bill No. 46.

So ordered.

## SPECIAL ORDER.

Special order for this hour, further consideration of Assembly Concurrent Resolution No. 31—In relation to the protection and preservation of the forests on the shores of Lake Tahoe, and providing for the appointment of a commission who shall inquire into the feasibility of plans to protect the same, and report to the Governor before the meeting of the next Legislature.

Mr. Kerrick moved to amend by striking out the word "Tahoe," and inserting the word "Bigler."

Adopted.

Mr. Caminetti moved to strike out the amendment adopted yesterday.

So ordered.

The question being on the adoption of the resolution, the ayes and noes being demanded, the roll was called, and the resolution was adopted by the following vote:

**AYES**—Messrs. Barnes, Barry, Beard, Bibb, Bowers, Brown, Callaghan, Caminetti, Cary, Clark, Clement, Coleman, Culver, Doty, Faw, Flynn, Granger, Hall, Hamilton, Heath, Hollister, Hughes, Keeler, Kerrick, Levenson, Lewison, Matthews, McDonald, McKinley, Moffitt, Murphy, Rawle, Reeves, Simon, Smith, Sweetland, Walthath, Weaver, Wheelan, Yell, and Mr. Speaker—41.

**NOES**—Messrs. Atwell, Campbell, Carter, Coombs, Crumpton, Cutler, Farley, Field, Fortna, Harvey, Head, Hershey, Hunter, Irwin, Johnston, McClaskey, McHale, Murdock, Nicol, Parker, Peterson, Plover, Rhiel, Stephens, Stewart, Townsend, Wharton, and Wheat—28.

## REPORTS OF STANDING COMMITTEES.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 12, relative to the tax levy, have had the same under consideration, and now report the same back, and recommend that its further consideration be indefinitely postponed.

CAMPBELL, Chairman.

## ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the report of the Committee on Agriculture, Mining, and Mechanics' Arts College—have had the same under consideration, and now report the same back and recommend the adoption of the following resolution:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of

John M. Townsend, Chairman of said committee, for the sum of seventy-six dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

Your Committee on Mileage, to whom was referred the report of the Committee on Commerce and Navigation, have had the same under consideration, and now report the same back, and recommend the adoption of the following resolution

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of J. V. Coleman, Chairman of said committee, for the sum of thirty-three dollars and sixty cents, payable out of the Contingent Fund of the Assembly.

Adopted.

Your Committee on Mileage, to whom was referred the amount due the Honorable A. J. Atwell for mileage from his residence to and from the Capitol at Sacramento, have had the same under consideration, and now report the same back, and recommend the adoption of the following resolution

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of A. J. Atwell for the sum of forty-two dollars, payable out of the Contingent Fund of the Assembly.

JAMES J. FLYNN, Chairman.  
G. W. T. CARTER.

Adopted.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 96—An Act to provide for increasing the water supply of the Deaf and Dumb, and Blind Asylum—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 425—An Act to appropriate the sum of thirty-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.

PLOVER, Chairman.

ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 256—An Act to prevent the collection of commissions by physicians from pharmacists, and to prevent physicians from prescribing by signs, names, or numbers not understood by all competent pharmacists, and to protect patients from dangerous drugs and medicines

Also, Assembly Bill No. 258—An Act to establish a Branch State Insane Asylum

Also, Assembly Bill No. 355—An Act to provide for the erection and management of a State Asylum for the Insane, to be located in Southern California—have had the same under consideration, and now report the same back, and recommend that they do not pass.

CRUMPTON, Chairman.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 278—An Act to amend an Act entitled "An Act to define the boundary line between the Counties of Amador and El Dorado"—have had the same under consideration, and recommend the passage of the accompanying substitute for said bill.

HERSHEY, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1883.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres—and now beg leave to report the same back, and recommend that it do pass

Also, Assembly Concurrent Resolution No. 20—Concurrent Resolution in relation to the appointment of Captain John Mullan of San Francisco, agent and attorney to represent the State of California at Washington, and providing for his compensation—have had the same

under consideration, and have amended the resolution by striking out the words "twenty-five," in line thirteen, and inserting in lieu thereof the words "twenty cents," and recommend the passage of the resolution as amended.

McCLASKEY, Chairman.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1883.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 394—An Act to amend section two thousand three hundred and forty-nine of the Political Code, relating to public waters—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Commerce and Navigation.

BEARD, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Petition protesting against the passage of a license law, presented by Mr. Doty—have had the same under consideration, and now report the same back, and recommend that the prayer of the petitioner be not granted.

Also, Assembly Bill No. 427—An Act to provide for the weighing of hay in cities and towns, and to provide for a weigher—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Municipal Corporations.

Also, Assembly Bills Nos. 195, 424, and 2—have had the same under consideration, and now report the same back, and recommend that they do not pass.

Also, Assembly Bills Nos. 131, 335, and 336—all relating to the establishing of a uniform system of county governments—have had the same under consideration, and now report the same back, and recommend that they do not pass; but herewith submit the draft of a bill to establish a uniform system of county governments, and recommend the passage of the same.

JOHNSTON, Chairman.

A report by members of the Committee on Commerce and Navigation, relating to the investigation of the affairs of the Boards of Harbor and Pilot Commissioners, was, on motion of Mr. Johnston, ordered printed as an addenda to the Journal:

REPORT OF THE JOINT COMMITTEE OF THE SENATE AND ASSEMBLY ON COMMERCE AND NAVIGATION.

(Minority Report.)

MR. SPEAKER: The undersigned, members of your Committee of the Senate and Assembly on Commerce and Navigation, have the honor to report that, in accordance with the authority conferred upon them by a joint resolution of the Senate and Assembly—to "institute an investigation into all the official acts of the Board of State Harbor Commissioners and the Board of Pilot Commissioners, and also into the question of towage and towage rates, and all other matters relative to the injury to the commerce of the State"—they visited San Francisco, examined numerous witnesses under oath, and took a large amount of interesting and important testimony, which is herewith respectfully submitted.

PILOTAGE AND TOWAGE RATES.

From the testimony taken by us, it appears that the business of piloting vessels into and out of the Bay of San Francisco is conducted by twenty duly licensed pilots, who pool their earnings, and make a pro rata division among themselves, share and share alike, once every month. One of their number—Captain Jolliffe—is detailed to the exclusive business of collecting and dividing their earnings, and is called "Port Agent." Their income is derived from charges, which the law authorizes them to make, at the following rates, *i. e.* For all vessels under five hundred tons, five dollars per foot draught; and all vessels over five hundred tons, five dollars per foot draught, and four cents for each and every ton registered measurement. When a vessel is spoken inward or outward bound, and the services of a pilot are declined, one half of the foregoing rates is charged. When vessels are not spoken until inside the bar the rates are reduced fifty (50) per cent. Vessels engaged in the whaling, fishing, and coasting trade, are exempt from all pilotage unless a pilot be actually employed.

The pilots are licensed, supervised, and controlled in the discharge of their duties by a Board of Pilot Commissioners, consisting of three members, who receive, as compensation for their services, five per cent of the gross earnings of the pilots, which yielded for the year eighteen hundred and eighty-two, the sum of nine thousand nine hundred and thirty-one dollars and twenty-five cents. This, it must be confessed, is a large charge for services that prove in practice to be largely of a nominal and perfunctory character. We think it is objectionable in principle, that the income of the Commissioners should depend upon a percentage of the

earnings of the pilots, for in that case the former become interested in the latter exacting the largest possible sum from commerce. We think that a material saving might be made by rewarding the labors of the Pilot Commissioners with a stated salary.

We find that the pilot charges fixed some years ago, when the commerce of the State was very much less than it now is, are altogether too high, and that they could be reduced without detriment to the service and with advantage to commerce. This view is not controverted on any side. All parties agree that a reduction can and ought to be made. The only question is as to what that reduction should be. On the one side, C. T. Hopkins, as Chairman of a Committee of the Board of Trade and as Chairman of the Shipowners' Association, testifies that the reduction may safely amount to fifty per cent upon the present charges. On the other side, Captain Jolliffe, as representing the pilots, says that the reduction may fairly amount to twenty-five per cent. Then comes a large shipowner (Andrew Crawford) who says that the reduction should amount to seventy-five per cent. Between these extremes the Legislature has to arrive at a mean.

In its endeavor to reach a just conclusion on that point, there are several facts that have come out in the course of your committee's investigation which appear in the testimony, and which ought more specially to be called attention to. The general tendency of those facts goes to show that the pilots at present make discriminations in their charges, and submit to exactions, which, if prevented or abolished by law, would permit pilot charges to be very greatly reduced. In the first place, the Pilot Commissioners' charges can almost wholly be got rid of in the manner we have heretofore suggested. Then it appears that, for some reason not explained to your committee, the pilots felt compelled to yield up a large share of their earnings to the owners of a certain towboat monopoly, and without any consideration being given therefor that your committee can discern. In evidence of this fact, the following contract is produced.

"Agreement made at San Francisco, California, this thirty-first day of December, A. D. one thousand eight hundred and eighty-one, by and between William E. Donett, Thomas J. Knipe, Win W. Neal, Frank Boyd, Charles Mayo, John S. Dolliver, John W. Ott, Frank Murphy, William N. Shelley, Freeman Trask, J. Henry Rogers, Eugene M. Freeman, James Blood, John Mahan, William H. Jolliffe, John B. Jones, Thomas H. Barber, Geo. Johnson, Stephen Castle, and James Wilson, pilots of the port of San Francisco, parties of the first part, and Millen Griffith, Chas. Goodall, and Edwin Goodall, all of said San Francisco, parties of the second part

"WHEREAS, The parties of the first part are pilots of the port of San Francisco, and consider that it will be very advantageous to their business of pilotage of said port to have an efficient and reliable steam towage service for vessels, at fixed rates of charge, maintained at said port of San Francisco by experienced and responsible parties, and that such steam towage service for vessels maintained by such parties, will greatly facilitate them and the parties of the first part in their business, namely, of making the execution of their pilotage service more speedy and more safe, and,

"WHEREAS, The parties of the first part have great confidence in the ability and experience of said parties of the second part to properly execute and maintain such steam towage service, and have also great confidence in the responsibility and reliability of said parties of the second part: and,

"WHEREAS, The parties of the second part are the owners of several large and powerful tugboats, and are thoroughly conversant with the proper mode of managing and maintaining an efficient steam towage service for vessels at said port of San Francisco, and are willing to manage and maintain such steam towage service for the period of two years and three months from the date of this agreement, and for the consideration and upon the terms herein expressed

"Now, therefore, this agreement witnesseth as follows

"The said parties of the first part, for and in consideration of the covenants and stipulations herein contained on the part of said parties of the second part, and in further consideration of the sum of one dollar to each of said parties of the first part in hand paid by said parties of the second part before the execution of this agreement, the receipt whereof by each of said parties of the first part is hereby acknowledged, do hereby jointly and severally covenant and agree to and with the said parties of the second part as follows

"First, to pay to said parties of the second part for the period of two years and three months from the date of this agreement, fifty-five (55) per cent of all outward pilotage (whether whole pilotage or half pilotage, whether actually or constructively earned, and whether a tugboat is used or not, except as hereinafter provided) received by them, the parties of the first part, or by any of them, or by the successors of them, or of any of them, as pilots of said port during said two years and three months. The object and intent being that said parties of the first part hereby absolutely guarantee to said parties of the second part the receipt by them (said parties of the second part) of fifty-five per cent of all outward pilotage earned or collected during said two years and three months, by the pilots of the port of San Francisco, whoever may be such pilots.

"And the said parties of the second part, for and in consideration of the covenants and stipulations herein contained on the part of said parties of the first part, and in further consideration of the sum of one dollar to each of said parties of the second part in hand paid by said parties of the first part before the execution of this agreement, the receipt whereof by each of said parties of the second part is hereby acknowledged, do hereby jointly and severally covenant and agree to and with said parties of the first part, as follows

"First—To have and maintain at said port of San Francisco for the period of two years and three months from the date of this agreement, an efficient steam towage service for towing ves-

sels to sea with steam tugboats, sufficient in number and of sufficient power and capacity to perform all such towage service, and properly officered and manned and equipped, and thus at no higher rate of charge than is expressed in the paper hereto annexed and made part hereof, and designated "Schedule of Towage Rates," save and except in cases where salvage services and unusual or extraordinary steam service is performed by said parties of the second part.

"Nothing herein contained is to prevent or abridge the right of the parties of the second part to collect and receive pay, according to the terms of this agreement, for any and all steam towage service performed by their steam tugboats and employes.

"It is understood that this agreement does not obligate the steam tugboats of said parties of the second part to furnish towage hawsers to vessels which they undertake to tow.

"It is further understood and agreed by and between the parties hereto, that the parties of the second part shall be entitled to but five (5) per cent of the half pilotage on J. F. Chapman's vessels, unless a pilot is actually employed, in which case they shall be entitled to fifty-five per cent of the net amount received by said pilots for outside pilotage.

"It is further understood and agreed by and between the parties hereto, that all pilotage received from the Pacific Mail Steamship Company, or from their steamers, and all pilotage received from the Occidental and Oriental Steamship Company, or from their steamers, and all pilotage received from National steam vessels, shall be excluded from the operation of this agreement.

"In witness whereof, all the parties hereto have severally set their respective hands and seals on the day and year first above written.

" W H JOLLIFFE,	[SEAL]
" WM. W. NEAL,	[SEAL]
" STEPHEN CASTLE,	[SEAL]
" JOHN MAHAN,	[SEAL]
" GEO. JOHNSON,	[SEAL]
" FRANK BOYD,	[SEAL]
" E. M. FREEMAN,	[SEAL]
" JAMES BLOOD,	[SEAL]
" J. B. JONES,	[SEAL]
" J H ROGERS,	[SEAL]
" THOS J. KNIPE,	[SEAL]
" WM. E. DOMETT,	[SEAL]
" J. S. DOLLIVER,	[SEAL]
" J. W. OTT,	[SEAL]
" JAMES WILSON,	[SEAL]
" CHAS MAYO,	[SEAL]
" FREEMAN TRASK,	[SEAL]
" WM. N. SHELLEY,	[SEAL]
" F. MURPHY,	[SEAL]
" T. H. BARBER,	[SEAL]
" MILLEN GRIFFITH,	[SEAL]
" CHAS GOODALL,"	[SEAL]

#### SCHEDULE OF TOWAGE RATES.

Vessels 500 to 1,000 tons .....	\$300 00
Vessels 1,000 to 1,400 tons .....	400 00
Vessels 1,400 to 1,800 tons .....	500 00
Over 1,800 tons .....	Special rates.

That extraordinary contract drew from the earnings of the pilots during the year eighteen hundred and eighty-two, the following sums:

January, 1882 .....	\$4,432 93
February, 1882 .....	3,769 59
March, 1882 .....	3,692 63
April, 1882 .....	4,033 40
May, 1882 .....	4,085 61
June, 1882 .....	2,510 92
July, 1882 .....	2,608 08
August, 1882 .....	3,143 73
September, 1882 .....	3,325 73
October, 1882 .....	4,642 18
November, 1882 .....	4,424 40
December, 1882 .....	3,358 79
Total .....	\$44,028 04

Take from the present pilot collections the sum of nine thousand nine hundred and thirty-one dollars and twenty-five cents, paid to the Pilot Commissioners, and the sum of forty-four thousand and twenty-eight dollars and four cents, improperly exacted by the towboat owners, and the balance of the pilots' net income, on the basis of the year eighteen hundred and eighty-two, amounts to one hundred and forty-four thousand six hundred and five dollars and eleven

cents. They thus have to pay away about twenty-six per cent of their present income for purposes that are unnecessary, and against public policy. In eighteen hundred and eighty-two they collected from pilotage the sum of one hundred and ninety-eight thousand six hundred and twenty-five dollars, or within a fraction of ten thousand dollars per pilot. Notwithstanding the exactions we have alluded to, they yet netted about four hundred and forty-one dollars per month over and above their expenses. We think that two hundred and fifty dollars per month would be an ample payment to secure the services of the most competent pilots, we therefore recommend a sufficient reduction accordingly.

We find, further, that the pilots' fees would have been increased if the rates allowed by law had been equally exacted from all. The testimony shows that there has been favoritism and discrimination. Vessels belonging to certain owners have been let off with one quarter of the legal rates. This, in our judgment, is a discrimination that ought not to be tolerated. Charges should be fixed certain and unalterable, to the end that all may pay alike, and for the purpose that no one trader may possess an advantage over another. Strict and rigid laws ought to be passed to prevent this kind of unjust and injurious discrimination.

The outcome of our investigation in regard to pilot charges is this: That there are discriminations between one shipowner and another; that there are exactions by towboat owners that nothing entitles them to, that there is a percentage by Pilot Commissioners that can practically be diminished, and that notwithstanding these charges, the pilots' income during last year amounted to four hundred and forty-one dollars per month. In the face of all these considerations, we think that pilot charges can be reduced very materially.

#### TOWAGE RATES.

We have had no fixed rates before us by which to determine how much the towboats exact from commerce. But it is certain that the charges are excessive, and ought to be regulated by law. One large shipping merchant (F. W. Meyer) testifies that he paid in eighteen hundred and eighty-two the sum of forty-four thousand seven hundred and sixty-eight dollars and ninety cents for towage, and that he controlled not more than fifteen per cent of the foreign commerce of the port. It is safe to say, therefore, that the towage combination collected in eighteen hundred and eighty-two not less than half a million dollars, which is certainly an enormously disproportionate charge for the services the towboats render. We think that the towboats may well be regulated by law in regard to their services and charges. If hackney collages may be regulated in consideration of the use they make of the streets, why may not towboats be limited in their charges, seeing that they have a free use of the water highways of the State.

It is, perhaps, right to say that Captain Travers is one of the Pilot Commissioners, and that he is the employé of the company of which Goodall, Perkins & Co. are the agents.

#### THE HARBOR COMMISSIONERS.

Harbor matters are regulated by three Commissioners, who are appointed by the Governor, subject to the confirmation of the Senate. During the incumbency of the late Governor George C. Perkins the following persons were appointed Harbor Commissioners, viz: George S. Evans, William H. Knight, and William A. Phillips.

At the time of his appointment, W. H. Knight was bookkeeper for the firm of Goodall, Perkins & Co., who were then large shipowners, and have since become agents for the Oregon Improvement and Navigation Company, which has a fleet of steamers trading with this port. The said William A. Phillips was then, and still continues to be, the superintending engineer of the aforesaid Oregon Company, of which Goodall, Perkins & Co. are the agents. Mr. Knight has since resigned his position as bookkeeper of Goodall, Perkins & Co., but Mr. Phillips still holds his office as superintending engineer of the Oregon Company.

We think that these two appointments were made in direct contravention of the true intent and spirit of the law. Section two thousand five hundred and forty-five of the Political Code provides that no person shall be eligible to any office by virtue of this article who is interested in any class of water craft sailing into and out of the Bay of San Francisco, as owner, mortgagee, or consignee. It will hardly be contended that a bookkeeper or superintendent of a large ship-owning firm is not "indirectly" interested in "water craft sailing into and out of the Bay of San Francisco." If the employer was disqualified from being Commissioner, with what show of reason can it be contended that his employé, who naturally is under his orders and subject to his control, can be qualified for a position for which his employer was disqualified?

We think these appointments were undoubted violations of the intent of the law, and ought to be set aside for cause. These appointees conferred advantages on that firm which were exceptional. They widened wharves which by law were in the exclusive possession of that firm, or of corporations of which they were agents, and they did so without adding to the increased rental value that was thereby given to such wharves. They dredged around certain of those wharves, which the lessees had contracted to dredge at their own expense, and they did so at a cost nearly two thirds less than had previously been paid to private owners of dredgers. They thereby entered into competition with private enterprise, and in favor of individuals, and brought an increased business to wharves that, being leased by individual firms, enter into competition with the State, and reduce the income thereof. All of which inured to the advantage of a particular firm or to the corporations they represented. These facts are very clearly demonstrated by the testimony.

From all of these causes, it results that port charges are in excess of what they ought to be, and can be and ought to be greatly reduced.

It will be the duty of the Committees on Commerce and Navigation to submit, and of the Legislature to pass, such bills as will remedy these grievances.

All of which is respectfully submitted.

JAS. V. COLEMAN, Chairman Joint Committee.

JEREMIAH LYNCH, Chairman pro tem.

CHAS. A. HUGHES.

J. J. CALLAGHAN.

Mr. Cutter moved that the substitute bill by the Committee on County and Township Governments be declared one of urgency, and read first time.

So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 448—An Act to establish a uniform system of county governments.

Read first time, and ordered to second reading.

#### MOTION.

By Mr. Johnston:

That the passage of the bill reported by the Assembly Committee on County and Township Governments be declared a case of urgency within the provisions of section fifteen, article four, of the Constitution, and that the Assembly dispense with reading at length the said bill on its first reading.

On which motion he calls for the ayes and noes.

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

AYES—Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, HERSHEY, Hughes, Hunter, Irwin, Johnston, Keeler, Kenek, Levenson, Lawison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connoi, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—69.

NOES—Mr. Carter—1.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Johnston:

*Resolved*, That there be printed five hundred copies of the bill reported by the Assembly Committee on County and Township Governments, entitled "An Act to establish a uniform system of County Governments."

Adopted.

Mr. Johnston moved that the bill be transmitted to the printer immediately.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The committee arose, reported progress, and asked leave to sit again immediately after recess.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—now report progress, and ask leave to sit again immediately after recess.

On motion of Mr. Townsend, the report was received and the request granted.

## RECESS.

At twelve o'clock and thirty minutes, the Speaker declared recess till two o'clock p. m. this day.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Matthews moved to reconsider the vote whereby Assembly Bill No. 138 was refused passage.

Mr. Johnston moved to indefinitely postpone the whole subject.

The ayes and noes being demanded, the roll was called, and the House refused to postpone by the following vote:

AYES—Messrs. Barry, Beard, Bowers, Callaghan, Caminetti, Campbell, Clark, Flynn, Gaussail, Healy, Heath, Irwin, Johnston, Lewison, McClaskey, McDonald, McKinley, O'Connor, Plover, Rawle, Smith, Storke, Terry, Weaver, Wharton, Wheelan, and Yell—28

NOES—Messrs. Barnes, Briceland, Brown, Carter, Cary, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fortna, Granger, Hamilton, Harvey, Head, Hershey, Hughes, Hunter, Keeler, Kerrick, Loverson, Matthews, Moffitt, Murdock, Nicol, Parker, Peterson, Reeves, Rhel, Ryan, Simon, Stephens, Stewart, Townsend, Walrath, Wheat, and Mr. Speaker—40.

The question being then on the reconsideration of the vote whereby the House refused to pass Assembly Bill No. 138, Mr. Wharton moved that the motion lay on the table.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Booth, Bowers, Callaghan, Caminetti, Campbell, Flynn, Gaussail, Hall, Healy, Irwin, Lewison, McClaskey, McDonald, Plover, Storke, Weaver, and Wharton—17.

NOES—Messrs. Barnes, Barry, Beard, Briceland, Brown, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Johnston, Keeler, Kerrick, Loverson, Matthews, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Stewart, Townsend, Walrath, Wheat, Wheelan, Yell, and Mr. Speaker—50.

The question being then on the motion to reconsider, Mr. Townsend moved the previous question.

So ordered.

The ayes and noes being demanded on the motion to reconsider, the roll was called, and the motion was carried by the following vote:

AYES—Messrs Barnes, Bibb, Briceland, Brown, Carter, Cary, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Foitna, Granger, Hamilton, Harvey, Head, Heisley, Hollister, Hughes, Hunter, Keeler, Kerrick, Levenson, Matthews, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Ryan, Simon, Stephens, Stewart, Townsend, Walrath, Wheat, and Mr Speaker—43.

NOES—Messrs Barry, Beard, Booth, Bowers, Callaghan, Caminetti, Campbell, Clark, Fleming, Flynn, Gaussail, Healy, Heath, Irwin, Johnston, Lewison, McClaskey, McDonald, McKinley, O'Connor, Rawle, Smith, Storke, Sweetland, Terry, Weaver, Wharton, Wheelan, and Yell—29.

Mr. Matthews moved a call of the House.

Lost.

Mr. Johnston moved that the bill be put upon its final passage.

So ordered.

Mr. Storke moved the previous question.

So ordered.

The question being then on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs Atwell, Barnes, Briceland, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fortna, Granger, Hamilton, Harvey, Head, Hershey, Hughes, Hunter, Irwin, Kerrick, Levenson, Matthews, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Simon, Stephens, Stewart, Townsend, Walrath, Wheat, and Mr Speaker—42

NOES—Messrs Barry, Beard, Bibb, Booth, Bowers, Callaghan, Caminetti, Clark, Flynn, Gaussail, Hall, Healy, Heath, Hollister, Johnston, Keeler, Lewison, McClaskey, McDonald, McKinley, O'Connor, Rawle, Ryan, Smith, Storke, Sweetland, Terry, Weaver, Wharton, Wheelan, and Yell—32.

Title approved.

Mr. Irwin, pursuant to notice, moved to reconsider the vote whereby the House passed Assembly Bill No. 46.

Mr. Campbell moved the previous question.

So ordered.

The question then recurring on the motion to reconsider, it was so ordered.

Mr. Irwin moved that the bill be placed on the third reading file.

So ordered.

Mr. Sweetland, pursuant to notice, moved to reconsider the vote whereby the House passed Assembly Bill No. 192.

So ordered.

Mr. Flynn moved that Assembly Bill No. 192 be placed on the third reading file.

Mr. Levenson moved, as an amendment, that the bill be made a special order for three o'clock p. m. to-morrow.

Lost.

The question then recurring on the motion by Mr. Flynn, it was so ordered.

Mr. Caminetti, of the Committee on Elections, presented an opinion relative to the contested election case of Dozier vs Barnes.

Mr. Townsend moved that the consideration of the matter be postponed till this evening, at seven o'clock and thirty minutes.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The committee arose, reported progress, and asked leave to sit again.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN OF THE ASSEMBLY The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—now report progress, and ask leave to sit again.

The report was received, and the request granted.

Mr. Cutter, pursuant to notice, moved to reconsider the vote whereby Assembly Bill No. 140 was passed.

Mr. Hollister moved a call of the House.

Lost.

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

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote :

AYES—Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Clark, Crumpton, Doty, Field, Flynn, Gaussail, Hamilton, Heath, Hershey, Hollister, Johnston, Kerrick, Lewison, Matthews, McClaskey, McKinley, Murdock, Murphy, Nicol, Plover, Reeves, Rhuel, Ryan, Sinon, Stephens, Storke, Sweetland, Townsend, Walrath, Wharton, Yell, and Mr. Speaker—43.

NOES—Messrs. Cary, Clement, Coombs, Cutter, Farley, Fleming, Fortna, Granger, Harvey, Hunter, Irwin, Keeler, Levenson, McDonald, McHale, Moffitt, O'Connor, Parker, Peterson, Rawle, Smith, Stewart, and Wheelan—23.

RECESS.

At five o'clock and forty minutes P. M., on motion of Mr. Johnston, the House took a recess until seven o'clock and thirty minutes this evening.

REASSEMBLED.

The House reassembled.

Speaker pro tem. Campbell in the chair.

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

Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Matthews, McClaskey, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—66.

Quorum present.

INTRODUCTION OF A BILL—(OUT OF ORDER).

By Mr. Sinon: An Act to add a new section to the Penal Code of the State of California, to be known as section two hundred and

ninety-nine, relating to the closing of certain establishments on Sunday.

Referred to Committee on Public Morals.

Messrs. Coombs, Irwin, and Terry were granted leave of absence for this session.

#### CALL OF THE HOUSE.

Mr. Flynn moved a call of the House.  
So ordered.

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

Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Claik, Clement, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Irwin, Johnston, Keeler, Kerrick, Levetson, Lewison, Matthews, McClaskey, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rbiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Sweetland, further proceedings under the call of the House were dispensed with.

#### SPECIAL ORDER.

Special order for this hour—Consideration of majority and minority reports of Committee on Elections, in the contested case of Dozier vs. Barnes.

#### RESOLUTION.

By Mr. Cutter :

*Resolved*, That the leading argument on each side be limited to thirty minutes, and all succeeding arguments to ten minutes each ; no member to speak more than once.

Adopted.

#### REPORT OF A COMMITTEE.

##### MINORITY REPORT OF THE COMMITTEE ON ELECTIONS.

MR. SPEAKER: As a member of the Committee on Elections, to which was referred the contested election case of Dozier vs. Barnes, I desire to state my reasons for dissenting from the views of the majority thereof. After an impartial examination of the testimony in this contest, the authorities bearing thereon, and the laws regulating proceedings of this nature, I am not satisfied that the contestant has, in the manner provided by law, shown with any reasonable degree of certainty that the entire vote of the precincts named in the testimony should be rejected. To reject the same would disfranchise a large number of people who voted therein, and against whom no direct charge is made. I do not believe because some fraudulent or illegal votes are cast in one precinct that therefore all the votes of the precinct must be set aside. Such a principle would destroy the rights of citizenship, by placing in the power of tricksters the machinery of election, as it is an easy matter for them to secure the polling of a few illegal votes in each election precinct. I am fully satisfied from the evidence that there was intimidation resorted to by the "bosses" at Mare Island in order to influence the workmen in favor of the Republican ticket, but to what extent it was successful, or what number of the workmen were prevented thereby from exercising their constitutional right to vote as their opinions dictated, cannot be determined. In my judgment the evidence should establish that fact. For those reasons I must hold that the contestant has not established a right to the contested seat now occupied by Mr. Barnes.

February 10, 1883.

A. CAMINETTI.

Mr. Lewison moved the adoption of the report presented by

Messrs. Lewison and Booth, a minority of the Committee on Elections.

Mr. Crumpton moved to postpone further consideration of the case till to-morrow evening, at seven o'clock and thirty minutes.

So ordered.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Mr. Storke, the House adjourned.

IN ASSEMBLY. .

ASSEMBLY CHAMBER,  
Thursday, February 15, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Booth, Bowers, Briceland, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Hall, Hamilton, Harvey, Head, Healy, Heath, HERSHEY, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kernick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweeland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Murdock, further reading was dispensed with.

Journal of Wednesday approved as corrected.

RESOLUTION—(OUT OF ORDER).

*Resolved*, That a sub-committee, consisting of three members of the Committee on State Prisons, be granted leave of absence for Friday, sixteenth instant, to visit the State Prison at Folsom.

HUNTER, Chairman.

Adopted.

By Mr. Murdock:

WHEREAS, The session is so far advanced that the work before many of the committees must be considerably reduced; therefore, be it

*Resolved*, That the Committee on Attachés and Employés be requested to report if, in their judgment, the present expenditure of one hundred and fifty-six dollars per day for clerks of committees (as per their last report) may not be materially reduced without detriment to the public service.

Adopted.

PETITION.

By Mr. Atwell: In relation to irrigation in the Mussel Slough country, requesting that no legislation be had on the subject.

Referred to Committee on Irrigation.

## REPORTS OF STANDING COMMITTEES.

## ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER: Your Committee on Fish and Game would respectfully report the following bill, and recommend it for passage: An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine, of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of fish and game.

MOFFITT, Chairman.

## ON SWAMP AND OVERFLOWED LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 364—An Act to amend section three thousand four hundred and eighty-eight of the Political Code, relating to the sale of swamp and overflowed salt marsh and tide lands—respectfully beg leave to report that we have had the same under consideration, and now report the same back to your honorable body without recommendation.

KERRICK, Chairman.

## ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 434—An Act to amend section six of an Act entitled "An Act supplemental to and amendatory of an Act entitled 'An Act to regulate the practice of medicine in the State of California,'" approved April 3, 1876, passed April 1, 1878—have had the same under consideration, and now report the same back, and recommend the passage of the bill

CRUMPTON, Chairman.

## ON STATE PRISONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER: Your Committee on State Prisons herewith submit the bill of Edward E. Griffin, for reporting and transcribing the testimony taken before said committee at San Quentin and Sacramento, and recommend the following resolution:

*Resolved, That the State Controller be directed to draw his warrant in favor of Edward E. Griffin for the sum of two hundred and twenty-one dollars, payable out of the Contingent Fund of the Assembly.*

HUNTER, Chairman.

## Referred to Committee on Public Expenditures and Accounts.

## ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER. Your Committee on Public Morals, to whom was referred Assembly Bill No. 149—An Act to prohibit the sale of intoxicating liquors in precincts, townships, wards of cities, cities and counties, where the people so determine

Also, Assembly Bill No. 360—An Act to permit the electors of every Supervisor District in this State to vote on the question of granting licenses to sell intoxicating liquors.

Have had the same under consideration, and now report the same back, and ask that said bills be referred to the Judiciary Committee, with a request that said committee examine and report in reference to the constitutionality of the provisions in said bills submitting to vote of the people of precincts, townships, wards, or supervisor districts, to decide whether or not licenses shall be granted to sell liquors in such districts, townships, or wards

HAMILTON, Chairman.

## ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER: Your Committee on Military Affairs would respectfully ask leave to recommend for passage Assembly Bill No. 328, which was reported some time since unfavorably, through mistake. We would request that the necessary substitution be made.

BOWERS, Chairman.

Granted.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 356—Entitled an Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—have had the same under consideration, and do now report the same back, amended as follows

(1) Strike out in the printed bill, in line nineteen, of section one of this Act, the word "nomination."

(2) In line twenty, printed bill, section one of this Act, insert, after the word "must," and before the word "grant," the words "after the adjournment of the Senate."

(3) Strike out sections ten and eleven of the Act, and make section twelve section ten.

(4) Amend the title of the bill to read as follows: "An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties"—and recommend the passage of the same as amended.

COLEMAN, Chairman.

## INTRODUCTION OF BILLS.

By Mr. Keeler: An Act to amend section one thousand and eighty-three of the Political Code, in regard to the qualifications of electors.

Referred to Committee on Elections.

By Mr. Moffitt: An Act to appropriate money to William Jones, to pay the balance due him under his contract for furnishing tiling in the construction of the Napa State Asylum for the Insane.

Referred to Committee on Claims.

Also—An Act to appropriate money to Adams & Co., to pay the balance due them under their contract for furnishing the locks in the construction of the Napa State Asylum for the Insane.

Referred to Committee on Claims.

Also—An Act to appropriate money to George J. Mothersole, to pay the balance due him under his contract for doing the slaters' work in the construction of the Napa State Asylum for the Insane.

Referred to Committee on Claims.

By Mr. Clement: An Act for the government of cities of the \_\_\_\_\_ class.

Referred to Committee on Municipal Corporations.

By Mr. Bowers (by request): An Act providing for the purchase of machine guns for the use of the National Guard of California, and to make appropriation therefor, and for their distribution.

Referred to Committee on Ways and Means.

By Mr. Ryan: An Act to appropriate money to pay the claim of William Gutenberger for mechanics' tools and property destroyed at the Branch State Prison at Folsom.

Referred to Committee on Ways and Means.

Also—An Act to pay the claim of L. L. Lewis & Company.

Referred to Committee on Ways and Means.

By Mr. Sinon: An Act to amend an Act entitled "An Act to

define, regulate, and govern the State Prisons of California," approved April 15, 1880.

Referred to Committee on State Prisons.

By Mr. Harvey: An Act to amend section three thousand eight hundred and fifty-eight of the Political Code, in relation to delinquent poll taxes.

Referred to Judiciary Committee.

By Mr. Campbell: An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Referred to Committee on Constitutional Amendments.

Also—Proposing an amendment to the Constitution of the State of California, in relation to the length of time for which appropriations can be made by the Legislature.

Referred to Committee on Constitutional Amendments.

By Mr. Yell: An Act to amend section one thousand six hundred and thirty-nine of the Political Code of the State of California, relating to the payment of Census Marshals, and fixing their compensation.

Referred to Committee on Education.

By Mr. Head: An Act to repeal an Act entitled "An Act to incorporate the Town of Anaheim," approved March 18, 1878.

Referred to Committee on Municipal Corporations.

By Mr. Weaver: An Act to add a new section to the Penal Code, to be known as section one hundred and eighty, relating to selling liquor within one mile of a public school.

Referred to Committee on Public Morals.

By Mr. Johnston (by request): An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Referred to Committee on Ways and Means.

By Mr. Barry: An Act to define the duties of the Surveyor-General in relation to the selection and location of lands in lieu of the sixteenth and thirty-sixth sections, and parts of said sections, for which the State of California is or may be entitled to indemnity.

Referred to Committee on Public Lands.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The committee arose, reported progress, and asked leave to sit again after recess.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

By Mr. Campbell:

MR. SPEAKER. The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of Cali-

fornia for the thirty-fifth and thirty-sixth fiscal years—now report progress and ask leave to sit again.

Report received and request granted.

RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

LEAVE OF ABSENCE.

Mr. Granger was granted an indefinite leave of absence, on account of sickness.

CONCURRENT RESOLUTIONS—(OUT OF ORDER).

By Mr. Stephens: Requesting the Governor to furnish information concerning the Railroad Commissioners.

By Mr. Stewart: Relative to a proposed amendment to the Constitution of the State of California, relating to Railroad Commissioners.  
Referred to Committee on Constitutional Amendments.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 15, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Senate, on this day, acceded to the request of the Assembly, and herewith return Assembly Bill No. 46—An Act to repeal an Act concerning trespassing of animals upon private lands in certain counties in the State of California, approved March 7, 1878.

A. T. VOGELSANG, Assistant Secretary.

RESOLUTION—(OUT OF ORDER).

Notice is given that on Friday, the sixteenth day of February, one thousand eight hundred and eighty-three, the following will be moved:

WHEREAS, On Saturday, the tenth day of February, the Committee on Public Expenditures and Accounts was directed to report immediately to this House certain matters touching the public expenditure; and whereas, the object of the House in directing such report to be made, was to enable the Legislature to make reductions in the expenditures now authorized by law; and whereas, the said committee has failed to make any report to the House, touching the matters so referred to it;

*Resolved*, That the said committee be ordered to report thereon, on Monday, the nineteenth day of February, instant, directly after the reading of the Journal.

MONTAGUE R. LEVERSON.

Filed.

REPORT OF COMMITTEE ON PUBLIC LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER. Your Committee on Public Lands, to whom was referred Assembly Bill No. 362—An Act to amend section three thousand five hundred and seventy-three of the Political Code, concerning the application for and sale of lands belonging to the State of California in certain cases—have had the same under consideration, and now report the same back, and recommend its passage.

COOMBS, Chairman.

## RESOLUTION—(OUT OF ORDER).

By Mr. Hershey:

*Resolved.* That Miss Linea Bowers is hereby appointed Assistant Journal Clerk of the Assembly, at the same per diem as is allowed the Journal Clerk of the Assembly.

Referred to Committee on Attachés and Employés.

## MINORITY REPORT OF THE COMMITTEE ON COMMERCE AND NAVIGATION.

MR SPEAKER: We, the undersigned, representing the minority of your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners,' all of said sections relating to the Board of State Harbor Commissioners, their powers and duties"—have had the same under consideration, and while there are many features of the bill that meet with our approbation, yet, because there is no pretense but what the sole and ostensible purpose of the bill is to legislate out of office the present Board of State Harbor Commissioners, we must respectfully report the same back with the recommendation that it do not pass.

J. H. CULVER,  
J. H. G. WEAVER.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Keeler: An Act to amend section one thousand four hundred and ninety-seven of the Political Code, relating to Normal Schools.

Referred to Committee on Education.

Also—An Act to amend subdivision four, of section one thousand six hundred and seventeen, article seven, of the school law.

Referred to Committee on Education.

By Mr. Cutter: An Act to amend section forty-seven of the Code of Civil Procedure, relating to the sessions of the Supreme Court.

Referred to Judiciary Committee.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Townsend, the House went into Committee of the Whole for the purpose of further considering Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

The bill was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California

for the thirty-fifth and thirty-six fiscal years—have amended the same, and recommend that the House concur in the amendments, and that the bill be printed as amended.

Report received.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON CRIMES AND PENALTIES.

ASSEMBLY CHAMBER, February 15, 1883.

MR. SPEAKER: Your Committee on Crimes and Penalties have had under consideration Assembly Bill No. 89—An Act to add a new section to the Penal Code of the State of California, to be known as section four hundred and one—relative to minors, and have amended the same, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 233—An Act to add a new section to the Penal Code, to be known as section one hundred and twelve—relating to the commitment of crimes tried for offenses committed in the State Prison, and have amended the same by adding section one, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 289—An Act to add a new section to the Penal Code, to be known as number one hundred and fifty-one—relative to confessions made by persons charged with a public offense, and recommend that it do not pass.

Also, Assembly Bill No. 275—An Act to amend section seventeen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the definition of crimes—and recommend that it do not pass.

Also, Assembly Bill No. 263—An Act to amend section one thousand two hundred and eighty-seven of the Penal Code, relating to bail upon indictment, or information before conviction—and recommend that it do not pass.

Also, Assembly Bill No. 260—An Act to amend section one thousand and seventy of the Penal Code, relating to challenge of jurors in criminal cases—and recommend that it do not pass.

Also, Assembly Bill No. 264—An Act to amend section one thousand three hundred and eighty-two of the Penal Code, in relation to the dismissal of informations and indictment—and recommend that it do not pass.

Also, Assembly Bill No. 273—An Act to amend section sixty-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the asking or receiving of bribes—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 275—An Act to amend section seventeen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the definition of crime—and now report the same back, with the recommendation that it do not pass.

McCLASKEY, Chairman.

ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER: Your Committee on Engraving beg leave to report that they have examined Assembly Concurrent Resolution No. 31—Relative to the appointment of a commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Bigler—and find it correctly engrossed.

BROWN, Chairman.

CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Moffitt: In reference to leasing the Yellowstone Park to private parties.

Referred to Committee on Federal Relations.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Murdock: An Act to amend section seven hundred and seventy-three of the Political Code, in regard to printing the decisions of the Supreme Court.

Referred to Committee on Printing.

Also—An Act to amend section seven hundred and seventy-four of the Political Code, in regard to printing the decisions of the Supreme Court.

Referred to Committee on Printing.

Also—An Act to amend section seven hundred and seventy-one of the Political Code, in regard to printing the decisions of the Supreme Court.

Referred to Committee on Printing.

Also—An Act to amend section seven hundred and seventy-five of the Political Code, in regard to printing the decisions of the Supreme Court.

Referred to Committee on Printing.

By Mr. Murphy: An Act to regulate the practice of medicine and surgery in the State of California.

Referred to Committee on State Hospitals.

#### RECESS.

At five o'clock and fifteen minutes p. m., on motion of Mr. Bibb, the House took a recess till seven o'clock and thirty minutes this evening.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Bibb, Booth, Briceland, Callaghan, Caminetti, Campbell, Cary, Clark, Clement, Crumpton, Cutter, Doty, Field, Fleming, Flynn, Fortna, Hamilton, Harvey, Head, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Ryan, Snon, Stephens, Stewart, Storke, Sweetland, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

#### LEAVE OF ABSENCE.

Messrs. Irwin, Head, and Bowers were granted leave of absence for this evening's session.

Mr. Moffitt, at seven o'clock and forty minutes p. m., moved to adjourn.

Lost.

#### SPECIAL ORDER.

Special order for this hour: Dozier vs. Barnes—Consideration of majority and minority reports of Committee on Elections.

Mr. Kerrick moved that arguments only be heard this evening, and that the final consideration of the matter be made a special order for to-morrow, at two o'clock p. m.

Mr. Hollister moved as an amendment that the time for the consideration be set for to-morrow morning, immediately after the reading of the Journal.

Lost.

The question then recurring on the motion by Mr. Kerrick, it was carried.

The question being on the motion by Mr. Lewison to adopt the minority report of the Committee on Elections, which was amended by Mr. Bibb to adopt the majority report, Mr. Levenson moved as an amendment to the amendment:

1. That the sitting member for Solano County, D. G. Barnes, is not entitled to the seat in the Assembly for that county, on account of the fraud and intimidation practiced in the First and Second Wards of Vallejo, in said county.

2. That the said D. G. Barnes was neither participant in nor cognizant of said frauds.
3. That the votes of those wards bear so large a proportion to the votes of the whole county that no valid election was held in said county.
4. That by reason thereof the contestant, E. C. Dozier, is not entitled to the seat in the Assembly for said county.
5. That a new election be ordered for said county, and a committee of three members of the Assembly, assisted by a Sergeant-at-Arms, be appointed by the House to watch the conduct of said election, and report thereon at the earliest moment possible. That said committee be authorized to appoint not more than two persons to each precinct to aid them in their duty, the expenses of such committee and officers to be paid out of the Contingent Fund of the Assembly.
6. That the expenses of the new election occasioned to the County of Solano, and to the State of California, being occasioned solely by the fraudulent and oppressive conduct of persons in the employment of the United States Government, that our Representatives in Congress be instructed to apply to Congress for an appropriation to refund said expenses.
7. That our said Representatives be further directed to ask Congress to pass a resolution, calling upon the President to dismiss from the service of the United States the persons who shall be shown to have been guilty of said frauds, and to order that none of them shall ever be again admitted to such service, and to instruct all servants and officers of the United States Government in a better understanding of their duty than has been shown by the servants of the United States Government at the Mare Island Navy Yard.

Mr. Sweetland moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded, the roll was called, and the motion to lay on the table was lost by the following vote:

AYES—Messrs. Atwell, Booth, Brown, Caminetti, Carter, Clement, Coombs, Farley, Faw, Harvey, Hollister, Keeler, Lewison, Matthews, McClaskey, McHale, McKinley, Reeves, Weaver, Wharton, Wheat, and Mr. Speaker—22.

NOES—Messrs. Beard, Bibb, Briceland, Campbell, Coleman, Crumpton, Cutter, Doty, Field, Fleming, Fortna, Hamilton, Hershey, Hughes, Hunter, Johnston, Kerrick, Leverson, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, and Yell—34.

#### ADJOURNMENT.

At ten o'clock and thirty-five minutes P. M., on motion of Mr. Moffitt, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, February 16, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhuel, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. Wharton, further reading was dispensed with.  
Journal of Thursday approved.

## LEAVE OF ABSENCE.

Messrs. Peterson and Beard were granted leave of absence till Monday.

## REPORTS OF STANDING COMMITTEES.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No 440—Entitled “An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated arising from the construction of school buildings”—have had the same under consideration, and now report the same back, and recommend its passage.

STORKE, Chairman.

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled “An Act to amend section six of an Act entitled ‘An Act concerning the water front of the City and County of San Francisco.’ approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners”—have examined the same, and have adopted a substitute, and do now report recommending the adoption of the substitute.

Your committee also submit the bill of James M. Farrelly, employed as Sergeant-at-Arms in the investigation of the affairs of the Harbor and Pilot Commissions, and recommend the reference of the same to the Committee on Mileage.

Also, Assembly Bill No. 394—Entitled “An Act to amend section two thousand three hundred and forty-nine of the Political Code,” relating to public ways—have had the same under consideration, and now report the same back, and recommend that it do pass.

COLEMAN, Chairman.

## MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER The undersigned, a minority of your Committee on Commerce and Navigation, to whom was referred Assembly Bill No 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled “An Act to amend section six of an Act entitled ‘An Act concerning the water front of the City and County of San Francisco,’ approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners”—have had the same under consideration, and now report the same back, and recommend that it do not pass.

J. H. CULVER,  
J. J. CALLAGHAN.

## ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER Your Committee on Counties and County Boundaries, after investigation, have to report that all of the provisions of the Political Code, regarding boundaries, which have come under their notice, are confused or inaccurate, or both, and they recommend that the State Engineer be directed to prepare correct definitions of the boundaries of all the counties of the State, and report the same to the Governor, in order that at the next session of the Legislature, the said Political Code may be so amended as to define the boundaries with clearness and precision. To this end, your committee recommend the passage of the following concurrent resolution.

*Resolved by the Assembly, the Senate concurring,* The State Engineer is directed to prepare a correct description of the boundaries of all the counties of the State, and to report the same to the Governor, and the Attorney General is directed to prepare for the use of the Legislature at its next session, an amendment to sections from three thousand nine hundred and nine to three thousand nine hundred and fifty-eight, both inclusive, of the Political Code, embracing the descriptions and boundaries to be furnished by the State Engineer.

All of which is respectfully submitted.

HERSHEY, Chairman.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, February 16, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed:

Assembly Bill No. 140—An Act to prevent the sale or disposition as butter of the substance known as "oleomargarine" or "oleomargarine butter."

Also, Assembly Bill No. 25—An Act to amend sections three, four, nine, and eleven, of 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 15, 1880, so as to create two additional districts.

CALLAGHAN, Chairman.

## ON SWAMP AND OVERFLOWED LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, —, 1883.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 410—To provide for payment for surveys and segregations of swamp and overflowed lands within this State—respectfully beg leave to report the same back to your honorable body, with the recommendation that it do not pass.

KERRICK, Chairman.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 447—An Act to provide a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature—have had the same under consideration, and now report the same back, and recommend its passage.

CAMPBELL, Chairman.

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 41—An Act to amend article nine of the Constitution of the State of California, relative to education"—have had the same under consideration, and now report the same back, and recommend that it do not pass, on the ground that the change desired can be reached by legislative action under the present provisions of the Constitution.

Also, Assembly Concurrent Resolution No. 26—An Act entitled "An Act to amend section nine, article nine, of the Constitution of the State of California, and submitting said amendment to the vote of the people"—have had the same under consideration, and now report the same back, and recommend that it do not pass, on the ground that the change desired is rather one of expression and not of the principle contained in the text to be changed.

Also, Assembly petition relative to proposed amendments to the Constitution—have had the same under consideration, and now report the same back, asking that they be discharged from further consideration, as it is now unnecessary, being already favorably passed upon in another case already reported.

GRANGER, Chairman.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 352—An Act to appropriate money to A. L. Bancroft & Company, to pay the balance due them under their contract for furnishing California Supreme Court Reports to the State—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Senate Bill No. 82—An Act to pay the salary of the reporter of decisions of the Supreme Court for the period elapsing from January seventh to July first, eighteen hundred and eighty—have had the same under consideration, and now report the same back, and recommend its passage.

TOWNSEND, Vice Chairman.

## PRESENTATION OF PETITIONS.

By Mr. Harvey: In relation to amending the game law regulating the time of killing ducks.

Referred to Committee on Fish and Game.

By Mr. Moffitt: In relation to disincorporating the Town of Anaheim, and protesting against the same.

Referred to Committee on Municipal Corporations.

By Mr. Kerrick: In relation to removing the political disabilities of women and placing them on an equality with men citizens.  
Referred to Committee on Constitutional Amendments.

#### CONCURRENT RESOLUTION.

By Mr. Caminetti: In relation to the restoration to the public domain of lapsed lands granted to aid in the construction of railroads, for their sale to actual settlers, and for the appropriation of the proceeds to aid in the construction of a transcontinental railway by the General Government.  
Referred to Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

By Mr. Hershey: An Act to add a new section to the Penal Code, to be known as section six hundred and thirty-seven and one half, for the relief of the fishery interests of the State, and to provide a suitable canal for fish to enter the stream of Cache Creek.

Referred to Committee on Fish and Game.

By Mr. Culver: An Act relating to the sale of water in the cities and counties, cities and towns of the State of California.

Referred to Committee on Municipal Corporations.

Mr. Flynn moved to pass Assembly Bill No. 129 on the file.  
So ordered.

#### SECOND READING OF BILLS.

Assembly Bill No. 128—An Act to divide the State into Assembly Districts and to provide for the election of Assemblymen therein.

Read second time.

Mr. Yell moved to pass for the present sections three and four.

So ordered.

The committee recommend the following amendment to section five: "The County of Trinity shall constitute the Fourth Assembly District."

Lost.

The committee recommend the following amendment to section nine: "Assembly District Number Eight in Butte County: All of Chico and Dayton Townships, all of Oregon Township lying west of the meridian line dividing ranges two and three east, in townships twenty and twenty-one north, Mount Diablo base and meridian; all of Hamilton Township, except that part of said township lying east of the section boundary lines of sections four, nine, and sixteen, and north of sections twenty-seven, twenty-six, and twenty-five, township nineteen north, range three east, Mount Diablo base and meridian, as laid down on the official map of said Butte County; and all of Gridley Township in said county, as recently set off from Hamilton Township by the Board of Supervisors of said county."

Adopted.

Mr. Cutter moved to amend section fourteen to read: "The County of Yuba shall constitute the Thirteenth Assembly District."

Mr. Irwin moved to pass section nine.

So ordered.

The committee recommend the following amendments to section nineteen: "That portion of the City of Sacramento, in the County of

Sacramento, lying north of the center of K Street, in said city, shall constitute the Eighteenth Assembly District;" and to section twenty: "That portion of the City of Sacramento, in the County of Sacramento, lying south of K Street, in said city, shall constitute the Nineteenth Assembly District."

Mr. Cutter moved to refer the whole matter to the Sacramento delegation.

Mr. Flynn moved as an amendment that the consideration of sections nineteen, twenty, and twenty-one be passed.

So ordered.

The committee recommend the following amendment to section twenty-seven: "Solano County, comprising the Townships of Vallejo and Benicia, shall constitute Assembly District Number Twenty-six."

Mr. Caminetti moved, as an amendment to the amendment, that "the County of Solano shall constitute Assembly District Number Twenty-six."

Lost.

The question recurring on the original amendment, it was adopted.

Mr. Flynn moved to amend section thirty-two as follows: After the word "beginning," in line six, insert the following: "Together with all the waters of the Bay of San Francisco, and the islands contained therein, situated within the boundaries of the City and County of San Francisco."

Adopted.

Mr. Flynn moved to amend section thirty-five as follows: Strike out in lines five and six the words "together with the islands of the bay of San Francisco."

Adopted.

Mr. Flynn moved to amend section forty-two as follows: Strike out all of the section after the word "intersection," in line four, and add the following: "Of the east line of the City Cemetery, thence northerly in a direct line to the waters of the Pacific Ocean; thence along the shore in an easterly direction to the place of beginning, shall constitute the Forty-first Assembly District."

Adopted.

Mr. Flynn moved to amend section forty-three as follows: Strike out all of section forty-three after the word "follows," in line two, and add the following: "Commencing at the intersection of Avenue B and the waters of the Pacific Ocean, continuing thence along the center of the following named streets: Avenue B to First Avenue, First Avenue to Turk Street, Turk to Devisadero, Devisadero to Eddy, Eddy to Van Ness, Van Ness to Sutter, Sutter to Hyde, Hyde to California, California to the east line of the City Cemetery, thence northerly in a direct line to the waters of the Pacific Ocean; thence along the shore in a westerly and southerly direction to the place of beginning, together with the islands known as Farallones Islands, shall constitute the Forty-sixth Assembly District."

Adopted.

Mr. Flynn moved to amend section forty-five as follows: Insert before the word "eighteenth," in line five, the following: "Guerrero, Guerrero to;" also amend by striking out all the section after the word "eighteenth," where it first occurs in line five, and add the following: "thence in a direct line westerly to an intersection of the eastern limit of K Street (or avenue); thence along K to the waters of

the Pacific Ocean; thence northerly along the shore to the place of beginning," shall constitute the Forty-fourth Assembly District.

Adopted.

Mr. Flynn moved to amend section forty-six as follows: After the word "Napa," where it occurs the second time in line five, insert the following: "To Twentieth, Twentieth to Guerrero, Guerrero." Also, strike out the words "Fourteenth to," in line five.

Adopted.

Mr. Flynn moved to amend section forty-eight as follows: Strike out the words "Mission to," and insert the following: "Thence along the county road to its intersection."

Adopted.

Mr. Cutter moved to pass for the present the consideration of sections fifty-two to fifty-seven, inclusive.

So ordered.

Mr. Kerrick moved to pass that portion of the bill relating to San Joaquin County.

So ordered.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 330—An Act to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

A. T. VOGELSANG, Assistant Secretary.

Mr. Cutter moved to dispense with the further consideration of Assembly Bill No. 128, and consider the message from the Senate.

So ordered.

Mr. Cutter moved to suspend the rules, and read Senate Bill No. 330 first time.

So ordered.

#### FIRST READING OF BILLS.

Senate Bill No. 330—An Act to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

Read first time, and ordered to second reading.

Mr. Cutter moved that the bill be declared a case of urgency, and read second time.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Irwin, Johnston, Keeler, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, Farker, Rawle, Reeves, Rhel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—63.

NOES—None.

Mr. Campbell moved that the House read Assembly Bill No. 447 first time.

#### FIRST READING OF BILLS.

Assembly Bill No. 447—An Act providing a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature.

Read first time, and ordered to second reading.

Mr. Campbell moved that the bill be declared a case of urgency and read second time.

The roll was called, and it was so ordered by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Irwin, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Nicol, O'Connor, Parker, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—64.

**NOES**—None.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 330—An Act providing a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

Also, Assembly Bill No. 447—An Act providing a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature.

Speaker Larue in the chair.

The bills were considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

**GENTLEMEN**—The Committee of the Whole have had under consideration Senate Bill No. 330—An Act providing a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

Also, Assembly Bill No. 447—An Act providing a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature—report the same back and recommend their passage.

Report received.

Mr. Cutter moved that the rules be suspended, and the bills read third time and placed on their final passage.

So ordered.

#### THIRD READING OF BILLS.

Senate Bill No. 330—An Act providing a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—66.

**NOES**—None.

Assembly Bill No. 447—An Act providing a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature.

Read third time.

The roll was called, and the bill was passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti,

Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Cutter, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Head, Heath, Hershey, Hollister, Hughes, Irwin, Johnston, Keeler, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—63.

NOES—None.

RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

Mr. Levenson, pursuant to notice, moved that the Committee on Public Expenditures and Accounts be directed to report to the House on Monday, the nineteenth of February, touching matters of public expenditure.

Lost.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Keeler:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to see that the Watchman look after the desks and property of the members against thieves and lock pickers.

Adopted.

By Mr. Farley:

*Resolved*, That the person whose duty it is so to do is hereby instructed to clean the globes to the gas jets in the Assembly Chamber.

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

Lost.

The question recurring on the resolution, it was adopted.

REPORT OF A COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1883.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the amount due the Sergeant-at-Arms, James M. Farrelly, to services rendered Joint Committee on Commerce and Navigation in investigating the affairs of the State Boards of Pilot and Harbor Commissioners, have had the same under consideration, and now report the same back, and recommend the following resolution

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of James M. Farrelly, Sergeant-at Arms, for the sum of one hundred and fifty-seven dollars and eighty cents (\$157 80) out of the Contingent Fund of the Assembly.

JAS. J. FLYNN, Chairman.

G. W. T. CARTER.

T. R. FLEMING.

Adopted.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 447—Entitled an Act to provide a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature.

A. T. VOGELANG, Assistant Secretary.

Sam. McClintic (Page) was granted leave of absence for this afternoon's session.

## NOTICE OF MOTION.

ASSEMBLY CHAMBER, February 16, 1883.

Notice is given that on the seventeenth day of February, eighteen hundred and eighty-three, the following will be moved That the Committee on Federal Relations be directed to report back to the House Assembly Concurrent Resolution No 24, on Monday, the nineteenth day of February instant.

MONTAGUE R. LEVERSON.

## SPECIAL ORDER.

The special order for this hour was the further consideration of majority and minority reports of Committee on Elections, in the contested case of Dozier vs. Barnes.

Mr. Leverson asked leave to withdraw sections five, six, and seven of his amendment to the amendment.

Granted.

## CALL OF THE HOUSE.

Mr. Sinon moved a call of the House.

So ordered.

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

Messrs. Atwell, Barnes, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Gausssail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Matthews, McCluskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Townsend, further proceedings under the call of the House were dispensed with.

The question being on the motion by Mr. Lewison to adopt the minority report of the Committee on Elections, which was amended by Mr. Bibb to adopt the majority report, Mr. Leverson moved as an amendment to the amendment:

*First*—That the sitting member for Solano County, D. G. Barnes, is not entitled to the seat in the Assembly for that county, on account of the fraud and intimidation practiced in the First and Second Wards of Vallejo, in said county.

*Second*—That the said D. G. Barnes was neither participant in nor cognizant of said frauds.

*Third*—That the votes of those wards bear so large a proportion to the votes of the whole county that no valid election was held in said county.

*Fourth*—That by reason thereof the contestant, E. C. Dozier, is not entitled to the seat in the Assembly for said county.

Mr. Yell moved the previous question.

So ordered.

Mr. Flynn moved to consider the amendment to the amendment seriatim.

So ordered.

The question being on the adoption of the first clause, the ayes and noes being demanded, the roll was called, and the clause was adopted by the following vote:

AYES—Messrs. Atwell, Barry, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark,

Coleman, Coombs, Crumpton, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hershey, Hughes, Johnston, Kerrick, Leverson, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—43.

NOES—Messrs. Booth, Brown, Carter, Cary, Clement, Culver, Cutter, Farley, Hamilton, Harvey, Head, Heath, Hollister, Irwin, Keeler, Lewison, Matthews, McHale, McKinley, Nicol, Reeves, Ryan, Sweetland, Terry, Walrath, Weaver, and Wharton—27.

PAIRED—Messrs. Murdock and Bibb.

The question being then on the adoption of the second clause, the ayes and noes being demanded, the roll was called, and the clause was adopted by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Irwin, Johnston, Keelel, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—71.

NOES—Mr. Nicol—1.

The question being on the adoption of the third clause, the ayes and noes being demanded, the roll was called, and the House refused to adopt the clause by the following vote:

AYES—Messrs. Barry, Caminetti, Clark, Cutter, Faw, Field, Fortna, Johnston, Leverson, Storke, and Wheat—11.

NOES—Messrs. Atwell, Booth, Bowers, Briceland, Brown, Callaghan, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Farley, Fleming, Flynn, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hughes, Irwin, Keelel, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—57.

PAIRED—Messrs. Bibb and Murdock—2.

The question being on the adoption of the fourth clause, the ayes and noes being demanded, the roll was called, and the clause was adopted by the following vote:

AYES—Messrs. Barry, Booth, Brown, Caminetti, Carter, Cary, Clement, Culver, Cutter, Farley, Faw, Fortna, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Johnston, Keeler, Lewison, Lewison, Matthews, McHale, McKinley, Nicol, Reeves, Rhiel, Ryan, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—39.

NOES—Messrs. Atwell, Bowers, Briceland, Callaghan, Campbell, Clark, Coleman, Coombs, Crumpton, Field, Fleming, Flynn, Gaussail, Granger, Hall, Healy, Hughes, Irwin, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Simon, Smith, Stephens, Terry, Wheelan, and Yell—32.

PAIRED—Messrs. Bibb and Murdock—2.

The question being then on the amendment by Mr. Bibb as amended, the ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Barry, Bowers, Caminetti, Campbell, Clark, Coleman, Coombs, Cutter, Faw, Field, Fortna, Hamilton, Harvey, Hershey, Johnston, Kerrick, Leverson, Matthews, Parker, Rhiel, Storke, Townsend, Wheat, and Mr. Speaker—24.

NOES—Messrs. Atwell, Booth, Briceland, Brown, Callaghan, Carter, Cary, Clement, Crumpton, Culver, Farley, Fleming, Flynn, Gaussail, Granger, Hall, Head, Healy, Heath, Hollister, Hughes, Irwin, Keeler, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Plover, Rawle, Reeves, Ryan, Simon, Smith, Stephens, Sweetland, Terry, Walrath, Weaver, Wharton, Wheelan, and Yell—46.

PAIRED—Messrs. Bibb and Murdock—2.

The question then recurring on the original motion, the ayes and

noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Booth, Brown, Carter, Cary, Clement, Culver, Cutter, Farley, Hamilton, Harvey, Head, Heath, Hollister, Irwin, Keeler, Lewison, Matthews, McHale, McKinley, Nicol, Reeves, Ryan, Sweetland, Terry, Walrath, Weaver, and Wharton—27.

NOES—Messrs. Atwell, Barry, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Coombs, Crumpton, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Healy, Hershey, Hughes, Johnston, Kerrick, Levenson, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—44

PAIRED—Messrs. Bibb and Murdock—2.

#### RESOLUTION.

By Mr. Cutter:

*Resolved*, That the seat in this Assembly occupied by Hon. D. G. Barnes as a member of the County of Solano, be and is hereby declared vacant.

Mr. Flynn moved the previous question.

So ordered.

The question being on the adoption of the resolution by Mr. Cutter, the ayes and noes being demanded, the roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Atwell, Barry, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coleman, Crumpton, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Healy, Hershey, Hughes, Johnston, Levenson, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Plover, Rawle, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—41

NOES—Messrs. Booth, Brown, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Granger, Harvey, Head, Heath, Hollister, Irwin, Keeler, Kerrick, Lewison, Matthews, McHale, McKinley, Nicol, Parker, Reeves, Ryan, Sweetland, Terry, Walrath, Weaver, and Wharton—30.

PAIRED—Messrs. Murdock and Bibb—2.

Mr. Yell gave notice that he would, to-morrow, move to reconsider the vote whereby the House adopted the resolution offered by Mr. Cutter, declaring the seat of Mr. Barnes vacant.

Mr. Irwin moved to suspend the rules, and consider the motion by Mr. Yell.

Lost.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 16, 1883. }

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 447—An Act to provide a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature.

GEORGE STONEMAN, Governor.

#### RECESS.

Mr. Wharton, at five o'clock and five minutes, moved that the House do now adjourn.

Mr. Moffitt moved, as an amendment, that the House take a recess till seven o'clock and thirty minutes this evening.

So ordered.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

## LEAVE OF ABSENCE.

The Committee on Municipal Corporations, and Messrs. Matthews and Levenson, were granted leave of absence for this evening's session.

## REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled—Assembly Bill No. 447—Entitled "An Act to provide a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature—and the same was, at four o'clock and fifty minutes P. M., February sixteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

Mr. Yell moved to take up the first reading file.

So ordered.

Mr. Sweetland moved that the evening be devoted to the first reading of bills.

So ordered.

## FIRST READING OF BILLS.

Assembly Bill No. 131—An Act to establish a uniform system of county governments, and for that purpose to repeal title two, of part four, of an Act entitled "An Act to establish a Political Code," approved March 13, 1872, and substitute a new title two of said part four therefor.

Withdrawn.

Assembly Bill No. 335—An Act to establish a uniform system of county governments.

Withdrawn.

Assembly Bill No. 336—An Act to establish a uniform system of county governments, and for that purpose to repeal title two, part four, of the Political Code, and substitute a new title two of said part four therefor.

Withdrawn.

Assembly Bill No. 299—An Act to repeal section three of "An Act concerning salaries and fees of office of certain county and township officers of the County of San Bernardino," approved February 14, 1878.

Read first time, and ordered to second reading.

Assembly Bill No. 350—Relative to the sites of manufactories of violent explosives.

Refused first reading.

Assembly Bill No. 79—An Act to regulate the rate of charges upon telegraph lines, and to prevent extortion by owners of telegraph lines.

Read first time, and ordered to second reading.

Assembly Bill No. 232—An Act to facilitate the giving of bonds required by law.

Refused first reading.

Assembly Bill No. 378—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State.

Refused first reading.

Assembly Bill No. 292—An Act to amend sections one thousand nine hundred and thirty-two, one thousand nine hundred and

seventy, two thousand and six, two thousand and seven, two thousand and twenty-eight, and two thousand and ninety-five, and to repeal section one thousand nine hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the National Guard.

Read first time, and ordered to second reading.

Assembly Bill No. 328—An Act to add three new sections to the Political Code, to be known as sections one thousand nine hundred and seventy-eight, one thousand nine hundred and seventy-nine, and one thousand nine hundred and eighty, providing for the election of a Financial Secretary, Treasurer, and Finance Committee in companies of the National Guard.

Read first time, and ordered to second reading.

Assembly Bill No. 94—An Act to amend section eight hundred and nine of the Penal Code, relating to the duty of the District Attorney, in filing information charging the defendant with the offense for which he has been committed.

Refused first reading.

Assembly Bill No. 187—An Act to provide for the payment of jurors in criminal cases in Superior Courts.

Read first time, and ordered to second reading.

Assembly Bill No. 306—An Act to amend sections one thousand two hundred and fifty-nine, one thousand two hundred and sixty, and one thousand two hundred and sixty-three, and to repeal sections one thousand two hundred and sixty-five and one thousand two hundred and sixty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to canvassing and returning the votes.

Read first time, and ordered to second reading.

Assembly Bill No. 307—An Act to amend section one thousand one hundred and twenty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to election precincts.

Read first time, and ordered to second reading.

Assembly Bill No. 170—An Act entitled "An Act to add four new sections to the Penal Code," relating to the protection of the people of the State of California against tramps.

Refused first reading.

Assembly Bill No. 194—An Act to add a new section to the Penal Code, to be known as section two hundred and sixty-eight, relating to seduction.

Read first time, and ordered to second reading.

Assembly Bill No. 211—An Act to amend section eight hundred and eighty-two of the Penal Code, in relation to witnesses conditionally examined to give security.

Read first time, and ordered to second reading.

Assembly Bill No. 402—An Act to amend section one thousand and ninety-nine of the Penal Code, relating to State's evidence.

Read first time, and ordered to second reading.

Assembly Bill No. 344—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add five 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, three thousand six hundred and

sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of rail-ways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Read first time, and ordered to second reading.

Assembly Bill No. 240—An Act to amend sections three thousand four hundred and seventy-eight and three thousand four hundred and seventy-nine, article two, chapter one, title eight, part three, of the Political Code, relating to the reorganization of swamp land reclamation districts, and the payment of the indebtedness of said districts.

Refused first reading.

Assembly Bill No. 387—An Act entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,'" approved March 12, 1872, and section five hundred and twenty-six, relating to duties of Superintendent of State Printing.

Read first time, and ordered to second reading.

Senate Bill No. 49—An Act to provide an industrial department for deaf, dumb, and blind.

Read first time, and ordered to second reading.

Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872.

Read first time, and ordered to second reading.

Assembly Bill No. 383—An Act for the further promotion and protection of the viticultural industries of the State.

Read first time, and ordered to second reading.

Assembly Bill No. 314—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," approved March 29, 1878.

Withdrawn.

Assembly Bill No. 47—An Act to create the County of Orange, to establish the boundaries thereof, and to provide for its organization.

Withdrawn.

Assembly Bill No. 71—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.

Read first time, and ordered to second reading.

Assembly Bill No. 400—An Act entitled "An Act to amend an Act to authorize the erection and maintenance of a drawbridge across Petaluma Creek, in the City of Petaluma." approved April 1, 1876.

Read first time, and ordered to second reading.

Assembly Bill No. 337—An Act to pay the claim of Hiram Clock.

Read first time, and ordered to second reading.

Assembly Bill No. 340—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

The question being on the first reading of the bill, Mr. Barry moved the previous question.

So ordered.

The ayes and noes being demanded on the first reading of the bill, the roll was called, and the bill was ordered read by the following vote:

**AYES**—Messrs. Bibb, Bowers, Caminetti, Clark, Cutter, Doty, Farley, Flynn, Fortna, Hughes, Johnston, Keeler, Kerrick, Lewison, McKinley, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Smith, Sweetland, Walrath, and Mr. Speaker—25.

**NOES**—Messrs. Atwell, Barry, Callaghan, Campbell, Cary, Clement, Field, Fleming, Hall, Hamilton, Head, McClaskey, Nicol, Rhiel, Simon, Stewart, Storke, Townsend, Wheat, and Yell—20.

Bill read first time, and ordered to second reading.

Mr. Sweetland gave notice that he would, to-morrow, move a reconsideration of the vote whereby Assembly Bill No. 240 was refused first reading.

Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Read first time, and ordered to second reading.

Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled 'An Act to regulate the practice of pharmacy in the City and County of San Francisco,'" passed March 28, 1872, and passed by the State Legislature February 3, 1872.

Read first time, and ordered to second reading.

Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Read first time, and ordered to second reading.

Assembly Bill No. 339—An Act to amend section one thousand five hundred and fifty-two of the Political Code of the State of California, and to provide for the salary and compensation of Superintendents of Schools in the counties of this State.

Refused first reading.

Mr. Atwell, at nine o'clock and thirty minutes, moved to adjourn.

Lost.

Assembly Bill No. 83—An Act to amend section four thousand and forty-eight of the Political Code of the State of California, in relation to funding and refunding county indebtedness.

Read first time, and ordered to second reading.

Mr. Atwell, at nine o'clock and thirty-five minutes, moved to adjourn.

Lost.

Assembly Bill No. 351—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Read first time, and ordered to second reading.

Assembly Bill No. 359—An Act to amend section one thousand seven hundred and seventy-one of the Political Code of the State of California, relating to County Boards of Education, and prescribing their powers.

Read first time, and ordered to second reading.

Assembly Bill No. 392—An Act to amend sections five hundred and one, three thousand four hundred and fourteen, three thousand four hundred and seventeen, and three thousand four hundred and ninety-eight of the Political Code, relating to public lands of the State.

Read first time, and ordered to second reading.

Assembly Bill No. 375—An Act to appropriate money for the purchase of Eagle Point Trail, within the limits of the Yosemite grant.

Read first time, and ordered to second reading.

Assembly Bill No. 69—An Act to amend the provisions of the Penal Code regarding gaming.

Refused first reading.

Mr. Hamilton moved to suspend the rules for the purpose of reading Assembly Bill No. 411—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

So ordered.

Bill read first time, and ordered to second reading.

Assembly Bill No. 110—An Act to restrict gambling, and to repeal all other Acts in relation thereto.

Read first time, and ordered to second reading.

Mr. Cutter moved to suspend the rules for the purpose of reading Assembly Bill No. 207—An Act to ascertain the sum due all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars.

Lost.

Assembly Bill No. 95—An Act to amend section three hundred and thirty of the Penal Code, relating to gaming.

Read first time, and ordered to second reading.

Assembly Bill No. 196—An Act to amend section three hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to gaming.

Withdrawn.

Assembly Bill No. 218—An Act to repeal sections one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine, one thousand nine hundred, one thousand nine hundred and one, and one thousand nine hundred and two of an Act entitled "An Act to establish a Political Code," providing for District or County Assessors to report names of citizens subject to military duty, to pay for such services, and action thereon by proper officers, and to substitute in place thereof a new section, to be numbered one thousand eight hundred and ninety-seven, providing for the enrollment of the inhabitants of the State subject to military duty.

Refused first reading.

Mr. Sinon moved to suspend the rules, and read a second time, Assembly Bill No. 33—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 March 23, 1880.

Lost.

Assembly Bill No. 405—An Act to add new sections to article five, chapter two, of title eight, of the Political Code, to be numbered three thousand and sixty-four, three thousand and sixty-five, three thousand and sixty-six, three thousand and sixty-seven, three thousand and sixty-eight, three thousand and sixty-nine, three thousand and seventy, and three thousand and seventy-one, in relation to the powers and duties of the Board of Supervisors to make improvements in counties, or portions thereof, when the sanitary conditions thereof are endangered by defective drainage, or other causes injurious to the public health, and to provide for the payment of the cost of such improvement.

Read first time, and ordered to second reading.

At ten o'clock P. M., Mr. Rhiel moved that the House do now adjourn.

Lost.

Assembly Bill No. 417—An Act to authorize the Coroner in consolidated city and county governments to appoint a physician to hold autopsies, and fix his compensation for the same.

Read first time, and ordered to second reading.

Assembly Bill No. 239—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Read first time, and ordered to second reading.

Assembly Bill No. 301—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

The ayes and noes were demanded on the question of the first reading of the bill.

#### ADJOURNMENT.

Pending the calling of the roll, Mr. McClaskey, at ten o'clock and five minutes P. M., moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs Callaghan, Campbell, Crumpton, Doty, Farley, Field, Fleming, Fortna, Gausall, Hamilton, Head, Hershey, Keeler, Kerrick, McClaskey, McKinley, Moffitt, Rhuel, Smith, Stephens, Storke, Terry, Townsend, Wheat, and Mr Speaker—25

NOES—Messrs. Bibb, Caminetti, Culver, Cutter, Flynn, Hall, Harvey, Healy, Hughes, Johnston, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Smon, Walrath, and Yell—19.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER, }  
Saturday, February 17, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn,

Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, on motion of Mr. Smith, further reading was dispensed with.

Journal of Friday approved.

Mr. Hershey was granted leave of absence for this day.

#### REPORT OF A STANDING COMMITTEE—(OUT OF ORDER).

MR. SPEAKER: The sub-committee appointed to visit the prison at Folsom would respectfully report that, in their judgment, an appropriation should at once be made for the building of a wall. There is at present no barrier on the river side of the quarry, and nothing to prevent a rush. It is, therefore, impossible to work many prisoners with security. A stone wall, four hundred and eighty feet in length on the west side of the prison, and another two hundred and fifty feet in length on the east side, joining in each case the natural wall formed by the steeply graded hills, will inclose a prison yard ten acres in extent, in which the quarry will be embraced. The expenditure for cement and iron will be seven thousand dollars, and this is all that is required to render the prison labor much more productive, and to greatly increase the security of imprisonment.

In our opinion, if this expenditure is made, the probable earnings of the prisoners, added to the appropriation recommended by the Committee of the Whole, will be sufficient for the maintenance of the prison.

We will refer to the excellent health of the prisoners and the generally satisfactory condition of the prison in our report soon to be submitted.

We submit herewith a bill for the needed expenditure, and ask that it be put upon its first reading at once.

Very respectfully,

A. B. HUNTER,  
GILLIS DOTY,  
C. A. MURDOCK.

#### INTRODUCTION OF BILLS.

By Mr. Hunter (Chairman State Prisons Committee): An Act to provide for the erection of a wall at the State Prison at Folsom.

Mr. Doty moved that the rules be suspended, and the bill be read first time.

So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom.

Read first time, and ordered to second reading.

Mr. Sweetland moved that the rules be suspended, and the House consider bills on the third reading file.

The ayes and noes being demanded, the roll was called, and the rules were suspended by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Carter, Clement, Coombs, Culver, Cutter, Doty, Farley, Fleming, Flynn, Hamilton, Harvey, Heath, Hughes, Irwin, Johnston, Keeler, Levenson, Lewison, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—41.

NOES—Messrs. Atwell, Barry, Callaghan, Campbell, Cary, Clark, Crumpton, Faw, Field, Fortna, Gaussail, Head, Hershey, Hunter, Matthews, McHale, Parker, Plover, Reeves, Rhiel, Stephens, Storke, Wheat, Yell, and Mr. Speaker—25.

## THIRD READING.

Assembly Bill No. 192—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law.

Read third time.

Mr. Campbell moved the previous question.

So ordered.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Brown, Carter, Cary, Clark, Coombs, Crumpton, Doty, Fleming, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Keeler, Leverson, McClaskey, Parker, Reeves, Rhel, Simon, Stephens, Stewart, Terry, Townsend, Weaver, Yell, and Mr. Speaker—28.

NOES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clement, Culver, Cutter, Farley, Faw, Field, Flynn, Gaussail, Hall, Harvev, Healy, Heath, Hollister, Hughes, Irwin, Johnston, Lewison, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Plover, Rawle, Smith, Storke, Sweetland, Walrath, Wharton, Wheat, and Wheelan—42.

Assembly Bill No. 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act concerning trespassing of animals upon private lands in certain counties in the State of California,'" approved March 7, 1878.

Bill read third time.

Mr. Irwin moved to refer back to the Judiciary Committee, with instructions to strike out from the bill so that the repeal shall apply only to Humboldt County.

So ordered.

Mr. Yell, pursuant to notice, moved to reconsider the vote whereby the House adopted the resolution offered by Mr. Cutter, declaring the seat of Mr. Barnes vacant.

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

## CALL OF THE HOUSE.

Mr. Flynn moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Plover, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Atwell moved that the Sergeant-at-Arms be instructed to arrest and bring the absentees before the bar of the House, and that they be fined one dollar each.

Mr. Campbell moved as an amendment that absentees giving good excuses be exempted.

So ordered.

The original motion as amended was then adopted.

The Sergeant-at-Arms presented at the bar of the House Messrs. Sweetland, Briceland, McClaskey, Wheelan, and O'Connor; they paid

their fines, and were released from the custody of the Sergeant-at-Arms by order of the House.

Mr. Storke moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Sweetland moved that the fine imposed on Mr. Briceland be remitted.

So ordered.

Mr. Matthews moved to dispense with further proceedings under the call of the House.

Lost.

On motion of Mr. Irwin, further proceedings under the call of the House were dispensed with.

The question being then on the motion of Mr. Brown, to lay the motion to reconsider on the table, the ayes and noes being demanded, the roll was called, and motion was lost by the following vote:

AYES—Messrs. Booth, Brown, Caminetti, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Faw, Fortna, Harvey, Head, Heath, Hollister, Johnston, Keeler, Leverson, Lewison, McHale, McKinley, Murdock, Nicol, Reeves, Sweetland, Walrath, Weaver, and Wharton—29.

NOES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Campbell, Clark, Crumpton, Doty, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Healy, Hughes, Hunter, Irwin, Kerrick, Matthews, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Rhel, Sinon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—43.

Mr. Terry moved the previous question.

So ordered.

The question then recurring on the motion to reconsider, the ayes and noes being demanded, the roll was called, and the motion to reconsider was carried by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Campbell, Clark, Coombs, Crumpton, Doty, Faw, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Healy, Hughes, Hunter, Irwin, Kerrick, Matthews, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Rhel, Sinon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wheelan, Yell, and Mr. Speaker—44.

NOES—Messrs. Booth, Brown, Caminetti, Carter, Cary, Clement, Culver, Cutter, Farley, Fortna, Harvey, Head, Heath, Hollister, Johnston, Keeler, Lewison, McHale, McKinley, Murdock, Nicol, Reeves, Sweetland, Walrath, Weaver, Wharton, and Wheat—27.

Mr. Yell presented the following substitute for the resolution by Mr. Cutter, in reference to declaring the seat of Mr. Barnes vacant:

*Resolved*, That the member for Solano County, D. G. Barnes, is not entitled to the seat in the Assembly for that county, on account of the fraud and intimidation practiced in the First and Second Wards of Vallejo, in said county.

The ayes and noes being demanded, the roll was called, and the substitute was adopted by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Crumpton, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Hughes, Hunter, Johnston, Kerrick, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Plover, Rawle, Rhel, Sinon, Smith, Stephens, Stewart, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—44.

NOES—Messrs. Booth, Brown, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Harvey, Head, Heath, Hollister, Irwin, Keeler, Lewison, Matthews, McHale, McKinley, Murdock, Nicol, Reeves, Sweetland, Terry, Walrath, Weaver, and Wharton—27.

## RESOLUTION.

By Mr. Caminetti:

*Resolved*, That the contestant, E. C. Dozier, is not entitled to a seat as one of the members of the Assembly from the County of Solano.

Mr. Yell moved the following amendment to the resolution:

*Resolved*, That E. C. Dozier is entitled to a seat in this Assembly as a member for Solano County.

Mr. Townsend moved the previous question.

So ordered.

The ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

**AYES**—Messrs. Atwell, Bibb, Bowers, Briceland, Callaghan, Campbell, Clark, Crumpton, Doty, Field, Fleming, Flynn, Gausson, Granger, Hall, Healy, Hughes, Hunter, Kernick, Levenson, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, ~~Rawle~~, Rawle, Simon, Smith, Stephens, Stewart, Terry, Wheelan, and Yell—35.

**NOES**—Messrs. Barry, Booth, Brown, Caminetti, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Faw, Fortna, Hamilton, Harvey, Head, Heath, Hollister, Irwin, Johnston, Keeler, Lewison, Matthews, McHale, McKinley, Murdock, Nicol, Reeves, Rhiel, Storke, Sweetland, Townsend, Walthath, Weaver, Wharton, Wheat, and Mr. Speaker—37.

## LEAVE OF ABSENCE.

Mr. Heath was granted leave of absence for this day.

Mr. Fortna was granted leave of absence till Monday, at two o'clock P. M.

Mr. Murdock moved to suspend the rules and consider Assembly Concurrent Resolution No. 20.

Lost.

## RESOLUTION—(OUT OF ORDER).

By Mr. Cutter: In relation to payment of the election expenses incurred by Mr. D. G. Barnes in contested election case of Dozier vs. Barnes.

Referred to Committee on Public Expenditures and Accounts.

## REPORT OF A STANDING COMMITTEE—(OUT OF ORDER).

## ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1883.

MR. SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 349—An Act to provide for the appointment of members of Boards of Health in cities, counties, cities and counties, towns, or municipalities, and to fix their terms—have had the same under consideration, and now report the same back amended, and recommend its passage as amended.

Also, Assembly Bill No. 224—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.

Also, Assembly Bill No. 235—An Act to amend section four thousand four hundred and forty-five of the Political Code of the State of California, in relation to funding and refunding of city indebtedness—and recommend that it do not pass.

Also, Assembly Bill No. 444—An Act to provide for the appointment in each and every county of the State of California a Public Weigher and Measurer—and recommend that it be referred to the Committee on County Governments.

Also, Assembly Bill No. 15—An Act for the government of unincorporated towns in this State—and recommend that it do not pass.

Also, Assembly Bill No. 428—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts in townships and cities—have had the same under

consideration, and now report the same back, amended by a substitute, and recommend that the substitute do pass.

Also, Assembly Bill No. 427—An Act to provide for the weighing of hay in cities and towns, and to provide for a weigher—and recommend that it do not pass.

Also, Assembly Bill No. 219—An Act to provide for the appointment of prosecuting attorneys for Police Judges' Courts in all consolidated city and county governments—and recommend that it do not pass.

IRWIN, Chairman.

SECOND READING.

Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Mr. Larue moved to pass for the present that portion of the bill relating to Los Angeles County.

Mr. Yell moved to amend section eighty-two, by striking out "eighteen hundred and eighty-six," and inserting "eighteen hundred and eighty-four."

Adopted.

Mr. Yell moved to amend section eighty-four, by substituting the following: "All Acts and parts of Acts in conflict with this Act are hereby repealed."

Adopted.

Mr. Flynn moved to amend section thirty-seven as follows: Insert after the word "Sutter," where used second time in line four, the following: "to Stockton, Stockton to Market, Market."

Adopted.

Mr. Flynn moved to amend section forty-six as follows: After the word "Napa," where it occurs the second time in line five, insert the following: "to Twentieth, Twentieth to Guerrero, and Guerrero." Also, strike out the words "to Fourteenth" in line five.

Adopted.

Mr. Flynn moved to amend section forty-nine as follows: Strike out "Mission to," in line five, and insert the following: "thence along the county road to its intersection with."

Adopted.

Bill read first time, and ordered to second reading.

Mr. Flynn moved that the bill be placed on the special file for Monday.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Wharton:

*Resolved*, That the Governor be informed by this House that a vacancy exists in the representation to the Assembly from Solano County.

RECESS.

Pending the consideration of the resolution, the hour of twelve o'clock and thirty minutes p. m. having arrived, the Speaker declared a recess till two o'clock p. m. this day.

REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

The question being on the resolution by Mr. Wharton, Mr. Flynn moved that it be referred to the Committee on Elections.

So ordered.

## LEAVE OF ABSENCE.

Mr. Hollister was granted leave of absence for this afternoon's session.

## REPORT OF A STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHES AND EMPLOYEES.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1883.

MR. SPEAKER: Your committee, to whom was referred the resolution of Mr. Muddock, in reference to the employment of clerks, have had the same under consideration, and recommend the several committees to report the necessity of a clerk to the House, referring them to the resolution passed by this House in reference to the same, as adopted January fifteenth, eighteen hundred and eighty-three.

Also, resolution of Mr. Bibb, in reference to Post Office Page—the committee think they have no jurisdiction in the matter, and refer the same back to the House for action.

Also, the resolution of Mr. Moffitt, in reference to an Assistant Journal Clerk—recommend the adoption of the following resolution as a substitute therefor

*Resolved*, That Miss Linea Bowers is hereby appointed Assistant Journal Clerk of the Assembly, at a per diem of six dollars, to be paid out of the Contingent Fund of the Assembly.

FIELD, Chairman.

The report was considered seriatim.

Mr. Irwin moved to lay that portion of the report referring to the Post Office Page on the table.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs Atwell, Brice land, Brown, Carter, Cary, Clark, Clement, Coombs, Crumpton, Doty, Farley, Faw, Fleming, Hamilton, Head, Irwin, Johnston, Keeler, Kerrick, McClaskey, McHale, Moffitt, Parker, Plover, Reeves, Rhuel, Storke, Sweetland, Terry, Weaver, and Mr. Speaker—31

NOES—Messrs. Barry, Bibb, Booth, Caminetti, Culver, Field, Flynn, Fortna, Gaussail, Hall, Healy, Hollister, Hughes, Leveison, Lewison, McKinley, Muddock, Nicol, Rawie, Simon, Smith, Stephens, Stewart, Walrath, Wharton, Wheat, and Yell—26.

Mr. Terry moved to lay on the table that portion of the report referring to the Journal Clerk's assistant.

Lost.

Mr. Johnston moved the following amendment to the report:

*Resolved*, That the Journal Clerk be authorized to employ an assistant, at a per diem of five dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

The report was then adopted as amended.

## RESOLUTION—(OUT OF ORDER).

By Mr. Flynn:

*Resolved*, That the sum of one thousand and twenty-seven dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Assembly to E. C. Dozier, for the expenses incurred by him in the contest for the seat from Solano County, and the Controller is directed to draw his warrant in favor of said E. C. Dozier for said sum, as follows:

Reporting and transcribing testimony .....	\$691
Witness fees and officers' fees .....	243
Commissioner's fees .....	120
Total .....	\$1,054
Less one half, to be paid by the Senate .....	527
Balance .....	\$527
Attorneys' fees .....	500
Grand total .....	\$1,027

Referred to Committee on Public Expenditures and Accounts.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused a first reading to Assembly bills as follows:

Assembly Bill No. 54—"An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, and define the writ of prohibition."

Also, Assembly Bill No. 99—"An Act to amend section seventy-eight of the Civil Code, relating to establishing the validity of marriage."

Also, Assembly Bill No. 78—"An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sales."

Also, Assembly Bill No. 19—"An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix."

Also, Assembly Bill No. 60—"An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California in relation to the larceny of certain animals."

A. T. VOGELSSANG, Assistant Secretary.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Atwell:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1883.

WHEREAS, The honorable member from Yuba, Mr. Cutter, has stated to and informed this House that the lobby had used improper influence to induce the members of the House to vote contrary to their judgment and convictions in the contested case of Dozier vs. Barnes;

*Resolved*, That the Committee on Crimes and Penalties investigate such charges, and report to this House the facts in the case.

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

So ordered.

By Mr. Bibb:

*Resolved*, That Fred. Taylor is hereby allowed six days' pay, at a per diem of three dollars.

Adopted.

Mr. Levenson, pursuant to notice, moved that the Committee on Federal Relations be directed to report back to the House Assembly Concurrent Resolution No. 24, on Monday, the nineteenth day of February, instant.

Mr. Nicol moved to amend by striking out "Monday, the nineteenth day of February, instant," and inserting "in thirty minutes."

Amendment adopted.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Irwin: An Act to compel hotel and lodging-house keepers to provide means of escape in case of fire.

Referred to Committee on Public Buildings.

By Mr. Rawle: 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.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1883.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 149—An Act to prohibit the sale of intoxicating liquors in precincts, townships, wards of cities, cities and counties, where the people so determine—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 237—An Act to carry into effect section eighteen, article two, of the Constitution—and recommend its passage.

Also, Assembly Bill No. 360—An Act to permit the electors of every supervisor district in this State to vote on questions of granting license to sell intoxicating liquors—and report the same as being constitutional.

Also, Assembly Bill No. 353—An Act to provide for probation in criminal cases, and for the appointment of probation officers—and recommend its passage.

Also, Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three thousand four hundred and seventy-eight, relative to nuisances—and recommend that it do not pass.

Also, Assembly Bill No. 377—An Act fixing the terms of office of all officers whose appointment is now or may hereafter be vested in the Governor, except those provided for in the Constitution, and to regulate the term thereof—and recommend that it do not pass.

Also, Assembly Bill No. 215—An Act to provide a remedy in cases where damages have been sustained by the illegal and irregular proceedings of municipal officers, and for the payment of the same—and recommend that it do not pass.

Also, Assembly Bill No. 381—An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court—and recommend that it do not pass.

Also, Assembly Bill No. 374—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Clerk of the State Board of Equalization—and report the same without recommendation.

Also, Assembly Bill No. 382—An Act to prohibit aliens who have not declared their intention to become citizens of the United States from receiving license to drive and from driving any vehicle for the driving of which a license is required by law—and recommend that it do not pass.

Also, Assembly Bill No. 354—An Act to amend section one thousand three hundred and thirteen of the Civil Code—and recommend that it do not pass.

Also, Assembly Bill No. 385—An Act to amend section two hundred and twenty-four of the Civil Code of California, in relation to the adoption of children—and recommend its passage.

Also, Assembly Bill No. 388—An Act to repeal section eight hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to disqualification of officers—and recommend that it do not pass.

Also, Assembly Bill No. 389—An Act to authorize fees and salaries of officers and compensation of other persons to be taken in attachment and execution, and to prohibit assignments to defraud creditors—and recommend that it do not pass.

Also, Assembly Bill No. 391—An Act to add to part two, division second, of the Civil Code, a new title, to be known as title five, containing nineteen sections, to be numbered eight hundred and seventy-two, eight hundred and seventy-three, eight hundred and seventy-four, eight hundred and seventy-five, eight hundred and seventy-six, eight hundred and seventy-seven, 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, and eight hundred and ninety, relating to mining laws, forming mining districts, and the recording of mining locations—and recommend that it be referred to the Committee on Mines and Mining Interests.

Also, Assembly Bill No. 396—An Act to amend section seven hundred and seventy-one, seven hundred and seventy-three, seven hundred and seventy-four, and seven hundred and seventy-five of the Political Code, relating to the duties of reporter of Supreme Court decisions—and recommend that it do not pass.

Also, Assembly Bill No. 397—An Act to repeal section one thousand six hundred and eighteen of the Political Code—and recommend that it do not pass.

Also, Assembly Bill No. 395—An Act to provide for and regulate the business of the searchers of records—and recommend that it do not pass.

Also, Assembly Bill No. 372—An Act to provide for the better protection of human life on railroad trains—and recommend its passage.

Also, Assembly Bill No. 371—An Act to amend section four hundred and forty-six of the Code of Civil Procedure of the State of California, relative to the verification of pleadings—and recommend that it do not pass.

Also, Assembly Bill No. 369—An Act to add five new sections to the Political Code of the State of California, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, and three thousand six hundred and seventy, relative to the assessment of telegraph lines—and recommend that it do not pass.

Also, Assembly Bill No. 367—An Act to authorize the bringing of suits against the State—and recommend that it do not pass.

Also, Assembly Bill No. 361—An Act to amend section three thousand seven hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the collection of property tax—and recommend its passage.

Also, Assembly Bill No. 373—An Act to amend section one thousand seven hundred and

forty-one of the Code of Civil Procedure, relative to fees chargeable to estates in the hands of the Public Administrator—and recommend that it do not pass.

Also, Assembly Bill No. 401—An Act to add a new section to the Penal Code of California, to be numbered section nine hundred and seventy-three, providing for amending informations—and recommend its passage

Also, Assembly Bill No. 408—An Act to amend section one hundred and ninety of the Penal Code, that imprisonment for life may, at the discretion of the Court, be construed as for the expectation of life—and recommend that it do not pass

Also, Assembly Bill No. 412—An Act to amend sections five hundred and forty-nine and six hundred and eighty-nine of the Code of Civil Procedure, relative to attachments and executions—and recommend that it do not pass.

Also, Assembly Bill No. 414—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding two new sections thereto, to be known as sections three thousand four hundred and seventy-seven and three thousand four hundred and seventy-eight, relating to nuisances—and recommend that it do not pass

Also, Assembly Bill No. 421—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the Deputy Superintendent of Public Instruction—and recommend that it do not pass

Also, Assembly Bill No. 431—An Act to amend section one hundred and three, article two, chapter five, title one, part one, Code of Civil Procedure, relating to Justices' Court in townships—and recommend that it be referred to the Committee on County and Township Governments.

Also, Assembly Bill No. 433—An Act to amend section six hundred and two of the Penal Code, in relation to trespass—and recommend its passage

Also, Assembly Bill No. 436—An Act to amend section three thousand seven hundred and seventy-seven of the Political Code, and to require certificates of tax sales to be recorded—and recommend its passage

Also, Assembly Bill No. 437—An Act to amend sections four thousand two hundred and thirty-five and four thousand two hundred and thirty-six of the Political Code—and recommend that it do not pass

Also, Assembly Bill No. 439—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, to be known as section one thousand nine hundred and twenty-seven, relating to the report of shorthand reporters and using the same as evidence—and recommend its passage.

Also, Assembly Bill No. 445—An Act relating to policies of insurance upon real property in case of total loss by fire, and the measure of damages therefor—and recommend that it do not pass

Also, Assembly Petition—Relative to amending Constitution and striking out a portion of section nineteen, article two—and report action as now unnecessary.

Also, Assembly Resolution—Relative to asking Judiciary Committee to report Assembly Bill No. 47 without delay—and report said request as having been complied with.

Also, Senate Bill No. 25—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two of article thirteen of the Constitution a misdemeanor—and recommend its passage.

Also, Senate Bill No. 46—An Act to amend sections one hundred and four, one hundred and five, and one hundred and six of the Code of Civil Procedure, relating to Justices of the Peace and Justices' Courts—and recommend its passage.

Also, Senate Bill No. 32—An Act to amend section one thousand and forty-two of "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to trials by jury—and recommend its passage

Also, Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872—and recommend its passage

Also, Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands—and recommend its passage.

TERRY, Chairman.

#### MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883

MR. SPEAKER: The undersigned, members of the Assembly Judiciary Committee, to whom was referred Assembly Bill No. 215, do hereby dissent from the opinion of the majority of said committee in their action on said bill, and most respectfully beg that said bill do pass.

F. D. NICOL.  
ARCHIBALD YELL.  
J. F. WHARTON  
CALVIN McCLASKEY.  
FRANK D. RYAN.

## FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 24—Relative to requesting our Representatives and Senators in Congress to oppose the passage of any bill consolidating the Southern Pacific Railroad with other transportation companies. and now beg leave to report the same back, with the recommendation that it do not pass.

McCLASKEY, Chairman

## LEAVE OF ABSENCE.

Messrs. Simon and Cary were granted leave of absence till Monday next, at two o'clock P. M.

Mr. Crumpton moved to take up the first file.

So ordered.

## FIRST READING.

Mr. Sweetland, pursuant to notice, moved to reconsider the vote whereby the House refused Assembly Bill No. 240 first reading.

So ordered.

Assembly Bill No. 240—An Act to amend sections three thousand four hundred and seventy-eight and three thousand four hundred and seventy-nine, article two, chapter one, title eight, part three, of the Political Code, relating to the reorganization of swamp land reclamation districts and the payment of the indebtedness of said districts.

Withdrawn.

Assembly Concurrent Resolution No. 29—Instructing our Senators and requesting our members in the Congress of the United States to urge the passage of laws for the promotion and protection of the viticultural industries of the State of California and other States of the Union.

Read.

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

AYES—Messrs. Atwell, Barry, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Gaussall, Granger, Hamilton, Head, Healy, Heath, Hughes, Hunter, Irwin, Johnston, Kernick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Plover, Rawle, Reeves, Rhuel, Stephens, Stewart, Stokes, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—56

NOES—Messrs. Loverson, Smith, and Weaver—3

Assembly Concurrent Resolution No. 23—Proposed amendment to section six, article one, of the Constitution of the State of California, relative to cruel and unusual punishments.

Read.

The roll was called, with the following result:

AYES—Messrs. Booth, Bowers, Briceland, Brown, Campbell, Carter, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Gaussall, Granger, Hall, Healy, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Matthews, McClaskey, McHale, McKinley, Nicol, Parker, Plover, Rhuel, Stephens, Stewart, Sweetland, Terry, Townsend, Wharton, Wheelan, and Mr. Speaker—42.

NOES—Messrs. Atwell, Barry, Caminetti, Clement, Head, Heath, Loverson, Lewison, Moffitt, Murdock, Rawle, Reeves, Simon, Smith, Stokes, Walrath, Weaver, Wheat, and Yell—19.

The resolution having failed to receive a constitutional majority, it was lost.

Assembly Bill No. 342—An Act to add a new section to the Civil

Code, to be known as section four hundred and twenty-one, relating to the advertisement of the capital of insurance corporations.

Read first time, and ordered to second reading.

Assembly Bill No. 301—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Read first time, and ordered to second reading.

#### ADJOURNMENT.

At three o'clock and fifteen minutes, on motion of Mr. Crumpton, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER, }  
Monday, February 19, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair

Roll called, and the following members answered to their names:

Messrs Atwell, Barry, Beard, Bibb, Booth, Bowers, Bruceland, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Failey, Faw, Field, Fleming, Flynn, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Heishey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Neal, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, on motion of Mr. Caminetti, further reading was dispensed with.  
Journal of Saturday approved.

#### REPORTS OF STANDING COMMITTEES.

##### ON PUBLIC BUILDINGS.

MR. SPEAKER: Your Committee on Public Buildings and Grounds would report as follows: They have made an examination of the State Capitol, and they find the following repairs necessary: *First*—The roof requires a thorough overhauling, many of the seams being open, and copper work loose, thereby allowing the rain to enter. The plumbing work throughout is out of repair, and requires renewal. The painting should be renovated, and the walls whitened. The ventilation of the Senate and Assembly Chambers should be at once put in order; up to the present time but feeble efforts having been made for that purpose, the necessity for which is apparent to every member. In joint session with the Senate Committee on Public Buildings and Grounds, we have concluded to recommend an appropriation of fifteen thousand dollars to make all the necessary repairs.

PLOVER, Chairman.

##### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 456—Entitled "An Act providing for the purchase of machine guns for the use of the

National Guard of California, and to make appropriation therefor, and to provide for their distribution"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 466—Entitled "An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor"—and recommend that it do pass.

CAMPBELL, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1883.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 419—An Act to amend section two of an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, relating to salaries of Railroad Commissioners, Secretary, and Bailiff—have had the same under consideration, and now report the same back, and recommend that it do not pass.

BARRY, Chairman.

ON STATE PRISONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1883.

MR. SPEAKER: Your Committee on State Prisons would respectfully report the following bill of expense of the visit of its sub-committee to Folsom State Prison: Carriage hire, eight dollars. Respectfully submitted.

HUNTER, Chairman.

Referred to Committee on Public Expenditures.

ON EDUCATION.

SACRAMENTO, February 15, 1883.

MR. SPEAKER. The Committee on Education have visited the State University, Deaf, Dumb, and Blind Asylum, and San José State Normal School, and have to make the following report on the same

UNIVERSITY.

The committee spent the greater part of the three days they were absent—that is, two days at the University—and made as thorough an investigation of the institution as this limited time would permit.

The committee find that the University is undergoing a fair degree of prosperity, that the faculty appear competent and industrious, and to be doing all in their power to advance the material prosperity of the University, that the under-graduates are making good progress in their various studies, and that the general discipline of the institution is good.

Where so many are doing excellent work, your committee do not think it invidious to call attention especially to the work done in some of the departments

Professor Hilgard, in addition to the many requirements imposed upon him as a teacher of the various classes under his charge, has been doing much outside work, very beneficial to the State. He has made a map showing the general character of the soil throughout the State, which will be of great value to the farming industry. The map shows both the chemical and mechanical composition of the soils of the State, and their distribution. The Professor has also spent a large portion of his time in answering inquiries and investigating questions of practical importance to the State's agricultural interests. He has shown, by investigation, that the waters of Tulare and Kern Lakes are too strongly impregnated with alkali to be applied with safety in irrigation. This alone saved to proposed investors thousands of dollars, and preserved from ruin thousands of acres, thus saving to the State many times the cost of the whole agricultural department of the State University. He is ably assisted in this work by Professor S. H. Dwinelle

The committee also desire to call attention to the fact that the sums set apart by the Board of Regents for the Agricultural Department of the University seem utterly inadequate to its demands, and not in conformity with the Act of Congress bestowing an endowment upon the institution, to be used especially in the advancement of industrial education, and naming agriculture especially as a branch to be nourished. It appears that an annual appropriation of but three thousand dollars or four thousand dollars is not doing justice to the provisions of the Act, and that the College of Agriculture is decidedly crippled, both in equipment and faculty. The large horticultural and grain interests of the State demand that a chair of entomology be at once established, and that instruction be given, thorough and complete, in all that pertains to insects beneficial and injurious to vegetation

The large stock interests of the State are demanding thorough instruction in the diseases incident to domestic animals. The scab in sheep alone is annually costing the State more than the whole cost of the State University, and the diseases among cattle, horses, and hogs are only adding to the cost. A professor of veterinary medicine and surgery would very soon pay the cost of his salary in the instruction which he would give, and the beneficial effect that would follow even an ordinary acquaintance, spread throughout the State, with the various diseases that afflict our domestic animals. With Professor Hilgard and Professor Dwinelle

occupying the positions they now hold, and the chairs of entomology and veterinary medicine well filled, the College of Agriculture of the University could be more than a college in name, and, in the opinion of this committee, the number attendant upon its sessions could be largely increased.

#### THE PHYSICAL LABORATORY.

While the chemical laboratory of the University has been for some years one of the best features of the institution, comparing favorably in this regard with the oldest colleges of the Union, the physical laboratory has been entirely neglected. The ordinary physical apparatus for class-room experiments is of no use to the student in original investigation, and is merely an adjunct to instruction. The aim of all education should be to encourage research on the part of the student, and to that end to furnish him with the instruments to practically verify his theoretical conclusions. There is no more important field for work of this character than the physical science. The practical benefits resulting from improvements in all that relates to the measurement of time and space, to the determination of the strength of materials used in ordinary structures, to the calculation of the velocity and trajectory of missiles, to the force of impact of moving bodies, would far more than compensate the State for the small outlay necessary to furnish a laboratory with adequate instruments.

The appropriation of five thousand dollars asked for is no more than sufficient to purchase apparatus absolutely necessary to the efficiency of the physical department of the University. This money should be expended under the direction of Professor John Le Conte, who has an enviable reputation in scientific circles for original investigations in the domain of physics. He is one of the few American scientists whose labors are not unappreciated in Europe.

#### AGRICULTURAL, MINING, AND ARTS COLLEGE.

Your Committee on Education visited the Mechanical and Mining Arts College, and have the honor to report on the Mining School and the appliances and mechanical means therefor as follows:

Professor S. B. Christie is at the head of the Mining School Department of the Mechanical and Mining Arts College, and, we believe, no department of the University affords greater evidence of important and practical work.

The metallurgical laboratories afford most excellent facilities for making assays of all classes of ores, slags, etc. We visited the crushing and sampling room, where we found iron mortars and rubbers for pulverizing ores for assay and analysis. In the furnace room we found iron-clad crucibles and furnaces built in the wall, and muffle furnaces constructed in like manner, and supplied with necessary tools and work benches. We also observed, in addition to the permanent furnaces, a full assortment of movable clay muffles, tube crucible furnaces.

The weighing room had the proper appliances of ore scales, also wood and sand bath for panning gold and silver. There were also found separate balance rooms for the fire assay, balances and yellow glass windows for the burned or mint assays of silver bullion; also, rooms for volumetric or bullion assays. These advantages and the metallurgical models and drawings afford great facilities for even original investigations, and we believe are eminently adapted to the thorough instruction of students and making experiments of general benefit and great importance to the mining interests of the State.

We believe, also, as has been anticipated, that important problems relating to hydraulic and mining machinery, and the economical methods of treating our so called rebellious ores, may be the legitimate functions of this mining department of the Mechanical and Mining Arts College. And with the model stamp mill and dressing works, for which an appropriation is asked, it can complete a thorough course for the assay, determination, and reduction of ores from our unnumbered quartz mines of the State, so that practical reports can be made which will be of very great importance to our mining interests.

#### APPROPRIATION ASKED FOR THE DEPARTMENT OF MINES

For model stamp mill and dressing works.....	\$6,000
For other apparatus and chemicals.....	2,000
Total.....	\$8,000

And the committee hereby recommend that such appropriation be made.

#### SAN JOSE NORMAL SCHOOL.

The committee can only report favorably on the little they were able to see of the working of the Normal School at San José during the very limited period of their visit, and they think time would be well spent were some of their body to pay a more extended visit either to that institution or the newer institution at Los Angeles.

While the committee report favorably on what they saw generally at the San José Normal School, they feel it their duty to call public attention to defects in our public school system, which might be corrected in a measure through sound normal teaching and training. In many cases the pupils who graduate from grammar schools are almost wholly unprepared for the

business of life; their powers of observation and of reason have not been cultivated, and what of these powers they possess have been acquired in spite of school training. The pupils learn nothing of things by observation, and their power of reasoning is wholly undeveloped. In marked contrast to the custom of our schools is the method employed in the German *vorschule*, or primary school. As in the Birkbeck schools, children of nine and ten years of age are active and intelligent collectors and classifiers of plants, animals (generally of insects or birds only), and of minerals, while in the common rudiments of learning their progress far outstrips that of the pupils of our schools. An admirable feature of the German schools which has largely tended to produce this result might be readily adapted to our system. Once a week, at least, each teacher takes his class, either into the country to collect plants, insects, or minerals, to observe, examine, and classify them, or to some factory or other industrial establishment.

The committee also deem it necessary to call attention to the disadvantages as well as the advantages of the graded system, as now carried on in our public schools. While not overlooking the fact that much good is accomplished by classification, when not carried to an extreme, they feel compelled to say that the graded system of this State has been carried beyond the limits of usefulness. The brightest as well as the dullest of pupils are classified together, and this produces the evil result of retarding the progress of the former, and pushing the latter beyond his capacity. The promotion of one, therefore, is dependent upon the progress of the other. The one is discouraged because his progress is retarded by the dullness of the other, and his less brilliant classmate is compelled to accept advancement before he is prepared.

Whatever may be the advantages of graded schools, they seem to be mostly thrown away under our system, if we may judge from the comparison of their results with that of an ungraded school on Harrison Street, San Francisco, near Eleventh.

In that ungraded school of about forty-four boys, who are either too poor to attend the public schools, or too unruly to be there disciplined, or from some other cause have been kept out of school, and who were (till they went to this school) generally looked upon as "hard cases"—boys from eleven to fourteen perform exercises with dispatch and accuracy in the extraction of cube root, mensuration, and combination, one of them can write almost equal to copper plate engraving, five or six are following closely in his footsteps, and boys of seven to eight years can read in the Fifth Reader. Your committee have yet to see the graduate of the graded schools who at fifteen or sixteen years of age can equal these boys of eleven to fourteen.

#### DEAF, DUMB, AND BLIND ASYLUM.

The committee in their visit to the Deaf, Dumb, and Blind Asylum were given an opportunity to observe as to the instruction of the unfortunate children of our State who are inmates of this very worthy institution. The committee cannot bestow too much praise to the managers and teachers in charge. We would recommend that the appropriations asked for the support of this institution be allowed in full, and also that a sufficient amount be appropriated to establish a mechanical school in connection therewith.

The committee also find that the subordinate instructors and tutors are underpaid. The committee think that these teachers should at least receive as much compensation for their services as is paid to teachers of public schools throughout the State.

STORKE, Chairman.

#### LEAVE OF ABSENCE.

Messrs. Levenson and Clark were granted leave of absence for two days.

#### INTRODUCTION OF BILLS.

By Mr. Townsend (by request): An Act relating to the inmates of insane asylums.

Referred to Committee on State Hospitals.

By Mr. Plover: An Act to appropriate money for the repair of the roof of the Capitol, for the plumbing, painting, renovating, and ventilating the State Capitol.

Referred to Committee on Public Buildings.

By Mr. Bowers: An Act to authorize the State Treasurer to refund and pay over certain moneys received from the sale of certain State lands.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Johnston: An Act to appropriate money for the erection of buildings and improvements, and for the purchase of land for the Napa State Asylum for the Insane.

Referred to Committee on State Hospitals.

By Mr. Wharton: An Act to prevent the spreading of contagious diseases among sheep.

Referred to Committee on Agriculture.

Also—An Act to enable the Boards of Supervisors of the various counties of this State to call special elections, and to issue bonds to build public bridges.

Referred to Committee on Roads and Highways.

By Mr. Murdock (by request): An Act to enable women to vote at elections of school officers, and in matters pertaining solely to the management of schools, and to hold educational offices.

Referred to Judiciary Committee.

By Mr. Hall: An Act to amend section six hundred and thirty-three of the Political Code, so as to impose a tax on the net receipts of accidental insurance companies not incorporated under the laws of this State.

Referred to Committee on Corporations.

By Mr. Kerrick: An Act to amend section three thousand four hundred and forty-nine of an Act entitled "An Act to establish a Political Code for the State of California."

Referred to Committee on Swamp and Overflowed Lands.

#### SPECIAL FILE—(SECOND READING).

Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Mr. Johnston moved that the House consider the sections which were previously passed.

So ordered.

The Committee on Apportionment recommended the following to fill in the blank in section three:

Comprising the Townships of Orleans, Klamath, Trinidad, Mud River, Union, Eureka, and Bucksport, shall constitute the Second Assembly District.

Adopted.

Mr. Cutter moved to amend by making section fourteen read:

Section 14. The County of Yuba shall constitute the Thirteenth Assembly District.

Mr. Irwin moved to pass section fourteen.

Lost.

The question being on the amendment by Mr. Cutter, the ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

AYES—Messrs Atwell, Bibb, Bowers, Caminetti, Clement, Coombs, Culver, Cutter, Hall, Harvey, Healy, Hughes, Irwin, Johnston, Keeler, Lewison, McClaskey, McHale, Mofitt, Murdock, Nicol, O'Connor, Rawle, Rowland, Smith, Stewart, Stoike, Sweetland, Terry, Walrath, and Weaver—31.

NOES—Messrs Barry, Beard, Brown, Campbell, Carter, Crumpton, Doty, Faw, Field, Fleming, Flynn, Gaussan, Granger, Hamilton, Head, Heath, Hershey, Hunter, Kerrick, Martin, Matthews, McKinley, Murphy, Parker, Plover, Reeves, Rhiel, Ryan, Stephens, Townsend, Wheat, Yell, and Mr. Speaker—33.

Mr. Cutter moved a call of the House.

Lost.

Mr. Cutter moved to amend section fourteen so as to read:

Section 14 The County of Yuba shall constitute the Thirteenth Assembly District.

The ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

**Ayes**—Messrs Atwell, Bibb, Bowers, Caminetti, Coombs, Cutter, Farley, Harvey, Heath, Hughes, Irwin, Johnston, Keeler, Lewison, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Rawle, Rowland, Smith, Stewart, Storke, Sweetland, Terry, and Wabath—29.

**Noes**—Messrs Barry, Beard, Booth, Briceland, Brown, Campbell, Carter, Clement, Crumpton, Doty, Faw, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hunter, Kerrick, Martin, Matthews, Murphy, Parker, Plover, Reeves, Rhel, Ryan, Stephens, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—36.

The question being on the adoption of section fourteen of the bill, the ayes and noes being demanded, the roll was called, and the section was adopted by the following vote:

**Ayes**—Messrs Barry, Beard, Booth, Bowers, Briceland, Campbell, Carter, Crumpton, Doty, Faw, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hunter, Johnston, Kerrick, Martin, Matthews, Murdock, Murphy, Parker, Plover, Rawle, Reeves, Rhel, Ryan, Stephens, Storke, Townsend, Wheat, Yell, and Mr. Speaker—39.

**Noes**—Messrs Atwell, Bibb, Brown, Caminetti, Clement, Coombs, Cutter, Farley, Harvey, Hughes, Irwin, Lewison, McClaskey, McHale, McKinley, Moffitt, Nicol, O'Connor, Rowland, Smith, Stewart, Sweetland, Terry, Walrath, and Weaver—25.

Mr. Cutter moved to amend section nineteen so as to read as follows:

That portion of Sacramento County comprising Wards First and Third of the City of Sacramento, together with the Townships of Center, American, Mississippi, Granite, Natoma, Lee, and Cosumnes, shall constitute the Eighteenth Assembly District.

Mr. Yell moved an amendment to the amendment as follows:

Section 19. All that portion of the County of Sacramento comprising the First and Third Wards of Sacramento City shall constitute the Eighteenth Assembly District.

The ayes and noes being demanded, the roll was called.

Pending the announcement of the vote, Mr. Johnston moved that there be a new roll-call.

So ordered.

Mr. Doty moved a call of the House.

Lost.

RECESS.

Pending the consideration of the amendment to the amendment, the hour of twelve o'clock and thirty minutes having arrived, the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.

Speaker pro tem. Campbell in the chair.

Quorum present.

The question being on the amendment to the amendment, the ayes and noes being demanded, the roll was called, and the amendment to the amendment was adopted by the following vote:

**Ayes**—Messrs Barry, Briceland, Callaghan, Campbell, Carter, Clement, Coleman, Crumpton, Doty, Faw, Field, Fleming, Flynn, Gaussail, Hall, Hamilton, Head, Healy, Hughes, Hunter, Martin, Matthews, McDonald, McHale, Murphy, O'Connor, Parker, Plover, Rawle, Reeves, Rhel, Ryan, Wheelan, Yell, and Mr. Speaker—35.

**Noes**—Messrs Atwell, Beard, Booth, Caminetti, Coombs, Cutter, Farley, Fortna, Harvey, Heath, HERSHEY, Johnston, Keeler, Kerrick, Lewison, McClaskey, McKinley, Murdock, Nicol Smith, Stewart, Storke, Sweetland, Terry, Wabath, Wharton, and Wheat—27.

Mr. Yell moved the following:

Section 20. All that portion of the County of Sacramento comprising the Second and Fourth Wards of Sacramento City shall constitute the Nineteenth Assembly District.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**AYES**—Messrs. Barry, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Crumpton, Doty, Faw, Field, Fleming, Flynn, Gaussail, Grainger, Hall, Hamilton, Head, Healy, Hughes, Hunter, Martin, Matthews, McDonald, McHale, Murphy, O'Conner, Parker, Plover, Rawle, Reeves, Rhinel, Ryan, Townsend, Wheelan, Yell, and Mr. Speaker—39.

**NOES**—Messrs. Atwell, Beard, Bibb, Booth, Bowers, Caminetti, Coombs, Cutter, Farley, Fortna, Harvey, Heath, Hershey, Johnston, Keeler, Kerrick, Lewison, McClaskey, McKinley, Murdock, Nicol, Smith, Stewart, Storke, Sweetland, Terry, Walnath, Wharton, and Wheat—29.

Mr. Yell moved the following:

Section 24. Sonoma County—The Townships of Cloverdale, Washington, Salt Point, Bodega, Ocean, Redwood, and Mendocino, shall constitute the Twenty-third Assembly District.

Adopted.

Mr. Yell moved the following:

Annally, Santa Rosa, Russian River, and Knight's Valley, shall constitute the Twenty-fourth Assembly District.

Adopted.

Mr. Cary moved to amend section fifty-two as follows:

That portion of the County of Alameda bounded as follows: Oakland Township outside of the city, and the Second Ward of the City of Oakland, described as follows: Beginning at a point where the charter line of the City of Oakland intersects the center of Adeline Street; thence southerly along the center of said street to Twentieth Street; thence easterly along Twentieth Street to Lake Merritt; thence northerly along the western shore of said lake to the charter line of said City of Oakland, thence southerly and easterly along said charter line between Oakland and Brooklyn Townships; thence northeasterly along the line between said townships to the boundary line of the Counties of Alameda and Contra Costa; thence westerly and northerly along the boundary of Contra Costa County to the Bay of San Francisco; thence southerly along the shore of said bay to the charter line of the City of Oakland; thence easterly along said charter line to the place of beginning, shall comprise the Fifty-first Assembly District.

Mr. Yell moved an amendment to the amendment, as follows:

Section 52. All that portion of Alameda County comprising the Townships of Murray and Washington, and that certain portion of Eden Township within the corporate limits of the town of Haywards, and that portion of said Eden Township known as Castro Valley election precinct, described as follows, to wit: Commencing at a point where the northerly line of the Town of Haywards is intersected by the dividing line between San Lorenzo and Castro Valley election precincts, thence along said dividing line of said precincts to the middle line of San Leandro Creek; thence easterly and northerly along the middle line of said creek to the dividing line of Alameda and Contra Costa Counties; thence easterly and southerly along said dividing line of said counties to its point of intersection with the dividing line of Eden and Murray Townships aforesaid, thence along said dividing line between Eden and Murray Townships to the corner of Eden, Murray, and Washington Townships, thence westerly along the line dividing the Townships of Washington and Eden to the middle of the mountain road from Haywards; thence northerly along the middle of said road to the southerly boundary line of the Town of Haywards; thence along the boundary line of Haywards and Castro Valley election precincts to the place of beginning, shall constitute the Fifty-first Assembly District.

The ayes and noes being demanded, the roll was called, and the amendment to the amendment was adopted by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Campbell, Cutter, Doty, Field, Fleming, Flynn, Fortna, Gaussail, Grainger, Head, Healy, Hershey, Hughes, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, Moffitt, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhinel, Simon, Smith, Stephens, Storke, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—44.

**NOES**—Messrs. Booth, Brown, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Faw,

Hamilton, Harvey, Heath, Johnston, Lewison, McKinley, Murdock, Reeves, Stewart, Sweetland, Walthath, Weaver, and Wharton—22.

Mr. Yell moved the following:

Section 53 All that portion of Alameda County comprising so much of Eden Township as is not included in the Fifty-first Assembly District, and that portion of Brooklyn Township lying outside of the City of Oakland, and all of Alameda Township, shall constitute the Fifty-second Assembly District

Adopted.

Mr. Yell moved the following:

Section 54 All that portion of Alameda County comprising the Sixth and Fourth Wards of the City of Oakland, described as follows Beginning at the point in the westerly line of the Seventh Ward where the same is intersected by Tenth Street produced; thence westerly along said Tenth Street to Adeline Street. thence southerly along said Adeline Street to the northerly line of Alameda Township; thence easterly along said line of Alameda Township to where the same is intersected by the dividing line between the said Sixth and Seventh Wards; thence northerly along said dividing line to the point of beginning, shall constitute the Fifty-third Assembly District

Adopted.

Mr. Yell moved the following:

Section 55 All that portion of Alameda County comprising the First Ward of the City of Oakland, being all that portion of said City of Oakland lying west of Adeline Street, and all that portion of the County of Alameda, being a portion of Oakland Township, lying outside said City of Oakland, bounded as follows Commencing at the intersection of the northern charter line of the City of Oakland with the dividing line between Bay and Temescal election precincts, thence northerly along said dividing line to where it intersects the southerly line of Berkeley election precinct, thence westerly along said line of said Berkeley election precinct to the dividing line between Berkeley and West Berkeley election precincts, thence northerly along said dividing line last named to the southerly line of Ocean View election precinct; thence easterly along said last named line, to the dividing line between Alameda and Contra Costa Counties; thence northwesterly and westerly along said Alameda and Contra Costa boundary line of Alameda County, and the City and County of San Francisco, thence southerly along said last named boundary line to the said northern charter line of the City of Oakland; thence easterly along said last named line to the point of beginning, shall constitute the Fifty-fourth Assembly District.

Adopted.

Mr. Cutter moved to strike out sections fifty-six and fifty-seven, and insert instead:

Section 56. All that portion of Alameda County not embraced in the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Assembly Districts, shall constitute the Fifty-fifth Assembly District.

The ayes and noes being demanded, the roll was called, and the motion to strike out was lost by the following vote:

AYES—Messrs. Bibb, Booth, Caminetti, Coombs, Cutter, Fahey, Fortna, Granger, Harvey, Heath, Hershey, Johnston, Kenrick, McClaskey, Moffitt, Nicol, Stephens, Stewart, Storke, Sweetland, Terry, Walthath, and Wharton—23.

NOES—Messrs. Barry, Beard, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Crumpton, Doty, Field, Fleming, Flynn, Gausaul, Hall, Hamilton, Head, Hughes, Hunter, Irwin, Lewison, Martin, Matthews, McDonald, McKinley, Murdock, Murphy, O'Connor, Parker, Plover, Rawle, Reeves, Rhuel, Simon, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—43

Mr. Yell moved the following:

Section 56. All that portion of Alameda County comprising the Second and Third Wards of the City of Oakland, and bounded as follows Commencing at the intersection of the northern charter line of the City of Oakland with the center line of Adeline Street; thence

southerly along said center line of Adeline Street to where the same is intersected by the center line of Tenth Street; thence easterly along said center line of Tenth Street to the center line of Broadway; thence northerly along the center line of Broadway to the dividing line between the Second and Fifth Wards, thence easterly along said dividing line last named to the dividing line between the Second and Seventh Wards, thence northerly along said last named line to the said northern charter line; thence westerly along said last named line to the point of beginning, shall constitute the Fifty-fifth Assembly District.

Adopted.

Mr. Yell moved the following:

Section 57. All that portion of Alameda County comprising all of Oakland Township outside of the City of Oakland, and not included in the Fifty-fourth Assembly District, and all of the City of Oakland constituting the Fifth and Seventh Wards, not included in the Fifty-third, Fifty-fourth, and Fifty-fifth Assembly Districts, shall constitute the Fifty-sixth Assembly District.

Adopted.

Mr. Terry moved the following:

Section 59. The City of Stockton shall constitute the Fifty-eighth Assembly District.

Mr. Yell moved the following:

Section 77. All that portion of Los Angeles County contained in the Townships of Soledad, San Fernando, El Monte, San Gabriel, La Ballona, Azusa, Wilmington, San Antonio, and all that portion of Los Angeles Township not contained within the city limits of Los Angeles City, shall constitute the Seventy-sixth Assembly District.

Adopted.

Mr. Yell moved the following:

All that portion of Los Angeles County contained within the limits of the City of Los Angeles shall constitute the Seventy-seventh Assembly District.

Adopted.

Mr. Cutter moved that further consideration of the bill be indefinitely postponed.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Booth, Brown, Cammetti, Carter, Cary, Clement, Coombs, Cutter, Farley, Fortna, Harvey, Heath, Heishey, Keeler, Kennick, Lewison, McClaskey, Murdock, Reeves, Ryan, Stewart, Sweetland, Terry, Walrath, Weaver, and Wharton—27.

NOES—Messrs. Barry, Beard, Bibb, Bowers, Bruceland, Callaghan, Campbell, Coleman, Crompton, Doty, Field, Fleming, Flynn, Granger, Hall, Hamilton, Head, Healy, Hughes, Hunter, Irwin, Johnston, Martin, Matthews, McDonald, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Simon, Stephens, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—42.

Mr. Flynn moved that the bill be printed as amended before being engrossed.

So ordered.

Mr. Cutter moved to suspend the rules, and pass on the file Assembly Bill No. 130.

Lost.

#### LEAVE OF ABSENCE.

Mr. Lewison was granted leave of absence until Wednesday morning.

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

Read second time.

The committee recommend the following amendment to section two:

The Counties of Humboldt and Del Norte shall constitute the First Senatorial District.

Adopted.

The committee recommend the following amendment to section three:

The Counties of Siskiyou, Trinity, Shasta, and Modoc shall constitute the Second Senatorial District.

Adopted.

Mr. Cutter moved to amend, by striking out of section four, line one, the words "and Yuba." and insert the word "and" before "Sierra."

Adopted.

Mr. Flynn moved to amend section nine, as follows:

Section 9. The Counties of Yuba, Sutter, and Colusa shall constitute the Eight Senatorial District.

Adopted.

Mr. Johnston moved to amend section ten, by striking out the words "Yolo and."

The ayes and noes being demanded, the roll was called, and the amendment was lost by following vote:

AYES—Messrs. Bibb, Brown, Cammetti, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Faw, Fortna, Harvey, Hershey, Johnston, McClaskey, McKinley, Murdock, Nicol, Reeves, Stewart, Sweetland, Terry, Walrath, Weaver, and Wharton—26.

NOES—Messrs. Barry, Beard, Briceland, Callaghan, Campbell, Coleman, Crumpton, Doty, Flynn, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hughes, Hunter, Irwin, Keeler, Keruck, Martin, Matthews, McDonald, Moffitt, Murphy, O'Connor, Peterson, Plover, Rawle, Rhel, Ryan, Sinou, Smith, Stephens, Storke, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—40.

Mr. Cutter moved to amend section thirteen as follows:

Section 13. The County of Sacramento shall constitute the Twelfth Senatorial District.

The ayes and noes being demanded, the roll was called, and the amendment was adopted by the following vote:

AYES—Messrs. Atwell, Bary, Beard, Bibb, Booth, Bowers, Briceland, Cammetti, Cary, Clement, Coombs, Culver, Cutter, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hunter, Irwin, Johnston, Kerriek, Martin, Matthews, McClaskey, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhel, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wheat, and Wheelan—54

NOES—Messrs. Brown, Callaghan, Campbell, Coleman, Crumpton, Doty, Flynn, Hughes, McDonald, Parker, Ryan, Sinou, Yell, and Mr. Speaker—14.

Mr. Yell moved the following substitute to the amendment adopted in reference to Sacramento County:

Sacramento County shall constitute the Thirteenth Senatorial District.

Adopted.

Mr. Cutter moved that the House reconsider its action in reference to section five.

So ordered.

Mr. Cutter moved to amend section five to read :

Section 5. The County of Butte shall constitute the — Senatorial District.

Adopted.

Mr. Cutter moved to amend section nine as follows :

The Counties of Colusa and Tehama shall constitute the — Senatorial District.

Adopted.

Mr. Cutter moved to amend by adding, as section ten :

Section 10. The Counties of Yuba and Sutter shall constitute the — Senatorial District.

Adopted.

Mr. Flynn moved that the number of section twenty-two be changed to read "section seventeen," and "the Sixteenth Senatorial District."

Adopted.

Mr. Cary moved to amend section seventeen as follows :

Section 17. That portion of the County of Alameda bounded as follows: Oakland Township, outside of the city, and the First and Second Wards and Second Precinct of the Third Ward of the City of Oakland, described as follows: Beginning at the intersection of the northerly line of the estuary San Antonio with the center line of Adeline Street if extended southerly; thence northerly along Adeline Street to Tenth Street, thence easterly along Tenth Street to Brush street, thence northerly along Brush Street to Twentieth Street, thence easterly along Twentieth Street to Lake Merritt; thence northerly along the western shore of said lake to the charter line of said City of Oakland; thence southerly and easterly along said charter line to the boundary line between Oakland and Brooklyn Townships, thence northeasterly along the line between said townships to the boundary line between the Counties of Alameda and Contra Costa, thence northerly and westerly along the boundary of Contra Costa to the Bay of San Francisco; thence southerly along the shore of said bay to the place of beginning, shall comprise the Sixteenth Senatorial District.

Lost.

Mr. Flynn moved that the number of section be changed to read "section eighteen," and "the Seventeenth Senatorial District"

So ordered.

Mr. Yell moved to amend section eighteen as follows: Insert the word "precincts" before the word "of," in line three.

So ordered.

Mr. Flynn moved that the number of section twenty-six be changed to read "section nineteen," and "the Eighteenth Senatorial District."

So ordered.

Mr. Flynn moved that the number of section seventeen be changed to read "section twenty," and "the Nineteenth Senatorial District."

So ordered.

Mr. Flynn moved that the number of section eighteen be changed to read "section twenty-one," and "the Twentieth Senatorial District."

So ordered.

Mr. Flynn moved to amend section twenty-one as follows: Strike out after the word "bay," where it first occurs in line six, and add the following: "To the place of beginning, together with all the waters of the Bay of San Francisco and the islands contained therein situated within the boundaries of the City and County of San Francisco, shall constitute the Twentieth Senatorial District."

Mr. Flynn moved to amend section twenty by inserting the word

“and” after the words “Avenue B,” where it occurs in line six. Also, insert between the words “the” and “Farallones” the following: “islands known as the.” Also, add the letter “s” to the word “island” in line five. Also, strike out “twenty-nine,” insert “twenty-three,” line one. Strike out “nineteenth,” insert “twenty-second,” lines eight and nine.

Adopted.

Mr. Flynn moved to amend section twenty-one as follows: Strike out “twenty-one,” insert “twenty-four,” line one. Strike out “twentieth,” insert “twenty-third,” line six.

Adopted.

Mr. Flynn moved to amend section twenty-three as follows. Strike out “twenty-three,” insert “twenty-five,” line one. Strike out “twenty-second,” insert “twenty-fourth,” line seven.

Adopted.

Mr. Flynn moved to amend section twenty-five as follows: Strike out “twenty-five,” insert “twenty-six,” line one. Strike out “fourth,” insert “fifth,” line seven.

Adopted.

Mr. Flynn moved to amend section twenty-seven as follows: Insert the word “and” after the word “Napa,” where it first occurs in line six.

Adopted.

Mr. Flynn moved to amend section twenty-eight as follows: Strike out all the section after the word “eighteenth,” where it first occurs in line seven, and add the following: “thence in a direct line westerly to an intersection of the eastern limit of K Street (or avenue); thence along K to the waters of the Pacific Ocean; thence along the shore in a northerly direction to the place of beginning,” shall constitute the Twenty-seventh Senatorial District.

Adopted.

Mr. Flynn moved to amend section twenty-nine as follows: Strike out all the words in line four after the word “along,” and insert the following: “the center of K Street (or avenue); thence in a direct line easterly to an intersection of the western limit of Eighteenth Street; thence along the center of the following named streets.”

Adopted.

Mr. Yell moved to amend section thirty-two as follows:

Section 32. All that portion of Santa Clara County comprising the Townships of Redwood, Almaden, Gilroy, Burnett, and that portion of San José Township included in the election precincts of East San José, Mount Hamilton, Evergreen, Oak Grove, the Third Ward of the City of San José, and that portion of the election precinct San José Number Five lying south of the northern boundary line of the City of San José and the said boundary line prolonged westerly to the township line dividing the Townships of Santa Clara and San José, shall constitute the Thirty-first Senatorial District.

Adopted.

Mr. Yell moved the following: Section thirty-three, line two, of said section, fill the first blank with the word “first,” and fill the second blank with the word “second.”

Adopted.

Mr. Wharton moved to amend section thirty-one so as to read as follows:

The Counties of Fresno and Tulare shall constitute the Thirty-fourth Senatorial District.

Lost.

Mr. Yell moved to amend section thirty-seven as follows:

The Counties of Tulare, Kern, and Ventura shall constitute the Thirty-sixth Senatorial District.

Adopted.

Mr. Yell moved the following:

Section 38. The Counties of Santa Barbara and San Luis Obispo shall constitute the Thirty-seventh Senatorial District.

Mr. Yell moved the following:

Section 39. Los Angeles, La Ballona, San Fernando, and Soledad Townships, shall constitute the Thirty-eighth Senatorial District.

Adopted.

Mr. Yell moved the following:

Section 41. The Counties of Inyo, San Bernardino, and San Diego shall constitute the Fourth Senatorial District

Mr. Booth moved to amend by striking out the whole of section forty-two, and insert as follows:

Each Senatorial District shall elect one Senator, as follows: A Senator shall be elected in each odd numbered Senatorial District at the general election to be held in the year eighteen hundred and eighty-four, and every four years thereafter, and in each of the even numbered Senatorial Districts at the general election to be held in the year eighteen hundred and eighty-six, and every four years thereafter.

RECESS.

Pending the consideration of the amendment, at five o'clock and thirty-five minutes p. m., Mr. Brown moved to adjourn.

Mr. Johnston moved as an amendment that the House take a recess till seven o'clock and thirty minutes.

Mr. Sweetland moved as an amendment to the amendment to take a recess till seven o'clock and thirty minutes, and that when the House reassembles the first reading file be considered.

The question being on the amendment to the amendment, it was adopted.

REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Roll called, and the following member answered to their names:

Messrs Barry, Beard, Bibb, Booth, Briceland, Brown, Caminetti, Coombs, Crumpton, Culver, Cutter, Doty, Field, Fleming, Flynn, Fortna, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Kerrick, Matthews, McClaskey, McDonald, McKinley, Moffitt, Muddock, Murphy, Nicol, O Connor, Parker, Peterson, Rhel, Sison, Smith, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, and Mr. Speaker.

Quorum present.

LEAVE OF ABSENCE.

A majority of the Committee on Claims and Mr. Atwell were

granted leave of absence for this evening, and Mr. Hollister indefinitely.

Mr. Flynn moved that the further consideration of Assembly Bill No. 130 be made a special order for to-morrow morning, immediately after the reading of the Journal.

So ordered.

Mr. Murdock moved that the House consider first reading file.

So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 169—An Act entitled "An Act to amend section five thousand five hundred and one of the Civil Code," relating to rates of fares of street railroads.

Read first time, and ordered to second reading.

Assembly Bill No. 107—An Act to allow the appointment of an inspector of weights, measures, and merchandise in cities of one hundred thousand inhabitants and upwards.

Refused first reading.

Assembly Bill No. 221—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Refused first reading.

Assembly Bill No. 141—An Act to provide for the separate confinement and correctional discipline of juvenile offenders.

Refused first reading.

Assembly Bill No. 407—An Act to provide for the care of intoxicated persons, and for the payment of damages done by them.

Read first time, and ordered to second reading.

Assembly Bill No. 390—An Act to provide for the formation of new counties, to determine the location of county seat by an election, to declare the manner of providing officers, to provide funds for its support by the issuance of bonds, and to determine what portion of the old county debt is chargeable to such new county.

Substitute read first time, and ordered to second reading.

Mr. Storke moved to place Assembly Bill No. 390 at the head of second reading file.

So ordered.

Assembly Bill No. 282—An Act to encourage the industry of manufacturing steel direct from the magnetic black sea sand of the Pacific Coast, and granting a reward therefor.

Read first time, and ordered to second reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Culver:

*Resolved*, That the Secretary of State is hereby authorized and instructed to procure and have placed at once opal globes on all gaslights in the Assembly Chamber, excepting those in the gallery, the gallery front, the upper row of the main chandeliers, and the lights in the lobby.

Adopted.

Assembly Bill No. 365—An Act relating to water rights, the usages and customs appertaining thereto, and to repeal section one thousand four hundred and twenty-two of the Civil Code of California.

Mr. Doty moved to refer Assembly Bill No. 365 to the Judiciary Committee, with instructions.

Lost.

Bill read first time, and ordered to second reading.

Assembly Bill No. 363—An Act making the several Boards of Supervisors ex officio Boards of Arbitration for the adjustment of water rights and claims, and to fix the rates to be charged for water in their respective counties.

Refused first reading.

Mr. Cutter moved to suspend the rules, and consider Assembly Bill No. 207.

Lost.

Mr. Bibb moved to suspend the rules, and consider Assembly Bill No. 356.

Adopted.

Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'Concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Read first time, and ordered to second reading.

Mr. Hughes moved to make the second reading of the bill a special order for two o'clock and thirty minutes P. M. to-morrow.

So ordered.

Mr. Ryan moved that the rules be suspended, and Assembly Bill No. 207 be taken up out of its order.

The question being then on the motion to suspend the rules, the ayes and noes being demanded, the roll was called, and the House refused to suspend the rules by the following vote:

AYES—Messrs. Bibb, Booth, Caminetti, Carv, Coleman, Coombs, Culver, Cutter, Flynn, Fortna, Gaussail, Hall, Harvey, Healy, Hughes, Irwin, Keeler, McClaskey, McDonald, McKinley, Moffitt, O'Connor, Rawle, Ryan, Simon, Smith, Sweetland, and Wharton—28

NOES—Messrs. Barry, Briceland, Brown, Callaghan, Clement, Crumpton, Doty, Field, Fleming, Hamilton, Head, Heath, Heishey, Hunter, Kennick, Murdock, Nicol, Parker, Peterson, Plover, Rhuel, Stephens, Storke, Waiath, Wheat, and Mr. Speaker—26.

Mr. Coleman moved that the rules be suspended, and Assembly Bill No. 331 be read first time.

So ordered.

Assembly Bill No. 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners."

Read first time, and ordered to second reading.

Mr. Coleman moved to make Assembly Bill No. 331 special order for to-morrow, immediately after the consideration of Assembly Bill No. 356.

So ordered.

Mr. Flynn moved to suspend the rules, and take up Assembly Bill No. 207 for consideration.

The ayes and noes being demanded, the motion was lost by the following vote:

**AYES**—Messrs Bibb, Brown, Callaghan, Caminetti, Cary, Clement, Coleman, Coombs, Culver, Cutter, Doty, Flynn, Fortna, Gaussail, Hall, Harvey, Healy, Hughes, Keeler, McClaskey, McDonald, McKinley, Moffitt, Nicol, O'Connor, Parker, Rawle, Ryan, Smith, Stephens, Sweetland, Walrath, and Wharton—33.

**NOES**—Messrs Barry, Briceland, Crumpton, Field, Fleming, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Kerrick, Murdock, Peterson, Rhel, Storke, Wheat, and Mr. Speaker—18.

At nine o'clock and fifteen minutes p. m., Mr. Rhel moved to adjourn.

Lost.

Assembly Bill No. 109—An Act to amend section three thousand one hundred and seventy-two of the Political Code, approved March 30, 1874, relating to marks and brands.

Refused first reading.

Assembly Bill No. 191—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand six hundred and sixty-six, relating to the assessment of animals and migratory stock.

Refused first reading.

Assembly Bill No. 326—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code of California.

Withdrawn.

Senate Bill No. 88—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Read first time, and ordered to second reading.

Assembly Bill No. 329—An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in reference to property exempt from execution and forced sale.

Read first time, and ordered to second reading.

Mr. Moffitt moved that the rules be suspended for the purpose of considering Assembly Bill No. 379.

So ordered.

Assembly Bill No. 379—An Act to amend section four hundred and eighty-one of the Civil Code of the State of California, relating to the duties of railroad corporations.

Read first time, and ordered to second reading.

Mr. Brown, at nine o'clock and twenty-five minutes p. m., moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the House refused to adjourn by the following vote:

**AYES**—Messrs Barry, Briceland, Brown, Cary, Clement, Coleman, Crumpton, Field, Fleming, Head, Heath, Hershey, Hunter, Keeler, Moffitt, Peterson, Rhel, Storke, Wharton, Wheat, and Mr. Speaker—21.

**NOES**—Messrs Bibb, Coombs, Cutter, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Healy, Hughes, Irwin, Kerrick, McClaskey, McDonald, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Rawle, Smith, Stephens, Sweetland, and Walrath—26.

Mr. Storke moved a call of the House.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

**AYES**—Messrs. Barry, Brown, Carter, Cary, Clement, Crumpton, Culver, Field, Head, Heath, Hunter, Murphy, Peterson, Rhel, Stephens, Storke, Wharton, and Wheat—18.

**NOES**—Messrs. Beard, Bibb, Briceland, Coleman, Coombs, Cutter, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Healy, Hershey, Hughes, Irwin, Keeler, Kerrick, McClaskey, McDonald, McKinley, Moffitt, Murdock, O'Connor, Parker, Rawle, Reeves, Simon, Smith, Sweetland, Walrath, and Mr. Speaker—33.

Mr. Cutter moved to suspend the rules for the purpose of considering Assembly Bill No. 207.

Pending the consideration of the motion, Mr. Irwin, at nine o'clock and thirty-five minutes P. M., moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the House refused to adjourn by the following vote :

**AYES**—Messrs. Barry, Beard, Briceland, Carter, Cary, Clement, Crumpton, Field, Fleming, Granger, Head, Heath, Hunter, Irwin, Keeler, Kerrick, Matthews, Nicol, Peterson, Reeves, Rhel, Stephens, Storke, Wharton, Wheat, and Mr. Speaker—26.

**NOES**—Messrs. Bibb, Brown, Caminetti, Coombs, Culver, Cutter, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Healy, Hershey, Hughes, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Rawle, Simon, Smith, Sweetland, and Walrath—28.

The question recurring on the motion to suspend the rules, the ayes and noes being demanded, the roll was called, and the House refused to suspend the rules by the following vote :

**AYES**—Messrs. Beard, Brown, Caminetti, Carter, Cary, Clement, Coombs, Culver, Cutter, Flynn, Fortna, Gaussail, Hall, Harvey, Healy, Hughes, Keeler, McClaskey, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Simon, Smith, Sweetland, Walrath, and Wharton—33.

**NOES**—Messrs. Barry, Bibb, Briceland, Coleman, Crumpton, Field, Fleming, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Kerrick, Murdock, Rhel, Stephens, Storke, Terry, Wheat, and Mr. Speaker—22.

#### ADJOURNMENT.

Mr. Wharton, at nine o'clock and forty-five minutes P. M., moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the motion to adjourn was carried by the following vote :

**AYES**—Messrs. Barry, Beard, Briceland, Brown, Callaghan, Carter, Cary, Clement, Coleman, Crumpton, Field, Fleming, Granger, Hamilton, Head, Heath, Hershey, Hunter, Keeler, Matthews, Nicol, Peterson, Reeves, Rhel, Simon, Stephens, Storke, Terry, Wheat, and Mr. Speaker—30.

**NOES**—Messrs. Bibb, Caminetti, Coombs, Culver, Cutter, Flynn, Gaussail, Hall, Harvey, Healy, Hughes, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Rawle, Smith, Sweetland, and Walrath—23.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, February 20, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs. Atwell, Barry, Beard, Booth, Bowers, Brice land, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fontna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Murdock, further reading was dispensed with.

Journal of Monday approved.

#### LEAVE OF ABSENCE.

Mr. Moffitt granted leave of absence for this day.

Mr. Fleming moved to expunge from the Journal of yesterday all the matter relating to the appeal from the decision of the Chair.

So ordered.

#### PRESENTATION OF PETITION.

By Mr. Atwell: In relation to irrigation in Tulare County, and requesting legislation thereon.

Referred to Committee on Irrigation.

#### REPORTS OF STANDING COMMITTEES.

##### ON CRIMES AND PENALTIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1883.

MR. SPEAKER. Your Committee on Crimes and Penalties have had under consideration Assembly Bill No. 284—An Act to add a new section to chapter twelve, of title thirteen, of "An Act to establish a Penal Code," approved February 14, 1872, to be numbered five hundred and fifty-six, relating to weights and measures and the stamping of certain articles—and beg leave to report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 304—An Act to amend section three hundred and forty of the Penal Code, to provide against pawnbrokers charging an unlawful rate of interest—and recommend that it do not pass.

Also, Assembly Bill No. 426—An Act to add a new section to the Penal Code, to be known as section one hundred and eighty, relating to crimes against public justice—and have amended the bill, and recommend the passage of the same as amended.

Also, Assembly Bill No. 354—An Act entitled "An Act to amend section five hundred and ninety-five of the Penal Code, relating to malicious mischief"—and recommend that it do not pass.

Also, Assembly Bill No. 438—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be known as section three hundred and seventy-four *a*, relating to dead animals—and have amended the same, and recommend the passage of the bill as amended.

McCLASKEY, Chairman.

##### ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1883.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 467—An Act to amend section one thousand four hundred and ninety-seven of the Political Code, relating to normal schools—have had the same under consideration, and now report the same back with amendment, and recommend it do pass as amended.

Also, Assembly Bill No. 468—An Act to amend subdivision fourth of section one thousand six hundred and seventeen, article seven, of the school law—and recommend the passage of the accompanying substitute for the same.

STORKE, Chairman.

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1883.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 444—An Act to provide for the appointment in each and every county of the State of California a public weigher and measurer.

Also, Assembly Bill No. 431—An Act to amend section one hundred and three, article two, chapter five, title one, part one, Code of Civil Procedure, relating to Justices' Courts in townships, have had the same under consideration, and now report the same back, and recommend that they do not pass.

JOHNSTON, Chairman.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, February 19, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared Assembly Concurrent Resolution No. 29—Relative to instructing our Senators and requesting our members in the Congress of the United States to urge the passage of laws for the protection of the viticultural industries of the State of California and other States of the Union—and find it correctly engrossed.

CALLAGHAN, Chairman.

## CONCURRENT RESOLUTIONS.

By Mr. Simon: Petitioning Congress relative to the ceding of a portion of the Presidio Reservation to the City and County of San Francisco for a public park.

Referred to Committee on Federal Relations.

By Mr. Atwell: Relative to the building of reservoirs and the protection of the forests of the State to aid irrigation.

Referred to Committee on Federal Relations.

By Mr. Johnston: Relative to the navigable rivers of the State and their tributaries and the dumping of refuse matter from the hydraulic mines into the same.

Mr. Johnston moved that the rules be suspended, and the concurrent resolution be placed on the file without reference.

So ordered.

## REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER: The special committee appointed to inquire into the charges against the Honorable Marcus P. Wiggan respectfully report the following account of fees and mileage due witnesses summoned under the authority of this Assembly, to wit: Due Ben. H. Miller, Jesse N. Summers, and Z. B. Tinkum, mileage and per diem, each, ninety dollars, making in all two hundred and seventy dollars. Your committee recommend the adoption of the following resolution:

*Resolved*, That the Controller be directed to draw a warrant for ninety dollars in favor of each, to Ben. H. Miller, Jesse N. Summers, and Z. B. Tinkum for said fees and mileage.

CAMPBELL, Chairman.

Mr. Campbell moved that the rules be suspended for the purpose of considering the report without reference.

So ordered.

The report was then adopted.

By Mr. Johnston:

## RESOLUTION.

WHEREAS, Serious complaints have been made as to the conduct and management of the offices of some of the attachés and employés of this House; it is, therefore,

*Resolved*, That a committee of five be appointed by the Speaker to investigate the affairs of the offices of the several attachés and employés of the Assembly, and report to this House the result of their labors, together with such recommendations as they may deem advisable to insure a faithful and economical administration of the several offices.

Adopted.

## INTRODUCTION OF BILLS.

By Mr. Hughes (by request): An Act to pay the claim of P. J. O'Connor for services as architect in the measurement of and the classification of the work done in the erection of the buildings for the Napa State Asylum for the Insane.

Referred to Committee on Public Buildings.

By Mr. Johnston: An Act to provide for the payment of the claim of William Saunders

Referred to Committee on Claims.

By Mr. Stewart: An Act to amend an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal other Acts in relation thereto," approved March 5, 1870.

Referred to Committee on County and Township Governments.

By Mr. Campbell: An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

Referred to Committee on Ways and Means.

By Mr. Brown: An Act to add a new section to the Code of Civil Procedure, to be numbered one thousand two hundred and ninety-one, relative to the submission of matters in dispute to arbitration.

Referred to Judiciary Committee.

By Mr. Stewart: An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to appeals from Justices' Courts to the Superior Court.

Referred to Judiciary Committee.

By Mr. Irwin: An Act to add a new section to the Code of Civil Procedure, to be designated as section five hundred and seventy, relating to receivers.

Referred to Judiciary Committee.

By Mr. Coombs. An Act to amend section seven hundred and ninety-two of the Political Code of the State of California in relation to the qualifications of Notaries Public, and prohibiting the holding by them of any office during their terms as such Notaries Public.

Referred to Judiciary Committee.

## MESSAGE FROM THE SENATE.

SACRAMENTO, February 20, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 8, relative to the appointment of Capt. John Mullan as the agent and attorney of the State of California at Washington, D. C.

A. T. VOGELSANG, Assistant Secretary.

## SPECIAL FILE--(SECOND READING).

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

The question being on the amendment by Mr. Booth for section forty-two, Mr. Johnston moved as an amendment to the amendment, as follows:

Section 42. At the general election in the year eighteen hundred and eighty-six, there shall be elected forty Senators, one from each Senatorial District. The term of those elected from the odd numbered districts in the year eighteen hundred and eighty-six, shall hold office for

two years; their successors shall be elected in the year eighteen hundred and eighty-eight, and every four years thereafter. The Senators elected from the even numbered districts shall hold office for four years; their successors shall be elected in the year eighteen hundred and ninety, and every four years thereafter.

Mr. Flynn moved the previous question on the amendment to the amendment.

So ordered.

#### CALL OF THE HOUSE.

Mr. Flynn moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Flynn, further proceedings under the call of the House were dispensed with.

#### LEAVE OF ABSENCE.

Mr. Hall was granted leave of absence for this day.

The question being on the amendment to the amendment, the ayes and noes being demanded, the roll was called, and the amendment to the amendment was adopted by the following vote:

AYES—Messrs. Atwell, Beard, Bibb, Bowers, Callaghan, Caminetti, Campbell, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Peterson, Rawle, Rhiel, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—46.

NOES—Messrs. Barry, Booth, Briceland, Brown, Carter, Cary, Clement, Culver, Granger, Harvey, Heath, Keeler, McKinley, Murdock, Nicol, Parker, Reeves, Ryan, Storke, Walrath, Weaver, and Wharton—23.

Mr. Johnston moved to amend by striking out section forty-four as contained in the printed bill, and inserting:

Section 44. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Adopted.

Mr. Flynn moved to take up for consideration section five.

So ordered.

Mr. Yell moved to insert in section five, line two, the word "Fourth" before the word "Senatorial."

Adopted.

Mr. Flynn moved to insert in section nine, between the words "the" and "Senatorial," the word "Eighth."

Adopted.

Mr. Flynn moved that the number of section thirteen be changed to read "section fourteen," and "Thirteenth Senatorial District."

Adopted.

Mr. Flynn moved the following amendment to section thirteen :

Section 13. The Counties of Yuba and Sutter shall constitute the Twelfth Senatorial District.

Adopted.

Mr. Flynn moved that the bill be ordered engrossed, printed, and to third reading.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote :

AYES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Caminetti, Campbell, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, Nicol, O'Connor, Rawle, Rhiel, Smith, Stephens, Stewart, Terry, Townsend, Wheat, Yell, and Mr. Speaker—47.

NOES—Messrs. Booth, Brown, Carter, Cary, Clement, Harvey, Heath, Keeler, McKinley, Murdock, Parker, Peterson, Reeves, Ryan, Storke, Sweetland, Walrath, Weaver, and Wharton—19.

#### SPECIAL COMMITTEE.

The Speaker appointed the following committee to investigate the stationery accounts, conduct of officers and clerks of the House: Messrs. Johnston, Storke, Rhiel, Crumpton, and Kerrick.

#### RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

The Committee on Commerce and Navigation presented a report, which, on motion of Mr. Coleman, was ordered printed as a supplement to the Journal :

#### REPORT OF THE JOINT COMMITTEE ON COMMERCE AND NAVIGATION.

*To the honorable the Senate and Assembly of the State of California :*

The Joint Committee on Commerce and Navigation of the Senate and Assembly have attended to the duties devolved upon them by Assembly Concurrent Resolution No. 11, and beg leave to report as follows :

It proceeded to San Francisco to facilitate its investigations, and in order that it might have the full benefit of any suggestions and testimony of merchants and others interested in the subject of inquiry, the fullest opportunity was given and invitations to be heard extended to all persons.

The committee was attended during its investigation into the official acts of the Board of Pilot Commissioners and towage and towage rates, by committees from the Chamber of Commerce and Board of Trade, by a large number of merchants, by Pilot Commissioners, and by a large number of other interested parties. The investigation was practically unrestricted and was thoroughly impartial.

The testimony taken, and which has already been submitted, will show that no complaints were made against the Pilot Commissioners or the manner in which they discharge the duties of their office. It is undoubtedly necessary for the commerce of the State that a body of trained and skillful pilots should be in readiness at the entrance of the Golden Gate to take charge of ships and vessels arriving and departing. A knowledge of the currents, channels, and dangers of the entrance to the Bay of San Francisco, is impossible to persons not long acquainted with them. This knowledge must be supplemented with the highest experience in navigation and ability to command. Such a body of men cannot be secured unless they receive an adequate compensation for their valuable services. In the investigation had there was no complaint as to the qualifications of the pilots. The committee deem it but justice to mention these facts, as it relates to the acts of the Board of Pilot Commissioners, by whom they are examined and commissioned, as well as to the praise of the pilots themselves.

Your committee, however, found that great complaint was made as to the rates of charges which, under existing laws, the pilots are allowed to charge for their services. No complaint was made that they had in any case demanded or received more than allowed by law, though in many instances they have received less.

The present rates of pilotage were established in eighteen hundred and seventy, when the commerce of the port was much less than at present, and consequently at a time when the rates would not yield much, if anything, beyond a fair remuneration for the labor, danger, and skill which are the elements to be considered in estimating the value of their services. Since that time the number of ships necessary to carry away our bounteous crops of cereals has trebled, and the value of a pilot's commission has consequently enhanced, until the gross earnings of each pilot in eighteen hundred and eighty-two were nine thousand nine hundred and thirty-one dollars and twenty-five cents. The total amount collected for pilotage during the same time was one hundred and ninety-eight thousand six hundred and twenty-five dollars and nineteen cents.

With the increase of commerce there has grown up in the harbor of San Francisco a wealthy and powerful rival to the pilots in the Pacific Tugboat Company, which, by buying up or crushing out opposition, has lately enjoyed a practical monopoly of the towage business. This company has levied toll upon our commerce to the extent of nearly or quite half a million dollars during the past year. The extent of its charges and its methods of business have frequently been extortionate, and inexcusable. Vessels in distress have been threatened with abandonment or destruction, unless their predaceous levies were submitted to. Services comparatively or quite without danger in themselves, have been exalted into claims for salvage. It seems to have been a rule of conduct and morals with the managers of this company to render service or not as they chose, and at such times as they chose. They have affected to consider themselves as privileged from the responsibilities of common carriers, who are bound to render their services when required, and without discrimination as to persons or charges for services of the same extent and quality. While we find that the rates of pilotage are too large and are a just ground of complaint, we cannot but express the conviction that the extortions of the Pacific Tugboat Company have caused much more dissatisfaction than the legal charges paid for pilotage, and we regret that a doubt exists as to the competency of the Legislature to deal with this subject as a matter of police and regulation of commerce within the interior waters of the State. We do not wish to be understood as expressing a decided opinion upon the jurisdiction of the Legislature in the premises; and we regret that the other duties of our position have made it impossible hitherto to fully investigate the true relation existing between the power of Congress to regulate commerce and that of the State to protect those who enter its harbors from unwarrantable exactions. A future Legislature may be able to deal more fully with the subject.

The testimony herewith submitted contains a contract (testimony, p. 45) which the Tugboat Company were able to extort from the pilots, under which the latter agreed to pay to the former fifty-five (55) per cent of all outward pilotage collected.

The contract is dated December first, eighteen hundred and eighty-one, and is by its terms to continue for two years and three months. The committee is of opinion that this contract is contrary to public policy as well as without consideration, and its maintenance tends to perpetuate the deplorable state of towage service above alluded to. Being, as we believe, unwarranted by law, we do not find it necessary to recommend any legislation in regard to it. It is, however, an important piece of evidence in this investigation, as bearing upon the extent to which reduction in pilotage rates may be made. If the pilots can voluntarily submit to a surrender of fifty-five per cent, upon outward pilotage to the Tug Company they cannot complain of legal relief to the commerce of the State to that extent.

It was in evidence before the committee, and was admitted by the pilots, that a rate of fees that would yield them net two hundred and fifty dollars per month each would be just and fair. It is found that a reduction of sixty per cent could be made, and still yield more than the necessary revenue, provided the tonnage seeking this State should continue equal to the last two years. But there are reasons for believing that such will not be the case. It is, however, believed that pilotage rates may be safely reduced to such a rate as will yield a just and fair remuneration for labor performed and risk incurred. (See testimony of Andrew Crawford, p. 62.) The committee, therefore, recommend such an amendment to the laws. We do not find any other legislation upon this subject of imperative importance at the present time.

#### HARBOR COMMISSION.

The investigation into the official acts of the Harbor Commission was also carried on mostly in San Francisco, to give the greatest facility to the labors of the committee. A visit to the sea-wall showed that this important work has progressed satisfactorily in the past, and it may be said with pride that, although the work is not constructed to one half of the proposed extent upon the plan originally adopted, yet the facilities of commerce are at the present time superior to those afforded in any large port in the world. There have already been constructed four thousand five hundred and sixty-one feet of sea-wall, at an expense of eight hundred and ninety-four thousand six hundred and seventy-one dollars and fifty-six cents.

Sheds for the accommodation of the immense grain product of the State have been constructed, one hundred feet in width and two thousand feet in length, along the sea wall, where the wheat crop may be landed and remain for fifteen days awaiting shipment, without charge to the producer. The State may point with pride to this state of affairs. It is in contemplation to

commence a new section of one thousand feet of seawall, the money in the State treasury to the credit of this fund being sufficient to justify this undertaking. When the advantages that have already been derived to the State, not only in increase of revenue, but in diminution of the burdens of commerce are considered, it is safe to say that the work should not be unnecessarily postponed.

Among the advantages that may be mentioned are the following:

*First*—It permits consignors to concentrate their cargoes, thereby enabling the ship to take in her cargo at one point, saving expense to the ship owner.

*Second*—It saves to the farmer the cost of drayage and storage of his wheat. Both these items of expense fall upon the producer.

*Third*—It would exempt the State from the enormous destruction of piling by the teredo, and the planking by the wheels and hoofs of draying. It has been estimated that the saving to the State from these sources alone would equal the interest on one million dollars at three per cent per annum. The urgent repairs upon the old bulkhead and wharves necessary to keep them in order has been upwards of sixty thousand dollars during the last two years, which would in effect be saved.

*Fourth*—The construction of the seawall renders the improvement of property along the water front possible. Warehouses and manufactories can now be built where without this work only temporary wooden structures could be supported. This has caused an increase of several hundred per cent in value of the property within the seawall, which is shared by the State—for by its construction and modification of the water front line, there has been created a large number of valuable lots which can be disposed of or held for public purposes.

During the investigation but three causes of complaint against the action of the Harbor Commissioners were developed or suggested.

*First*—That they have caused Broadway and Spear Street Wharves to be widened at considerable expense, but without corresponding increase of revenue to the State. These wharves have been assigned to the Pacific Coast Steamship Company and the Oregon Railway and Navigation Company. It was suggested that by this action of the Commissioners favoritism was shown to these companies and to their agents. We, however, find that the improvement did not add to the revenues of these companies or of their agents, but was demanded by the merchants and draymen of San Francisco for their own accommodation. Before the widening, teams were compelled to stand in line, sometimes for more than twenty-four hours, before being able to discharge their loads upon the wharves, until the detention and expense became almost intolerable. After the improvements, the teams could come and go without delay. The evidence of merchants and draymen contained in the printed testimony fully sustains the action of the State Board. (Testimony, pp. 150, 154, 216.)

*Second*—It was complained that, in one or two instances, the dredgers of the State had entered into competition with private parties, to their loss and to the cost of the State, as well as to the benefit of the favored lessees. This complaint was confined chiefly to the dredging of the slip in front of Bryant Street, between Main and Beale Streets. For the purposes of this report, we deem it sufficient to state that an attempt was made by private parties to enjoin the performance of this work by the Harbor Commissioners. On a trial before the Superior Court it was decided that not only had the Board the right, but that it was its duty to dredge this slip. In return for this service the State receives an increase of rents of two thousand four hundred dollars per annum at an expense of about one thousand two hundred dollars per annum. (See testimony of William Blanding, p. 174, and A. N. Stetson, p. 200.) The committee believe it contrary to sound public policy for the State to come in competition with private interests, either in dredging or other private enterprises.

*Third*—It was also complained that a portion of Bryant Street Wharf has been leased to the Merchants' Dry Dock Company, at a monthly rental of two hundred and seventy-five dollars, when the wharf otherwise employed would yield a revenue of upwards of one thousand dollars per month. It appears that the State, several years ago, leased to that dry dock company a portion of the water front near North Beach, at the same rental. Upon the completion of the seawall in front of the leased premises, they became valueless for the purposes for which they were held. The Harbor Commissioners then assigned the company their present location, without any increase in rent. By the terms of the original lease, dated August thirteenth, eighteen hundred and seventy-four, the premises were granted for a term of ten years, with the condition that the floating dock should be removed at any time that the premises might be required for harbor improvements, without the payment of damages. The removal to the present locality was about the beginning of eighteen hundred and seventy-nine. It was then thought best to make this arrangement, to prevent threatened litigation, and since that time the arrangement has continued without change. The committee is of the opinion that the dry dock company had no right against the State which they could have maintained, and that the price paid for their present accommodations is totally inadequate to the privilege they enjoy. Many complaints have been offered to the committee in regard to the charges made by this company for the use of their dock, but the committee has not thought this subject within the scope of their inquiry. The committee is of the opinion that the Harbor Commissioners should at once take steps to terminate the special privilege now enjoyed by the Dry Dock Company, or see that the State receives an adequate return for the property held by it.

#### WHARFAGE AND TOLLS.

An examination was made into the feasibility of diminishing the present rates of wharfage and tolls. The power of fixing these rates is now vested absolutely in the Harbor Commis-

sioners. From time to time, since eighteen hundred and seventy-two, reductions have been made, until at the present time the rates of dockage are one half of what they then were, and tolls have been reduced from twenty-five cents per ton to five cents per ton.

These charges, in point of economy, make San Francisco, so far as State charges are concerned, as cheap a port as any of the principal ports of the world, especially as, owing to the unusual facilities for loading and unloading at our broader wharves and docks, much less time is necessarily consumed than elsewhere. For a complete statement of comparative charges, we refer to the testimony of Captain Blanding (pp. 190-4) and Captain W. A. Phillips (p. 89) of the testimony accompanying this report.

We are of the opinion that no further reduction of rates can properly be made at the present time.

Testimony also has been taken as to the possibility of reducing the expense of collecting wharfage and tolls by a system different from that now employed.

The committee refer to the testimony pro and con of Captain Blanding (p. 165) and Captain A. M. Burns (p. 196) upon this subject; also, to report of the Harbor Commissioners made July first, eighteen hundred and eighty-two.

The committee did not make any examination into the books of the Commission, as but a short time ago the books were examined by a competent expert, who reported that the methods in use were business like and were carried out in a thoroughly accurate manner. (See report of Lauren E. Crane.)

The committee call attention to the fact that this report is made the day after the reception of the printed testimony which should accompany it.

Senators-----	{	GEO. E. WHITNEY.
		P. H. RYAN.
		T. McCARTHY.
		T. K. NELSON.
Assemblymen--	{	J. H. CULVER.
		J. H. G. WEAVER.

Mr. Farley moved that the rules be suspended for the purpose of allowing him to move a reconsideration of the vote whereby the House refused Assembly Bill No. 191 first reading.

Lost.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred resolution to pay carriage hire of Committee on State Prisons—have had the same under consideration, and now report the same back, and recommend the passage of the resolution herewith transmitted.

CAMINETTI, Chairman.

*Resolved*, That the sum of eight dollars is hereby allowed to the Chairman of the Committee on State Prisons for carriage hire from Sacramento to Folsom, for committee visiting the Branch Prison, provided, no charge be made for mileage, the sum to be paid out of the Contingent Fund of the Assembly.

Adopted.

#### PETITION—(OUT OF ORDER).

By Mr. Keeler: In relation to granting appropriation to the California Woman's State Hospital.

Referred to Committee on State Hospitals.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti: In relation to the law now introduced in Congress for the relief of the settlers on the Moquelumnos grant in this State.

Mr. Caminetti moved that the rules be suspended, and the resolution be considered immediately.

So ordered.

The resolution was then adopted.

Mr. Flynn moved that Assembly Bill No. 128—An Act to divide the State into Assembly Districts and to provide for the election of Assemblymen therein—be ordered engrossed, and to third reading.

So ordered.

Mr. Nicol moved that the rules be suspended, and the substitute for Assembly Bills Nos. 159 and 160 be considered.

So ordered.

#### SECOND READING.

Substitute for Assembly Bill No. 159—An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes.

Assembly Bill No. 160—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and thirty, relative to the commencement of suits for the purpose of testing the legality or validity of assessment and collection of taxes.

Read second time, ordered engrossed, and to third reading.

#### LEAVE OF ABSENCE.

Mr. Smith was granted leave of absence for this day.

Mr. Weaver moved to postpone the special order for two o'clock and thirty minutes P. M., this day, till the same hour to-morrow.

Lost.

#### SPECIAL ORDER.

Special order for this hour, Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'Concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners;" all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Read second time.

The committee recommend the following amendment: Strike out in the printed bill, in line nineteen of section one of this Act, the word "nomination," and insert instead thereof the word "nominations."

Adopted.

Also, in line twenty, printed bill, section one, of this Act, insert after the word "must" and before the word "grant," the words "after the adjournment of the Senate."

Adopted.

Mr. Brown moved the following amendment to section two: Strike out "twenty-five thousand dollars," in line five, and insert "fifty thousand dollars."

Adopted.

Mr. Bibb moved the following amendment to section eight: Strike out of line eleven "in the business of marine insurance."

Lost.

Mr. Murdock moved the following amendment to section nine: Strike out of section nine, line five, the words "three hundred," and insert instead the following: "two hundred and fifty."

Adopted.

Mr. Murdock moved the following amendment to section nine: Strike out of section nine, line six, the words "two hundred and twenty-five dollars," and insert "two hundred dollars."

Lost.

Mr. Murdock moved the following amendment to section nine: Strike out of section nine, line eight, the words "two hundred," and insert "one hundred and fifty."

Lost.

Mr. Murdock moved the following amendment to section nine: Strike out of section nine, line ten, the words "two hundred," and insert "one hundred and fifty."

Adopted.

Mr. Murdock moved the following amendment to section nine: Strike out of section nine, line twelve, the words "two hundred and fifty," and insert "two hundred."

The ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Atwell, Booth, Brown, Caminetti, Campbell, Carter, Clement, Culver, Harvey, Head, Heath, Martin, McHale, McKinley, Murdock, Reeves, Stephens, Terry, Townsend, Walrath, Weaver, Wharton, and Wheat—23.

NOES—Messrs. Bairy, Beard, Bibb, Broeland, Callaghan, Cary, Coleman, Coombs, Crumpton, Doty, Farley, Fleming, Flynn, Gausail, Granger, Hall, Hamilton, Healy, Hershey, Hughes, Hunter, Kerrick, Matthews, McClaskey, McDonald, Moffitt, Nicol, O'Connor, Parker, Peterson, Rawie, Simon, Storke, Sweetland, Wheelan, Yell, and Mr Speaker—37

Mr. Murdock moved the following amendment to section nine: Strike out of section nine, line eleven, the words "two hundred and fifty," and insert "two hundred and twenty-five."

Lost.

Mr. Murdock moved the following amendment to section nine: Strike out of section nine, line thirteen, the words "one hundred and twenty-five," and insert "one hundred."

Lost.

The committee recommend the following amendment: Strike out sections ten and eleven of the Act, and make section twelve section ten.

Adopted.

The committee recommend the following amendment: Section twelve to read section ten.

So ordered.

The committee recommend the following:

Amend the title of the bill to read as follows "An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five,

and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties”

Adopted.

The question being: “Shall the bill be ordered engrossed, printed, and to third reading?” the ayes and noes being demanded, the roll was called, and it was so ordered by the following vote:

**AYES**—Messrs. Barry, Bibb, Briceland, Callaghan, Caminetti, Campbell, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershley, Hughes, Hunter, Keruck, Martin, Matthews, McClaskey, McHale, Moffitt, Nicol, O'Connor, Parker, Peterson, Rawle, Simon, Stephens, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—43

**NOES**—Messrs. Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Keeler, McKinley, Murdock, Reeves, Walrath, Weaver, and Wharton—15

Assembly Bill No. 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten, of an Act approved March 17, 1880, entitled “An Act to amend section six of an Act entitled ‘An Act concerning the water front of the City and County of San Francisco,’ approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners.”

Read second time.

The amendments recommended by the committee were adopted.

The question being: “Shall the bill be ordered engrossed, printed, and to third reading?” the ayes and noes being demanded, the roll was called, and it was so ordered by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Booth, Brown, Caminetti, Campbell, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Granger, Hamilton, Harvey, Head, Heath, Hughes, Hunter, Johnston, Keeler, Keruck, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Nicol, Parker, Peterson, Ryan, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—47.

**NOES**—Messrs. Callaghan, Carter, Culver, Flynn, Gaussail, Hall, Healy, McDonald, O'Connor, Rawle, Reeves, Simon, Stephens, and Wheelan—14.

Mr. Coleman moved that the further consideration of Assembly Bills Nos. 356 and 231 be made a special order for Friday next, at three o'clock P. M.

So ordered.

Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Read second time.

Mr. Johnston moved to amend by striking out of section one, line fifteen, the figures “six thousand dollars,” and insert “three thousand two hundred dollars.”

The ayes and noes being demanded, the roll was called, and the amendment was adopted by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Booth, Bowers, Brown, Caminetti, Carter, Cary, Clement, Coombs, Culver, Cutter, Flynn, Fortna, Harvey, Head, Heath, Hershley, Hunter, Johnston, Keeler, Martin, McClaskey, McKinley, Nicol, O'Connor, Stephens, Townsend, Weaver, Wheelan, and Mr. Speaker—32.

**NOES**—Messrs. Briceland, Callaghan, Campbell, Clark, Coleman, Crumpton, Doty, Farley, Fleming, Gaussail, Granger, Hall, Hamilton, Healy, Keruck, McDonald, Moffitt, Murdock, Parker, Peterson, Rawle, Reeves, Ryan, Simon, Smith, Storke, Sweetland, Terry, Walrath, Wheat, and Yell—31.

Mr. Caminetti moved to amend section one, line sixteen, by strik-

ing out "four thousand" and inserting "three thousand two hundred."

CALL OF THE HOUSE.

Mr. Simon moved a call of the House.

So ordered.

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

Messrs. Barry, Beard, Booth, Bowers, Buiceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Ryan, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Caminetti moved that further proceedings under the call be dispensed with.

Mr. Wharton moved that the Sergeant-at-Arms be directed to bring in all members absent without leave, and they be fined one dollar each.

Mr. Caminetti moved that further proceedings under the call of the House be dispensed with.

Lost.

The Sergeant-at-Arms reported that he was unable to find any of the absentees in or about the building.

On motion of Mr. McDonald, further proceedings under the call of the House were dispensed with.

The question being on the amendment by Mr. Caminetti, the ayes and noes being demanded, the roll was called, and the House refused to adopt the amendment by the following vote:

AYES—Messrs. Beard, Booth, Brown, Caminetti, Carter, Clement, Coombs, Culver, Cutter, Flynn, Fortna, Harvey, Head, Heath, Hershey, Hunter, Johnston, Martin, McClaskey, McHale, McKinley, Nicol, Reeves, Smith, Stephens, Townsend, Weaver, Wheelan, and Mr. Speaker—29

NOES—Messrs. Barry, Bibb, Bowers, Callaghan, Campbell, Cary, Clark, Coleman, Crumpton, Doty, Farley, Fleming, Gaussail, Granger, Hall, Hamilton, Healy, Keeler, Kerrick, Matthews, McDonald, Moffitt, Murdock, O'Connor, Parker, Peterson, Rawle, Ryan, Simon, Storke, Sweetland, Terry, Wharton, Wheat, and Yell—35.

Mr. Coleman moved that the House rescind its action in reference to the salary of the Private Secretary.

So ordered.

Mr. Campbell moved that the House concur in the recommendation of the Committee of the Whole, relative to line fifteen.

The ayes and noes being demanded, the roll was called, and it was so ordered by the following vote:

AYES—Messrs. Barry, Bibb, Bowers, Buiceland, Callaghan, Campbell, Cary, Clark, Coleman, Crumpton, Doty, Farley, Fleming, Gaussail, Granger, Hall, Hamilton, Healy, Hershey, Kerrick, Matthews, McDonald, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Rawle, Ryan, Simon, Storke, Sweetland, Terry, Walrath, Wheat, and Yell—37.

NOES—Messrs. Beard, Booth, Brown, Caminetti, Carter, Clement, Coombs, Culver, Cutter, Flynn, Fortna, Harvey, Head, Heath, Hunter, Johnston, Keeler, Martin, McClaskey, McHale, McKinley, Nicol, Reeves, Stephens, Townsend, Weaver, Wharton, Wheelan, and Mr. Speaker—29.

Mr. Caminetti moved to amend as follows: Line seventeen, page two, strike out "twelve" and insert "eight."

Lost.

Mr. Cutter moved that the House do not concur in the recommendation of the Committee of the Whole relative to the salary of the stenographer of the Board of Railroad Commissioners.

So ordered.

Mr. Nicol moved that the House do not concur in the recommendation of the Committee of the Whole relative to the traveling expenses of the Commissioners of the Yosemite Valley.

Lost.

Mr. Cutter moved to amend line two hundred and five, page nine, printed bill, to read: "For education and care of the deaf, dumb, and blind, sixty thousand dollars."

Adopted.

Mr. Flynn moved to amend by striking out "one hundred" and inserting "sixty," in line two hundred and thirty.

The ayes and noes being demanded, the roll was called, and the amendment adopted by the following vote:

AYES—Messrs Atwell, Beard, Bibb, Clark, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Head, Hershey, Hughes, Irwin, Johnston, Kerriek, Martin, McClaskey, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Rawle, Stephens, Townsend, Walrath, Weaver, and Wheat—37.

NOES—Messrs Barry, Booth, Briceland, Brown, Campbell, Carter, Clement, Harvey, Healy, Heath, Hunter, Keeler, Matthews, McDonald, Murdoch, Nicol, Peterson, Plover, Reeves, Rhel, Ryan, Smith, Stokes, Sweetland, Terry, Wharton, and Mr. Speaker—27.

#### ADJOURNMENT.

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

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, February 21, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

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

Messrs Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Leveison, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdoch, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Caminetti, further reading was dispensed with.  
Journal of Tuesday approved.

## LEAVE OF ABSENCE.

Messrs. Clark, Booth, and Cutter were granted leave of absence.

## RESOLUTION.

By Mr. Keeler:

MR. SPEAKER. *Be it resolved*, That the Military Committee be and they are hereby granted one day's leave of absence to visit San Francisco, accompanying his Excellency the Governor, to witness the military display which "our boys" are ever ready to make in celebrating the birthday of the great general and father of his country, and thus instructed, and with true patriotic feelings, perhaps be better able to determine if the military item in the appropriation bill, as required by the statute and settled by this House, is correct.

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

So ordered.

By Mr. Coleman:

*Resolved*, That the State Printer be instructed to furnish to this Assembly one thousand copies of his report regarding the cost of furnishing school books by the State.

Adopted.

## PRESENTATION OF PETITIONS.

By Mr. Atwell: In relation to irrigation. Opposing legislation on the water question in the Mussel Slough and Lower Kings River countries.

Referred to Committee on Irrigation.

By Mr. Stephens: From Harry Barber, claiming the seat in the Assembly formerly occupied by D. G. Barnes, and now declared vacant by the House.

Referred to Committee on Elections, on motion of Mr. Storke.

Mr. Campbell moved that Mr. Flynn be appointed a special committee to correct typographical errors in Assembly Bill No. 128.

So ordered.

## REPORTS OF COMMITTEES.

## SPECIAL REPORT OF COMMITTEE ON ROADS AND HIGHWAYS.

MR. SPEAKER You will please notice and notify the Chief Clerk of the Assembly that the Assembly Committee on Roads and Highways dispensed with the services of their clerk, Carl Browne, on Saturday, the seventeenth day of February, A. D. eighteen hundred and eighty-three.

NICOL, Chairman.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1885.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bills Nos. 120 and 121—Acts 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—have had the same under consideration, and now report the same back without recommendation.

Also, Assembly Bills Nos. 122 and 123—Acts to appropriate money to the Frear Stone Company to pay the balance due it under its contract for material furnished in the construction of the Napa State Asylum for the Insane—have had the same under consideration, and now report the same back, and offer in their place a substitute, and recommend the passage of the substitute.

Also, Assembly Bills Nos. 111, 112, 113, 114, 115, 116, 117, 118, 119, 124, 125, and 126—the same being Acts to appropriate money to H. H. Knapp, W. W. Montague & Co., Robert Ewing, James Hunter & Co., Cox & Warren, E. L. Mayberry, George J. Motheisole, Electrical Construction and Maintenance Company, W. F. Wilson & Co., Cox & Colby, Noble & Gallagher, and Baker, Smith & Co., to pay the balance due them under their contracts for work done and material furnished in the construction of the Napa State Asylum for the Insane—have had the same under consideration, and now report the same back, without recommendation.

GRANGER, Chairman.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 360—An Act to permit the electors of every Supervisor District in the State to vote on the question of granting licenses to sell intoxicating liquors—have had the same under consideration, and now report the same back, and recommend that it do pass.

HAMILTON, Chairman.

COMMITTEE ON PUBLIC MORALS—(MINORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER The undersigned, while cordially indorsing the object sought by Assembly Bill No. 360, as carrying out the true principles of local government, regrets that he cannot recommend the passage of that bill in its present shape, as, notwithstanding the opinion of the Judiciary Committee to the contrary, he is convinced that the really contradictory decisions of the Supreme Court in the subjects of local option and bonds in aid of railroads, established as a principle that matters of legislation cannot be submitted to the people, but that matters may be submitted to them in the form of complete legislation, the people to decide when such complete legislation shall go into operation

Respectfully,

M. R. LEVERSON.

ON PUBLIC MORALS—(MAJORITY REPORT. RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 449—An Act to add a new section to the Penal Code of the State of California, to be known as section two hundred and ninety-nine, relating to the closing of certain establishments on Sunday.

Also, Assembly Bill No. 442—An Act to repeal section one thousand eight hundred and sixty-one of the Civil Code, relating to innkeepers.

Also, Assembly Bill No. 465—An Act to add a new section to the Penal Code, to be known as section one hundred and eighty, relating to selling liquor within one mile of a public school—have had the same under consideration, and now report the same back, and recommend that they do not pass

HAMILTON, Chairman.

ON PUBLIC BUILDINGS AND GROUNDS.

MR. SPEAKER Your Committee on Public Buildings and Grounds would report as follows: In the performance of the duty imposed upon them by law, they have visited the Napa State Asylum for the Insane, and made a thorough examination of the buildings and grounds. In joint session with the Senate Committee on Public Buildings, they have concluded to recommend an appropriation of nineteen thousand dollars for the erection of buildings and improvements, and for the purchase of land for a landing place

For the committee.

PLOVER, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 415—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and section three hundred and thirty-five thereof, relative to notice of assessments of stock—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 34—Relative to asking his Excellency Governor Stoneman to furnish this House with certain information concerning the actions of the Board of Railroad Commissioners—and recommend that it pass

Also, Assembly Bill No. 487—An Act to amend section six hundred and thirty-three of the Political Code, so as to impose a tax on the net receipts of accidental insurance companies not incorporated under the laws of this State—and recommend that it do not pass.

BARRY, Chairman.

## ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1883.

MR. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities—have had the same under consideration, have amended the same, and do now report, recommending the passage of the bill as amended.

COLEMAN, Chairman.

## ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that Assembly Concurrent Resolution No. 11 has been correctly enrolled, and the same was, at ten o'clock and twenty minutes A. M., February twenty-first, eighteen hundred and eighty-three, presented to the Governor for his approval.

MURDOCK, for Chairman.

## INTRODUCTION OF BILLS.

By Mr. Plover: An Act to appropriate money to pay for the erection of buildings and improvements and for the purchase of land for the Napa State Asylum for the Insane.

Referred to Committee on Ways and Means.

By Mr. Ryan: An Act to amend section one thousand one hundred and eighty-one of the Civil Code, relating to the officers qualified to take acknowledgments.

Referred to Judiciary Committee.

By Mr. Moffitt: An Act to amend sections three hundred and fifty-four, one thousand four hundred and eighty-seven, one thousand four hundred and eighty-eight, one thousand four hundred and eighty-nine, one thousand four hundred and ninety, one thousand four hundred and ninety-one, one thousand four hundred and ninety-two, one thousand five hundred and one, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and five, and one thousand five hundred and seven, and to repeal section one thousand five hundred and six of the Political Code, relating to State Normal Schools, and the organization, powers, and duties of Boards of Trustees of such schools.

Referred to Committee on Education.

By Mr. Rawle (by request): An Act making appropriation to pay Peter E. Farrell, of the City and County of San Francisco, for the rent of two halls in said city and county, for the months of June, July, and August, eighteen hundred and fifty-six.

Referred to Committee on Claims.

Mr. Nicol moved to postpone the consideration of the special order for this hour, the substitute for Assembly Bills Nos 159 and 160, till two o'clock P. M. this day.

So ordered.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 59—Entitled "An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities."

And Senate Bill No. 228—Entitled "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."

A. T. VOGELSAANG, Assistant Secretary.

## SPECIAL FILE—(SECOND READING).

Assembly Bill No. 77—An Act making appropriations for the

support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Mr. Johnston moved to strike out line two hundred and thirty-six of the printed bill, relative to the appropriation for the State Agricultural Society.

The ayes and noes being demanded, the roll was called, and the motion to strike out was lost by the following vote :

AYES—Messrs Atwell, Beard, Bibb, Field, Head, Hunter, Johnston, Leveson, McClaskey, Nicol, Rhel, Stewart, Townsend, Wharton, and Wheelan—15.

NOES—Messrs Barry, Booth, Bowers, Briceland, Brown, Campbell, Carter, Clement, Coleman, Coombs, Crompton, Culver, Doty, Farley, Fleming, Fortna, Granger, Hamilton, Harvey, Heath, HERSHEY, Hollister, Hughes, Irwin, Kerrick, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Stephens, Storke, Walrath, Weaver, Wheat, and Mr. Speaker—46.

Mr. Bibb moved to strike out of line two hundred and eighty-four (amended bill) the words, "provided, that out of the foregoing appropriations," and also lines two hundred and eighty-five, two hundred and eighty-six, two hundred and eighty-seven, and two hundred and eighty-eight.

So ordered.

Mr. Terry moved to amend by striking out of line two hundred and eighty-nine the words "Superior Judges," and inserting "Judges of the Superior Court."

Lost.

Mr. Storke moved to amend by striking out of line one hundred (amended bill) the words "one hundred and thirty-five," and inserting "eighty."

Mr. Perry moved the previous question on the amendment.

So ordered.

The ayes and noes being demanded on the motion to strike out, the roll was called, and the motion to strike out was lost by the following vote :

AYES—Messrs Atwell, Beard, Carter, Coombs, Fleming, Granger, Head, Heath, HERSHEY, Hunter, Irwin, Johnston, Kerrick, Leveson, Martin, Matthews, McClaskey, McHale, Nicol, Peterson, Rhel, Stephens, Stewart, Storke, Terry, Townsend, and Wheat—27.

NOES—Messrs Barry, Bibb, Booth, Bowers, Briceland, Brown, Clement, Coleman, Crompton, Culver, Doty, Farley, Flynn, Fortna, Hall, Hamilton, Harvey, Hollister, Hughes, Keeler, Lewison, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Plover, Rawle, Reeves, Ryan, Simon, Smith, Sweetland, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—41.

Mr. Weaver moved to amend by striking out of line one hundred and eighty-five (amended bill), "five" and inserting "ten."

So ordered.

Mr. Johnston moved to amend by striking out of line one hundred and thirteen (amended bill), "one hundred and forty-five thousand dollars," and inserting "one hundred and thirty thousand dollars."

Lost.

#### IN COMMITTEE OF THE WHOLE.

Mr. Townsend moved that the House go into Committee of the Whole, for the purpose of considering the appropriations for the support of the State Normal School at San José, the Contingent Fund for the Governor, and Contingent Fund for the Attorney-General.

Mr. Kerrick moved to amend, by including the fund for Agricultural Society Number Two.

Lost.

The question recurring on the original motion, it was so ordered. Speaker Larue in the chair.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years," and amended it as follows: In line nineteen "two thousand five hundred" was stricken out, and "five thousand" inserted in lieu thereof.

The report was concurred in.

Mr. Caminetti moved to suspend the rules, for the purpose of going into Committee of the Whole, for the purpose of considering Assembly Bill No. 77, relative to the appropriation for Agricultural District Number Two.

Lost.

Mr. Campbell moved that Assembly Bill No. 77 be ordered engrossed, printed, and to third reading.

LEAVE OF ABSENCE.

Mr. Doty was granted an indefinite leave of absence on account of sickness.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 228—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 Committee on Constitutional Amendments.

Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Mr. Ryan moved to place Senate Bill No. 50 on special file, first reading.

So ordered.

SPECIAL FILE—(SECOND READING).

Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments)

Read second time.

Mr. Irwin moved to amend section nine, by adding at commencement of the section the word "hereafter."

Adopted.

RECESS.

At twelve o'clock and thirty minutes, the Speaker declared recess till two o'clock p. m. this day.

## REASSEMBLED.

The House reassembled.  
 Speaker Larue in the chair.  
 Quorum present.

## LEAVE OF ABSENCE.

Mr. Faw was granted an indefinite leave of absence, on account of sickness.

## SECOND READING—(RESUMED).

Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments.)

Mr. Johnston moved to strike out section eleven, and substitute the following:

Section 11. The Secretary of State shall, within thirty days after the passage of this Act, certify to the County Clerk of each of the counties in this State the population of such county as determined by the United States census taken in the year eighteen hundred and eighty, and thereafter, whenever a new census is taken, shall, as soon as the same shall be officially ascertained by him, certify to each of such clerks the population of such county as determined by such new census, and on the even numbered years thereafter the several counties are, by operation of law, classified thereunder; but such classification shall not operate to change the government of the county then in existence until the first Monday after the first day of January next succeeding, except that the Board of Supervisors shall provide for the election of officers and such other matters as shall be necessary to put the county government in operation on the said first Monday after the first day of January, in accordance with the new classification.

Adopted.

Mr. Caminetti moved to amend section twelve as follows: After the word "State," section twelve, insert "as now fixed by law."

Adopted.

Mr. Wharton moved to amend section thirteen as follows: Strike out the word "one fourth," and insert instead "three fifths."

Adopted.

Mr. Farley moved the following amendment to section fourteen: Strike out section fourteen, and insert the following:

Each county must have a Board of Supervisors, and for this purpose counties shall be divided into two classes; those containing over ten thousand inhabitants shall comprise counties of the first class, and those containing less than ten thousand inhabitants, counties of the second class. Counties of the first class must have a Board of Supervisors, consisting of five members, and those of the second class must have a Board of Supervisors consisting of three members.

Lost.

Mr. Smith moved the following amendment to the amendment to section fourteen: "All counties from and including those of the first class to those of the thirty-first class, shall have a Board of Supervisors consisting of five members; in all other counties said Board shall consist of only three members."

Mr. Nicol moved, as a substitute, by striking out of section fourteen, line one, the word "five," and inserting "three."

Lost.

The question being then on the amendment to the amendment, it was lost.

The question then recurring on the amendment, it was lost.

## MOTION.

Mr. Bibb moved that when the House adjourns this day, it does so to meet Friday, at two o'clock p. m.

Mr. Atwell moved, as an amendment, that the time for meeting be made ten o'clock a. m.

Adopted.

The question being on the motion as amended, the ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

AYES—Messrs. Atwell, Beard, Booth, Bowers, Brice land, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Culver, Farley, Fortna, Hamilton, Harvey, Hershey, Hollister, Kerrick, Lewison, McHale, McKinley, Plover, Ryan, Simon, Smith, Sweetland, Waliath, Weaver, Wharton, and Wheelan—33.

NOES—Messrs. Barry, Bibb, Coombs, Crumpton, Doty, Field, Fleming, Granger, Head, Heath, Hughes, Hunter, Irwin, Johnston, Levenson, Martin, Matthews, McCiaskey, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Stephens, Stewart, Storke, Terry, Townsend, Wheat, Yell, and Mr. Speaker—35.

## REPORT OF A COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, February 21, 1883.

MR. SPEAKER: Your Committee on Engrössment beg leave to report that they have carefully compared Assembly Concurrent Resolution No. 43—"Relative to the law now introduced in Congress for the relief of the settlers on the Moquelumnos Grant." in this State—and find it correctly engrössed.

CALLAGHAN, Chairman.

## LEAVE OF ABSENCE.

Messrs. Bibb, Coleman, Healy, and Hall were granted leave of absence till Friday, at two o'clock p. m.

Mr. Nicol moved to postpone the consideration of the special order for two o'clock p. m. this day till the same hour Friday.

So ordered.

## CONSIDERATION OF ASSEMBLY BILL NO. 448—(RESUMED).

Mr. Hollister moved to amend, by striking out of section eighteen the word "Governor." and inserting "Superior Judge."

Lost.

Mr. Harvey moved to amend, by striking out of section twenty, line one, the words "County Clerk," and insert "County Auditor."

Lost.

Mr. Parker moved to amend section twenty-one as follows: Strike out the word "to" in lines fourteen and sixteen.

Adopted.

Mr. Harvey moved to amend section twenty-one as follows: Strike out the words "his office" in lines fourteen and sixteen, and insert "the Board."

Adopted.

Mr. Hollister moved to amend section twenty-four as follows: By inserting after the word "transacted," in line six, the following: "Unless by a four-fifths vote of the Board."

Mr. Storke moved to amend the amendment by inserting "unanimous."

Lost.

The question then recurring on the amendment, it was lost.

Mr. Levenson moved to amend, by striking out the words "a majority" in line two of section twenty-four, and inserting therein the words "any two members." •

Lost.

Mr. Caminetti moved to strike out all after the word "five," to and including the word "order," lines four and five, section twenty-four.

Lost

Mr. Weaver moved to amend, as follows: Insert in line one, between the words "a" and "meeting," the word "special;" and strike out in line two the words "a special meeting," and insert "the same" therefor.

Lost.

Mr. Harvey moved to amend, by inserting in section twenty-six, after the word "hospitals," in line eighteen, the words "and poorhouses, in their discretion."

Adopted.

Mr. Storke moved that subdivision five be temporarily passed.

Lost

Mr. Caminetti moved to insert, in line twenty-one, after the word "and," the words "they shall also."

Adopted.

Mr. Briceland moved that the House rescind its action relative to the amendment by Mr. Caminetti just adopted.

So ordered.

Mr. Johnston moved to amend as follows: Strike out, in line twenty-one, all after the word "of," and insert "and maintain such hospitals and poorhouses; and the Board shall also appoint—not let to the lowest bidder—some suitable graduate in medicine to attend such indigent sick or otherwise dependent poor."

Mr. Levenson moved as an amendment to the amendment, the following: Strike out the word "provided," line twenty, and strike out the words "not let to the lowest bidder" in lines twenty and twenty-one, after twenty-six, and insert after the word "poor" the words "the person so to be appointed shall be a graduate of medicine, and shall be selected for his fitness for the position, and not by reason of his offering to do the work required on the lowest terms."

Lost.

The question then recurring on the amendment, it was adopted.

Mr. Johnston moved to amend as follows: Insert in section twenty-six, line twelve, before the word "clerk" the word "county."

Adopted.

Mr. Harvey moved to amend by adding the words "or poorhouses," after the word "hospital."

Adopted.

Mr. Harvey moved to amend section twenty-six, by striking out in line thirty-three the words "some newspaper of general circulation published in," and inserting instead after the word "in," line thirty-two, the following: "the official newspaper of."

Lost.

Mr. Campbell moved to amend section nine, page seven, of printed bill, as follows: Insert after the word "necessary," in line thirty-eight, the following: "And when any of such buildings become unsafe or inadequate for the purposes required, to rebuild the same, and may relocate the same, and for that purpose may purchase or receive by gift or donation ground for a site therefor."

Lost.

Mr. Carter moved to amend as follows: Insert in line thirty-eight, after the word "necessary," the words, "and provide for the separate confinement of juvenile offenders."

Lost.

RECESS.

At four o'clock and fifteen minutes p. m., Mr. Sweetland moved to adjourn until Friday morning, at ten o'clock a. m.

Mr. Storke moved as an amendment, that the House take a recess until seven o'clock and thirty minutes this evening.

So ordered.

REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Flynn moved to pass for the present Assembly Bill No. 448.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs Carter, Coombs, Cutter, Flynn, Fortna, Harvey, Head, Hershey, Hollister, Hughes, Kerick, Leverson, McClaskey, McDonald, O'Connor, Parker, Plover, Simon, Sweetland, Terry, Walrath, Wharton, and Wheelan—23.

NOES—Messrs. Barry, Beard, Bruceland, Cannetti, Campbell, Crumpton, Field, Fleming, Granger, Hamilton, Heath, Hunter, Irwin, Johnston, Matthews, McKinley, Moffitt, Nicol, Peterson, Reeves, Rhiel, Storke, Townsend, Wheat, and Mr. Speaker—25.

The consideration of Assembly Bill No. 448—An Act to establish a uniform system of county governments (introduced on behalf of the Committee on County and Township Governments)—resumed.

Mr. Terry moved to amend by striking out of section twenty-six, line fifty-eight, the words "five hundred," and insert "one thousand."

Lost.

Mr. Harvey moved to amend section twenty-six, line seventy, by striking out the word "county," and adding after the word "seal" the words "of said Board."

Adopted.

Mr. Johnston moved to amend section twenty-six, line one hundred and five, as follows: Strike out the word "they" where it first occurs in said line, and insert in lieu thereof the words "the Boards."

Adopted.

Mr. Heath moved to pass for the present subdivision twenty-three.

Lost.

Mr. Storke moved to insert after the word "provided," in line one hundred and fifty of section twenty-six, the following words: "that no greater sum shall be allowed than fifteen cents per line, or name, for publishing and furnishing the requisite number of Great Registers complete, and for publishing or advertising for the required time, in full payment, not more than one dollar per square, set in single leaded nonpareil type, the width of column for purposes of measurement to be equal to thirteen ems bourgeois type, and."

Mr. Heath moved to amend the amendment, by striking out "one dollar," and inserting "seventy-five cents."

Lost.

The question recurring on the amendment, it was adopted.

Mr. Harvey moved to amend section twenty-six, by adding after the word "county," in line one hundred and forty-nine, the following:

“the paper to which the contract is awarded to be known as the official paper of the county.”

The ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

**Ayes**—Messrs Atwell, Cammett, Coombs, Cutter, Fleming, Fortna, Harvey, Head, McKinley, Moffitt, and Wharton—11

**Noes**—Messrs. Bary, Beard, Buceland, Campbell, Carter, Crumpton, Field, Flynn, Granger, Hamilton, Heath, Hollister, Hughes, Irwin, Johnston, Kerriek, Levenson, Lewison, Martin, McClaskey, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Simon, Smith, Storke, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—35.

Mr. Storke moved to amend section twenty-six, line one hundred and fifty-three, as follows: To insert after the word “proposals,” in line one hundred and fifty-three, the words:

The Board reserving the right to reject all bids or proposals. *Provided further*, that the Board of Supervisors of any county may, in lieu of such publication, when in its judgment the interests of the people will be best subserved, have the delinquent tax list printed in bill form; in which event the Board of Supervisors shall cause such list to be posted at five of the most public places in each polling precinct in the county, and mailed to each delinquent taxpayer at his last known place of residence.

Lost.

Mr. Storke moved to amend section twenty-six, line one hundred and fifty-three, as follows: Insert after the word “proposals” in line one hundred and fifty-three, the words “reserving the right to reject all bids or proposals.”

Adopted.

Mr. Cutter moved to amend subdivision twenty-three, line one hundred and forty-eight, page ten, printed bill, by striking out the words “to contract for all the county printing,” and inserting “to contract with the State Printing Office for all the county printing at cost.”

Lost

Mr. Ryan moved to amend section twenty-six, line one hundred and fifty-three, as follows: Add after the word “county,” in line one hundred and fifty-three, the following:

If no newspaper is published in the county, then the Board may provide for the county advertising in some newspaper published in a neighboring county.

Adopted.

Mr. Harvey moved to amend by striking out in line one hundred and fifty-five, after the word “Board,” the words “when they shall deem it,” and in line one hundred and fifty-six, strike out the word “necessary.”

Lost.

Mr. Cutter moved to amend subdivision twenty-seven, line one hundred and sixty-two, by striking out the words “authorized by law and.”

Adopted.

Mr. Wharton moved to amend subdivision twenty-seven of section twenty-six, by inserting after the word “otherwise,” in line one hundred and sixty-four, the following:

*Provided*, That whenever there shall be presented to the Board of Supervisors of any county a petition, signed by the qualified electors of such county, or any township therein, in number equal to one fourth of the votes cast at the preceding general election, praying for the submis-

sion of the question of granting license for the sale of intoxicating liquors within such county, or any township thereof, it shall be the duty of the Board of Supervisors, by due proclamation, to submit the question of granting such license at the next general election to the qualified voters of such county or township. The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns thereof; but a proposition to grant license shall not be submitted in the same county or township oftener than once in two years. The ballots used at such election shall be printed "For license," or "Against license," and if a majority of the electors voting at such election shall vote in favor of granting such license in such county or township, and not otherwise, the Board of Supervisors may grant such license.

Mr. Granger moved the following substitute to the amendment:

Section twenty-six, paragraph twenty-seven, insert at the end thereof, as follows: "*Provided*, that in the regulation of the sale of all fermented or distilled liquors containing alcohol, the Boards of Supervisors, in their respective counties, shall exact of all retail dealers, before issuing a license to them, a satisfactory certificate of good character, together with a bond in a sum not less than one thousand dollars, with conditions and sureties to be approved by the respective Boards, and that in no instance shall the license to such retail dealers be less than six hundred nor more than twelve hundred dollars yearly, which may be paid quarterly."

At nine o'clock and twenty minutes, Mr. Wharton moved that the House do now adjourn till Friday, at ten o'clock A. M.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**AYES**—Messrs. Atwell, Beard, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Fortna, Hamilton, Harvey, Heath, Hollister, Lewison, McClaskey, McKinley, Parker, Reeves, Rhiel, Ryan, Smith, Stewart, Weaver, Wharton, and Mr. Speaker—26.

**NOES**—Messrs. Coombs, Crumpton, Cutter, Field, Fleming, Flynn, Granger, Head, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Moffitt, Nicol, O'Connor, Peterson, Rawle, Simon, Stephens, Storke, Sweetland, Terry, Townsend, Wheat, and Yell—27.

Mr. Hollister, at nine o'clock and thirty-five minutes P. M., moved that the House do now adjourn.

Lost.

The question being on the substitute for the amendment by Mr. Wharton, the ayes and noes being demanded, the roll was called, and the substitute was lost by the following vote:

**AYES**—Messrs. Atwell, Beard, Brown, Carter, Cary, Clement, Coombs, Crumpton, Fleming, Harvey, Head, Heath, Hollister, Hunter, McKinley, Peterson, Reeves, Stephens, Storke, Townsend, Weaver, and Wharton—22.

**NOES**—Messrs. Barry, Caminetti, Cutter, Field, Flynn, Fortna, Granger, Hamilton, Hughes, Irwin, Johnston, Kerrick, Levenson, Lewison, McClaskey, Moffitt, Nicol, O'Connor, Parker, Rawle, Rhiel, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Walrath, Wheat, Yell, and Mr. Speaker—31.

Mr. Granger gave notice that he would, at the next regular session of this House, move to reconsider the vote whereby the House refused to adopt the substitute for the amendment to Assembly Bill No. 448.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Storke:

*Resolved*. That when the Assembly adjourn, it be until Friday, February twenty-third, at ten o'clock A. M., out of respect to the memory of George Washington.

The ayes and noes being demanded, the roll was called with the following result:

**AYES**—Messrs. Atwell, Barry, Beard, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Fortna, Granger, Hamilton, Harvey, Hollister, Kerrick, Lewison, McClaskey, Mc-

Kinley, Nicol, Parker, Reeves, Rhiel, Ryan, Smith, Stewart, Storke, Townsend, Walrath, Weaver, Wharton, and Wheat—32.

NOES—Messrs. Coombs, Crumpton, Cutter, Field, Fleming, Flynn, Head, Hughes, Irwin, Johnston, Levenson, Moffitt, O'Connor, Peterson, Rawle, Sinon, Stephens, Sweetland, Terry, Yell, and Mr. Speaker—21.

The resolution having failed to receive two thirds of the votes in the affirmative, the Speaker declared the resolution lost.

Mr. Brown appealed from the decision of the Chair.

Mr. Flynn moved to lay the appeal on the table.

The ayes and noes being demanded, the roll was called, and the House refused to lay the appeal on the table by the following vote :

AYES—Messrs. Campbell, Coombs, Cutter, Field, Fleming, Flynn, Head, Hughes, Irwin, Johnston, Levenson, McMaskey, Moffitt, O'Connor, Rawle, Ryan, Sweetland, Wheat, and Yell—19.

NOES—Messrs. Atwell, Barry, Beard, Briceland, Brown, Caminetti, Carter, Cary, Clement, Crumpton, Fortna, Hamilton, Harvey, Hollister, Kerrick, Lewison, McKinley, Nicol, Parker, Peterson, Reeves, Rhiel, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, and Wharton—31.

At ten o'clock and twenty-five minutes, Mr. Sinon moved that the House do now adjourn.

The ayes and noes being demanded, the roll was called, and the House refused to adjourn by the following vote :

AYES—Messrs. Atwell, Coombs, Cutter, Field, Fleming, Flynn, Head, Irwin, Johnston, Levenson, Parker, Peterson, Sinon, Stephens, Stewart, Sweetland, Terry, Wheat, and Yell—19.

NOES—Messrs. Barry, Beard, Brown, Caminetti, Campbell, Carter, Cary, Clement, Crumpton, Fortna, Granger, Hamilton, Harvey, Hollister, Hughes, Hunter, Kerrick, Lewison, McKinley, Moffitt, Nicol, O'Connor, Reeves, Rhiel, Ryan, Smith, Storke, Townsend, Walrath, Weaver, and Wharton—31.

The question being on the appeal from the decision of the Chair, the ayes and noes being demanded, the roll was called, and the House refused to sustain the Chair by the following vote :

AYES—Messrs. Barry, Campbell, Coombs, Cutter, Fleming, Flynn, Heath, Hughes, Hunter, Peterson, Terry, Wheat, and Yell—13.

NOES—Messrs. Atwell, Beard, Brown, Caminetti, Carter, Cary, Clement, Fortna, Granger, Hamilton, Harvey, Hollister, Kerrick, Lewison, McKinley, Nicol, Parker, Reeves, Rhiel, Ryan, Smith, Stephens, Storke, Townsend, Walrath, Weaver, and Wharton—27.

#### ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Mr. Atwell, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, February 23, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs. Atwell, Barry, Beard, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crompton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Hamilton, Harvey, Head, Heath, Haishey, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskoy, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheclan, Yell, and Mr. Speaker.

Quorum present.  
Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Wharton, further reading was dispensed with.  
Journal of Wednesday approved.

#### LEAVE OF ABSENCE.

Messrs. Rhiel, Ryan, Culver, Gaussail, and Cary, were granted leave of absence.

#### REPORTS OF COMMITTEES.

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, February 23, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed

Assembly Bill No. 128—An Act to divide the State into Assembly Districts and to provide for the election of Assembly men therein.

Also, Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

CALLAGHAN, Chairman.

##### ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, February —, 1883.

MR. SPEAKER Your Committee on Public Printing, to whom was referred Assembly Bill No. 446—An Act to amend section five hundred and twenty-eight of the Political Code, in relation to the number of laws to be printed—report the same back with amendment, and recommend that it do pass as amended.

Also, Assembly Bill No. 470—An Act to amend section seven hundred and seventy-three of the Political Code, in regard to printing the decisions of the Supreme Court—and recommend that it do pass.

Also, Assembly Bill No. 471—An Act to amend section seven hundred and seventy-four of the Political Code, in regard to printing the decisions of the Supreme Court—with amendment, and recommend that it do pass as amended.

Also, Assembly Bill No. 472—An Act to amend section seven hundred and seventy-one of the Political Code, in regard to printing the decisions of the Supreme Court—and recommend that it do pass.

Also, Assembly Bill No. 473—An Act to amend section seven hundred and seventy-five of the Political Code, in regard to printing the decisions of the Supreme Court—with amendment, and recommend that it do pass as amended

GAUSSAIL, Chairman.

##### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1883.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 484—An Act to prevent the spreading of contagious diseases among sheep—having had the same under consideration, now report it back, and recommend that it pass.

DOTY, Chairman.

##### ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 483—An Act to appropriate money for the erection of buildings and improvements, and for the purchase of lands for the Napa State Asylum for the Insane—have had the same under consideration, and now report the same back, and recommend the passage of the same

————, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883.

MR. SPEAKER Your Committee on State Hospitals and Asylums ask leave to submit the following report We visited and examined the Insane Asylum at Stockton, the Deaf, Dumb, and Blind Asylum, Berkeley, the Ladies' Protection and Relief Society, the Hebrew Orphan Asylum, the Roman Catholic Female Orphan Asylum, the Protestant Orphan Asylum, San Francisco, the San Rafael Orphan Asylum, San Rafael; the Good Templars' Home for Orphans, Vallejo, the Catholic Orphan Asylum, Petaluma; and the Napa Insane Asylum, Napa. The time granted the committee being limited, we did not visit all the asylums receiving State aid. The official reports of all these asylums are now in the possession of the Secretary of State. In each of these reports we found a correct exhibit of all the moneys received, and a minute distribution of the same. No instance of extravagance nor unnecessary expenditure was detected. To these official reports we respectfully refer, believing it to be unnecessary to have the same reprinted and published with this report.

We commend the management and conduct of these asylums, and most earnestly recommend a continuance of State aid. The children are comfortably clothed and nourished. Not one case of serious sickness was observed in any one of the asylums. The dormitories are models of sleeping apartments—neat, clean, and well ventilated. Each dormitory is admirably arranged for rapid escape of the inmates in the event of fire or panic from any cause.

To the present overcrowded condition of the insane asylums, we earnestly ask the immediate attention of the Legislature.

The Stockton Insane Asylum is under the management of G. A. Shuttlecr, M. D., Medical Superintendent, assisted by W. T. Brown, M. D., and W. R. Langdon, M. D. The professional skill and thorough competency of these medical gentlemen, and the vigilance and kindness of the employés in their respective wards, warrants the State and the relatives and friends of the unfortunate inmates in the belief that they are kindly cared for in every respect. The recent additional building completed we found admirably adapted to the purpose for which it was erected. The "old cottage," which now stands in close proximity to the new structure, is wholly unfit to be occupied. Therefore, it is now urged by your committee that the same be removed, and a brick building be erected in harmony with the new structure. The asylum will then be prepared with sufficient room to accommodate the patients.

The Napa Asylum, located near the town of Napa, is a massive brick building, originally designed to accommodate five hundred patients. In this building we found over one thousand patients crowded in the wards and attic. This asylum is under the charge of E. T. Wilkins, M. D., Medical Superintendent, assisted by L. F. Dozier, M. D., and F. W. Hatch, Jr., M. D., Resident Physicians. In this asylum we observed a large number of patients who are idiotic, harmless imbeciles, and are committed against the law of the State and the rules of the asylums. We recommend that this class of patients be returned to the counties whence they came, as proper subjects for the county hospitals or almshouses.

Your committee also observed a number of insane Chinamen. Now, this class of patients is not and cannot be entitled to the same charity as our own citizens. We therefore recommend that they be transported to their native country, and to that end we suggest that the Legislature do now appropriate an amount of money sufficient to defray expenses of transportation.

The insane criminals, in the opinion of the committee, should be separated and placed in a suitable asylum from the other inmates. We recommend the erection at some desirable place of a building for the purpose of treating and caring for the criminal insane.

It is also recommended that the recommendation of the Medical Superintendent of the Napa Asylum for the immediate erection of two infirmaries—one for each sex—in which the sick and bedridden patients can be made more comfortable.

Respectfully submitted.

CRUMPTON, Chairman.

#### ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 441—An Act to amend "An Act to amend section one hundred and seventy-two of the Penal Code," approved April 3, 1876, relating to selling liquors within two miles of the State prisons, etc.—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 407—An Act to provide for the care of intoxicated persons, and for the payment of damages done by them—have had the same under consideration, and now report the same back, and recommend that it do pass.

HAMILTON, Chairman.

#### ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1883.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 476—An Act to add a new section to the Penal Code, to be known as section six hundred and thirty-seven and a half, for the relief of the fishery interests of the State, and to provide a suitable canal for fish to enter the stream of Cache Creek—have had the same under consideration, and now report the same back with amendment, and recommend that it do pass as amended.

MOFFITT, Chairman.

ASSEMBLY CHAMBER, February 23, 1883.

MR. SPEAKER: Your Committee on Elections hereby report back Assembly Bill No. 451—Entitled "An Act to amend section one thousand and eighty-three of the Political Code, in regard to the qualifications of electors"—and recommend that the same do not pass

PARKER, Chairman.  
A. CAMINETTI.  
ARCHIBALD YELL.  
P. PLOVER.  
J. L. LEWISON.

ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Resolution relative to the payment of E. E. Griffen for work done for Committee on State Prisons—have had the same under consideration, and now report the same back, and recommend its passage as amended.

CAMINETTI, Chairman.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER: Your Committee on Public Buildings and Grounds would report as follows In joint session with the Senate Committee on Public Buildings and Grounds, they have had under consideration an Act to add four new sections to the Political Code—they report the same to the Assembly, and would recommend its passage.

PLOVER, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 481—An Act to appropriate money for the repairs of the roof of the Capitol, for the plumbing, painting, renovating, and ventilating the State Capitol—have had the same under consideration, and now report it back and recommend its passage.

PLOVER, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, February 23, 1883.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 39—relative to restoring to the public domain lapsed lands granted to aid in the construction of railroads—and now beg leave to report the same back and recommend that it do pass.

McCLASKEY, Chairman.

The question being upon the adoption of Assembly Concurrent Resolution No. 39—relative to restoring to the public domain lapsed lands granted to aid in the construction of railroads—it was adopted.

Mr. Campbell moved that Senate Bill No. 228—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—be placed on the special file.

Lost.

INTRODUCTION OF BILLS.

By Mr. Johnston (by request): An Act to establish a State Board of Agriculture, and to appropriate moneys for the expenses thereof.  
Referred to Committee on Agriculture.

By Mr. Irwin: An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to refund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Referred to Committee on Municipal Corporations.

By Mr. Campbell: Concurrent Resolution relative to proposing an amendment to the Constitution of the State of California, in relation to the Supreme Court, and providing for the appointment of six Associate Justices therefor.

By Mr. Levenson: Concurrent Resolution in relation to proposing an amendment to the Constitution of the State of California, in relation to the sessions of the Legislature.

Also, Concurrent Resolution in relation to proposing an amendment to the Constitution of the State of California, in relation to the sessions of the Legislature.

## SPECIAL FILE.

Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments.)

Mr. Granger moved, pursuant to notice, to reconsider the vote whereby the House refused to adopt the substitute for the amendment to Assembly Bill No. 448.

Mr. Flynn moved to defer the further consideration of the motion for reconsideration until this afternoon.

Lost.

The question being upon the motion to reconsider, the ayes and noes being demanded, the roll was called, and the House refused to reconsider by the following vote:

Ayes—Messrs Atwell, Beard, Brown, Carter, Clark, Clement, Coombs, Fleming, Granger, Hamilton, Head, Heath, Hershey, Hunter, Kerrick, Levenson, Matthews, McKinley, Murdock, Reeves, Stephens, Storke, Weaver, Wharton, and Wheat—25.

Noes—Messrs Barry, Bowers, Briceland, Cammett, Campbell, Crumpton, Cutter, Doty, Farley, Field, Flynn, Fortna, Harvey, Hughes, Irwin, Johnston, Lewison, Martin, McClaskey, McDonald, McHale, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Stewart, Sweetland, Terry, Townsend, Walrath, Yell, and Mr. Speaker—35.

Mr. Crumpton moved, pursuant to notice, to reconsider the vote whereby the House adopted Mr. Cutter's amendment to subdivision twenty-seven, line one hundred and sixty-two, striking out the words "authorized by law."

The ayes and noes being demanded, the roll was called, and the vote reconsidered by the following vote:

Ayes—Messrs Atwell, Barry, Beard, Bowers, Briceland, Brown, Cammett, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Doty, Farley, Field, Fleming, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Nicol, Parker, Plover, Reeves, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—48.

Noes—Messrs Cutter, Flynn, Fortna, Levenson, Lewison, McDonald, O'Connor, Peterson, Rawle, Sweetland, and Walrath—11

Mr. Terry moved the following substitute for Mr. Cutter's amendment: Strike out in line one hundred and sixty-two the word "authorized," and substitute "not prohibited."

Adopted.

The question then recurring on Mr. Wharton's amendment, Mr. Granger moved the previous question.

So ordered.

Mr. Wharton moved a call of the House.

Lost.

The question then recurring on the amendment, the roll was called, and the amendment lost by the following vote:

Ayes—Messrs Brown, Carter, Clement, Farley, Hamilton, Heath, Hershey, McKinley, Reeves, Smith, Weaver, and Wharton—12.

Noes—Messrs Atwell, Barry, Bowers, Briceland, Cammett, Clark, Coombs, Crumpton, Cutter, Doty, Field, Fleming, Flynn, Fortna, Granger, Harvey, Head, Hughes, Hunter, Irwin,

Johnston, Kerriek, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Waliath, Wheat, Yell, and Mr. Speaker—47.

Mr. Moffitt moved to amend section twenty-six as follows: Strike out the word "fish," after the word "game," line one hundred and sixty-seven.

Lost.

Mr. Nicol moved to amend section twenty-six as follows: Amend subdivision thirty of section twenty-six, line one hundred and sixty-nine, by adding after the word "jail," the following: "under judgment of conviction of misdemeanor."

Adopted.

Mr. Harvey moved to amend subdivision thirty-one of section twenty-six, by adding the word "weighing" after the word "inspection," in line one hundred and seventy-three.

Lost.

#### RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Flynn moved to postpone the further consideration of Assembly Bill No. 448 for the present.

So ordered.

Mr. Nicol moved to postpone the special order for this hour, Assembly Bill No. 159—An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes, and questioning the validity or legality of any tax, till to-morrow, at eleven o'clock A. M.

So ordered.

#### CONCURRENT RESOLUTION.

By Mr. Flynn: Memorial from the Board of Trade of San Francisco requesting that action be taken upon the maintenance of the mail steamship line from San Francisco to New Zealand and Australia.

Referred to Committee on Federal Relations.

Mr. Cutter moved to add the following to the rules of the Assembly:

**RULE** —. The Assembly shall hold an evening session on each secular day of the week, excepting Saturday, commencing at seven o'clock and thirty minutes P. M., which evening session shall be devoted exclusively to the consideration of the first and second reading files, in their respective order as named.

Referred to Committee on Rules.

#### REPORTS OF COMMITTEES—(RESUMED).

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bill, and find it correctly engrossed

Substitute for Assembly Bill No 159—An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes, and questioning the validity or legality of any tax.

CALLAGHAN, Chairman

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No 498—An Act to amend sections one thousand four hundred and eighty-seven, one thousand four hundred and eighty-eight, one thousand four hundred and eighty-nine, one thousand four hundred and ninety, one thousand four hundred and ninety-one, one thousand four hundred and ninety-two, one thousand five hundred and one, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and five, and one thousand five hundred and seven, and to repeal section one thousand five hundred and six of the Political Code, relating to the State Normal School, and the organization, powers, and duties of Boards of Trustees of such schools—have had the same under consideration, and now report the same back with amendments, and recommend that it do pass as amended.

STORKE, Chairman.

ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February—, 1883.

MR. SPEAKER Your Committee on Public Expenditures and Accounts, to whom was referred the resolutions for the payment to E. C. Dozier and D. G. Barnes, of the expenses incurred by them in the matter of the contest between them for a seat in the Assembly from the County of Solano—beg leave to report that we have had the same under consideration, and find the sums set forth in the respective resolutions have been expended in the prosecution and defense of said matter, and now return the same for the action of the Assembly as to the payment thereof, without recommendation.

CAMINETTI, Chairman

THIRD READING.

Assembly Bill No 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Read third time.

Mr. Johnston moved that the bill be ordered reprinted.

So ordered.

Mr. Yell moved that Assembly Bill No. 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein—be ordered reprinted.

So ordered.

Mr. Coleman moved that the special order for to-day, at three o'clock, be postponed till to-morrow, at two o'clock P. M.

So ordered.

Consideration of Assembly Bill No. 448 resumed.

Mr. Johnston moved to amend, by striking out of section twenty-six, lines one hundred and seventy-nine and one hundred and eighty, the words "Legislature and chief."

Adopted.

Mr. Caminetti moved the following substitute for subdivision twenty-two, lines one hundred and forty-six and one hundred and forty-seven:

To adopt such provisions for the preservation of the health of their respective counties or any district therein or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof, and when the expense is incurred in a district or portion of a county for the particular benefit thereof, the Board may fix the boundaries of such district or portion, and levy a tax on the property therein to pay the same, the tax to be levied and collected in the same manner as other taxes are levied and collected.

Adopted.

Mr. Kerrick moved the following substitute for subdivision thirteen, section twenty-six:

To levy and collect taxes upon the taxable property of their respective counties for all county purposes, and upon the taxable property of any district for the construction and repair of roads and highways, and other district purposes *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition

Adopted.

Mr. Caminetti moved the following substitute for subdivision thirty-four, section twenty-six :

To adopt such rules and regulations within their respective counties with regard to the keeping and storing of every description of gunpowder, heicules powder, giant powder, or any other combustible material, as the safety and protection of the lives and property of individuals may require.

Adopted.

Mr. Caminetti moved to strike out "thirty-four," in line one hundred and seventy-eight, and insert "thirty-five."

Adopted.

Mr. Caminetti moved to amend, by adding to subdivision twenty-three, at the end thereof, the following:

*And provided further, that each bidder must furnish with his bid a certified check, or deposit of money, or such other security as the Board may accept, in such sum as the Board in each case may require, as a pledge or security that if the contract be awarded on such bid the bidder will qualify by executing such bond as may be required for the faithful performance of the contract, but if he fails, neglects, or refuses for ten days after the contract is awarded to file such bond, the amount deposited in money, or secured by check, or otherwise, shall be forfeited by said bidder to the county, for the use of the school fund thereof.*

Lost.

Mr. Johnston moved to amend section twenty-six as follows: Strike out the words "of the first publication," in lines one hundred and twenty-three and one hundred and twenty-four, and in line one hundred and twenty-six, strike out the words "herem required to be advertised," also the word "also," also the words "sent by mail to said owners."

Adopted.

Mr. Johnston moved to amend section twenty-seven as follows: Strike out all after the word "effect," in line six, and insert:

Within less than fifteen days after its passage, and before the expiration of the said fifteen days, the same shall be published, with the names of the members voting for and against the same, for at least one week in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the Court House door at least one week.

Adopted.

Mr. Granger moved to add to the enu of section twenty-seven, as follows:

An order entered in the minutes of the Board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

Adopted.

Mr. Storke moved to amend as follows: Strike out the word "all," in line one of section thirty-five, and insert in lieu thereof the words, "printed copies Great Register."

Adopted

Mr. Irwin moved to amend section thirty-eight, by striking out all of lines one and two, to and including the word "follows," and insert:

The Supervisors can only contract a bonded indebtedness other than such as is authorized by section twenty-six of this Act, as follows.

Adopted.

Mr. Johnston moved to amend, by striking out of section forty-one, line three, the words, "and taxpayer of the county in which he resides."

Adopted.

Mr. Granger moved to amend, by inserting after the word "of," in line four of section forty-five, the words, "a certified copy of"

Adopted.

Mr. Irwin moved to amend section forty-three as follows: Strike out section and insert the following:

No account must be passed upon by the Board unless made out as prescribed in the preceding section, and where the claim exceeds in amount the sum of two hundred dollars, the District Attorney shall be notified before the claim is allowed by the Board.

Lost.

Mr. Larue moved to amend section fifty, line one, by striking out "must" and inserting "may."

Mr. Irwin moved to amend section fifty, line three, by striking out all after the word "county."

Lost.

Mr. Townsend moved to amend section fifty, line five, by inserting after the word "years," the words "a sum not exceeding one dollar."

Adopted.

Mr. Larue moved to amend section fifty-one, by making "Assessors" read "Assessor."

Adopted.

Mr. Wharton moved to amend section fifty-five, by striking out all after the word "thereof."

Lost.

Mr. Levenson moved to amend section fifty-seven, by adding the following:

*Provided*, That any woman who is of the age of twenty-one years, a citizen of the State, and a resident of the county or district, shall be eligible to the offices of Superintendent of Public Schools and School Trustee.

Mr. Irwin moved to amend the amendment, by adding "District Attorney."

Lost.

The question recurring on the amendment, it was adopted.

Mr. Caminetti moved to amend section fifty-eight, by striking out of line six the word "Surveyor."

Lost.

Mr. Brown moved to amend section sixty-one as follows: After the word "qualified," in line ten, add the following:

And all county, district, and township officers, and ex officio county officers, elected at the last general election, shall hold office until the expiration of the term for which they were elected.

Lost.

Mr. Johnston moved to amend section sixty-one, line one, as follows: After the word "county," insert "and township," and in same line strike out the words "judicial officers."

Adopted.

Mr. Johnston moved to amend section sixty-one, by inserting between lines eight and nine the following: "Assessors and Superintendents of Schools shall be elected at the general election to be held in the year eighteen hundred and eighty-six, and every four years thereafter."

Adopted.

Mr. Johnston moved to amend section sixty-one, by striking out of line five all after the word "provided," down to and including the word "election," in line eight.

Adopted.

Mr. Johnston moved to amend section sixty-six, by striking out of line one the word "five," and inserting the word "eight."

Adopted.

Mr. Carter moved to amend, by striking out of section sixty-seven, line two, the words "Tax Collector."

Lost.

Mr. Johnston moved to amend section seventy-one, by inserting after the word "Supervisor," in line one, the words "or upon order of Superior Court."

Adopted.

Mr. Johnston moved to amend section seventy-two, by striking out the word "five," in line two, and inserting in lieu thereof "sixteen, or as otherwise provided by law."

Adopted.

Mr. Levenson moved to reconsider the vote whereby the House adopted the amendment to section seventy-two.

Lost.

Mr. Caminetti moved to amend by striking out all of section seventy-five.

Mr. Granger moved the previous question.

Lost.

The question then recurring on the amendment by Mr. Caminetti, it was lost.

Mr. Johnston moved to amend section seventy-seven, by striking out of line one the word "this," and insert the words "the preceding."

Adopted.

Mr. Johnston moved to amend section eighty-three, by striking out of line two the words "seventy and seventy-one," and inserting instead "eighty-one and eighty-two," respectively.

Adopted.

Mr. Johnston moved to amend section eighty-four, by striking out of line three the words "twenty-six," and inserting instead "thirty-seven."

Adopted.

Mr. Johnston moved to amend section eighty-five, by striking out of line five the words "thirty-nine," and inserting instead "fifty-one."

Adopted.

Mr. Granger moved to amend section eighty-eight, by adding to the end of the section the words, "but he shall be liable therefor on his official bond."

Adopted.

Mr. Irwin moved to amend section eighty-nine, by adding to the end of the section the words, "who shall qualify and give such bond as may be required by the Board of Supervisors."

Adopted.

Mr. Irwin moved to amend section ninety as follows: Insert after the word "up," in line two, the words "to the person appointed to fill the vacancy occasioned by such death."

Adopted.

#### LEAVE OF ABSENCE.

Mr. Hollister was granted an indefinite leave of absence, on account of sickness.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

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

Assembly Bill No. 1—An Act to repeal chapter two, of title six, of part three, of an Act of the Legislature of the State of California, entitled "An act to establish a Political Code," approved March 12, 1872, 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, with amendments—and respectfully ask the concurrence of the Assembly in said amendments.

Senate Bill No. 84—An Act entitled "An Act to protect the sidewalks in unincorporated towns and villages in California."

Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

And also adopted the following resolutions:

Senate Concurrent Resolution No. 12—Relative to instructing our Senators and requesting our Representatives in Congress, to take certain action in regard to Alaskan government.

Senate Concurrent Resolution No. 15—Relative to requesting our Representatives and instructing our Senators in Congress, to use their best efforts toward securing the promotion of Lieutenant W. I. Reed, U. S. A.

Assembly Concurrent Resolution No. 16—Relative to lapsed land grants to railroads and their restoration to the public domain.

A. T. VOGELSANG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 1—Ordered placed on special file.

Senate Bill No. 84—Referred to Committee on Municipal Corporations.

Senate Bill No. 185—Referred to Committee on Municipal Corporations.

Senate Concurrent Resolution No. 12—Referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 15—Referred to Committee on Federal Relations.

#### RECESS.

At five o'clock P. M., on motion of Mr. Brown, the House took a recess until seven o'clock and thirty minutes this evening.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Matthews was granted leave of absence.

Mr. Cutter moved to pass the consideration of Assembly Bill No. 448.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**Ayes**—Messrs. Bibb, Brown, Callaghan, Clement, Coombs, Cutter, Fortna, Hall, Hamilton, Harvey, Healy, Hershey, Hughes, Leverson, Lewison, McClaskey, McDonald, O'Connor, Smith, Sweetland, Walrath, and Wharton—22

**Noes**—Messrs. Barry, Beard, Briceland, Caminetti, Clark, Crumpton, Doty, Field, Fleming, Granger, Head, Heath, Hunter, Irwin, Johnston, Kerick, Martin, McHale, McKinley, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Stephens, Storke, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—32.

At seven o'clock and forty-five minutes P. M., Mr. Cutter moved to adjourn.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**Ayes**—Messrs. Bibb, Clement, Coombs, Cutter, Hall, Healy, Lewison, Murphy, O'Connor, Rawle, Smith, Sweetland, and Walrath—13

**Noes**—Messrs. Barry, Beard, Briceland, Brown, Callaghan, Caminetti, Clark, Coleman, Crumpton, Doty, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Kerick, Leverson, Martin, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Stephens, Storke, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—43.

Mr. Atwell was granted leave of absence to attend Committee on Irrigation.

Mr. Healy moved a call of the House.

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

So ordered.

The consideration of Assembly Bill No. 448 resumed.

Mr. Johnston moved to amend section ninety-four, by striking out of line seven "at their respective terms."

Adopted.

Mr. Weaver moved to amend section ninety-four, by striking out the words "male inhabitant," and inserting "citizens."

Lost.

Mr. Cutter moved to amend section ninety-five, by adding the words "and cost."

Lost.

Mr. Cutter moved to amend section ninety-seven, by striking out "two hundred," and inserting "five hundred."

Lost.

Mr. Irwin moved to amend section ninety-nine, by striking out of line three the word "all," and inserting instead "his."

Lost.

Mr. Cutter moved to amend, by striking out "section one hundred."

Lost.

Mr. Cutter moved to amend, by striking out "section one hundred and one."

Lost.

Mr. Cutter moved to amend, by striking out "section one hundred and two."

Lost.

Mr. Crumpton moved to amend section one hundred and twenty, by striking out of line three the word "one," and inserting the word "three."

Lost.

Mr. Irwin moved to amend section one hundred and twenty-six, by

adding a new subdivision, to be known as subdivision — , as follows: "such other books of record and indexes as are or may be required by law."

Adopted.

Mr. Johnston moved to amend section one hundred and thirty, by striking out of line two the word "fifteen," and inserting the word "twenty-six."

Adopted.

Mr. Granger moved to amend section one hundred and thirty-seven, by striking out of line nineteen the word "it," and inserting instead the word "them."

Adopted.

Mr. Lewison moved to amend by adding to section one hundred and thirty-nine as follows:

The District Attorney shall appoint, when he deems it necessary, some suitable person as prosecuting attorney in Justices' Courts, to hold office during the pleasure of said District Attorney. The said prosecuting attorney shall faithfully prosecute all cases before said Courts to which he may be appointed by said District Attorney, and shall be paid such fees as the Board of Supervisors may determine.

Mr. Bibb moved as an amendment to the amendment as follows: Insert "and police" after "Justices"

Mr. Irwin moved the previous question.

So ordered.

The question being on the amendment to the amendment, it was lost.

The question then recurring on the amendment, it was lost.

Mr. Harvey moved to strike out, in line one of section one hundred and thirty-nine, the words "own services," and insert instead the words, "actual expenses incurred by him in prosecuting criminal cases arising within the county."

Lost.

Mr. Matthews gave notice that on to-morrow he would move a reconsideration of the vote whereby the amendment to section fifty-seven, declaring women eligible to an election to the office of District Attorney, was lost.

Mr. Johnston moved to amend section one hundred and fifty-three, by striking out the words "ninety-eight," and inserting "one hundred and nine."

Adopted.

Mr. Johnston moved the following substitute for section one hundred and sixty:

Section 160 All provisions of sections ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, and one hundred and eight, except the fourth and sixth subdivisions of section ninety-four, apply to constables, and govern their powers, duties, and liabilities.

Adopted.

Mr. Granger moved to amend section one hundred and sixty-two, by inserting the word "fees" after the word "salaries."

Lost

Mr. Granger moved to amend section one hundred and sixty-two, by striking out of line two the word "county," and make "Treasurer" read "treasury."

Adopted.

Mr. Yell moved to amend section one hundred and fifty-nine, by adding to line five the words, "except when in conflict with section one hundred and sixty-four of this Act."

Adopted.

Mr. Storke moved to amend section one hundred and fifty-nine, by striking out, in line five, the words "to Sheriffs in their respective counties for similar service," and inserting "by law."

Adopted.

Mr. Campbell moved to amend section one hundred and sixty-two, by striking out, in line one, the words "county and township."

Adopted.

Mr. Johnston moved to amend section one hundred and sixty-two, by striking out all after the word "Auditor," down to and including the word "Controller," in line four.

Adopted.

Mr. Granger gave notice that, on to-morrow, he would move to reconsider the vote whereby amendment to section one hundred and fifty-nine, line five, was adopted.

Mr. Johnston moved to recommit sections one hundred and sixty-three and one hundred and sixty-four to the Chairman of the Committee on County and Township Governments, with instructions to rearrange classification of the different counties, and fill in blanks for salaries.

Adopted.

#### NOTICE OF INTENTION.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1885.

MR. SPEAKER I give notice that I will, to-morrow, immediately after the approval of the Journal, move the following resolution:

WHEREAS, It appears that an injunction has been issued out of the United States Circuit Court, Ninth District of California, restraining the Board of Supervisors of the City and County of San Francisco from passing an order fixing the rates to be collected by the Spring Valley Water Company from the inhabitants of said city and county and from the municipality of San Francisco, as the said Board of Supervisors is required to do by the Constitution of the State of California, and by the laws of said State; and whereas, the issuance of such writ, if lawful, discloses on the part of the States of the Union a dependence upon Congress and the Supreme Court, contemplated neither by the framers of the Constitution of the United States, nor by the States by which the same and the various amendments thereto were ratified, a dependence which tends to the destruction of local self-government—the only sure foundation of freedom—and, if unlawful, is a gross, wicked, and corrupt usurpation on the part of the said Circuit Court.

Resolved, That a special committee of three be appointed by the Speaker to inquire into the lawfulness of the issuance of such injunction, and to report to the Assembly thereon without delay, together with recommendations of the steps (if any) which it may seem to such committee to be desirable for the Legislature of California to adopt in the premises.

Respectfully,

MONTAGUE R. LEVERSON.

Mr. Campbell moved to amend section one hundred and sixty-five, line one, by inserting the words "and fees" after the word "salaries."

Adopted.

#### ADJOURNMENT

At ten o'clock and five minutes P. M., on motion of Mr. Caminetti, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, February 24, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs Atwell, Barry, Beard, Booth, Bowers, Briceland, Callaghan, Campbell, Carter, Clark, Clement, Coombs, Crompton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Muddock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Smith, Stewart, Stolke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, on motion of Mr. Cutter, further reading was dispensed with.

Journal of Friday approved.

## LEAVE OF ABSENCE.

Messrs. Beard, Reeves, and Cary were granted indefinite leave of absence, and Mr. Moffitt till Monday next.

Mr. Flynn moved to consider the report of the Committee on Public Expenditures, relative to the claims of E. C. Dozier and D. G. Barnes.

So ordered.

Mr. Cutter moved that the resolutions allowing E. C. Dozier one thousand and twenty-seven dollars, and D. G. Barnes seven hundred and seventy-six dollars and thirty-six cents, respectively, be adopted.

Mr. Nicol moved to lay the resolutions on the table.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote :

AYES—Messrs. Atwell, Barry, Briceland, Callaghan, Caminetti, Coombs, Doty, Field, Fortna, Gaussail, Hamilton, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McHale, Nicol, Plover, Rawle, Simon, Smith, Stephens, Stewart, Stolke, Sweetland, Terry, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—38.

NOES—Messrs. Bibb, Booth, Bowers, Brown, Campbell, Carter, Clark, Clement, Crompton, Culver, Cutter, Farley, Fleming, Flynn, Granger, Hall, Harvey, Healy, Keeler, Levenson, Lewison, McDonald, McKinley, Muddock, O'Connor, Parker, Peterson, Reeves, Ryan, Walrath, and Yell—31.

## CONCURRENT RESOLUTION.

By Mr. Head: Relative to a controversy existing between the Los Bolsas land grant and settlers on the Rancho Santiago de Santa Ana, as to the boundaries between said grants.

Adopted.

Mr. Levenson, pursuant to notice, called up the following resolution :

WHEREAS, It appears that an injunction has been issued out of the United States Circuit Court, Ninth District of California, restraining the Board of Supervisors of the City and County of San Francisco from passing an order fixing the rates to be collected by the Spring Valley Water Company from the inhabitants of said city and county, and from the municipality of San Francisco, as the said Board of Supervisors is required to do by the Constitution of the State of California and by the laws of said State, and whereas, the issuance of such writ, if lawful, discloses on the part of the States of the Union a dependence upon Congress and the Supreme Court, contemplated neither by the framers of the Constitution of the United States, nor by the States by which the same and the various amendments thereto were ratified—a dependence which tends to the destruction of local self-government—the only sure foundation of freedom—and, if lawful, is a gross, wicked, and corrupt usurpation on the part of the said Circuit Court:

*Resolved*, That a special committee of three be appointed by the Speaker to inquire into the lawfulness of the issuance of such injunction, and to report to the Assembly thereon without delay, together with recommendations of the steps (if any) which it may seem to such committee to be desirable for the Legislature of California to adopt in the premises.

Respectfully,

MONTAGUE R. LEVERSON.

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

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Booth, Briceland, Brown, Clement, Coleman, Coombs, Farley, Hamilton, Harvey, Heath, Hershey, Martin, McClaskey, McHale, McKinley, Murdock, Nicol, Sweetland, Walthath, Weaver, Wharton, and Yell—23.

NOES—Messrs. Barry, Bibb, Callaghan, Caminetti, Campbell, Carter, Clark, Crumpton, Culver, Cutter, Doty, Field, Fleming, Flynn, Foitna, Gausquil, Granger, Hall, Healy, Hollister, Hughes, Irwin, Keeler, Levenson, Matthews, McDonald, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Stewart, Terry, Wheat, Wheelan, and Mr. Speaker—41.

Mr. Granger moved that the further consideration of the resolution be made a special order for Wednesday next, at two o'clock p. m.

Lost.

Mr. Atwell moved to strike out all after the word "resolved," in the resolution.

Mr. Barry offered the following concurrent resolution as a substitute for the resolution by Mr. Levenson:

#### ASSEMBLY CONCURRENT RESOLUTION.

WHEREAS, The Board of Supervisors of the City and County of San Francisco, in pursuance of their oath of office and constitutional duty, after investigation made through a lawfully constituted and appointed committee, passed to print a resolution reducing the existing water rates of the Spring Valley Water Company, a corporation: and whereas, the said Spring Valley Water Company, subsequent to the said action of said Board, in defiance of its obligation to furnish said city and county, and the inhabitants thereof, with an abundance of fresh and pure water, and without any good reason therefor, cut off the water supply of said city and county, endangering life and property, in a wanton and unnecessary manner, for the purpose of coercing the said Board of Supervisors and the inhabitants of said city and county, and threaten to continue such procedure, and whereas, on Wednesday evening, the twenty-first day of February, eighteen hundred and eighty-three, the said Board was enjoined by the United States Circuit Court, of this circuit, from taking final action in the matter of said reduction, and from complying with the provisions of the State Constitution, and the City and County of San Francisco has thus been deprived of the benefit of the provisions of the Constitution and laws in its behalf, be it

*Resolved by the Assembly, the Senate concurring*, That we extend our sympathy to the inhabitants of said city and county and to the Board of Supervisors in the struggle now going on against the extortions of said water company, and be it further

*Resolved*, That we protest against the iniquitous conduct of said Spring Valley Water Company in cutting off the water supply of said city and county for the purpose of coercion, and be it further

*Resolved*, That the Attorney-General of this State be requested to make due investigation as to whether the said water company has forfeited its franchise by its said conduct, and that a copy of these resolutions be transmitted to him forthwith for action.

The ayes and noes being demanded, the roll was called, and the substitute adopted by the following vote:

**AYES**—Messrs. Barry, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Crumpton, Culver, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Grainger, Hall, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Martin, Matthews, McDonald, McHale, McKinley, Murdock, O'Connor, Plover, Rawle, Ryan, Simon, Smith, Stewart, Storke, Sweetland, Walrath, Wheat, Wheelan, Yell, and Mr. Speaker—46.

**NOES**—Messrs. Brown, Carter, Clement, Coleman, Cutter, Hamilton, Harvey, Hershey, Johnston, Leveison, Lewison, McClaskey, Nicol, Stephens, Terry, Townsend, and Weaver—17

#### SPECIAL ORDER.

Special order for this hour, third reading of Assembly Bill No. 159—An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes and questioning the validity or legality of any tax.

Read third time.

Mr. Irwin moved that the clerk correct clerical errors in the engrossed bill.

So ordered.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Grainger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—63.

**NOES**—None.

Title approved.

#### REPORTS OF STANDING COMMITTEES.

##### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883.

**MR. SPEAKER**—Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 185—An Act to provide for the classification of municipal corporations—have had the same under consideration, and now report the same back, and recommend its passage.

IRWIN, Chairman.

Mr. Irwin moved that Senate Bill No. 185 be declared a case of urgency, first reading dispensed with, and placed on the special file.

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

**AYES**—Messrs. Atwell, Bibb, Bowers, Briceland, Brown, Callaghan, Campbell, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Grainger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Parker, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—56

**NOES**—Mr. Caminetti—1.

##### ON PUBLIC LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

**MR. SPEAKER**—Your Committee on Public Lands, to whom was referred Assembly Bill No. 185—An Act to define the duties of the Surveyor-General in relation to the selection and location of lands in lieu of the sixteenth and thirty-sixth sections and parts of said sections, for which the State of California is or may be entitled to indemnity—have had the same under consideration, and now report the same back, and recommend that it do not pass.

COOMBS, Chairman.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly bills, and find them correctly engrossed:

Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Also, Assembly Bill No. 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten, of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners."

Also, Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Also, Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Also, Assembly Bill No. 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

CALLAGHAN, Chairman.

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1883.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 209—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California, relating to the salaries of Judges of the Superior Courts, and to fix salaries thereof—have had the same under consideration, and now report the same back with a substitute, and recommend the adoption of the substitute.

JOHNSTON, Chairman.

## ON STATE PRISONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

MR. SPEAKER: Your Committee on State Prisons, to whom was referred Assembly Bill No. 460—An Act to amend an Act entitled "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880—have had the same under consideration, and now report the same back, and recommend that it do not pass.

HUNTER, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

MR. SPEAKER: The Committee on State Prisons beg leave to report that they can dispense with the future services of their clerk, Mr. Nagle.

HUNTER, Chairman.

ASSEMBLY CHAMBER, February 24, 1883.

MR. SPEAKER: Your Committee on State Prisons beg leave to report that they have carefully examined the condition and management of the prisons at San Quentin and Folsom, and respectfully submit the following report thereon:

## SAN QUENTIN.

The committee visited this prison on January twenty-second, and spent four days in visiting the various departments and in the examination of twenty-seven witnesses. There are here held about twelve hundred prisoners, ranging in age from thuteen to seventy-four years. Nine hundred and twenty-five of this number are serving a first term, and one hundred and thirty-one are serving a life term. The physician reports one hundred and fifty-three disabled and three hundred and six partially disabled. All able to work are employed in some way. Many of the partially disabled can do but little, and in estimating the productive power of the prison this fact should be considered. A large number of men are required in the care of the prison, and after deducting these, together with those physically unable to work, about seven hundred and fifty remain for profitable employment to the State.

## JUTE FACTORY.

The jute factory completed during the past year is in successful operation, and has more than fulfilled the expectations of the public. Its entire cost was one hundred and eighty-

four thousand five hundred and twenty-six dollars—the larger portion for machinery. The building, which seems admirably adapted for its purpose, cost but forty-six thousand dollars, having been built almost entirely by convict labor. The factory is equipped with the best machinery obtainable, and is said to compare favorably with any establishment of its kind in the world. Its capacity is one hundred looms, and thus far its product has met with ready sale. The demand for grain sacks last season exceeded the supply, and in no instance was complaint made as to quality. One sack of very superior grade are turned out, and, also, a coarse sack, suitable for potatoes much more durable than the common "gummy." Twice of endless varieties is made, and affords a good profit. Hemp carpet can also be turned out and sold at remunerative rates. Three hundred and twelve convicts are at present employed, and but seven free men are required in the conducting of the factory. Convicts are allowed to hand-sew grain sacks in their cells at night, and the small sum allowed accumulates for their benefit in reestablishing themselves after release. No profit was realized until the month of August. The net earnings for the five months to January first were twenty-five thousand dollars.

#### CHAIR FACTORY.

Perhaps the department next in importance is the furniture shop, now called the chair factory, though chairs are as yet not the principal articles manufactured. At the time of the first operation of the new Constitution, January first, eighteen hundred and eighty-two, when all contract labor was prohibited, this factory was owned by the California Furniture Company, having been operated by them for a number of years. The building belonged to the State, while the machinery was the property of the company. An arrangement was made by which the State leased the machinery at five hundred dollars per month, upon the understanding that when eleven thousand dollars had been paid in rent the machinery was to belong to the State. The value of the machinery was reached by an appraisement by disinterested parties. The arrangement is justified by the Warden, on the ground that no appropriation was made by the Legislature, and that the money appropriated for the support of the prison could not be used by the Directors in the purchase of machinery. There remained but two courses to pursue—discontinue work or lease the machinery. After consulting the Attorney-General, the contract above set forth was made, the old foreman, Schlosser, who had been in the employment of the California Furniture Company for eleven years, was hired by the State, and everything went on much as before—the State buys the material, a schedule price is fixed for each article, and they are made to order for any one who applies.

The California Furniture Company is the only dealer who has been supplied, and the foreman testified that the same price that was fixed on each article when the factory was run under the contract system is now continued. Several orders for private parties have been filled some of a considerable amount, but the bulk of the product goes to the California Furniture Manufacturing Company, as they alone, it is claimed, order goods.

The prices fixed yield a profit to the State of about ten per cent over and above the fifty cents per day for convict labor. Sixty cents per day is calculated on in making the schedule, but the prisoners are allowed ten cents per day for their own use or saving. The foreman testified that in six months twenty-five thousand dollars' worth of furniture had been turned out costing the State, at above rates, about twenty-two thousand dollars. He thought there was not much more profit to the State than before, but doubted if any more money could be realized for the goods. There has been a public announcement that the State would sell furniture, etc., to any one, but no advertisement of that fact. Orders for certain kinds of furniture sufficient to run the factory for three or four months had been received, but it was claimed that these were "fill-up" orders that could be set aside, and that they did not interfere with any other orders that might be received.

It is proposed to gradually convert the whole establishment into a chair factory. Experiments are being made with oak eucalyptus and other varieties of wood—different styles of chairs are being put upon the market to test it, and other precautions are being taken to insure success when the whole force is turned in this direction. The foreman of the chair department was hired upon the recommendation of Mr. Cole, of the California Furniture Company, and that company is the main purchaser of chairs. The State has realized sixteen thousand five hundred dollars from this department during the past year, and has now paid seven thousand five hundred dollars toward the purchase of the machinery.

#### SASH AND DOOR DEPARTMENT

The door department has been affected much the same way by the change. The California Door Company owned machinery valued at twenty thousand dollars, and employed about thirty convicts when the period arrived at which contract labor was prohibited. The machinery was not bought, but a price was fixed at which the State would manufacture the various articles required, the parties ordering to supply the lumber and the State using the machinery. The California Door Company pays the State, for instance, twenty-five cents for the labor on an average door. The old foreman was continued, and all the orders received have been from the company owning the machinery. The foreman testifies that there is a slight advance in profit to the State over the old rates. The Warden states that there is a positive understanding that the machinery of the California Door Company can be used by the State on any orders that may be received from other parties. The only material difference that your committee can discover between

the present system and the old contract system is—in the one labor was let by the day and in the other by the piece. In the one, the State is paid for a day's labor. In the other, for work done on a specified class of articles. In both cases convict labor is let. The profits for the year are reported at seventeen thousand five hundred dollars.

#### HARNESS DEPARTMENT.

The harness department proper is a continuation of the J. C. Johnson & Co.'s manufactory. The machinery, valued at about five thousand dollars, still belongs to that firm, and the harness manufactured is shipped to them, being made at a schedule price for the work, the former contractors supplying the material, and paying now by the piece instead of by the day. The foreman testified that in making out the estimates he went as near as he could to what the various articles had cost the firm previous to the change. Forty-five convicts are worked in the harness shop. There are also sixteen men working at the collar branch, making collars for Stone & Hayden, at a stated price—twenty cents each. As in the other instances, there is, it is claimed, no contract, but the old contractors are the only persons who order. The Warden claims that the new method is much more advantageous to the State in this respect than under the old contract system a task was set of, say five collars a day, for which the State received one dollar, the contractors then paid the prisoners eight cents each for all they would make over the task, and on these collars the State received nothing—virtually losing the twelve cents, while now twenty cents is received on every collar made.

There is conducted separately a department—formerly known as the harness apprentice shop—where, under the direction of a convict, collars are made on State account from leather tanned at the prison. These are sold to any one ordering, many of them having been shipped to Oregon. Twelve thousand dollars have been realized during the past year from the harness and collar departments.

#### TUB AND PAUL DEPARTMENT.

The tub and paul department is virtually a continuation of the former arrangement with Armes & Dallam, excepting that now the State is paid so much a piece, instead of so much a day for labor, as before. The machinery, valued at twenty thousand dollars, belongs now to the Coos Bay Stan and Lumber Company, having been lately sold to them by the former owners. The foreman testifies that the State realizes a little more profit than under the old contract system. The Warden testifies that every one of the convicts working in this department realizes to the State one dollar a day. The machinery will probably be soon removed. The foreman states that it is impossible to compete with outside labor. The profits for the year were four thousand five hundred dollars.

#### TANNERY.

Thirty convicts work in this department, which is conducted entirely on State account, the product being used in the collar department, for belting, etc. All the belting in the jute factory, excepting the main driving belt, was made from leather tanned at the prison. The profits for the past year were nine thousand five hundred dollars.

#### BELTING.

In addition to the sum realized on leather, the belting manufactured represents a value of two thousand dollars.

#### FOUNDRY.

In the prison foundry castings are made for the various shops and for use in construction of buildings and for repairs. The shafting in the jute works was turned out from this department. The earnings for the year were six thousand one hundred dollars.

#### BRICK YARD.

Since the erection of the jute works comparatively little has been done in the brickyard. The profits for the year have been three thousand dollars.

#### RECAPITULATION.

Recapitulating the profits, we find that the prison earnings for the first six months were, in round numbers, thirty-five thousand dollars, and for the past six months sixty-two thousand dollars, total, ninety-seven thousand dollars. This includes but five months' profit from the jute mill. The Warden estimates this year's earnings at one hundred and twenty-five thousand dollars—sixty thousand dollars for the jute mill and sixty-five thousand dollars for the other departments.

Careful estimates, comparing the earnings of eighteen hundred and eighty-one, under the contract system, with those of eighteen hundred and eighty-two, under the schedule system above set forth, have been made by the officers of the prison, and they show fifty cents per day as the former and fifty-five cents as the latter.

## GENERAL MANAGEMENT.

Regarding the management of the prison, there was some conflict of testimony, but the general tenor was favorable. There was no evidence of insubordination, and the employes generally testified to considerate treatment by the Warden. The prisoners are evidently more easily controlled, now that they are steadily worked, than they were formerly, when many were idle. Flogging has been entirely discontinued, not a case having occurred during the present administration. The solitary system is seldom resorted to; and the physician testifies that in a year and a half there have been but five cases of showering, four of which were Chinese. Not a prisoner had escaped during the year. Of five hundred and twenty-five discharged during the year, only seven were returned, and one of them was sent back for a former crime.

## TRUSTY SYSTEM.

Some difference of opinion was developed as to the trusty system. There are a large number of prisoners employed in positions of more or less trust. A few, whose time has almost expired, are allowed to sleep outside the walls, in the stable and shops with which they are connected. The physician testified that he saw no evidence of favoritism. Men were selected, so far as he could judge, for their fitness for the places to be filled. The Warden says: "Upon their actions, and purely upon merit and qualifications, they are promoted." The Moral Instructor testified that his first impressions were decidedly against the system, but that close observation had convinced him that it was the best method of enforcing good discipline. The convicts all hope to obtain positions of trust. It was admitted on all sides that were these positions, now filled by trusted prisoners, to be filled by free men, the additional expense to the State would be at least one hundred thousand dollars per annum.

## IRREGULARITIES.

Incidentally, some of the matters examined into by the Special Commission of Inquiry, appointed by Governor Peckins, July first, eighteen hundred and eighty-one, were considered, but no new testimony was elicited, and nothing was shown to cause us to arrive at any other conclusion than those embraced in their very complete report of August twenty-fifth. In this connection, we beg to endorse the recommendations they make, especially those to be found on pages forty-four and following.

## SINGLE CELLS.

Every report of Warden or committee, for years past, has urged upon the State the duty of providing separate cells for the prisoners. It is an absolute necessity to any proper prison management, and without it any efforts of a reformatory nature are well nigh useless. At present there are over four hundred prisoners at San Quentin confined in the large wards on the ground floor of the prison building first erected, in groups of from thirty to forty. This is a state of affairs disgraceful to any civilized community, and ought to be remedied at once. An expenditure of fifty thousand dollars would provide a new cell building that would give a separate cell to each prisoner.

## REFORMS.

A proper grading of the prisoners seems impossible with the ill-arranged buildings that have grown without plan. A thorough reconstruction of the prison will be required before the enlightened principles of penology, now being followed wherever wise counsels prevail, can be put in force in our State. It is to be hoped that the committee of nine appointed by the California Prison Commissioners, at the request of the Prison Reform Convention, held in San Francisco last year, will report a general plan before the meeting of the next Legislature, that will commend itself to all and be promptly enforced.

## WATER.

The water at San Quentin is a very large item of expense. One thousand dollars a month has been the charge for many years. Salt water has been lately introduced for flushing the sewers, sprinkling, etc., but with the increased quantity required with the growing manufactures, no reduction in price can be expected. Your committee suggest that a competent engineer be appointed to report if sufficient water can be elsewhere obtained, and if so, at what cost.

## APPOINTMENT OF EXPERT.

Your committee are unable to report upon the financial management of the prison at San Quentin. The Committee on State Prisons of the Senate of this Legislature refused to hold joint sessions with the committee, and took possession of all the books connected with the prison and retained them for examination, thus putting it entirely out of the power of this committee to investigate them. Besides, it is impossible to thoroughly investigate so many volumes of accounts, with inter-references, as are found at the State Prison, in a few days as are allotted to a legislative committee. It would require sixty days' close work for a competent expert to search the books of the prison as thoroughly as they should be. In view of the magnitude of

the business, and the opportunity for speculation, your committee would suggest that the Governor of the State select a competent expert and bookkeeper to thoroughly investigate the books of all officials, employes, and contractors in connection with the institution.

#### CRITICISM.

Your committee must criticize the annual report of the Warden and Clerk, in that it nowhere shows the gross receipts and gross expenditures of the prison for the past fiscal year. There is *nothing to show what disposition is made of the profits from the various manufacturing industries connected with the prison.* The Legislature, in considering the appropriations necessary, has, therefore, no complete data upon which to base its estimate.

Your committee also desire to refer to the fact that, upon the organization of the Board of Directors of the State Prison, machine politics was by no means put aside, as the provisions of the new Constitution contemplated. The Warden yielded the right of appointing his agents and employes to the Board. Dr. Carey distinctly testified that he was informed by two or three of the Directors that the present Warden was appointed under the compact that all sub-employes, except the Captain of the Gate, should be selected by the Directors, and that he (Carey) was appointed by the Directors under this compact. Thus the provisions of the Constitution (section three, article ten), "all officers and employes of the prison shall be appointed by the Warden thereof, and be removed at his pleasure," were nullified. Your committee have read with pleasure, and fully endorse, all that is said on this matter in the able report of the Special Commission of Inquiry. Your committee also desire to say that the Special Commission accomplished much good in changing the management and conduct of the prison for the better. Many of the faults noticed by said committee have been remedied and corrected, among them the enforced collection of political assessments. The committee is of opinion that the employment of an ex-convict as bookkeeper of the prison is unwise. The position is one of great trust, and should be filled by a person of undoubted integrity. A man who has served a term for forgery, is, in our judgment, not a proper person to fill so important a place.

In regard to the present system of hiring out prison labor by the piece, or piece-work, your committee desire to say that in its workings it is not in conformity with the intent of the Constitution and the laws in force doing away with the contract system. All the manufacturing industries that were in operation before the constitutional provisions went into full effect are in operation now. The manufactured articles are not, in fact, placed in the open market for sale. The Directors have in all instances but one used without hire the old plant and machinery of the contractors under the old labor system, and the old contractors take all the articles manufactured at a cost to them which is gauged by the cost under the old system. The old foremen, formerly employed by them, are now employed by the Prison Directors. This, at least, gives ground for the suspicion that their employment is at the instance of the former contractors, who now buy the articles at a schedule price or pay a stated price per piece for the manufacture of them, which price, it would seem, is fixed largely by these same employes, who are thus placed as arbiters between the State and the purchaser. Considering all the circumstances, it is somewhat doubtful where their allegiance must seem to them to belong.

While it is stated that the goods manufactured have been offered for sale to the general public without discrimination, and that announcement has been made to this effect, the fact remains that the public generally has not availed itself of the privilege. Your committee advise that a general announcement be made, by advertisement in the public press of the articles manufactured at the prison, together with the schedule price therefor, that the best possible price may be obtained, and that no one dealer may enjoy a monopoly of the goods.

Your committee, while thus criticizing the management of the prison in this regard, desire also to say that the Legislature of this State has also been remiss in its duty in not providing means whereby the constitutional provision prohibiting contract labor, and directing its employment for the benefit of the State, might be carried into effect. The Board of Directors found themselves, on the first of January, eighteen hundred and eighty-two, confronted with the constitutional provision which compelled a change from the old system. This change required the expenditure of large sums of money, none of which had been provided by appropriation. Under these circumstances the Board of Directors of the State Prisons are not deserving of the censure which they should receive were the facts otherwise. It is with regret, also, that your committee note an unwillingness on the part of the present Legislature to grant the prison such appropriations as would enable them to do away wholly with the machinery of others, and use none but the property of the State, as the law contemplates.

#### FOLSOM.

The State Prison at Folsom was visited by a sub-committee of three on February sixteenth. It is a source of great satisfaction to find within our State a prison building so nearly fulfilling the conditions of a model. Viewed from without, it combines beauty with massive strength. The adjoining hills have furnished a material so excellent and durable in quality that the granite walls seem a permanent feature of the landscape. The steep declivity between the prison front and the river has been skillfully and artistically terraced by prison labor, and presents a harmonious foreground to the picture. The hill above is being transformed into a garden, and the dense chaparral having been removed, much of the adjacent land is now planted in vines, fruit, and vegetables, while beyond are hay fields and pastures. The tract embraces four hundred and eighty-three acres, and is rapidly becoming a valuable farm. Much labor has been required in

making roads, filling gulches and leveling hills, and much more can be utilized in this way before the prison grounds are completely established.

Within, the prison building seems almost perfectly planned; the arrangement of cells being especially admirable. The ventilation is remarkably good, and nowhere in the building was the slightest offensive odor detected. Scrupulous cleanliness was apparent everywhere, and the dread institution smell was happily not encountered.

The force at the prison consists of seven officers and twenty-four guards. Good discipline was apparent, and the Warden, General McComb, seemed to be treated with great respect by all—free men and convicts.

There were, at the date of our visit, two hundred and ninety-one prisoners. The hospital we found empty, a condition that it is reported to have enjoyed for some time. The physician's report showed seven as applying for treatment on the day of our visit, three of whom were returned to labor—and four, all chronic cases—were excused. Five seems to be the largest number excused from labor on account of illness for some time. As much has been said of late regarding the unhealthiness of the location, it is but fair to give the testimony of those familiar with the facts.

Dr. Grover, the surgeon in charge, in his last annual report, returns seven deaths during the year; but of this number two died from casualties, four from chronic diseases contracted prior to their imprisonment, leaving but one whose death could be in any way chargeable to location. The number applying for treatment (two thousand four hundred and thirty) seems large, but the physician claims that the greater portion were either for trivial difficulties, on account of which they were not excused from labor, or the repeated calls of those afflicted with chronic and incurable complaints.

Dr. Henry Gibbons, Sr., after a three days' examination, says "As to sickness, it might be said there is none, excepting some trivial disturbance of the digestive organs, not sufficient to deter from labor."

The fact seems to be that, for about ten months in the year, the health of the prisoners is exceptionally good, but that during the latter part of the Summer and the early Autumn the location does not escape the malarial diseases incident to a large portion of the State similarly situated. Wherever in the foothills ditches are constructed for mining or agricultural purposes, and shallow reservoirs are established, there is more or less sickness of malarial character at certain seasons of the year. It is the opinion of physicians that diseases of this nature will decrease as the walls of the ditches become more completely puddled and percolation is reduced. The location at Folsom is, in respect to malaria, neither better nor worse than many other portions of our State, and the prisoners are subjected to no greater danger of mortality or illness than they would be if at large.

We found two hundred and ninety-one convicts at Folsom. Of these, six were excused from labor by reason of physical disability; ninety are employed in and about the prison in its general care, including cooking for the prisoners and in preserving cleanliness. In the various shops, and the laundry, about sixty are employed. Ninety are at work on roads, in filling and leveling around the prison, or on the farm in cleaning, stump-pulling, etc. In the quarry forty-four are at present occupied. The productive labor of the prison is exceedingly small, and, in consequence, its cost of maintenance to the State is very large. The policy of the State should be to render the labor productive at once. So far, much of the labor has necessarily been employed in reducing the rugged hills and deep gulches into a state affording room for such a population. Reservoirs for water have been constructed, immense stone sewers have been built, and other improvements necessarily made. Much more work of this character must be done, but it is not imperative at present, and may be done as occasion offers by those untried for work in the quarry, and labor that is in any way available for earning money should not be used in work of this character.

In considering how money can be earned, the inexhaustible quarries of granite first present themselves. The quality of the stone is unsurpassed, the facilities for shipment are excellent, and there seems no reason to doubt that the quarrying and dressing of stone, and the manufacture of paving blocks will, sooner or later, be very profitable to the State and reduce very materially the cost of maintenance. The first step necessary to render this labor available is the construction of the wall recommended in our special report. The small expenditure of seven thousand dollars for lime, cement, and iron will provide for the erection of a wall that, joining the steeply-graded hills, will form a prison yard of ten acres, embracing quarries of granite which seem practically inexhaustible. It is now not safe to work more than forty or fifty men. Were a wall constructed, almost any number might be used.

The present demand for granite is light, but it is a product that may safely be accumulated, and for which sale is certain. Granite blocks for pavement can be made in any quantity, with the full assurance that San Francisco will call for them. A convict can average fifty in a day, and two cents each, exclusive of transportation, is a low price. Either at this branch or in the quarrying of building stone it would seem that, counting the material, which costs the State nothing a dollar per day can be relied upon from each able bodied convict. At present the principal work at the quarry is getting out the stone fence for the Capitol grounds. Crosswalks and curbstones are also being accumulated, and the refuse is being worked up in paving blocks.

By the terms of the contract with the Natoma Water and Mining Company, the State agreed to furnish thirty thousand days of convict labor in consideration of the grant of land, and also certain water privileges, to be enjoyed by the State upon the completion of their canal. Under this contract some eighty convicts worked several months in cutting through a granite ledge to prepare for the gateway leading from the company's dam, to be built at this point to the height

of forty feet. Some eleven thousand days' work were supplied, when the work was discontinued. The company construes the contract as calling for sixty thousand days' labor, claiming that the thirty thousand applies to each, and not to both the site and the water privilege. An agreed case will probably be submitted to determine the matter. When the canal is completed, the prison will be entitled to the use of the first fall five feet perpendicular of the entire canal, which will be of great value in any manufacture that may be hereafter projected.

## FINANCES.

It is gratifying to report that San Quentin, always a source of great expense to the State, is becoming less burdensome. The jute venture is realizing handsomely, and, taken in connection with a decreased cost of maintenance, leaves the deficit at present but about one half of what it has been for many years. The Warden reports that, from the records of the prison, forty-one thousand dollars is found to be the average annual earnings. The present year ought to see three times that sum realized. During the past eight years the maintaining cost has been reduced from forty-four cents per capita daily to thirty-three cents, thirteen and a half of which is for subsistence. At the close of the last fiscal year some thirty-six thousand dollars remained unexpended; and after reserving money for the June expenses, twenty-five thousand dollars was returned to the State treasury. The Folsom prison returned about seven thousand dollars of unexpended balance. The estimate of the officers of San Quentin for future requirements is: For annual cost of the prison, including permanent improvements and repairs, two hundred thousand dollars; earnings, one hundred and twenty-five thousand dollars; appropriation required, seventy-five thousand dollars. In addition to the one hundred and fifty thousand dollars thus required, fifty thousand dollars was asked for the purchase of machinery, and the discharge and transportation money of prisoners during the two years. It is evidently good policy for the State to appropriate a sum which will enable the prisons to be run on a strictly cash basis, as the discount on warrants, or uncertainty as to the passage of deficiency bills, will materially increase the cost of administration.

We submit herewith the transcribed evidence taken at San Quentin. In our judgment it is *not of sufficient general interest to justify its publication.* We also submit a copy of the report of the Special Committee of Inquiry.

A. B. HUNTER.  
LUCIEN HEATH.  
S. M. MARTIN.  
W. B. CLEMENT.  
GILLIS DOTY.  
CHAS. A. MURDOCK.  
C. A. STORKE.  
S. C. BOWERS.  
ARCHIBALD YELL.

Mr. Doty moved to suspend the rules, for the purpose of considering Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom. (Introduced on behalf of committee.)

Lost.

Mr. Briceland moved to suspend the rules for the purpose of considering Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious disease into the State of California.

Lost.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti: Relative to instructing the State Engineer to submit to the Governor, on or before the first day of January, eighteen hundred and eighty-four, all that portion of his report on the irrigation investigation.

Ordered printed, without reference.

## SPECIAL FILE—(THIRD READING).

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

Read third time.

## CALL OF THE HOUSE.

Mr. Flynn moved a call of the House.  
So ordered.

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

Messrs Atwell, Barry, Bibb, Bowers, Briceland, Brown, Callaghan, Cammetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Leveson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker

Quorum present.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Hollister moved that the Sergeant-at-Arms be instructed to bring in absent members, and they be fined two dollars and fifty cents each, unless they present a valid excuse.

Mr. Yell moved to amend, by making the fine one dollar.

Adopted.

The Sergeant-at-Arms presented at the bar of the House Mr. Coleman, who paid the fine imposed, and was released from the custody of the Sergeant-at-Arms.

Mr. Irwin moved that further proceedings under the call be dispensed with.

Lost.

Mr. Yell moved that the fine imposed on Mr. Coleman be remitted.

So ordered.

On motion of Mr. Hollister, further proceedings under the call of the House were dispensed with.

The question being then on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Cammetti, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hunter, Irwin, Johnston, Leveson, Martin, Matthews, McClaskey, McDonald, McHale, Nicol, O'Connor, Plover, Rawle, Ryan, Smith, Stephens, Stewart, Terry, Townsend, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—50.

NOES—Messrs. Brown, Carter, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Parker, Peterson, Ryan, Storke, Sweetland, Walrath, and Weaver—18

Title approved.

Mr. Wharton gave notice that he would, at the next regular session of this House, move a reconsideration of the vote whereby the House passed Assembly Bill No. 130.

Mr. Cutter moved to suspend the rules, for the purpose of reconsidering the vote whereby the House passed Assembly Bill No. 130.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Callaghan, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Leveson, Martin, Matthews, McClaskey, McDonald, McHale, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—49.

NOES—Messrs. Briceland, Brown, Cammetti, Carter, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Ryan, Stewart, Storke, Sweetland, Walrath, Weaver, and Wharton—20.

Mr. Cutter moved to extend the hour of recess thirty minutes.

So ordered.

The question then recurring on the motion to reconsider, Mr. Cutter moved the previous question.

So ordered.

The ayes and noes being demanded on the motion to reconsider, the roll was called, and the motion was lost by the following vote :

**AYES**—Messrs Barry, Brown, Clement, Culver, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Ryan, Storke, Sweetland, Walhath, Weaver, and Wharton—17.

**NOES**—Messrs Atwell, Bibb, Bowers, Bueland, Callaghan, Cammetta, Campbell, Clark, Coleman, Coombs, Crompton, Cutler, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershov, Hughes, Hunter, Irwin, Johnston, Levenson, Martin, Matthews, McClaskey, McDonald, McLale, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Simon, Smith, Stephens, Stewart, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—51.

#### RECESS.

At twelve o'clock and thirty-five minutes P. M., on motion of Mr. Coleman, the House took a recess till two o'clock P. M. this day.

#### REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

#### LEAVE OF ABSENCE.

Mr. Walrath was granted leave of absence until Monday morning.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

**MR. SPEAKER** Your Committee on Public Lands, on and after this date, do dispense with their clerk.

COOMBS, Chairman.

#### ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

**MR. PRESIDENT:** Your Committee on Rules and Regulations, to whom was referred the accompanying rule: Rule—The Assembly shall hold an evening session on each secular day of the week, excepting Saturday, commencing at seven o'clock and thirty minutes, which evening session shall be devoted exclusively to the consideration of the first and second reading files in their respective order as named—have had the same under consideration, and now report the same back, and recommend that it do pass.

SINON, Chairman.

Lost.

#### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

**MR. SPEAKER** Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 47—Relative to the mail service between the United States, New Zealand, and Australia

Also, Assembly Memorial—Relative to Assembly Concurrent Resolution No. 47—presented by the Board of Trade of San Francisco—and beg leave to report the same back, and recommend that it do pass.

McCLASKEY, Chairman.

#### ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

**MR. SPEAKER:** Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 393—An Act to create the County of Los Alamos, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and funds for its support by the issue of bonds, or otherwise, and to provide for taking the census of Santa Barbara County—have had the same under consideration, and have concluded to recommend that it do not pass, because the general bill now pending for the organization of counties, if passed, will accomplish its purpose. Accompanying this report are all the petitions for, remonstrances against, and other papers connected with the bills proposing to create the counties of Los Alamos and Orange, which were subject to our consideration.

HERSHEY, Chairman.

## ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

MR. SPEAKER Your Committee on State Hospitals, to whom was referred Assembly Bill No. 504, have had the same under consideration, and now report the same back, and recommend its passage.

CRUMPTON, Chairman.

## LEAVE OF ABSENCE.

Messrs. Coombs, Kerrick, Clement, Cutter, and McHale were granted leave of absence until Monday next, and Mr. Murdock until Tuesday.

## SPECIAL ORDER.

The special order for this hour, Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Read third time.

## CALL OF THE HOUSE.

Mr. Coleman moved a call of the House.

So ordered.

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

Messrs. Atwell, Barrv, Bibb, Booth, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Crumpton, Culver, Cutter, Dotv, Farlev, Field, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Heishev, Hollister, Hughes, Hunter, Iwin, Johnston, Keeler, Leveson, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—63.

Quorum present.

On motion of Mr. Wharton, further proceedings under the call of the House were dispensed with.

Mr. Coleman moved that the clerk be instructed to correct clerical errors and omissions in Assembly Bill No. 356.

So ordered.

Mr. Coleman moved that the further consideration of the bill be postponed till Monday next, at two o'clock P. M., and that it be recommitted to the Committee on Engrossment.

So ordered.

Mr. Matthews, pursuant to notice, moved to reconsider the vote whereby the House refused to adopt an amendment to Assembly Bill No. 448, allowing women to hold the office of District Attorney.

Mr. Campbell moved to lay the motion to reconsider upon the table.

Mr. Bibb, at three o'clock and twenty-five minutes P. M., moved that the House do now adjourn.

Lost.

The question being then on the motion to lay the motion to reconsider on the table, the ayes and noes being demanded, the roll was called, and it was so ordered by the following vote:

**AYES**—Messrs. Bibb, Campbell, Cary, Clark, Coleman, Crumpton, Doty, Field, Foitna, Hall, Harvey, Head, Healy, Hershey, Hugins, Hunter, Johnston, Lewison, Martin, Murphy, Storke, Terry, Townsend, and Mr. Speaker—24.

**NOES**—Messrs. Atwell, Barry, Carter, Culver, Flynn, Granger, Hamilton, Heath, Irwin, Keeler, Levenson, Matthews, McClaskey, McKinley, Peterson, Rawie, Simon, Stephens, Stewart, Weaver, and Yell—21.

#### REPORT OF A STANDING COMMITTEE.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled. Assembly Concurrent Resolution No. 16—"Relative to lapsed land grants to railroads, and their restoration to the public domain"—and the same was, at two o'clock and thirty minutes p. m., February twenty-fourth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 24, 1883.

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

Assembly Concurrent Resolution No. 31—Relative to the appointment of a commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Bigler.

Also, Senate Concurrent Resolution No. 18—Relative to the proposed repeal of the pre-emption laws of the United States, and instructing our Senators and Representatives in Congress to oppose such repeal.

Also, Senate Concurrent Resolution No. 5—Relative to the location of the eastern boundary line of the State of California.

A. T. VOGELSSANG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Concurrent Resolution No. 31—Referred to Committee on Enrollment.

Senate Concurrent Resolution No. 18—Referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 5—Referred to Committee on County Boundaries.

#### THIRD READING—(RESUMED).

Assembly Bill No. 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners."

Read third time.

Mr. Weaver moved that the further consideration of the bill be made a special order for Monday next, immediately after the consideration of Assembly Bill No. 356.

So ordered.

#### SECOND READING—(RESUMED).

Second reading of Assembly Bill No. 448—An Act to establish a

uniform system of county governments (introduced on behalf of the Committee on County and Township Governments)—resumed.

Mr. Campbell moved to amend section one hundred and sixty-five, by striking out of line six, all after the word "taxes" down to and including the word "commission," in line seven.

CALL OF THE HOUSE.

Mr. Atwell moved a call of the House.

So ordered.

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

Messrs Atwell, Barry, Bibb, Brown, Caminetti, Campbell, Carter, Clark, Crumpton, Culver, Doty, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, Matthews, McClaskey, McKinley, Murphy, Peterson, Rawle, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wheat, Yell, and Mr. Speaker.

Quorum present.

The question being then on the amendment by Mr. Campbell, it was lost.

Mr. Campbell gave notice that he would, on Monday, move to reconsider the vote whereby the House refused to adopt the amendment to section one hundred and sixty-five of Assembly Bill No. 448.

Mr. Campbell moved to amend section one hundred and sixty-five, by inserting after the word "use" in line five, the words "six per cent on personal property tax collected by him, as authorized in section three thousand eight hundred and twenty of the Political Code and."

Adopted.

Mr. Granger moved to amend section one hundred and sixty-five by inserting after the word "except," in line six, the word "that," and in line seven strike out the words "and such poll taxes."

Adopted.

Mr. Yell moved to amend in section one hundred and sixty-five by striking out of line nine the word "expenses" down to the word "for" in line ten.

Mr. Brown, at four o'clock and twenty-five minutes P. M., moved that the House do now adjourn.

The question being then on the amendment by Mr. Yell, the ayes and noes being demanded, the roll was called, and the amendment was adopted by the following vote:

AYES—Messrs. Atwell, Barry, Booth, Callaghan, Carter, Clark, Crumpton, Farley, Field, Flynn, Fortna, Granger, Hamilton, Head, Healy, Heath, Keeler, Lewison, Martin, McClaskey, McKinley, Murphy, Parker, Peterson, Rawle, Simon, Smith, Storke, Terry, Yell, and Mr. Speaker—31.

NOES—Messrs. Bibb, Caminetti, Campbell, Harvey, Hershey, Hunter, Irwin, Johnston, Plover, Stephens, Stewart, Townsend, and Wheat—13.

Mr. Johnston moved to amend, by striking out all of section one hundred and sixty-five.

ADJOURNMENT.

At four o'clock and forty minutes, Mr. Larue moved to adjourn.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Booth, Caminetti, Campbell, Carter, Clark, Coleman, Crumpton, Culver, Field, Fortna, Gaussail, Head, Healy, Heath, Hershey, Hunter, Irwin, Keeley, Martin, McClaskey, McKinley, Peterson, Rawle, Ryan, Stephens, Stewart, Storke, Terry, Wharton, Wheat, and Mr. Speaker—31.

NOES—Messrs. Atwell, Barry, Bibb, Callaghan, Farley, Flynn, Granger, Harvey, Johnston, Lewison, Murphy, Smith, Townsend, and Yell—14.

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## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, February 26, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs. Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Johnston, Keeley, Levenson, Lewison, Martin, Matthews, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wahath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, on motion of Mr. Caminetti, further reading was dispensed with.

Journal of Saturday approved.

### LEAVE OF ABSENCE.

Messrs. McHale, Atwell, and Hershey were granted leave of absence for this morning's session.

### SPECIAL ORDER.

Special order for this hour, Assembly Concurrent Resolution No. 47—Relative to the mail service between the United States, New Zealand, and Australia.

Adopted.

### REPORTS OF STANDING COMMITTEES.

#### ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly resolution introduced by Mr. Levenson, relative to fixed expenditures as authorized by law, now report progress.

Also, report a bill in obedience with said resolution, providing that certain offices, which the committee think can be abolished without any injury to the public service, should be abolished, and providing further that the salaries of a number of officers be reduced. When we take into

consideration the fact that officers of great responsibility, and whose duties are of grave importance—such as the Controller, Attorney-General, and Secretary of State—are paid three thousand dollars per annum, subordinate officers, whose duties are not so important nor so extensive, it seems to us should not be paid the same amount as is done now.

The committee has fixed a salary for each subordinate office, which it deems sufficient to secure competent men to perform the duties thereof.

Respectfully submitted.

CAMINETTI, Chairman.

ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have carefully examined Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers, and duties—and find it correctly engrossed

CALLAGHAN, Chairman.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER Your Committee on Agriculture have had under consideration Assembly Bill No. 502—An Act to establish a State Board of Silk Culture, and appropriate means for the expenses thereof—and recommend that it do pass.

DOTY, Chairman.

ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883

MR. SPEAKER Your Committee on Claims, to whom the relief bills of John Hoagland, Henry Menberger, James Reed, William B. Todhunter, and George Cooper were referred, report that said committee have had said bills under consideration, and have heard evidence as to whether said parties were damaged by reason of the change in the channel of the American River and the canal which was cut by the direction of the Levee Commissioners referred to in the resolution of reference of said bills, and that the premises occupied and claimed by each of said parties were, by the ex parte evidence submitted, damaged by reason of the said change in the channel of said American River and the said canal, and your committee believes, from the evidence which was offered before them, that all of said parties were damaged by reason of said canal; but to inquire into the extent of the damage which was done, and the title of said parties to the property so damaged, and then respective losses occasioned thereby, would require so much time as to seriously interfere with the other and necessary duties of the committee. Your committee, for these reasons, report said bills back, together with substitute bills, and recommend the substitute bills be adopted and passed. Your committee believe that if the substitute bills are adopted and passed that exact justice can, under the provisions, be done to said parties and to the State, which could not be reasonably expected from any investigation which the committee could, under the circumstances, make.

Also, your Committee on Claims, to whom was referred the relief bill of Mrs Rebecca C. Hoagland, have had the same under consideration, and find that her claim is for alleged damage done to her property by reason of the change in the channel of the American River and canal referred to in the report of the committee on the relief bills of John Hoagland and others the committee, therefore, report said bills back with a substitute bill, and recommend that the substitute bill be adopted and passed.

GRANGER, Chairman

REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER Your special committee, appointed with reference to the attachés and employés of the Assembly, respectfully report that there is no further use for clerks to the following committees Water Rights and Drainage, Public Morals, Corporations, Agriculture, Mines and Mining, Labor and Capital, Chinese Immigration and Emigration, Military Affairs, Constitutional Amendments, Rules, Agricultural and Mechanical and Mining Arts College, Mileage, Homestead and Land Monopoly—and therefore recommend that the clerks to said committees be discharged.

JOHNSTON, Chairman.

Adopted.

MR. SPEAKER Your special committee, appointed to investigate the affairs of the offices of the several attachés and employes of the Assembly, and to report the result of their labor and such recommendations as they may deem advisable to insure a faithful and economical administration therein, do herewith submit a partial report. They beg leave to say that they have

investigated the conduct of Charles Giffen, the Engrossing Clerk of the Assembly, and find that, on various requisitions on the Secretary of State, the Engrossing Clerk has drawn one hundred and sixty dollars' worth of stationery, including six Mark Twain scrap books, five hundred and fifty envelopes, letter size, two hundred and fifty envelopes, official size; three dozen Monmouth erasers, sixteen boxes fasteners, three reams legal cap paper, four and a half reams letter paper, five reams note paper, eight reams engrossing paper, thirty-one boxes pens, thirteen dozen pencils, besides a large amount of other articles more or less necessary to the duties of his office.

Your committee are unable to understand what duties he performs that requires the use of eight hundred envelopes, of five thousand nine hundred sheets of paper or of four thousand four hundred and sixty-four pens, or what crying demand the office has for five Mark Twain scrap books. They are led to conclude that many of the articles drawn were drawn for the personal profit of the Engrossing Clerk, and that one hundred and sixty dollars expended in stationery is an amount far in excess of the needs of the office.

Wherefore your committee would respectfully recommend that the office of Engrossing Clerk be declared vacant, and that this Assembly elect a suitable successor to the present incumbent, and your committee further recommend that said Giffen be ordered to return to the Secretary all articles drawn, save such as are necessary to the performance of the duties of Engrossing Clerk, and such articles be delivered to the successor to be elected.

JOHNSTON, Chairman.

From the above report I dissent, as I desire further time to investigate.

CRUMPTON, one of Committee.

#### RESOLUTIONS.

By Mr. Farley:

*Resolved*, That the Chief Clerk be and he is hereby ordered to compile a history of Assembly Bills and Concurrent and Joint Resolutions of the Twenty-fifth Session, and, further

*Resolved*, That two copies of such history be mailed to each Senator and Assemblyman also, four copies to State Library; and, further

*Resolved*, That the Controller draw his warrant in favor of the Chief Clerk for one hundred and seventy-five dollars, such sum to include payment for compilation and mailing.

Referred to Committee on Public Expenditures.

By Mr. Campbell:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of H. D. D'Ancona, shorthand reporter, in the sum of forty dollars, for work done in taking testimony, and also, his warrant in favor of the Western Union Telegraph Company for seven dollars and thirty cents, for telegraph messages, all in the matter of the investigation of charges against Judge Marcus P. Wiggan.

Adopted.

#### PETITIONS—(OUT OF ORDER).

By Mr. Wharton: From the citizens of Tule River, Tulare County, in relation to irrigation.

Referred to Committee on Irrigation.

#### NOTICE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1883.

MR. SPEAKER. I give notice that I will, on Wednesday, the twenty-eighth of February, eighteen hundred and eighty-three, move to take up from the table the resolution offered by Mr. Cutter on the twenty-fourth of February, allowing E. C. Dozier one thousand and twenty-seven dollars, and D. G. Barnes seven hundred and seventy-six dollars and thirty-six cents, respectively, and proceed to consider the same.

Respectfully,

M. R. LEVERSON

#### INTRODUCTION OF BILLS.

By Mr. Caminetti (for Committee on Public Expenditures and Accounts): An Act to amend sections two hundred and forty-five, two hundred and forty-six, two hundred and forty-eight, two

hundred and forty-nine, two hundred and sixty-eight, three hundred and forty-three, three hundred and eighty-five, three hundred and eighty-six, four hundred and eighteen, four hundred and nineteen, four hundred and thirty-nine, four hundred and forty, four hundred and fifty-six, four hundred and seventy-two, four hundred and eighty-five, five hundred and fourteen, five hundred and fifty-one, six hundred and twenty-eight, two thousand one hundred and thirteen, two thousand two hundred and sixty-nine, two thousand three hundred and two, two thousand three hundred and three, two thousand five hundred and fifty-two, and two thousand nine hundred and eighty-two, and to repeal section five hundred and fifteen of the Political Code, in relation to certain officers and their salaries.

Ordered placed on file without reference.

Also—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several counties to organize primary and grammar schools, and prescribe a course of study therefor.

Referred to Committee on Education.

Mr. Stephens moved to suspend the rules, for the purpose of considering Assembly Concurrent Resolution No. 34.

So ordered.

Also, Assembly Concurrent Resolution No. 34—Relating to the Board of Railroad Commissioners.

Adopted.

#### SPECIAL FILE—(PASSAGE).

Assembly Bill No. 128—An Act to divide the State into Assembly Districts and to provide for the election of Assemblymen therein.

Read third time on Friday, February twenty-third, and ordered reprinted.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Barry, Bibb, Bowers, Briceland, Callaghan, Campbell, Clark, Coleman, Crumpton, Doty, Faw, Field, Flynn, Fortna, Granger, Hall, Hamilton, Head, Healy, Hughes, Hunter, Irwin, Johnston, Leveison, Martin, Matthews, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Rowland, Simon, Stokes, Townsend, Wheat, Yell, and Mi Speaker—11.

**NOES**—Messrs. Booth, Brown, Caminetti, Carter, Culver, Cutter, Farley, Harvey, Hollister, Keele, Lewison, McKinley, Stephens, Stewart, Sweetland, Terry, Walrath, Weaver, and Whatton—19

Title approved.

Assembly Bill No. 1—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.

The Senate amendments thereto were read.

Mr. Johnston moved that the House concur in the Senate amendments, except those to sections two thousand six hundred and forty-three and two thousand seven hundred and thirty-six.

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

**AYES**—Messrs. Barry, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter,

Clark, Coleman, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—59.

Nones—None.

Mr. Johnston moved that the bill be transmitted to the Senate, and they be requested to recede from their amendments to sections two thousand six hundred and forty-three and two thousand seven hundred and thirty-six.

So ordered.

Mr. McClaskey gave notice that he would, to-morrow, move to reconsider the vote by which the House passed Assembly Bill No. 128.

### THIRD READING.

Assembly Bill No 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Read third time.

Mr. Campbell moved the previous question.

The question being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Crumpton, Cutter, Doty, Farley, Faw, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Rowland, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Weaver, Wheat, Yell, and Mr. Speaker—52.

NONES—Messrs. Barry, Brown, Culver, Field, Head, Levenson, Ryan, Storke, Townsend, Walrath, and Wharton—11.

### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bills Nos 92, 248, 238, and 455, have had the same under consideration, and now report the same back with a substitute for all, and recommend the passage of the substitute.

IRWIN, Chairman.

### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Irwin (for the Committee on Municipal Corporations): An Act to provide for the organization, incorporation, and government of municipal corporations.

Mr. Irwin moved that the bill be declared one of urgency, first reading dispensed with, and placed on the special file for second reading.

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

AYES—Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, O'Connor, Parker, Peterson, Rawle, Rowland, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—59.

Nones—None.

## REPORT OF SPECIAL COMMITTEE ON JUDGE WIGGIN.

MR. SPEAKER: The special committee appointed to investigate the charges against the Hon. Marcus P. Wiggin presented a report showing that the charges were sustained, and recommending that said Judge Wiggin be removed from office by concurrent resolution, adopted by a two-thirds vote of each House, as provided by the Constitution of the State of California, that after a hearing by the accused, that the following concurrent resolution be adopted:

*Resolved by the Assembly, the Senate concurring.* That Marcus P. Wiggin, a Judge of the Superior Court in and for the County of Mono, be and he is hereby removed from his said office of Judge of the Superior Court of the County of Mono.

Respectfully submitted.

JNO T. CAMPBELL, Chairman.  
F E. JOHNSTON,  
ARCHIBALD YELL.  
M. FARLEY,  
FRANK D. RYAN,  
Special Committee.

By Mr. Campbell:

*Resolved,* That three hundred and fifty copies of the report of the special committee appointed to investigate charges against Marcus P. Wiggin, Superior Judge, together with the testimony taken, be printed for the use of the Assembly.

Adopted.

## REPORT OF STANDING COMMITTEE.

The Committee on Corporations presented a report relative to the affairs of the late Board of Railroad Commissioners:

## REPORT OF COMMITTEE ON CORPORATIONS

ASSEMBLY CHAMBER, February 26, 1883.

*To the honorable the Assembly of the State of California.*

Your Committee on Corporations, which was instructed by Assembly Resolution No. 4 to make inquest into the official acts of the late retired Railroad Commissioners, in respect to certain subjects of inquiry, beg leave to report that they have pursued such inquiry as far as was possible in the limited amount of time at their disposal, that they have examined under oath all of the late Railroad Commissioners, and several other witnesses, and that all the testimony given has been taken down in shorthand and afterwards transcribed, and your honorable body is respectfully referred to such testimony for full information on all the subjects of inquiry pursued by your committee under your instructions.

In regard to the first inquiry, as to what portion of the time of the late retired Railroad Commissioners was devoted to the discharge of the duties of their office, and what portion was devoted to an established unofficial business other than the management of their personal and real estate, owned by them previous to their election, your committee report that but a very small portion of the time of any one of the Commissioners was devoted to the performance of the duties of their office—in the opinion of your committee, far less than they should have devoted to the study of the various railroad questions, and the redress of the various grievances that the people of this State complain of, and also, that Commissioner Beetstecher for over a year after his induction into office, pursued his profession, and that Commissioner Cone, besides being a member of the firm of Cone & Kimball at Red Bluff, was also Vice-President of the Tehama Bank, and President of the corporation known as the Sierra Lumber Company, and during his whole term gave a large portion of his time to the necessary duties of these employments, and that Commissioner Stoneman devoted most of his time to the management of his ranch near Los Angeles.

As to the second subject of inquiry, whether the Commissioners, or either of them, during their term of office, may have made any extraordinary acquisition of property, over and above the income of their salary, diminished by expenses of individual and family support, your committee report that in their opinion Commissioner Stoneman did not make any extraordinary acquisition of property, that Commissioner Cone made a large acquisition to his wealth, which was already great when he was elected Railroad Commissioner, and your committee believe that such acquisition of wealth was largely due to extraordinary and unusual facilities afforded by the railroad officers, and that Commissioner Cone in the purchase of thirty-four thousand acres of land for twenty-nine thousand dollars was made a privileged purchaser, and received from the railroad company facilities in this regard denied to other applicants for portions of the tract, and further, that the transaction by which the Gerke farm was purchased by Commissioner Cone in April, eighteen hundred and eighty-one, and sold in September of the same year to Nicholas Smith, the treasurer of the Southern Pacific Railroad Company, at a profit of one hundred thousand dollars, gives rise to the suspicion that more was contem-

plated in the purchase and sale than appears on the face of the transaction. As to Commissioner Beerstecher, your committee find that by general report, and in the opinion of his associates, he was without means at the time of his election, and his sudden acquisition of wealth while Commissioner was without adequate explanation. His failure to state by what means and through what agencies he brought the sum of seven thousand dollars from Michigan negatives his claim that he had such sum and his testimony shows such an utter lack of knowledge of his own affairs as to lead this committee to believe that he was attempting to conceal the mode of acquisition of his property, amounting, by his own confession, to the sum of twenty-two thousand dollars, and, in the opinion of this committee, to a much larger sum.

In regard to the third inquiry, whether the rates of railroad transportation in this State have been materially reduced, or any substantial relief has resulted to the oppressed industries thereof from any official acts of said Commissioners, your committee report that rates have not been materially reduced, and no substantial relief has been given to the industries of this State by any official acts of the Commissioners.

As to the fourth subject of inquiry, your committee report that Commissioners Cone and Beerstecher knew of and permitted both systematic and casual discrimination in charges and facilities for transportation between persons and places by railroad corporations in this State, and that through their conduct in permitting and upholding the same, Commissioner Stoneman was unable to accomplish a redress of such discriminations while Commissioner. Further, under this fourth subject of inquiry, your committee find that Commissioner Cone sacrificed the best interests of the State through personal friendship for Governor Stanford, and in return therefor received favors from him; and that Commissioner Beerstecher's conduct admits of no other explanation than that he was bribed, and that in the opinion of this committee Commissioners Cone and Beerstecher acted in the interests of the railroad corporations rather than of the people.

Your committee, while recognizing the endeavor of Commissioner Cone to reduce passenger rates of the railroad companies, regret that it was not attempted at an earlier period.

Further, your committee invite attention to the fact that action upon the reduction in passenger rates proposed by General Stoneman was deferred for over a year and a half by Commissioner Cone, through the personal solicitation of Governor Stanford, and that the endeavor of Commissioner Cone to effect the very same reduction came at so late a period as to defeat its own object.

Your committee further report that the late Commission did not obey the constitutional provision requiring them to prescribe a uniform system of keeping accounts by the railroad corporations, but permitted them to continue in use the system formerly used by each of them, thus allowing the existence of several different systems of keeping accounts, which were not intelligible to the Commissioners or any other persons but railroad employes and officers.

And further, your committee find that the late Board of Railroad Commissioners failed to properly investigate grievances and complaints laid before them, and discouraged the same by referring them to the railroad officials for investigation and explanation.

Your committee recommend that the testimony upon which this report is based be printed for the information of the House.

And your committee ask to be discharged from further consideration of the subject

BARRY, Chairman.

Mr. Clark was granted leave of absence till to-morrow, at two o'clock P. M.

W. Jobson (Page) was granted leave of absence for this afternoon.

Mr. Cutter moved that Senate Bill No. 50 be declared a case of urgency, and read first time by title.

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

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Clark, Coleman, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Harvey, Head, Healy, Heath, Hollister, Hughes, Hunter, Irwin, Johnstou, Keeler, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, O'Connor, Parker, Peterson, Rawle, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wahath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—56

NOES—Messrs. Barry, Carter, and Hamilton—3

#### FIRST READING.

Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Read first time, and ordered to second reading.

## CONCURRENT RESOLUTIONS—(OUT OF ORDER).

By Mr. Caminetti: In relation to the destruction of forests, and instructing the State Mineralogist to draft laws as may be deemed necessary, and report to the Legislature of California, twenty-sixth session.

Referred to Committee on Forestry.

By Mr. Granger: Requiring the State Board of Examiners to examine into the claim of Esther H. Dennis, the widow, and the other heirs of Wm E. Dennis, deceased, and to report thereon to the Legislature at its next session.

Adopted.

## RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess until two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

## RESOLUTION—(OUT OF ORDER).

By Mr. Simon:

WHEREAS, We are informed by the Chairman of the Committee on Constitutional Amendments that said committee still has need of a clerk, therefore,

Resolved, That Miss Sallie McKim is hereby appointed clerk of that committee, at the same per diem as other committee clerks.

Adopted.

## SPECIAL ORDERS.

Mr Johnston moved to postpone the special order for this hour, the consideration of Assembly Bill No. 356, till three o'clock P. M. this day.

So ordered

Assembly Bill No 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners."

Read third time Saturday, and made a special order for two P. M this day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Barry, Booth, Brice land, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Doty, Faw, Field, Fleming, Flynn, Granger, Hamilton, Harvey, Head, Heath, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McKinley, Moffitt, Nicol, Parker, Peterson, Royland, Ryan, Stoike, Terry, Townsend, Wabath, Weaver, Wheat, Yell, and Mr Speaker—43.

NOES—Messrs Bibb, Bowers, Callaghan, Coombs, Crumpton, Culver, Fortna, Hall, Healy, Hughes, Leverson, McDonald, Murphy, O'Connor, Plover, Simon, Smith, Stephens, Stewart, Sweetland, and Wharton—21.

Title approved.

Mr. Flynn gave notice that he would, to-morrow, move to reconsider the vote whereby the House passed Assembly Bill No. 331.

SECOND READING.

Consideration of Assembly Bill No. 448—An Act to establish a uniform system of county governments (introduced on behalf of the Committee on County and Township Governments)—resumed.

Mr. Sweetland moved to strike out section one hundred and sixty-five

Lost.

Mr. Sweetland, pursuant to notice given, moved to reconsider the vote by which Mr. Campbell's amendment to section one hundred and sixty-five was lost.

Lost.

Mr. Caminetti moved to amend section one hundred and sixty-five, by striking out of line ten the word "the" where it last occurs, and substitute in lieu thereof the word "for."

Adopted.

Mr. Irwin moved to amend section one hundred and sixty-six to read as follows:

*Section 166.* The several Sheriffs, Clerks, Recorders, Auditors, Treasurers, District Attorneys, Tax Collectors, Assessors, and Superintendents of Schools of the several counties of this State, shall charge and collect for the use of their respective counties, and pay into the county treasury, on the first Monday in each month, the fees now or hereafter allowed by law, in all cases, except the percentage hereinbefore allowed such officers, and excepting also such fees as are a charge against the county.

Adopted.

Mr. Brown moved to amend section one hundred and seventy as follows: Amend after the word "month," line five, by inserting the following:

*Provided,* however, that one half of the annual salary of the Assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and the remaining one half in equal monthly installments for the remaining eight months of the year.

Adopted.

Mr. Coleman called up the special order for this hour, Assembly Bill No. 356

Mr. Johnston moved to postpone the special order till Thursday next, at three o'clock P. M.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

*Ayes*—Messrs. Booth, Breeland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crompton, Culver, Faw, Field, Fleming, Granger, Hamilton, Harvey, Head, Heath, Hollister, Irwin, Johnston, Keeler, Kenick, Lewison, Martin, McClaskey, McKinley, Parker, Peterson, Ryan, Stephens, Storke, Terry, Townsend, Walrath, Weaver, Wharton, and Wheat—39.

*Noes*—Messrs. Bary, Bibb, Bowers, Callaghan, Coleman, Cutter, Doty, Flynn, Fortna, Gaussall, Hall, Healy, Hughes, Hunter, Levenson, Matthews, McDonald, Moffitt, Murphy, Nicol, O'Connor, Plover, Rhiel, Rowland, Simon, Smith, Stewart, Yell, and Mr. Speaker—29.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 26, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of February, adopted the following resolutions:

Assembly Concurrent Resolution No. 48—Relative to the contest now existing between the Los Bolsas land grant and two hundred settlers under the Rancho Santiago de Santa Ana, as to the boundaries between said grants

Senate Concurrent Resolution No. 19—Relative to supplying the members of the late Constitutional Convention with copies of the debates of that body which are now lying in the office of the Secretary of State

Senate Concurrent Resolution No. 13—Relative to bills now pending in the Congress of the United States having for their object the transfer of the revenue cutter service from the Treasury to the Navy Department and the establishment of a Bureau of Mercantile Marine.

A. T. VOGELSONG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Concurrent Resolution No. 48—Referred to Committee on Enrollment.

Senate Concurrent Resolution No. 19—Referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 13—Referred to Committee on Federal Relations.

#### LEAVE OF ABSENCE.

Mr. Coleman was granted leave of absence till Wednesday next, at two o'clock P. M.

#### INTRODUCTION OF A BILL—(OUT OF ORDER).

By Mr. Stephens: An Act to prevent the destruction of navigable streams and private property by hydraulic mining.

Referred to Committee on Commerce and Navigation.

Consideration of Assembly Bill No. 448 resumed.

Mr. Johnston moved to amend section one hundred and seventy-two, by striking out of line three the words "as in the succeeding section provided," and insert in lieu thereof the words "in cases on habeas corpus and for naturalization."

Adopted.

Mr. Johnston moved to amend section one hundred and seventy-seven, by adding after the words "habeas corpus," the words "or naturalization."

Adopted.

Mr. Harvey moved to amend section one hundred and seventy-nine as follows: Amend line twelve, by adding words "poorhouses" after the word "hospitals," in said line of subdivision six.

Adopted.

Mr. Granger moved to amend section one hundred and eighty as follows: In line two after the word "indictment," insert "or information."

Mr. Townsend moved to add a new section, to be known as section one hundred and eighty-two, and that the three following sections be known as sections one hundred and eighty-three, one hundred and eighty-four, and one hundred and eighty-five respectively.

Section 182. Any provision of this Act creating a county office in any county shall not (except for election purposes) take effect prior to the first Monday after the first day of January, eighteen hundred and eighty-five.

Lost.

Mr. Granger moved to amend section one hundred and eighty-two, by adding thereto as follows:

*Provided, That the salaries of Assessors and Superintendents of Schools herein fixed shall take effect on the first Monday after the first day of January, eighteen hundred and eighty-seven.*

Mr. Irwin moved the following substitute for section one hundred and eighty-two:

Section 182 The provisions of this Act, so far as it relates to the fees and salaries of all officers named, except Justices of the Peace, shall not affect the present incumbents; *provided, that where the salary of any such officer, or fees in lieu of such salary, is not now fixed by law, the same shall, as to such officer, take effect immediately: and provided further,* that the provisions of section six of this Act shall take effect on the first day of January, eighteen hundred and eighty-four.

Adopted.

Mr. Johnston moved to rescind the vote by which the House refused to adopt the amendment by Mr. Townsend, by adding a new section, to be known as section one hundred and eighty-two.

So ordered.

The amendment was then adopted.

Mr. Johnston moved to reconsider the vote whereby lines five, six, and seven, section one hundred and sixty-three, were stricken out.

So ordered.

Mr. Flynn moved to amend section one hundred and sixty-three, by striking out lines five, six, and seven, and insert in lieu thereof the following: "All counties containing a population of one hundred thousand inhabitants and over, which shall have been or may be consolidated with a city, shall belong to and be known as counties of the first class."

Adopted.

Mr. Flynn moved to amend section eighteen, by adding after line four, the following: "The officers of a consolidated city and county are such as are or may be provided for by the Act by virtue of which they become consolidated. The powers and duties of such officers shall be such as are provided by the law by virtue of which the city and county is consolidated."

Adopted.

Mr. Johnston moved to amend section one hundred and sixty-three, by striking out of line nine the words "to wit."

Adopted.

Mr. Johnston moved to amend section one hundred and sixty-three, as follows: Strike out in line eight of printed bill the words, "and under one hundred thousand," and insert before the word "fifty," the word "over."

Lost.

Mr. Johnston moved to amend section one hundred and sixty-three as follows: Line twelve, strike out the words "to wit: the County of Santa Clara." Strike out lines fourteen, fifteen, and sixteen, and insert.

Counties containing a population of thirty-four thousand, and under thirty-five thousand, shall belong to and be known as counties of the fourth class.

Adopted.

Strike out commencing with line seventeen, page thirty-nine, printed bill, down to and including line one hundred and sixteen, page forty-two, and insert as follows:

Counties containing a population of thirty thousand, and under thirty-four thousand, shall belong to and be known as counties of the fifth class.

### Adopted

Counties containing a population of twenty-five thousand, and under thirty thousand inhabitants, shall belong to and be known as counties of the sixth class

### Adopted.

Counties containing a population of twenty-one thousand, and under twenty-five thousand, shall belong to and be known as counties of the seventh class.

### Adopted.

Counties containing a population of twenty thousand, and under twenty-one thousand, shall belong to and be known as counties of the eighth class.

### Adopted.

Counties containing a population of eighteen thousand five hundred, and under twenty thousand, shall belong to and be known as counties of the ninth class.

### Adopted.

Counties containing a population of sixteen thousand, and under eighteen thousand five hundred, shall belong to and be known as counties of the tenth class.

### Adopted.

Counties containing a population of fifteen thousand, and under sixteen thousand, shall belong to and be known as counties of the eleventh class

### Adopted.

Counties containing a population of fourteen thousand, and under fifteen thousand, shall belong to and be known as counties of the twelfth class.

### Adopted.

Counties having a population of thirteen thousand two hundred, and under fourteen thousand, shall belong to and be known as counties of the thirteenth class.

### Adopted.

Counties having a population of thirteen thousand, and under thirteen thousand two hundred, shall belong to and be known as counties of the fourteenth class.

### Adopted.

Counties having a population of twelve thousand eight hundred and one, and under thirteen thousand, shall belong to and be known as counties of the fifteenth class.

### Adopted.

Counties having a population of twelve thousand seven hundred and fifty, and under twelve thousand eight hundred and one, shall belong to and be known as counties of the sixteenth class.

### Adopted.

Counties having a population of twelve thousand, and under twelve thousand seven hundred and fifty, shall belong to and be known as counties of the seventeenth class.

Adopted.

Counties having a population of eleven thousand five hundred, and under twelve thousand, shall belong to and be known as counties of the eighteenth class.

Adopted.

Counties having a population of eleven thousand three hundred and fifty, and under eleven thousand five hundred, shall belong to and be known as counties of the nineteenth class.

Adopted.

Counties having a population of eleven thousand three hundred, and under eleven thousand three hundred and fifty, shall belong to and be known as counties of the twentieth class.

Adopted.

Counties having a population of eleven thousand, and under eleven thousand three hundred, shall belong to and be known as counties of the twenty-first class.

Adopted.

Counties having a population of ten thousand, and under eleven thousand, shall belong to and be known as counties of the twenty-second class.

Adopted.

Counties having a population of nine thousand three hundred, and under ten thousand, shall belong to and be known as counties of the twenty-third class.

Adopted.

Counties having a population of nine thousand one hundred, and under nine thousand three hundred, shall belong to and be known as counties of the twenty-fourth class.

Adopted.

Counties having a population of nine thousand, and under nine thousand one hundred, shall belong to and be known as counties of the twenty-fifth class.

Adopted.

Counties having a population of eight thousand seven hundred and fifty, and under nine thousand, shall belong to and be known as counties of the twenty-sixth class.

Adopted.

Counties having a population of eight thousand six hundred and fifty, and under eight thousand seven hundred and fifty, shall belong to and be known as counties of the twenty-seventh class.

Adopted.

Counties having a population of eight thousand six hundred and fifteen, and under eight thousand six hundred and fifty, shall belong to and be known as counties of the twenty-eighth class.

Adopted.

Counties having a population of eight thousand six hundred and ten, and under eight thousand six hundred and fifteen, shall be known as counties of the twenty-ninth class.

Adopted.

Counties having a population of seven thousand eight hundred, and under eight thousand, shall belong to and be known as counties of the thirtieth class.

Adopted.

Counties having a population of seven thousand five hundred, and under seven thousand eight hundred, shall belong to and be known as counties of the thirty-first class.

Adopted.

Counties having a population of seven thousand, and under seven thousand five hundred, shall belong to and be known as counties of the thirty-second class.

Adopted.

Counties having a population of six thousand six hundred, and under seven thousand, shall belong to and be known as counties of the thirty-third class.

Adopted.

Counties having a population of six thousand five hundred, and under six thousand six hundred, shall belong to and be known as counties of the thirty-fourth class.

Adopted.

Counties having a population of six thousand, and under six thousand five hundred, shall belong to and be known as counties of the thirty-fifth class.

Adopted.

Counties having a population of five thousand six hundred, and under six thousand, shall belong to and be known as counties of the thirty-sixth class.

Adopted.

Counties having a population of five thousand three hundred, and under five thousand six hundred, shall belong to and be known as counties of the thirty-seventh class.

Adopted.

Counties having a population of five thousand, and under five thousand three hundred, shall belong to and be known as counties of the thirty-eighth class.

Adopted.

Counties having a population of four thousand five hundred, and under five thousand, shall belong to and be known as counties of the thirty-ninth class.

Adopted.

Counties having a population of four thousand three hundred and fifty, and under four thousand five hundred, shall belong to and be known as counties of the fortieth class.

Adopted.

Counties having a population of four thousand, and under four thousand three hundred and fifty, shall belong to and be known as counties of the forty-first class.

## Adopted.

Counties having a population of three thousand, and under four thousand, shall belong to and be known as counties of the forty-second class.

## Adopted.

Counties having a population of two thousand six hundred, and under three thousand, shall belong to and be known as counties of the forty-third class.

## Adopted.

Counties having a population of two thousand, and under two thousand six hundred, shall belong to and be known as counties of the forty-fourth class.

## Adopted.

Counties having a population under two thousand shall belong to and be known as counties of the forty-fifth class

## Adopted.

Mr. Flynn moved to amend section one hundred and sixty-four, as follows: Strike out the word "county" in line one, between the words "the" and "officers;" also, strike out in lines two and three the words "the following salaries, to wit;" also; insert after the word "officer," in line two, the words "the salaries fixed by the organic law thereof."

## Adopted.

Mr. Cary moved to insert in the blanks as salaries of officers of counties of the second class, as follows:

County Clerk, thirteen thousand dollars per annum.  
 Sheriff, fifteen thousand dollars per annum  
 Recorder, ten thousand dollars per annum.  
 Auditor, two thousand dollars per annum  
 Treasurer, four thousand five hundred dollars per annum.  
 Tax Collector, eight thousand dollars per annum.  
 Assessor, fourteen thousand dollars per annum.  
 District Attorney, six thousand five hundred dollars per annum.  
 Coroner, such fees as are now or hereafter may be allowed by law.  
 Public Administrator, such fees as are now or hereafter may be allowed by law.  
 Superintendent of Schools, two thousand four hundred dollars per annum.  
 Surveyor, such fees as are now or hereafter may be allowed by law.  
 Justices of the Peace, such fees as are now or hereafter may be allowed by law.  
 Constables, such fees as are now or hereafter may be allowed by law.  
 Supervisors, one thousand dollars each per annum.

## Adopted.

Mr. Townsend moved to amend section one hundred and sixty-four, as follows: Strike out of line sixty, the words "six thousand nine hundred," and insert the words "seven thousand five hundred."

## Adopted.

Also, line sixty-six, strike out the word "five," and insert "six."

## Adopted.

Also, line sixty-eight, add the words "dollars per annum."

## Adopted.

Also, line seventy-three, add the words "such fees as are now or may hereafter be allowed by law."

## Adopted.

Also, line seventy-nine, strike out the words "in any one month," where it occurs in line seventy-nine.

## Adopted.

Also, line eighty-four, strike out the words "seventy-five," and insert the words "one hundred."

Adopted.

Also, line eighty-six, strike out the words "and fifteen cents per mile necessarily traveled in going only from their residence to the county seat."

Adopted.

Mr. Moffitt moved to fill blanks from line one hundred and eighteen to one hundred and forty-three, as follows:

In counties of the fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, salaries, to wit:

1. The County Clerk, nine thousand six hundred dollars per annum.
2. The Sheriff, twelve thousand five hundred dollars per annum.
3. The Recorder, nine thousand dollars per annum.
4. The Auditor, one thousand eight hundred dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand eight hundred dollars per annum.
7. The Assessor, nine thousand dollars per annum.
8. The District Attorney, three thousand six hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed, but they shall receive compensation for all services rendered by them as such during their official terms, without reference to the aggregate amount thereof, any law to the contrary notwithstanding.
14. Constables, such fees as are now or hereafter may be allowed, but they shall receive compensation for all services rendered by them as such during their official terms, without reference to the aggregate amount thereof, any law to the contrary notwithstanding.
15. Supervisors, five dollars per diem and mileage.

Adopted.

Mr. Campbell moved to amend, by inserting in line one hundred and nineteen, after the word "clerk," the words "fifty-five hundred."

Adopted.

Also, amend by inserting in line one hundred and twenty, printed bill, after the word "Sheriff" the words "sixty-six hundred." Also, after the word "annum," same line, add the following:

For traveling expenses, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property to levy an execution, to post notice of sale, to sell property under execution, or other order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property in executing a writ of habeas corpus or collecting taxes, *provided*, that if any two or more papers be required to be served in the same suit at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service for each mile necessarily traveled by the most practicable route, in going only, twenty cents

Adopted.

Also, amend by inserting in line one hundred and twenty-one, after the word "Recorder," the words "forty-five hundred."

Adopted.

Also, amend by inserting in line one hundred and twenty-two, after the word "Auditor," the words "one thousand."

Adopted.

Also, amend by inserting in line one hundred and twenty-three, after the word "Treasurer," the words "twenty-four hundred."

Adopted.

Also, amend by inserting in line one hundred and twenty-four, after the word "Collector," the words "twelve hundred."

Adopted.

Also, amend by inserting in line one hundred and twenty-five, after the word "Assessor," the words "thirty-four hundred." Also, in same line, after the word "annum," the following: "And he shall also receive fifteen per cent on all poll taxes, and six per cent on all personal property taxes collected by him."

Adopted.

Also, amend by inserting in line one hundred and twenty-six, printed bill, after the word "attorney," the words "three thousand."

Adopted.

Also, amend by inserting in line one hundred and twenty-seven, printed bill, after the word "Coroner," the following: "such fees as are now or hereafter may be allowed by law."

Adopted.

Also, amend by inserting in line one hundred and twenty-nine, printed bill, after the word "Administrator," the following: "such fees as are now or hereafter may be allowed by law."

Adopted.

Also, amend by inserting in line one hundred and thirty-one, printed bill, after the word "schools," the words "eighteen hundred."

Adopted.

Also, amend by inserting in line one hundred and thirty-two, printed bill, after the word "Surveyor," the following: "such fees as are now or may hereafter be allowed by law."

Adopted.

Also, amend by inserting in line one hundred and thirty-four, printed bill, page forty-six, after the word "Peace," the following: "such fees as are now or may hereafter be allowed by law."

Adopted.

Also, amend by inserting in line one hundred and thirty-seven, printed bill, after the word "Constables," the following: "such fees as are now or may hereafter be allowed by law."

Adopted.

Also, amend by inserting in line one hundred and forty, printed bill, after the word "Supervisors," the following:

For all services required of them by law or by virtue of their office, must be allowed six dollars per diem, and twenty cents per mile in traveling to and from the place of their residence to the Court House; *provided*, that only one mileage must be allowed at each term; and *provided further*, that no Supervisor must be allowed more than one day's pay for any one day by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause, *provided*, that in no case must the per diem of the Supervisors exceed five hundred dollars each in one year.

Adopted.

Mr. Johnston moved to amend line one hundred and seventy-two as follows: strike out the word "seventh," and insert "eighth."

Adopted.

Mr. Lewison moved to amend section one hundred and sixty-four, line one hundred and seventy-seven, to read: "3. The Recorder, three thousand six hundred dollars per annum;" line one hundred and eighty-one, to read: "the Assessor, eight thousand dollars per annum."

Adopted.

Mr. Granger moved to insert in line —, section —, as follows:

- 1 Clerk, four thousand dollars per annum.
- 2 Sheriff, nine thousand dollars per annum.
- 3 Recorder, two thousand five hundred dollars per annum.

4. Auditor, one thousand five hundred dollars per annum.
5. Treasurer, two thousand four hundred dollars per annum.
6. Tax Collector, one thousand dollars per annum.
7. Assessor, six thousand dollars per annum.
8. District Attorney, three thousand dollars per annum.
9. Coroner, legal fees.
10. Public Administrator, legal fees.
11. Superintendent of Schools, one thousand eight hundred dollars per annum.
12. Surveyor, legal fees.
13. Justices of the Peace, legal fees.
14. Constable, legal fees.
15. Supervisors, nine hundred dollars each (no mileage) per annum.

Adopted.

Mr. Weaver moved to fill the blanks in counties of the eleventh class as follows:

1. County Clerk, three thousand two hundred dollars per annum.
2. Sheriff, six thousand dollars per annum.
3. Recorder, two thousand five hundred dollars per annum.
4. Auditor, seven hundred dollars per annum.
5. Treasurer, two thousand dollars per annum.
6. Tax Collector, two thousand dollars per annum.
7. Assessor, five thousand dollars per annum.
8. District Attorney, one thousand eight hundred dollars per annum.
9. Coroner, such fees as are now or hereafter may be allowed by law.
10. Public Administrator, such fees as are now or hereafter may be allowed by law.
11. Superintendent of Schools, one thousand five hundred dollars per annum.
12. Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, each the sum of five hundred dollars per annum, and actual mileage not to exceed in any one year the sum of one hundred dollars.

Adopted.

Mr. Crumpton moved to fill in the blanks in counties of the fourteenth class (Colusa), as follows.

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, eight thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand eight hundred dollars per annum.
5. The Treasurer, two thousand one hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, five thousand dollars per annum.
8. The District Attorney, two thousand one hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, the fees that are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, each the sum of six dollars per day for actual services.

Adopted.

Mr. Heath moved to fill in the blanks in counties of the fifteenth class (Santa Cruz), as follows:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, six hundred dollars per annum.
7. The Assessor, one thousand eight hundred dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are allowed by law.
10. The Public Administrator, such fees as are allowed by law.

11. The Superintendent of Schools, six hundred dollars per annum.
12. The Surveyor, such fees as are allowed by law
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, four hundred dollars each per annum.

Adopted.

Mr. Johnston moved to amend line two hundred and sixty-four as follows: Strike out the word "twelfth" and insert the word "thirteenth."

Adopted.

Mr. Johnston moved to amend line three hundred and seven as follows: Strike out the words "fifteen hundred" and insert the words "two thousand," and in line three hundred and nine strike out all after the word "Administrator" in that line, and insert the words "such fees as are now or hereafter may be allowed by law"

Adopted.

#### REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled: Assembly Concurrent Resolution No 31—Relative to the appointment of a commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Bigler—and the same was, at three o'clock and twenty minutes P. M., February twenty-sixth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Irwin: An Act creating the office of Code Commissioner, to provide for his appointment, establishing his term of office, and fixing his compensation.

Referred to Judiciary Committee.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 26, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, at the request of the Assembly, receded from its amendments to Assembly Bill No. 1, to wit: First, article three, section two, line twenty-eight, page five, of printed bill, and second, article eight, section two thousand seven hundred and thirty-six, line one, page sixteen, of printed bill, and reinserted the words "public highways," as requested.

A. T. VOGELSAAG, Assistant Secretary

#### NOTICES.

Mr. Storke gave notice that he would, to-morrow, move to reconsider the vote by which the House passed Assembly Bill No. 128.

Mr. Coombs gave notice that he would, to-morrow, move to reconsider the vote whereby Assembly Bill No 356 was made a special order for Thursday next, at three o'clock P. M.

#### RECESS.

At five o'clock and fifteen minutes P. M., on motion of Mr. Bibb, the House took a recess until seven o'clock and thirty minutes this evening.

## REASSEMBLED.

The House reassembled.  
 Speaker Larue in the chair.  
 Quorum present.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 26, 1883.

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

Senate Bill No. 112—An Act for the relief of James Saulty for personal injuries received by him while in the service of the State.

Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

And laid upon the table Assembly Concurrent Resolution No. 3—Relative to the revision of the tariff laws by the Congress of the United States of America.

A. T. VOGELSANG, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 112—Referred to Committee on Claims

Senate Bill No. 211—Referred to Committee on Municipal Corporations.

Consideration of Assembly Bill No. 448—An Act to establish a uniform system of county governments (introduced on behalf of the Committee on County and Township Governments)—resumed.

Mr. Yell moved to fill in the blanks in lines three hundred and seventy-one to and including line three hundred and ninety-eight, as follows:

1. County Clerk, two thousand five hundred dollars per annum.
2. Sheriff, seven thousand dollars per annum.
3. Recorder, two thousand four hundred dollars per annum.
4. Auditor, five hundred dollars per annum.
5. Treasurer, one thousand eight hundred dollars per annum.
6. Tax Collector, five hundred dollars per annum.
7. Assessor, four thousand five hundred dollars per annum.
8. District Attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.
9. Colonel, such fees as are now or hereafter may be allowed by law.
10. Public Administrator, such fees as are now or hereafter may be allowed by law.
11. Superintendent of Schools, one thousand five hundred dollars per annum.
12. Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Supervisors, five hundred dollars each per annum.
15. Constables, such fees as are now or hereafter may be allowed by law, *provided*, that for every mile necessarily traveled in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate, or to prison, or for mileage in any criminal case or proceeding, *provided further*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, twenty-five cents in going only.

Adopted.

Mr. Carter moved to fill in the blanks in line four hundred and two, to and including line four hundred and twenty-six, as follows:

1. County Clerk, three thousand dollars per annum
2. Sheriff, five thousand dollars per annum.
3. Recorder, two thousand five hundred dollars per annum.
4. Auditor, one thousand dollars per annum
5. Treasurer, one thousand five hundred dollars per annum.
6. Tax Collector, one thousand two hundred dollars per annum.

7. Assessor, three thousand two hundred and fifty dollars per annum, to include cost of all necessary maps.

8. Coroner, such fees as are now or may be hereafter allowed by law.
9. Public Administrator, such fees as are now or may hereafter be allowed by law.
10. Superintendent of Schools, one thousand five hundred dollars per annum.
11. Surveyor, such fees as are now or hereafter may be allowed by law.
12. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
13. Constables, such fees as are now or hereafter may be allowed by law.
14. Supervisors, three hundred dollars per annum each, without mileage.

Adopted.

Mr. Hershey moved to fill the blanks in line four hundred and thirty to and including line four hundred and fifty-four, as follows:

1. County Clerk, three thousand dollars per annum.
2. Sheriff, five thousand dollars per annum.
3. Recorder, three thousand dollars per annum.
4. Auditor, eight hundred dollars per annum.
5. Treasurer, two thousand dollars per annum.
6. Tax Collector, one thousand dollars per annum.
7. Assessor, two thousand four hundred dollars per annum.
8. District Attorney, two thousand dollars per annum.
9. Coroner, such fees as are now or hereafter may be allowed by law.
10. Public Administrator, such fees as are now or hereafter may be allowed by law.
11. Superintendent of Schools, one thousand five hundred dollars per annum.
12. Surveyor, such fees as are now or hereafter may be allowed by law.
13. Constables, such fees as are now or hereafter may be allowed by law.
14. Supervisors, three hundred dollars per annum, together with mileage at the rate of ten cents per mile, at each regular session of the Board, for each mile traveled in going only.

Adopted.

Mr. Caminetti moved to amend as follows:

In counties of the nineteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, four thousand two hundred and fifty dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, one thousand eight hundred dollars per annum.
8. The District Attorney, one thousand four hundred dollars; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other charges are allowed by law.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, six hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law and such sum as the Supervisors may deem just for services rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law. *provided*, that no greater sum than six dollars be allowed thereof in any one case.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, four hundred dollars per annum. *provided*, that when a member is absent, unless in case of sickness, during the whole of a regular or special meeting of the Board of Supervisors, or Board of Equalization, or Canvassers, no salary shall be paid him for the month during which said regular or special meeting may be held. *and provided further*, that when a member is absent, unless in case of sickness, during a portion of a regular or special meeting of either of said Boards, the sum of twelve and fifty one hundredths dollars shall be deducted from his salary, for the month during which said regular or special meeting may be held, for each day's absence. The Auditor, before drawing his warrant for the salary of Supervisors, shall ascertain from the minutes of the Board if any have absented themselves from the sessions thereof, and if any have, make the reduction as hereinbefore provided.

Adopted.

Mr. Cutter moved to amend section one hundred and sixty-four as

follows: By striking out lines five hundred and twenty-one to five hundred and forty-eight, both inclusive, and inserting in lieu thereof the following:

In counties of the twenty-first class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salary, or fees, or both, now allowed, or that hereafter may be allowed them by law respectively.

Adopted.

Mr. Storke moved the following substitute for lines five hundred and seventy-seven to six hundred and four, inclusive:

In counties of the twenty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, eighteen hundred dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, eighteen hundred dollars per annum.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, twelve hundred dollars per annum.
7. The Assessor, twenty-five hundred dollars per annum.
8. The District Attorney, twelve hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, two hundred dollars per annum.
11. The Superintendent of Schools, twelve hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, the amount of fees earned by them in criminal cases, together with the fees collected by them in civil cases, and paid into the county treasury, to be allowed and paid in the same manner as other county charges; *provided*, that no one Justice of the Peace shall be paid in any one month more than one hundred dollars, nor more than twelve hundred dollars in any one year.
14. Constables, an amount not greater than the amount of fees earned by them for performing criminal services, together with the fees collected by them and paid into the county treasury, to be allowed and paid in the same manner as other county charges; *provided*, that no one Constable shall receive in any one month more than seventy-five dollars, nor more than nine hundred dollars in any one year.
15. Supervisors, three hundred dollars each per annum, and twenty cents per mile necessarily traveled in going only from their residence to the county seat.

Adopted.

Mr. Hollister moved to fill in blanks in the twenty-fourth class by inserting the following:

1. County Clerk, two thousand four hundred dollars per annum.
2. County Sheriff, four thousand five hundred dollars per annum.
3. County Recorder, one thousand eight hundred dollars per annum.
4. County Auditor, one thousand dollars per annum.
5. County Treasurer, one thousand two hundred dollars per annum.
6. County Tax Collector, one thousand dollars per annum.
7. County Assessor, two thousand four hundred dollars per annum.
8. District Attorney, one thousand two hundred dollars per annum.
9. County Coroner, fees as may be allowed by law.
10. Public Administrator, such fees as may be allowed by law.
11. Superintendent of Schools, one thousand dollars per annum.
12. County Surveyor, fees as may be allowed by law.
13. Justices of the Peace, fees as may be allowed by law.
14. Constables, fees as may be allowed by law.
15. Supervisors, four hundred dollars per annum, and twenty-five cents per mile as mileage in traveling to and from his residence to the county seat in attending to regular sessions of the Board, providing that but one mileage shall be charged at each regular session.

Adopted.

Mr. Wheat moved to fill in blanks in the twenty-fifth class, by inserting the following:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, four thousand three hundred dollars per annum.
3. The Recorder, one thousand two hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, one thousand nine hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum, and for every conviction twenty-five dollars, to the amount of five hundred dollars, and no more; if any more, goes to the county.
9. The Coroner shall receive the fees allowed by law.
10. The Public Administrator shall receive the fees allowed by law.
11. The Superintendent of Schools, four hundred dollars per annum.
12. The Surveyor shall receive the fees allowed by law.
13. Justices of the Peace shall receive the fees allowed by law.
14. Constables shall receive the fees allowed by law.
15. Supervisors shall receive five dollars per day for their services each, but not to exceed four hundred dollars per annum each one.

Adopted.

Mr. Johnston moved to fill in blanks in counties of the twenty-sixth class, as follows:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, nine hundred dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, three thousand two hundred dollars per annum.
8. The District Attorney, two thousand four hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand two hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five dollars per day, and mileage at the rate of ten cents per mile in going to the place of meeting of the Board; *provided*, that only one mileage at one term of the Board shall be allowed.

Adopted.

Mr. Parker moved to fill in the blanks in counties of the twenty-eighth class, as follows:

1. The Sheriff, six thousand five hundred dollars per annum.
2. The County Clerk, three thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Assessor, three thousand dollars per annum.
7. The District Attorney, one thousand five hundred dollars per annum.
8. The Tax Collector, one thousand two hundred dollars per annum.
9. The Superintendent of Schools, one thousand two hundred dollars per annum.
10. The Coroner, three hundred dollars per annum.
11. The Public Administrator, three hundred dollars per annum.
12. The County Surveyor, the compensation now allowed by law in same counties.
13. Supervisors, five dollars per day, but not to exceed five hundred dollars each per annum, and twenty-five cents per mile in going from their residence to the county seat, at each meeting of the Board.
14. Justices of the Peace, the same compensation now allowed by law in same counties.
15. Constables, the same compensation now allowed by law in same counties, except that the Constable's mileage shall not exceed twenty-five cents per mile, counting one way only.

Adopted.

Mr. Peterson moved to fill in the blanks in counties of the twenty-ninth class as follows:

1. The County Clerk, one thousand eight hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand dollars per annum.
12. The Surveyor, such fees as are now or as hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home to and from the county seat at each sitting of the Board of Supervisors.

Adopted.

Mr. Faw moved to fill the blanks in counties of the twentieth class, as follows:

1. The County Clerk, two thousand five hundred dollars per annum.
2. The Sheriff, four thousand five hundred dollars per annum.
3. The Recorder, one thousand six hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, one thousand eight hundred dollars per annum.
9. The Coroner, the same fees as now or may hereafter be allowed by law.
10. The Public Administrator, the same fees as now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand dollars per annum.
12. The Surveyor, the same fees as now or may hereafter be allowed by law.
13. Justices of the Peace, the same fees as now or may hereafter be allowed by law.
14. Constables, the same fees as now or may hereafter be allowed by law.
15. Supervisors, five dollars per day during the session of the Board, and not to exceed in the aggregate four hundred dollars per annum, together with ten cents a mile in traveling to and from their respective residences to the county seat, *provided*, that mileage shall be allowed only once for each session.

Adopted.

Mr. Nicol moved to fill in blanks in Tuolumne County, as follows:

1. County Clerk, one thousand five hundred dollars per annum.
2. Sheriff, three thousand five hundred dollars per annum.
3. Recorder, one thousand dollars per annum.
4. Auditor, eight hundred dollars per annum.
5. Treasurer, one thousand dollars per annum.
6. Tax Collector, seven hundred dollars per annum.
7. Assessor, one thousand eight hundred dollars per annum.
8. District Attorney, twelve hundred dollars per annum.
9. Coroner, three hundred dollars per annum.

Insert after word "Administrator," in line six hundred and forty-six, page sixty, "such fees as are now or may hereafter be allowed by law."

Line six hundred and forty-eight, same page, after "schools," words "five hundred."

Line six hundred and forty-nine, after word "Surveyor," "such fees as are now or may hereafter be allowed by law."

Line six hundred and fifty-one, after word "Peace," words "such fees as are now or may hereafter be allowed by law."

Line six hundred and fifty-four, after "Constable," insert "such fees as are now or may hereafter be allowed by law."

Line six hundred and fifty-seven, after word "Supervisors," insert

the following: "For each day's services rendered by each of them, by virtue of their office, at the session of the Board, five dollars, and twenty cents per mile for each mile necessarily traveled by them in going to the county seat of said county; *provided*, such mileage shall be allowed but once for each session of the Board, and for the distance traveled from their residences to the county seat only."

Adopted.

Mr. Keeler moved to fill the blanks in counties of the thirty-first class, as follows:

1. County Clerk, two thousand five hundred dollars per annum.
2. Sheriff, five thousand dollars per annum.
3. Recorder, two thousand dollars per annum.
4. Auditor, nine hundred dollars per annum.
5. Treasurer, one thousand two hundred dollars per annum.
6. Tax Collector, one thousand two hundred dollars per annum.
7. Assessor, three thousand five hundred dollars per annum.
8. District Attorney, one thousand two hundred dollars per annum.
9. Coroner, four hundred dollars per annum.
10. Public Administrator, four hundred dollars per annum.
11. Superintendent of Schools, eight hundred dollars per annum.
12. Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, three hundred dollars per annum.

Adopted.

Mr. Keeler moved to fill in the blanks in counties of the thirty-second class, as follows:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor (including Deputy), three thousand five hundred dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, four hundred dollars per annum.
10. The Public Administrator, four hundred dollars per annum.
11. The Superintendent of Schools, one thousand dollars per annum.
12. The Surveyor, fees as now or may be allowed by law.
13. Justices of the Peace, fees as now or may be allowed by law.
14. Constables, fees as now or may be allowed by law.
15. Supervisors, three hundred dollars per annum.

Adopted.

Mr. Farley moved to fill in the blanks in the thirty-third class, as follows:

- County Clerk, one thousand eight hundred dollars per annum.  
 Sheriff, four thousand eight hundred dollars per annum.  
 Recorder, seven hundred dollars per annum.  
 Auditor, five hundred dollars per annum.  
 Treasurer, eleven hundred and fifty dollars per annum.  
 Tax Collector, seven hundred dollars per annum.  
 Assessor, two thousand five hundred dollars per annum.  
 District Attorney, one thousand two hundred dollars per annum, and necessary traveling expenses, to be allowed by the Board of Supervisors.  
 Coroner, the fees allowed by law now in force or hereafter enacted.  
 Public Administrator, the fees allowed by law now in force or hereafter enacted.  
 Superintendent of Schools, eight hundred and twenty-five dollars per annum, and his necessary traveling expenses, to be allowed by the Board of Supervisors.  
 Surveyor, the fees allowed by law now in force or hereafter enacted.  
 Justices of the Peace, the fees allowed by law now in force or hereafter enacted.  
 Constables, the same fees as are collected by the Sheriff for similar services.

Supervisors, five dollars per day for each day they hold sessions (not to exceed the sum of five hundred dollars in any one year), and twenty cents per mile for each mile necessarily traveled in going from his residence to and returning from the county seat, *provided*, that only one mileage shall be allowed at each term.

Adopted.

Mr. Crumpton moved to fill the blanks in counties of the thirty-fourth class, as follows:

County Clerk, one thousand two hundred dollars per annum.  
 Sheriff, two thousand five hundred dollars per annum.  
 Recorder, eight hundred dollars per annum.  
 Auditor, five hundred dollars per annum.  
 Treasurer, one thousand two hundred dollars per annum.  
 Tax Collector, one thousand dollars per annum.  
 Assessor, one thousand two hundred dollars per annum, with commissions for collecting poll and personal property tax.  
 District Attorney, one thousand dollars per annum, with traveling expenses, when on official business.  
 Superintendent of Schools, nine hundred dollars per annum.  
 Surveyor, such fees as are now or may hereafter be allowed by law.  
 Coroner, such fees as are now or may hereafter be allowed by law.  
 Public Administrator, such fees as are now or hereafter may be allowed by law.  
 Justices of the Peace, such fees as are now or hereafter may be allowed by law.  
 Constables, such fees as are now or hereafter may be allowed by law.  
 Supervisors, a per diem of five dollars, but not to exceed three hundred dollars per annum each, with mileage at ten cents per mile.

Adopted.

Mr. McClaskey moved to fill the blanks in counties of the thirty-fifth class, as follows:

County Clerk, one thousand eight hundred dollars per annum.  
 Sheriff, three thousand six hundred dollars per annum.  
 Recorder, one thousand five hundred dollars per annum.  
 Auditor, three hundred dollars per annum.  
 Treasurer, one thousand five hundred dollars per annum.  
 Tax Collector, three hundred dollars per annum.  
 Assessor, one thousand eight hundred dollars per annum.  
 District Attorney, one thousand two hundred dollars per annum.  
 Coroner, fees as provided by law.  
 Superintendent of Schools, six hundred dollars per annum.  
 Surveyor, fees as provided by law.  
 Justices of the Peace, fees as provided by law.  
 Constables, fees as provided by law.  
 Supervisors, eight dollars per day, the aggregate amount of each Supervisor not to exceed three hundred dollars per year.

Adopted.

Mr. Smith moved to fill the blanks in counties of the thirty-sixth class, as follows:

County Clerk, one thousand six hundred and fifty dollars per annum.  
 Sheriff, three thousand six hundred dollars per annum.  
 Recorder, nine hundred and fifty dollars per annum.  
 Auditor, five hundred and fifty dollars per annum.  
 Treasurer, one thousand four hundred dollars per annum.  
 Tax Collector, six hundred dollars per annum.  
 Assessor, one thousand eight hundred dollars per annum.  
 District Attorney, one thousand six hundred dollars per annum.  
 Coroner, such fees as are now or hereafter may be allowed by law.  
 Public Administrator, such fees as are now or may hereafter be allowed by law.  
 Superintendent of Schools, nine hundred dollars per annum.  
 Surveyor, such fees as are now or may hereafter be allowed by law.  
 Justices of the Peace, such fees as are now or may hereafter be allowed by law.  
 Constables, such fees as are now or may hereafter be allowed by law.  
 Supervisors, six dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

Adopted.

Mr. Matthews moved to fill the blanks in counties of the thirty-seventh class, as follows:

1. County Clerk, one thousand six hundred dollars per annum.
2. Sheriff, three thousand five hundred dollars per annum.
3. Recorder, nine hundred dollars per annum.
4. Auditor, five hundred dollars per annum.
5. Treasurer, one thousand dollars per annum.
6. Tax Collector, five hundred dollars per annum.
7. Assessor, one thousand eight hundred dollars per annum.
8. District Attorney, one thousand six hundred dollars per annum.
9. Coroner, such compensation as is now or hereafter may be allowed by law.
10. Public Administrator, the same as now allowed by law.
11. Superintendent of Schools, five hundred dollars per annum.
12. Surveyor, such compensation as is now or may hereafter be allowed by law.
13. Supervisors shall receive five dollars per day for each day when in actual session, and mileage at the rate of ten cents per mile in traveling to and from the county seat.
14. Justices of the Peace, the same fees as are now allowed by law.
15. Constables, the same fees as are now allowed by law.

Adopted.

Mr. Fortna moved to fill in the blanks in counties of the thirty-eighth class, as follows:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, one thousand six hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, three hundred dollars per annum.
11. The Superintendent of Schools, seven hundred and fifty dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, two hundred dollars per annum, and twenty cents a mile in traveling from their residence to the county seat.

Adopted.

Mr. Briceland moved the following in reference to counties of the thirty-ninth class:

The county officers shall receive, as compensation for services required of them by law or by virtue of their office, the following salaries, to wit: For each and every office, the same fees and salaries as are now fixed or may be fixed by law.

Adopted.

Mr. Peterson moved to fill in blanks in counties of the fortieth class, as follows:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand five hundred dollars per annum.
8. The District Attorney, one thousand two hundred dollars per annum.
9. The Coroner, such fees as are now allowed by law.
10. The Public Administrator, such fees as now or as may hereafter be allowed by law.
11. The Superintendent of Schools, seven hundred dollars per annum.
12. The Surveyor, such fees as now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as now are or hereafter may be allowed by law.
14. Constables, such fees as now are or hereafter may be allowed by law.

15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home, going to and from the county seat, at each sitting of the Board of Supervisors.

Adopted.

Mr. Smith moved to fill in blanks in counties of the forty-first class, as follows:

1. The County Clerk, one thousand two hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, one thousand five hundred dollars per annum.
8. The District Attorney, one thousand one hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, six hundred and fifty dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, fees now allowed by law.
14. Constables, fees now allowed by law.
15. Supervisors, six dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

Adopted.

Mr. McClaskey moved to fill in blanks in counties of the forty-second class, as follows:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, one thousand five hundred dollars per annum.
8. The District Attorney, one thousand two hundred dollars per annum.
9. The Coroner, such fees as now are or hereafter may be allowed by law.
10. The Public Administrator, such fees as now are or may hereafter be allowed by law.
11. The Superintendent of Schools, six hundred dollars per annum.
12. The Surveyor, such fees as now are or hereafter may be allowed by law.
13. Justices of the Peace, such fees as now are or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, six dollars per day, the aggregate amount to be paid each Supervisor not to exceed three hundred dollars per year each, and twenty-five cents per mile for each mile necessarily traveled in going to the county seat to attend sessions of the Board.

Adopted.

Mr. Keeler moved to fill in the blanks in the counties of the forty-third class, as follows:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, three thousand five hundred dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, four hundred dollars per annum.
10. The Public Administrator, four hundred dollars per annum.
11. The Superintendent of Schools, one thousand dollars per annum.
12. The Surveyor, fees as are or may be allowed by law.
13. Justices of the Peace, fees as are or may be allowed by law.
14. Constables, fees as are or may be allowed by law.
15. Supervisors, three hundred dollars per annum.

Adopted.

Mr. Hamilton moved to fill the blanks in counties of the forty-fourth class, as follows:

1. County Clerk, seven hundred dollars per annum.
2. Sheriff, one thousand dollars per annum.
3. Recorder, five hundred dollars per annum.
4. Auditor, three hundred dollars per annum.
5. Treasurer, six hundred dollars per annum.
6. Tax Collector, five hundred dollars per annum.
7. Assessor, four hundred dollars per annum.
8. District Attorney, six hundred dollars per annum.
9. Coroner, fees allowed by law.
10. Public Administrator, fees and commissions allowed by law.
11. Superintendent of Schools, two hundred and fifty dollars per annum.
12. Surveyor, fees allowed by law.
13. Justices of the Peace, fees allowed by law.
14. Constables, the same fees as allowed to Sheriff's for similar services.
15. Supervisors, five dollars per diem for his actual services, and mileage at the rate of twenty cents per mile from his residence to county seat, going only, *provided*, that only one mileage shall be allowed for any regular session of the Board.

Adopted.

The following was offered to fill in the blanks in counties of the twelfth class:

2. The Sheriff, nine thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, six thousand dollars per annum.
8. The District Attorney, three thousand dollars per annum.
9. The Coroner, fees now or that may be hereafter allowed by law.
10. The Public Administrator, same fees as are allowed executors for similar services.
11. The Superintendent of Schools, one thousand five hundred dollars per annum.
12. The Surveyor, eight dollars for the first mile and six dollars for each subsequent mile on brush land, and six dollars for the first mile and four dollars for each subsequent mile on clear land.
13. Justices of the Peace, fees allowed by the General Fee Bill of eighteen hundred and seventy.
14. Constables, fees allowed by the General Fee Bill of eighteen hundred and seventy.
15. Supervisors, six hundred dollars per annum each.

Adopted.

Mr. Doty moved to amend the section relating to counties of the fourth class, as follows:

1. County Clerk, six thousand dollars per annum.
2. Sheriff, eight thousand five hundred dollars per annum.
3. Recorder, four thousand dollars per annum.
4. Auditor, one thousand dollars per annum.
5. Treasurer, two thousand dollars per annum.
6. Tax Collector, one thousand five hundred dollars per annum.
7. Assessor, six thousand dollars per annum.
8. District Attorney, three thousand six hundred dollars per annum.
9. Coroner, fees as now allowed by law.
10. Public Administrator, such fees as are allowed by law.
11. Superintendent of Schools, one thousand eight hundred dollars per annum.
12. Surveyor, such fees as are allowed by law.
13. Justices of the Peace, such fees as are allowed by law.
14. Constables, such fees as are allowed by law.
15. Supervisors, fifty dollars per month, and ten cents per mile in traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once a month.

Mr. Ryan moved the following substitute for the amendment by Mr. Doty:

1. The County Clerk, seven thousand dollars per annum.
2. The Sheriff, nine thousand dollars per annum.

3. The Recorder, five thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, eight thousand dollars per annum.
8. The District Attorney, three thousand six hundred dollars per annum.
9. The Coroner, such fees as are now provided for by law.
10. The Public Administrator, such fees as are now provided for by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum.
12. The Supervisors, seventy-five dollars per month, and ten cents per mile traveled to and from their place of residence to the county seat.

The ayes and noes being demanded, the roll was called, and the substitute was lost by the following vote:

AYES—Messrs. Booth, Bowers, Brown, Callaghan, Caminetti, Cary, Clement, Coombs, Culver, Cutter, Flynn, Gaussaul, Hall, Harvey, Hollister, Keeler, Lewison, McClaskey, McDonald, McKinley, Murphy, O'Connor, Rawle, Ryan, Smith, Stewart, Sweetland, Waihath, and Wharton—29.

NOES—Messrs. Barry, Bruceland, Campbell, Carter, Crumpton, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Heath, Hershey, Hughes, Hunter, Johnston, Kenrick, Martin, Matthews, McHale, Moffitt, Nicol, Parker, Peterson, Plover, Rhel, Stephens, Storke, Terry, Townsend, Wheat, and Mr. Speaker—33.

The question then recurring on the amendment, it was adopted.

Mr. Storke moved to add a new section, to be known as section one hundred and eighty-four, as follows:

All counties created or organized after the passage and approval of this Act, shall immediately come under and be governed by its provisions, so far as the same are applicable thereto; *provided*, that where the population of any existing county shall have been reduced by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the Board of Supervisors of such county to designate by order the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; *provided further*, that the salary of the county officers shall in no way be affected by reason of such division of the county or order of the Board of Supervisors, for the term for which they were elected and shall have qualified. *provided further*, that all newly created counties shall, for the purpose of fixing the salaries and fees of county and township officers, enter the class of counties having a population of five thousand and under, and shall be so classified until classified by a census as by this Act provided.

Adopted.

Mr. Wharton moved to amend Mr. Storke's substitute for twenty-third class, as follows:

Justices of the Peace, such fees as now or may hereafter be allowed by law.  
Constables, such fees as are now or may hereafter be allowed by law.

Adopted.

Mr. Brown moved to amend subdivision four, section twenty-one, by striking out all after the word "money," in line eight, and insert the following:

And certify the same to the County Auditor and County Treasurer, which certificate must be countersigned by the Chairman of the Board.

Adopted.

Mr. Harvey moved to amend, in counties of the tenth class, as follows: By striking out all after the word "Peace," in line two hundred and thirty-nine, and instead insert the following:

An amount no greater than the amount of fees earned by them in criminal cases, together with the fees collected by them in civil cases and paid into the county treasury, to be allowed and paid in the same manner as other county charges; *provided*, that no one Justice of the

Peace shall be paid for any one month more than one hundred dollars, nor more than twelve hundred for any one year; *provided, however*, that said Justices of the Peace shall be entitled to charge and receive for their own use such fees as are now or hereafter may be allowed by law in the following cases

1. For celebrating marriages and returning certificates thereof.
2. For taking and certifying acknowledgments to deeds and other instruments.
3. For administering oaths and affirmations, and certifying the same in civil actions or proceedings not pending before them.

Adopted.

Also, moved to amend section one hundred and sixty-four, line two hundred and twenty-eight, by striking out "five," and inserting "six."

Also, in line two hundred and twenty-nine, by striking out "five," and inserting "six."

Also, in line two hundred and thirty, by striking out "two thousand," and inserting "one thousand five hundred."

Also, in line two hundred and thirty-three, by striking out "four thousand," and inserting "three thousand three hundred."

Also, line two hundred and forty-one, by striking out "nine," and inserting "eight."

Adopted.

Also, by striking out all after the word "Constables," in line two hundred and forty, and instead insert the following:

An amount no greater than the amount of fees earned by them in criminal cases, together with the fees collected by them in civil cases, and paid into the county treasury, to be allowed and paid in the same manner as other county charges, *provided*, that no one Constable shall be paid for any one month more than one hundred and twenty-five dollars, nor more than one thousand five hundred dollars for any one year.

Adopted.

Also, moved to amend section one hundred and seventy-seven by adding to the end of line two thereof, the following: "Nor for administering or certifying the oath of office."

Adopted.

Mr. Johnston moved to amend section thirteen, line five, printed bill, by striking out the word "the," at the end of line five, and inserting in lieu thereof the word "such."

Adopted.

Also, by inserting after the words "county seat," in line six, printed bill, the words "to such place."

Adopted.

Also, amend subdivision twenty, section twenty-six, page ten, printed bill, by adding to line one hundred and forty-two the following, "and to transfer moneys from one fund to another as the public interests may require."

Adopted.

Also, amend section thirty-eight, line nine, printed bill, page fourteen, by striking out the words "each newspaper," and inserting in lieu thereof the words "some newspaper or newspapers."

Adopted.

Also, amend section fifty-eight, by inserting after line twenty-four the following: "County Superintendent and Auditor."

Adopted.

Mr. Terry moved to fill the blanks in counties of the seventh class, as follows:

County Clerk, four thousand three hundred dollars per annum.

Sheriff, five thousand five hundred dollars per annum. The Sheriff shall also receive for his own use and benefit the fees for mileage which are now or may hereafter be allowed by law.

Recorder, three thousand dollars per annum.

Auditor, eight hundred dollars per annum.

Treasurer, three thousand dollars per annum.

Tax Collector, one thousand dollars per annum.

Assessor, three thousand four hundred dollars per annum. The Assessor shall also receive six per cent of all collections of personal property taxes assessed to persons owning no real estate within the county, and fifteen per cent of all poll taxes collected from persons owning no real estate within the county.

The District Attorney, four thousand five hundred dollars per annum, provided he shall not act as attorney, or counsel, or give any advice in any case, proceeding, or matter, unless the State or the county be a party thereto.

Coroner, such fees as are or may hereafter be allowed by law.

Public Administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of Schools, two thousand dollars per annum.

Surveyor, such fees as are now or may hereafter be allowed by law.

Justices of the Peace, such fees as are now or may hereafter be allowed by law.

Constables, such fees as are now or may hereafter be allowed by law.

Each member of the Board of Supervisors, eight hundred dollars per annum.

The County Clerk, Recorder, and Treasurer may each, with the consent of the Board of Supervisors, appoint a deputy, who shall receive from the county a salary of one thousand two hundred dollars per annum.

The Sheriff may, with the consent of said Board, employ a deputy, who shall receive a salary of one thousand five hundred dollars per annum.

The Board of Supervisors may designate what number of Deputy Assessors may be appointed, and they shall receive a sum not exceeding five dollars per day for each day they actually and necessarily attend to the duties of the office, between the first Monday in March and the first Monday in August of the same year.

Adopted.

Mr. Booth moved to amend section fifty, line one, before the words "the Board," add:

The Board shall have power to provide such laws, rules, and regulations, and levy such taxes as may be necessary for the creation, control, and maintenance of the public highways, roads, streets, alleys, lanes, courts, places, trails, and bridges of their several counties.

Lost.

Mr. Harvey moved to amend section one hundred and eighty-two by adding the words "and Constables" after the word "Peace," in line two of printed bill.

Adopted.

Mr. Weaver moved to amend section one hundred and fifty-nine, line four, strike out the word "his" and insert "their."

Adopted.

Mr. Wheat moved to amend as follows in twenty-fifth class: by adding one hundred dollars for traveling expenses for County Superintendent.

Adopted.

Mr. Parker moved to amend section one hundred and sixty-six as follows: Strike out all previous to the word "of," in line three, and insert in lieu thereof the words "all salaried officers."

Adopted.

Mr. Hershey moved to amend as follows in eighteenth class, by adding "traveling expenses of County Superintendent, not to exceed three hundred dollars per annum."

Adopted.

Mr. Irwin moved to fill in blanks in counties of the twenty-second class, as follows:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.

3. The Recorder, one thousand dollars per annum.
4. The Auditor, five thousand dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, four thousand dollars per annum, and the percentage on collections of poll taxes and personal property tax as hereinafter provided.
8. The District Attorney, one thousand eight hundred dollars per annum.
9. The Coroner, fees as now or hereafter provided by law.
10. The Public Administrator, the fees as now or hereafter provided by law.
11. The Superintendent of Schools, one thousand five hundred dollars per annum.
12. Justices of the Peace, the fees as now or hereafter provided by law.
13. Constables, the fees as now or hereafter provided by law.
14. Supervisors, the sum of four dollars per day for each day employed, not to exceed in all the sum of four hundred dollars in any one year, together with twenty cents per mile for traveling from his place of residence to the county seat.

Adopted.

Mr. Cutter moved to fill the blanks left in any class with reference to compensation of county officers with the words used for the compensation of officers of counties of the twenty-first class.

Adopted.

Mr. Townsend moved that the bill be considered engrossed, ordered printed, and to third reading.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Barry :

*Resolved*, That the State Controller be and he is hereby directed to draw his warrant, payable out of the Contingent Fund of the Assembly, in the sum of one hundred and eighty-one dollars and forty cents (\$181 40), in favor of A. D. D'Ancona, for his transcript of the evidence taken by the Committee on Corporations in the investigation of the late Railroad Commission, and that the State Treasurer be and he is hereby directed to pay the same.

Adopted.

ADJOURNMENT.

At ten o'clock P. M., on motion of Mr. Crumpton, the House adjourned.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, February 27, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barry, Booth, Bowers, Briceland, Cammett, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaenger, Hall, Hamilton, Harvey, Head, Realy, Heath, HERSHEY, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Muddock, Murphy, Nicol, O'Connor, Parker, Peterson, Plove, Rawle, Rhiel, Rowland, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wharton, Wheat, Yell, and Mr Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Levenson, further reading was dispensed with, and the approval was deferred until after recess.

## REPORTS OF STANDING COMMITTEES.

## ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1883.

MR. SPEAKER: Your Committee on State Library beg leave to report that they have examined into the affairs of the State Library, and found everything in proper condition. The books are well kept, and neatly and conveniently arranged. The increase in number of volumes by additions to the various departments has been very considerable, and we take pleasure in observing that the purchases made are of works of intrinsic merit and permanent value, and adapted to the purpose of making this chiefly a reference and scientific library. We find the books, both of record, of purchases and donations, and of finances, properly kept, and the proper vouchers for all the money paid out, and the bills properly audited by the President of the Board of Trustees. The system of keeping accounts adopted by the present Librarian is neat, terse, and accurate, and is much to be preferred to the former method. The employés of the Library and the management of it give general satisfaction."

BRICELAND, Chairman.

## ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1883.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the accompanying proposed rule, as follows: That a new rule, to be numbered Rule Eighty-four, be added to the rules of the House, as follows:

"Rule 84. Whenever a bill shall on its third reading receive the votes of a majority of the members voting, but such majority shall be less than a majority of all the members of the House, the result of the vote shall be stated for the information of the House, but shall not be announced by the Chair. The third reading of such bill shall then be made a special order for the following day, directly after the reading of the Journal on that day, and a call of the House shall be had and made prior to the yeas and noes being taken thereon."

Have had the same under consideration, and now report the same back, and recommend that it do not pass.

SINON, Chairman.

## ON SWAMP AND OVERFLOWED LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1883.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 482—An Act to authorize the State Treasurer to refund and pay over certain money received from the sale of certain State lands—now beg leave to report the same back without recommendation.

Also, Assembly Bill No. 488—An Act to amend section three thousand four hundred and forty-nine of an Act entitled "An Act to establish a Political Code for the State of California"—and recommend that it do not pass.

Also, Assembly Bill No. 430—An Act for the redemption of certain Controller's warrants (by request)—and report the same back without recommendation.

KERRICK, Chairman.

## ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 84—Entitled "An Act to protect the sidewalks in unincorporated towns and villages in California"

Also, Assembly Bill No. 478—Entitled "An Act to compel hotel and lodging house keepers to provide means of escape in time of fire"—have had the same under consideration, and now report the same back, and recommend that they do pass.

JOHNSTON, Chairman.

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Concurrent Resolution No. 32—Relative to proposed amendment to the Constitution of the State of California, amending article four—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 36—Relative to proposed amendment to the Constitution of the State of California, relating to the length of time for which appropriations can be made by the Legislature—and recommend that it do pass.

Also, Assembly Concurrent Resolution No. 35—Relative to a proposed amendment to the Constitution of the State of California, relating to Railroad Commissioners—and recommend that it do pass.

Also, Senate Bill No. 228—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—and recommend that it do pass.

Also, Assembly Concurrent Resolution No. 28—Relative to proposed amendments to the Constitution, amending sections one, two, three, and four, of article six, in relation to the Supreme Court—have had the same under consideration, and now report the same back as amended, amendment to read after word "murder," line fourteen, page five, add, "in all cases where the decision of a Supreme Court is in conflict with the decision of another Supreme Court, or of the Court of Appeals"—and recommend that it do pass.

GRANGER, Chairman.

#### SPECIAL FILE—(FIRST READING).

Assembly Bill No. 92—An Act to provide for the government of municipal corporations of the \_\_\_\_\_ class.

Refused first reading.

Assembly Bill No. 238—An Act to provide for the organization, incorporation, and government of municipal corporations.

Withdrawn.

Assembly Bill No. 248—An Act to provide for the organization, incorporation, and government of municipal corporations.

Refused first reading.

Assembly Bill No. 455—An Act for the government of cities of the \_\_\_\_\_ class.

Withdrawn.

#### SECOND READING.

Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Read second time, and ordered engrossed and to third reading.

Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Read second time.

Mr. Barry moved to amend as follows: after the word "hearing," in line twenty-two, of section seven, insert "and said notice shall also be served by mail upon said persons, at least five days prior to the day of such hearing."

Lost.

Mr. Barry moved to amend, by striking out section twenty-four.

Lost.

Mr. Flynn moved to postpone further consideration of the bill, for the purpose of correcting the Journal of yesterday.

So ordered.

#### APPROVAL OF THE JOURNAL.

Mr. Rowland requested that the Journal be corrected so that he will appear as having voted in the affirmative on the passage of Assembly Bill No. 128, instead of the negative.

Correction ordered.

On motion of Mr. Levenson, further consideration of the Journal was postponed till after recess.

Consideration of Senate Bill No. 50—An Act to provide for the

improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities—resumed.

Bill ordered engrossed, and to third reading.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 47—Relative to the mail service between the United States, New Zealand, and Australia.

Also, return Assembly Concurrent Resolution No. 34—Relative to asking his Excellency Governor Stoneman to furnish this House with certain information concerning the actions of the Board of Railroad Commissioners—without action, as in its opinion, it is simply an Assembly Resolution, and contains no reference to the Senate.

A. T. VOGELSANG, Assistant Secretary.

Consideration of Senate message—Assembly Concurrent Resolution No. 47.

Referred to Committee on Enrollment.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 391—An Act to add to part two, division two, of the Civil Code, a new title, to be known as title five, containing nineteen sections, to be numbered eight hundred and seventy-two, eight hundred and seventy-three, eight hundred and seventy-four, eight hundred and seventy-five, eight hundred and seventy-six, eight hundred and seventy-seven, 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, and eight hundred and ninety, relating to mining laws, forming mining districts, and the recording of mining locations—have had the same under consideration, and now report the same back, and recommend that it do not pass.

FARLEY, Chairman.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled:

Assembly Concurrent Resolution No. 48—Relative to the contest now existing between the Los Bolsas land grant and two hundred settlers claiming under the Rancho Santiago de Santa Ana, as to the boundaries between said grants.

And the same was, at eleven o'clock and fifteen minutes A. M., February twenty-seventh, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

Mr. Johnston moved that the rules be suspended, and Assembly Bill No. 509 be declared a case of urgency, read second time by title, and ordered to second reading, and that the bill be amended on its third reading.

#### CALL OF THE HOUSE.

Mr. Irwin moved a call of the House.

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

Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Cammett, Campbell, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Meath, Heishey, Hollister,

Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Cutter, further proceedings under the call of the House were dispensed with.

The question being then on the motion of Mr. Johnston to suspend the rules, and declare Assembly Bill No. 509 a case of urgency, the roll was called, with the following result:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Brueland, Brown, Caminetti, Campbell, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Rhel, Rowland, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—55.

NOES—Messrs. Callaghan, Carter, Culver, Hall, Healy, Murphy, Rawle, Ryan, Smith, Storke, and Weaver—11.

#### SECOND READING—(RESUMED).

Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations—identical with Senate Bill No. 90—(introduced on behalf of Joint Committee on Municipal Corporations, and in lieu of Assembly Bills Nos. 92, 238, 248, and 455).

Read second time, and ordered to third reading.

Mr. McClaskey, pursuant to notice, moved to reconsider the vote whereby the House passed Assembly Bill No. 128.

Mr. Bibb moved a call of the House.

So ordered.

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

Messrs. Barry, Bibb, Booth, Bowers, Brueland, Brown, Callaghan, Caminetti, Campbell, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Rhel, Rowland, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Bibb moved that the Sergeant-at-Arms be directed to bring the absentees before the bar of the House, and that they be fined one dollar each.

So ordered.

Mr. Sweetland moved that the Sergeant-at-Arms be directed to arrest Mr. Wheelan, bring him before the bar of the House, and that he be fined ten dollars.

So ordered.

On motion of Mr. Hollister, further proceedings under the call were dispensed with.

The question being then on the motion to reconsider the vote by which Assembly Bill No. 128 was passed, the ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Booth, Brown, Caminetti, Carter, Cary, Clement, Culver, Cutter, Farley, Harvey, Heath, Hollister, Keeler, Kernick, Lewison, McClaskey, McHale, McKinley, Murdock, Ryan, Stewart, Sweetland, Terry, Walth, Weaver, and Whaiton—26.

NOES—Messrs. Barry, Bibb, Bowers, Bruceand, Callaghan, Campbell, Coombs, Crompton, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes Hunter, Irwin, Johnston, Leveison, Martin, Matthews, McDonald, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Rowland, Smith, Stephens, Storke, Townsend, Wheat, Yell, and Mr. Speaker—46.

#### LEAVE OF ABSENCE.

Samuel McClintock (Page) was granted leave of absence till to-morrow, at ten o'clock A. M.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Terry:

*Resolved*, That Miss A. Andrews be and she is hereby appointed clerk for the following committees of the Assembly: Churne Immigration and Emigration, Water Rights and Drainage, Corporations, Agriculture, Mines and Mining, Labor and Capital, Military Affairs, Rules, Homestead and Land Monopoly, and Agriculture and Mining Arts College, at a per diem of five dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

Mr. Sweetland moved the following amendment:

*Resolved*, That Miss McKim, clerk of the Committee on Constitutional Amendments, and Miss Brannan, clerk of the Committee on Enrollment, be and are hereby required to perform clerical duty for the committees of this House whose clerks have been discharged.

Referred to Committee on Attachés and Employés.

Mr. Cutter moved to suspend the rules, and take up Assembly Bill No. 150 for consideration.

So ordered.

Assembly Bill No. 150—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions and the service of summons therein.

Read second time.

Mr. Cutter moved to amend as follows: Amend subdivision one, lines six, seven, eight, and nine, printed bill, by striking out all after the word "thereof," and inserting "or if it be made to appear to the Judge of the Court in which the action is pending that such person cannot after due diligence be found, said Judge may order such service to be made by leaving the summons at the office of the corporation, if it have one, and if not, then by posting the same in a conspicuous place on any premises where it carries on its business."

Adopted.

Also, amend subdivision two, lines thirteen, fourteen, fifteen, sixteen, and seventeen, printed bill, by striking out all after the word "Secretary," and inserting the same amendment as made to subdivision one.

Adopted.

#### RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

The Journal of Monday was corrected, and approved as corrected.

## NOTICE.

Notice is hereby given, that on the twenty-eighth day of February, A. D. eighteen hundred and eighty-three, I will move to amend Assembly Rule Number Seventy-seven, as follows: Insert after the words "General Appropriation Bill" the words "State Appropriation Bills."

NICOL.

Mr. Caminetti moved to suspend the rules, for the purpose of considering Senate Bills Nos. 52, 53, 54, and 55.

So ordered.

## SECOND READING OF BILLS.

Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Read second time, and ordered to third reading.

Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Read second time, and ordered to third reading.

Senate Bill No. 55—An Act making appropriation for a deficiency in the transportation of insane for the thirty-third fiscal year.

Read second time, and ordered to third reading.

Senate Bill No. 54—An Act making appropriations for a deficiency in the appropriation for the transportation of prisoners for the thirty-third fiscal year.

Read second time, and ordered to third reading.

Mr. Cutter moved to reconsider the votes whereby Senate Bills Nos. 52, 53, 54, and 55 were ordered to third reading.

So ordered.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Storke, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Senate Bill No. 54—An Act making appropriations for a deficiency in the appropriation for the transportation of prisoners for the thirty-third fiscal year.

Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriation for the transportation of insane for the thirty-third fiscal year.

Speaker Larue in the chair.

The bills were considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Senate Bill No. 54—An Act making appropriations for a deficiency in the appropriation for the transportation of prisoners for the thirty-third fiscal year.

Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriation for the transportation of insane for the thirty-third fiscal year.

Now report the same back, and recommend their passage.

Mr. Caminetti moved that the House concur in the report of the committee.

So ordered.

Mr. Caminetti moved that Senate Bills Nos 52, 53, 54, and 55, be declared cases of urgency, and they be read a third time, and placed on their passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Brice land, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Keeler, Kerriek, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Rhuel, Rowland, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—68.

NOES—None.

## THIRD READING.

Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Read third time.

The roll was called, and bill passed by the following vote:

AYES—Messrs. Atwell, Bibb, Bowers, Brice land, Brown, Caminetti, Campbell, Cary, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rhuel, Rowland, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—60.

NOES—None.

Title approved.

Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Brice land, Brown, Caminetti, Campbell, Cary, Clark, Clement, Coombs, Crumpton, Culver, Doty, Farley, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Heishey, Hollister, Hughes, Hunter, Irwin,

Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rhiel, Rowland, Ryan, Simon, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Whatton, Wheat, Wheelan, Yell, and Mr. Speaker—60.

NOES—None.

Title approved.

Senate Bill No. 54—An Act making appropriations for a deficiency in the appropriation for the transportation of prisoners, for the thirty-third fiscal year.

Read third time.

The roll was called, and bill passed by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Farley, Field, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rhiel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—63.

NOES—None.

Title approved.

Senate Bill No. 55—An Act making appropriation for a deficiency in the transportation of insane for the thirty-third fiscal year.

Read third time.

The bill was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rhiel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—69.

NOES—None.

Title approved.

Mr. Hughes moved to make the consideration of Mr. Coombs' motion, to reconsider the vote whereby the House postponed Assembly Bill No. 356 till Thursday, at three o'clock P. M., be made a special order for to-morrow, at ten o'clock A. M.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Barry:

*Resolved.* That five hundred copies of the report of the Committee on Corporations, relating to the investigation of the retired Railroad Commissioners, together with the testimony taken by said committee, be printed in pamphlet form.

Adopted.

PROTEST.

Messrs. Stewart, Caminetti, Booth, Clement, Weaver, McKinley, Carter, Culver, Heath, Hollister, Murdock, Farley, Lewison, Sweetland, Wharton, Walrath, Ryan, McClaskey, McHale, Brown, Cary, Keeler, and Harvey entered a protest against the ruling of the Chair in allowing the Journal of yesterday to be corrected in reference to Mr. Rowland's vote on the passage of Assembly Bill No. 128.

The Speaker ruled the protest out of order.

Mr. Caminetti appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the judgment of the House?"

Mr. Yell moved to lay the appeal on the table.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**AYES**—Messrs. Barry, Bibb, Bowers, Callaghan, Clark, Coorals, Crumpton, Doty, Faw, Field, Fleming, Flynn, Fortna, Gausail, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Kerrick, Martin, Matthews, McDonald, Moffitt, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Rowland, Simon, Smith, Storke, Townsend, Wheat, Wheelan, and Yell  
—42.

**NOES**—Messrs. Atwell, Booth, Briceland, Brown, Caminetta, Carter, Cary, Clement, Culver, Farley, Granger, Harvey, Heath, Hollister, Levenson, Lewison, McClaskey, McHale, McKinley, Mundock, Nicol, Ryan, Stephens, Stewart, Sweetland, Terry, Wahath, Weaver, and Wharton  
—29.

#### SPECIAL ORDER.

Special order for this hour, consideration of the report of special committee on employés in the matter of Charles Giffin, Engrossing Clerk.

Messrs. Crumpton and Kerrick, a minority of the special committee appointed to investigate the affairs of employés of this House, presented the following report:

**MR. SPEAKER** We, the undersigned, a minority of your special committee appointed to investigate the affairs of the several attachés and employés of the Assembly, and to report the result of our investigation, as well as to make such recommendation as we may deem advisable to insure the faithful and economical administration therein, do herewith submit a partial report. We find that Charles A. Giffin is the duly elected and qualified Engrossing Clerk of this Assembly: that as such clerk he was required to make a requisition on the Secretary of State for the supplies necessary for his office, that it was wholly a matter of judgment with him as to the quantity and quality of supplies so drawn, and having no personal experience in matters of that kind, and following, as we are informed by his predecessor, his advice, he has, in our judgment, overdrawn in some particulars articles necessary for the proper conducting of his office: but we cannot concur in the opinion that it was done for the purpose of personal gain. We also find by a comparison of his accounts with that of his predecessor in office (both of which accounts are hereto annexed), that the aggregate amount drawn by Mr. Giffin has not equaled that drawn by his predecessor in office, and as such supplies so drawn and unused are still in his office, and he being a sworn officer of this House, we would, in the absence of any law governing the case, respectfully submit the following resolution

*Resolved*, That all the clerks of this Assembly shall, on the last day of the session, furnish to this body an inventory of all supplies in their possession at that time, and that said supplies be returned to the Secretary of State.

H. J. CRUMPTON,  
J. W. KERRICK,  
Of the Committee.

#### LIST OF ARTICLES DRAWN FROM THE OFFICE OF SECRETARY OF STATE BY JACOB SHAFN DURING HIS TERM AS ENGROSSING CLERK.

Eight ruling pens, four reams note paper, five reams letter paper, fifteen reams engrossing paper, two reams foolscap paper, five Mark Twain scrap books, nineteen gross pens, two thousand envelopes, one dozen mammoth erasers, one dozen knife erasers, seventeen dozen lead pencils, seven pair shears, and a number of small articles. Total value, one hundred and ninety-nine dollars.

#### ARTICLES DRAWN BY C. A. GIFFIN.

Six ruling pens, four or five reams note paper, four reams letter paper, eight reams engrossing paper, two reams foolscap paper, five Mark Twain scrap books, twenty-eight gross pens, eight hundred envelopes, one dozen mammoth erasers, one dozen knife erasers, thirteen dozen lead pencils, six pair shears, and a number of small articles. Total value, one hundred and sixty dollars.

Mr. Brown moved to adopt the minority report.  
Mr. Hollister moved the previous question.

The question being then on the motion of Mr. Brown, to adopt the minority report, the ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Coombs, Crompton, Culver, Cutter, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Hollister, Hughes, Irwin, Keeler, Kerrick, Lewison, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Rawle, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Wharton, and Wheelan—49.

NOES—Messrs. Atwell, Barry, Campbell, Clement, Doty, Field, Harvey, Head, Heath, Hershey, Hunter, Johnston, Levenson, Martin, Matthews, Muddock, Peterson, Plover, Rhuel, Storke, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—25.

Mr. Bibb moved to suspend the rules, for the purpose of considering Assembly Bill No. 155.

Lost.

#### INTRODUCTION OF PETITION—(OUT OF ORDER).

By Mr. Atwell: In relation to irrigation in the eastern portion of Tulare County.

Referred to Committee on Irrigation.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti:

*Resolved*, That all the officers of this House be and they are hereby requested to return to the Secretary of State all material they now have on hand, except such as the Committee on Attachés and Employés of this House deem sufficient to retain in the respective offices for the use thereof, and that hereafter no requisition be honored by the Secretary of State unless signed by the Chairman of said committee.

Adopted.

Mr. Hollister was granted leave of absence for this afternoon's session.

#### REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 464, have had the same under consideration, and now report the same back, with the petitions accompanying the same, without recommendation.

Also, Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to refund its indebtedness, to issue bonds therefor, and to provide for payment of the same—amended, and recommend its passage as amended.

Also, Assembly Bill No. 475—An Act relating to the sale of water in the cities and counties, cities and towns of the State of California—and recommend that it do pass.

IRWIN, Chairman.

#### REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER Your special committee appointed to investigate the conduct of the attachés and employés of the Assembly, respectfully report that they have performed the duty imposed upon them, and that they have no further communication to make to the House, and ask that they may be discharged.

F. E. JOHNSTON.  
C. A. STORKE.  
A. RHIEL.  
J. W. KERRICK.

Adopted.

#### FIRST READING.

Assembly Bill No. 358—An Act to repeal an Act entitled "An Act

to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880, is hereby repealed.

Read first time, and ordered to second reading

Senate Bill No 34—An Act to amend section sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages.

Refused first reading.

Senate Bill No 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, 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.

Read first time, and ordered to second reading.

Senate Bill No 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment.

Refused first reading.

Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlements of estates of deceased persons.

Refused first reading.

Senate Bill No. 27—An Act to amend section seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county, when requested by the Judge thereof, or the Governor.

Read first time, and ordered to second reading.

Senate Bill No. 24—An Act in relation to the proofs of the incorporation of foreign corporations.

Read first time, and ordered to second reading.

Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party which has been levied on under execution.

Refused first reading.

Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county when requested by the Governor.

Read first time, and ordered to second reading.

Mr. Irwin moved to reconsider the vote whereby the House refused Senate Bill No. 100 first reading.

So ordered.

Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlements of estates of deceased persons.

Read first time, and ordered to second reading.

Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession.

Read first time, and ordered to second reading.

Substitute for Assembly Bill No. 143—An Act to protect children.

Read first time, and ordered to second reading.

Assembly Bill No. 207—An Act to ascertain the sum due all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars.

Read first time, and ordered to second reading.

Mr. Cutter moved that the further consideration of the bill be made a special order for to-morrow, at ten o'clock A. M.

#### CALL OF THE HOUSE.

Mr. Hall moved a call of the House.

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

Messrs Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Foitna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keelel, Kerrick, Leveson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Rowland, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Irwin, further proceedings under the call of the House were dispensed with.

The question being then on the motion of Mr. Cutter, to make Assembly Bill No. 207 a special order for to-morrow, at ten o'clock A. M.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Foitna, Granger, Hall, Harvey, Healy, Hershey, Hollister, Hughes, Irwin, Keelel, Leveson, Lewison, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rowland, Smith, Stewart, Sweetland, Walrath, Wharton, and Mr. Speaker—48.

NOES—Messrs. Barry, Caminetti, Campbell, Crumpton, Field, Hamilton, Head, Heath, Hunter, Johnston, Kerrick, Martin, McHale, Parker, Rhuel, Stephens, Storke, Terry, Townsend, Weaver, Wheat, and Yell—22.

Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act to establish a Civil Code, approved March 21, 1872, relating to corporations.

Refused first reading.

Assembly Bill No. 343—An Act to amend section four hundred and twenty-seven of the Civil Code, to provide for the investment of the capital and accumulations of corporations organized under the laws of this State for the transaction of business in any kind of insurance.

Refused first reading.

Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of the Civil Code, in relation to corporations.

Refused first reading.

Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Refused first reading.

Assembly Bill No. 341—An Act to amend section three hundred and thirty-two of the Civil Code, to provide for the levying of assessments by corporations.

Read first time, and ordered to second reading.

Senate Bill No 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Read first time, and ordered to second reading.

Substitute for Assembly Bill No. 295—An Act to establish a State Board of Forestry and Parks, and to appropriate moneys for the expenses thereof.

Read first time, and ordered to second reading.

Mr. Smith moved that the substitute be printed.

So ordered.

Assembly Bill No. 418—An Act to provide for the payment of Warren B. Ewer for services rendered at the National Exposition at Denver, Colorado.

Refused first reading.

Assembly Bill No. 63—An Act to amend section two thousand two hundred and ninety-six of the Political Code, relating to officers taking books from the State Library.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 12—Relative to State tax levy.

Indefinitely postponed.

Assembly Bill No. 96—An Act to provide for increasing the water supply of the Deaf and Dumb and Blind Asylum.

Withdrawn.

Assembly Bill No. 425—An Act to appropriate the sum of thirty-five thousand dollars for the purchase of statuary for the State Capitol at Sacramento.

Refused first reading.

Assembly Bill No. 256—An Act to prevent the collection of commissions by physicians from pharmacists, and to prevent physicians from prescribing by signs, names, or numbers not understood by all competent pharmacists, and to protect patients from dangerous drugs and medicines.

Refused first reading.

Assembly Bill No. 258—An Act to establish a Branch State Insane Asylum.

Refused first reading.

Assembly Bill No. 355—An Act to provide for the erection and management of a State Asylum for the Insane, to be located in Southern California.

Refused first reading.

Substitute for Assembly Bill No. 278—An Act to amend an Act entitled an Act to define the boundary line between the Counties of Amador and El Dorado.

Read first time, and ordered to second reading.

Substitute ordered printed.

Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 20—Concurrent Resolution in relation to the appointment of Captain John Mullan, of San Francisco, agent and attorney to represent the State of California at Washington, and providing for his compensation.

Resolution read, and amendments by the committee concurred in, and resolution adopted.

Ordered engrossed.

Assembly Bill No. 2—An Act to provide for and enforce the employment of prisoners in county jails upon the public streets, roads, highways, public buildings, etc., for the public good.

Withdrawn.

Assembly Bill No. 195—An Act empowering Boards of Supervisors within their respective counties, or city and county, to control and regulate the traffic, sale, and retail of liquors containing alcohol, and to require and impose a license upon those engaged in the sale or retail of the same, and to provide against the adulteration of the same.

Withdrawn.

Assembly Bill No. 424—An Act to amend section four thousand and forty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to funding and refunding county indebtedness.

Refused first reading.

Assembly Bill No. 364—An Act to amend section three thousand four hundred and eighty-eight of the Political Code, relating to the sale of swamp and overflowed salt marsh and tide lands.

Withdrawn.

Mr. Wharton moved that Assembly Bill No. 504 be substituted on the file for Assembly Bill No. 434.

So ordered.

Assembly Bill No. 434—An Act to amend section six of an Act entitled "An Act supplemental to and amendatory of an Act entitled an Act to regulate the practice of medicine in the State of California," approved April 3, 1876, passed April 1, 1878.

Withdrawn.

Assembly Bill No. 504—An Act to amend an Act entitled "An Act supplemental to and amendatory of an Act to regulate the practice of medicine in the State of California," approved April 3, 1876, approved April 1, 1878.

Read first time, and ordered to second reading.

Assembly Bill No. 362—An Act to amend section three thousand five hundred and seventy-three of the Political Code, concerning the application for and sale of lands belonging to the State of California in certain cases.

Read first time, and ordered to second reading.

Assembly Bill No. 89—An Act to add a new section to the Penal Code of the State of California, to be known as section four hundred and one, in relation to the sale of firearms to minors.

Read first time, and ordered to second reading.

Assembly Bill No. 233—An Act to add a new section to the Penal Code, to be known as section one hundred and twelve, relating to the commitment of convicts tried for offenses committed in the State Prison.

Read first time, and ordered to second reading.

Assembly Bill No. 289—An Act to add one new section to the Penal Code, to be known as section one hundred and fifty-one, relative to confessions made by persons charged with the commission of a public offense.

Refused first reading.

Assembly Bill No. 275—An Act to amend section seventeen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the definition of crimes.

Refused first reading.

Assembly Bill No. 273—An Act to amend section sixty-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the asking or receiving of bribes.

Refused first reading.

Assembly Bill No. 260—An Act to amend section one thousand and seventy of the Penal Code, relating to challenge of jurors in criminal cases.

Refused first reading.

Assembly Bill No. 262—An Act to amend section one thousand four hundred and twenty-six of the Penal Code, relating to the manner of commencing proceedings in Justices' and Police Courts.

Refused first reading.

#### REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 1—Entitled "An Act to repeal chapter two, of title six, part three, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, 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."

Also, Assembly Concurrent Resolution No. 47—Relative to the mail service between the United States, New Zealand, and Australia.

And the same were, at five o'clock and five minutes P. M., February twenty-seventh, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

Mr. Carter, at five o'clock P. M., moved to adjourn.

Mr. Healy moved as an amendment, that the House take a recess till seven o'clock and thirty minutes this evening.

Lost.

The question then recurring on the original motion, it was lost.

#### FIRST READING—(RESUMED).

Assembly Bill No. 263—An Act to amend section one thousand two hundred and eighty-seven of the Penal Code, relating to bail upon indictment or information before conviction.

Read first time, and ordered to second reading.

Assembly Bill No. 264—An Act to amend section one thousand three hundred and eighty-two of the Penal Code, in relation to the dismissal of informations and indictments.

Refused first reading.

Assembly Bill No. 450—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and

twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of fish and game.

Read first time, and ordered to second reading.

RECESS.

At five o'clock and fifteen minutes p. m., on motion of Mr. Sweetland, the House took a recess till seven o'clock and thirty minutes this evening.

REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

LEAVE OF ABSENCE.

Mr. Hall was granted leave of absence for this evening.  
Mr. Terry was granted indefinite leave of absence, on account of sickness.

Mr. Caminetti moved to suspend the rules, for the purpose of considering Assembly Concurrent Resolution No. 50.

So ordered.

Assembly Concurrent Resolution No. 50—Instructing the State Engineer to report to the Governor, on or before January first, eighteen hundred and eighty-four, matters relating to the subject of irrigation, etc.

Read and adopted.

Mr. Campbell moved to suspend the rules, for the purpose of considering Senate Bill No. 45.

So ordered.

SECOND READING.

Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes.

Read second time.

Mr. Campbell moved that the bill be declared a case of urgency and placed on its final passage.

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

AYES—Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Combs, Crumpton, Culver, Doty, Farley, Field, Fleming, Flynn, Futna, Granger, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kenick, Levenson, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Smith, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—57.

NOES—Messrs. Johnston and Martin—2.

THIRD READING.

Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight

hundred and seventeen, relating to redemption of lands sold by the State for delinquent taxes.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barry, Bibb, Briceland, Brown, Cammetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Doty, Farley, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Smith, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, and Yell—54.

NOES—Mr. Johnston and Mr. Speaker—2.

Title approved.

Mr. Johnston moved that Assembly Bill No. 127 be declared a case of urgency, and read second and third times.

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

AYES—Messrs. Bibb, Booth, Briceland, Brown, Cammetti, Campbell, Carter, Clark, Coombs, Crumpton, Culver, Doty, Farley, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keelel, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Smith, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—56.

NOES—Messrs. Barry, Callaghan, and Levenson—3.

#### SECOND READING.

Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California.

Read second time, and ordered to third reading.

#### THIRD READING.

Assembly Bill No. 127—An Act to prevent the introduction of contagious diseases into the State of California.

Read third time.

#### IN COMMITTEE OF THE WHOLE.

The House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

Report of the Committee of the Whole:

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California—report the same back, and recommend its passage.

Mr. Campbell moved that the House concur in the report of the Committee of the Whole.

So ordered.

The bill was ordered printed, engrossed, and placed on its final passage.

Mr. Doty moved that the rules be suspended, for the purpose of considering Assembly Bill No. 477.

So ordered.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Heath, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom. (Introduced on behalf of committee.)

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom—(introduced on behalf of committee)—have amended the same, and recommend its passage as amended.

The report of the Committee of the Whole was concurred in.

The bill was then ordered engrossed, printed, and to third reading.

Mr. Granger moved to suspend the rules, for the purpose of considering Assembly Bill No. 303.

So ordered.

SECOND READING.

Assembly Bill No. 303—An Act to declare Feather River navigable above the point of its present navigation.

Read second time, and ordered to third reading.

Mr. Wharton moved to suspend the rules, for the purpose of considering Assembly Bill No. 365.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Brown, Callaghan, Cammett, Carter, Cary, Clement, Coombs, Culver, Farley, Flynn, Fortna, Harvey, Healy, Heath, Hollister, Irwin, Keeler, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Rawle, Ryan, Smith, Stewart, Sweetland, Weaver, Wharton, and Mr. Speaker—35

NOES—Messrs. Barry, Briceland, Campbell, Crumpton, Doty, Field, Fleming, Granger, Hamilton, Head, Hershey, Hunter, Johnston, Kerrick, Levenson, Martin, McClaskey, Parker, Peterson, Plover, Rhel, Storke, Townsend, Wheat, and Yell—25.

Mr. Heath moved to suspend the rules, for the purpose of considering the second reading file.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Briceland, Cary, Field, Flynn, Granger, Harvey, Head, Heath, Hershey, Irwin, Kerrick, Lewison, Matthews, McDonald, Moffitt, Parker, Smith, Stewart, Storke, Wharton, Wheat, and Mr. Speaker—22.

NOES—Messrs. Barry, Bibb, Bowers, Callaghan, Carter, Coombs, Crumpton, Culver, Doty,

Fleming, Fortna, Hamilton, Healy, Hollister, Hunter, Johnston, Keeler, Levenson, Martin, McClaskey, Murdock, Murphy, O'Connor, Peterson, Plover, Rawle, Rhel, Ryan, Sweetland, Townsend, Waiath, Weaver, and Yell—33.

Mr. Ryan moved that the rules be suspended, the roll called, and each member be allowed to name the bill he wished to have considered.

At eight o'clock and forty-five minutes P. M., Mr. Irwin moved to adjourn.

Lost.

The question being on the motion by Mr. Ryan, it was lost.

#### FIRST READING.

Assembly Bill No. 440—An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Read first time, and ordered to second reading.

Assembly Bill No. 394—An Act to amend section two thousand three hundred and forty-nine of the Political Code, relating to public waters.

Read first time, and ordered to second reading.

Assembly Bill No. 410—An Act to provide for the payment for surveys and segregations of swamp and overflowed lands within this State.

Refused first reading.

At eight o'clock and fifty-five minutes P. M., Mr. Irwin moved to adjourn.

Lost.

Assembly Bill No. 41—An Act to amend article nine of the Constitution of the State of California, relative to education.

Refused first reading.

Assembly Concurrent Resolution No. 26—Concurrent Resolution and an Act entitled "An Act to amend section nine of article nine of the Constitution of the State of California," and submitting said amendment to the vote of the people.

Lost.

Assembly Bill No. 352—An Act to appropriate money to A. L. Bancroft & Company, to pay the balance due them under their contract for furnishing California Supreme Court Reports to the State.

Read first time, and ordered to second reading.

Senate Bill No. 82—An Act to pay the salary of the reporter of decisions of the Supreme Court for the period elapsing from January seventh to July first, eighteen hundred and eighty.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 38—Directing the State Engineer to prepare a correct description of the boundaries of all the counties of the State of California. (Introduced on behalf of committee.)

Adopted.

Assembly Bill No. 349—An Act to provide for the appointment of members of Boards of Health in cities, counties, cities and counties, towns, or municipalities, and to fix their terms.

Read first time, and ordered to second reading.

Assembly Bill No. 224—An Act to provide for the classification of municipal corporations.

Withdrawn.

Assembly Bill No. 235—An Act to amend section four thousand four hundred and forty-five of the Political Code of the State of California, in relation to funding and refunding of city indebtedness.

Read first time, and ordered to second reading.

Assembly Bill No. 15—An Act for the government of unincorporated towns in this State.

Withdrawn.

Assembly Bill No. 428—An Act to amend section one hundred and three of the Code of Civil Procedure, relative to Justices' Courts in townships and cities.

Read first time, and ordered to second reading.

Assembly Bill No. 427—An Act to provide for the weighing of hay in cities and towns, and to provide for a weigher.

Withdrawn.

Assembly Concurrent Resolution No. 24—Referring to the consolidation of the Southern Pacific Railroad Company with other transportation companies.

Withdrawn.

Mr. Flynn moved that Assembly Bill No. 65 be made a special order for Saturday evening next, at seven o'clock and thirty minutes. So ordered.

#### ADJOURNMENT.

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

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, February 28, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Rowland, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

#### READING OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Carter, further reading was dispensed with.

The approval of the Journal was postponed until after recess.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Cutter:

*Resolved*, That J. H. Williams, Gallery Porter, be granted indefinite leave of absence, on account of sickness, and the Sergeant-at-Arms be authorized to appoint a substitute until said Williams is able to return to his duties.

Referred to Committee on Attachés and Employés.

Mr. Nicol offered the following substitute for the resolution:

WHEREAS, John Williams, Gallery Porter of the Assembly, has resigned as such employé, leaving a vacancy to be filled by the House;

*Resolved*, That said resignation be and the same is hereby accepted, and that Robert Mitchell be and he is hereby declared elected to fill said vacancy.

Referred to Committee on Attachés and Employés.

By Mr. Nicol:

*Resolved*, That Rule Seventy-seven be amended as follows: Insert after the words "General Appropriation Bill" the words "State Appropriation Bills."

Referred to Committee on Rules.

## CONCURRENT RESOLUTION.

By Mr. Sweetland:

*Resolved by the Assembly, the Senate concurring*. That the Legislature adjourn sine die on Saturday, March tenth, eighteen hundred and eighty-three, at twelve o'clock M.

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

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Barry, Bibb, Callaghan, Campbell, Cary, Clark, Clement, Crumpton, Culver, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Head, Healy, Heath, Heishey, Hughes, Hunter, Johnston, Keeler, Kerrick, Leveson, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Rowland, Smith, Stephens, Stewart, Storke, Townsend, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—53.

NOES—Messrs. Booth, Bowers, Briceland, Brown, Caminetti, Carter, Coombs, Cutter, Field, Hamilton, Lewison, Murdock, Sweetland, Walth, and Weaver—15.

## SPECIAL ORDER.

Special order for this hour, reconsideration of the vote making Assembly Bill No. 356 a special order for Thursday, March first, at two o'clock P. M.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Barry, Bibb, Callaghan, Caminetti, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Faw, Flynn, Fortna, Gaussail, Hughes, Johnston, Lewison, McClaskey, McDonald, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Smith, Stewart, Storke, Sweetland, Walth, Wheat, Wheelan, Yell, and Mr. Speaker—35.

NOES—Messrs. Atwell, Booth, Briceland, Brown, Carter, Cary, Clement, Culver, Farley, Field, Fleming, Granger, Hamilton, Harvey, Head, Heath, Heishey, Hunter, Irwin, Keeler, Kerrick, Leveson, Martin, Matthews, McHale, McKinley, Murdock, Rhiel, Rowland, Stephens, Townsend, Weaver, and Wharton—33.

Mr. Hall moved a call of the House.

Lost.

## PASSAGE.

Assembly Bill No. 356—An Act to amend sections two thousand

five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coombs, Crumpton, Cutler, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Rowland, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—60.  
**NOES**—Messrs. Booth, Brown, Carter, Cary, Clement, Culver, Harvey, Heath, Keeler, Lewison, McKinley, Murdock, and Wharton—13.

Title approved.

#### REPORT OF STANDING COMMITTEE.

##### ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

**MR. SPEAKER**—Your Committee on Claims, to whom was referred Assembly Bill No. 346—An Act for the relief of James Kennovan, George Carlisle, and George Citizen—have had the same under consideration, and now report the same back, and state that after a careful examination we find that by the Act of 1857 (Statutes, page 362) the Legislature provided for the issuance of bonds to pay for all claims proven for expenses, etc., in the suppression of Indian depredations. This Act was amended in 1859, and again in 1861. (Statutes, page 409.) This and preceding Acts refer to *Indian depredations in Los Angeles, in which was the applicants served*. To meet the bonds referred to and all claims proven, Congress sent to this State a fund of about two hundred and fifty thousand dollars. Of this fund there still remains a little more than eight thousand dollars, and against this there are some outstanding bonds (which are no doubt lost), amounting to about four thousand dollars.

So, therefore, we find about four thousand dollars remaining in the fund set apart for the payment of these claims, which can be and should be appropriated to the payment of the applicants.

Therefore, your committee recommend that James Kennovan, George Carlisle, and George W. Citizen, and each of them, be allowed the sum of one thousand dollars, the same to be paid out of the "Indian War Bond Fund."

To meet the requirements of the case, your committee have drafted a substitute for said bill No. 346, and recommend the passage of the substitute.

GRANGER, Chairman.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

**MR. SPEAKER** I am directed to inform your honorable body that the Senate, on the twenty-seventh day of February, A. D. eighteen hundred and eighty-three, passed Senate Bill No. 132—An Act entitled "An Act to grant to Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Also, Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of Law in the University of California," approved March 26, 1878.

EDWIN F. SMITH, Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 132—Placed on file without reference.

Senate Bill No. 355—Placed on file without reference.

#### REPORT OF COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

**MR. SPEAKER**: Your Committee on Constitutional Amendments, to whom was referred Sen-

ate Concurrent Resolution No. 19—Relative to supplying the members of the late Constitutional Convention with copies of the debates of that body, which are now lying in the office of the Secretary of State,

Also, Assembly Concurrent Resolution No. 46—Relative to proposing an amendment to the Constitution of the State of California, in relation to the Supreme Court, and providing for the appointment of six Associate Justices thereof—have had the same under consideration, and now report the same back, and recommend that they do pass.

GRANGER, Chairman.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

MR. SPOKER: I am directed to inform your honorable body that the Senate, on February twenty-seventh, passed Assembly Bill No. 140—An Act to prevent the sale or disposition as butter of the substance known as oleomargarine, or oleomargarine butter, with amendments—and respectfully ask the concurrence of the Assembly in said amendments.

A. T. VOGELSONG, Assistant Secretary.

#### MOTION.

Mr. Cary moved that the substitute offered by the Committee on Municipal Corporations in lieu of Assembly Bill No. 428 be ordered printed.

So ordered.

#### SPECIAL ORDER.

Special order for this hour, second reading of Assembly Bill No. 207—An Act to ascertain the sum due all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars.

The question being on the question of the second reading of the bill, Mr. Leveson moved the previous question.

So ordered.

The question then being: "Shall the bill be read a second time?" the ayes and noes being demanded, the roll was called, and the bill was ordered read by the following vote:

AYES—Messrs Bibb, Booth, Bowers, Brown, Callaghan, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Healy, Hollister, Hughes, Irwin, Keeler, Leveson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Rowland, Ryan, Smith, Stewart, Sweetland, Walrath, Weaver, Wharton, and Mr. Speaker—47.

NOES—Messrs. Atwell, Barry, Briceland, Caminetti, Campbell, Crumpton, Faw, Field, Hamilton, Head, Heath, Hershey, Hunter, Johnston, Kerriek, Martin, Nicol, Parker, Peterson, Plover, Rhel, Simon, Stephens, Storke, Townsend, Wheat, Wheelan, and Yell—28.

Mr. Weaver gave notice that he would, to-morrow, move to reconsider the vote whereby the House passed Assembly Bill No. 356.

At twelve o'clock and fifteen minutes P. M., Mr. Yell moved that the House take a recess till two o'clock P. M. this day.

Lost.

Mr. Irwin moved that the further consideration of Assembly Bill No. 207 be made a special order for this afternoon, at two o'clock.

So ordered.

#### RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Wharton, the House took a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Journal of Tuesday corrected, and approved as corrected.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 140—An Act to prevent the sale or disposition as butter of the substance known as “oleomargarine,” or “oleomargarine butter.”

The Senate amendments thereto were read.

The roll was called, and the Senate amendments concurred in by the following vote:

**AYES**—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Kerrick, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Peterson, Plover, Rawle, Rbiel, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—61.  
**NOES**—Messrs. Cary, Clement, Harvey, Levenson, Moffitt, Parker, and Storke—7.

## REPORTS OF STANDING COMMITTEES.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

**MR. SPEAKER** Your Committee on Judiciary, to whom was referred Assembly Bill No. 499—An Act to amend section one thousand one hundred and eighty-one of the Civil Code, relating to the officers qualified to take acknowledgments—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Assembly Bill No. 493—An Act to add a new section to the Code of Civil Procedure, to be numbered one thousand two hundred and ninety-one, relative to the submission of matters in dispute to arbitration—with a substitute, and passage of the substitute recommended.

Also, Assembly Bill No. 494—An Act to amend an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, relative to appeals from Justices’ Courts to the Superior Court—and recommend that it do not pass.

Also, Assembly Bill No. 495—An Act to add a new section to the Code of Civil Procedure, to be designated as section five hundred and seventy, relating to receivers—and recommend that it do not pass.

Also, Assembly Bill No. 496—An Act to amend section seven hundred and ninety-two of the Political Code of the State of California, in relation to the qualifications of Notaries Public—and recommend that it do not pass.

Also, Assembly Bill No. 486—An Act to enable women to vote at elections of school officers, and in matters pertaining solely to the management of schools, and to hold educational offices—and recommend that it do not pass.

Also, Assembly Bill No. 479—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—and recommend that it do not pass.

Also, Assembly Bill No. 370—An Act to amend an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand seven hundred and forty-four, relative to Public Administrators, and the duties of persons having property of deceased persons, or persons presumed to be deceased, which has not been administered upon—and recommend that it do not pass.

Also, Assembly Bill No. 105—An Act to provide for the appropriation by the State of the waters of all rivers, lakes, and flowing streams, other than navigable waters, for the purposes of irrigation, mining, etc.—and recommend that it do not pass.

Also, Assembly Petition No. — Relative to the payment of witnesses in criminal cases—without recommendation.

JOHNSTON, Chairman pro tem.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

**MR. SPEAKER**: Your Committee on Education, to whom was referred Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, etc.—

have had the same under consideration, and now report the same back with an amendment, and recommend the passage of the bill as amended.

STORKE, Chairman.

CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Farley: Relative to sending reports of State and other officers to members of the Legislature.

Referred to Committee on Ways and Means.

REPORT OF COMMITTEE ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

MR. SPPAKER: Your Committee on Attachés and Employés, to whom was referred resolution introduced this day by Mr. Nicol, in relation to accepting the resignation of John Williams as Gallery Porter, and the filling of the vacancy by the election of Robert Mitchell—have had the same under consideration, and now report the same back to the House, and recommend the adoption of the resolution.

FIELD, Chairman.

Mr. Crumpton moved, as an amendment, that the position of Gallery Porter, now held by J. H. Williams, be declared vacant.

Adopted.

Mr. Coombs moved to suspend the rules, for the purpose of taking up Assembly Bill No. 458—An Act to define the duties of the Surveyor-General in relation to the selection and location of lands in lieu of the sixteenth and thirty-sixth sections, and parts of said sections, for which the State of California is or may be entitled to indemnity, and recommitting it to the Committee on Public Lands.

So ordered.

SPECIAL ORDER.

Special order for this hour, Assembly Bill No. 207—An Act to ascertain the sum due all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars.

Mr. Irwin moved to refer the bill back to the Committee on Claims, with instructions to remodel the bill so as to provide for the payment of the sum of thirty-six thousand one hundred and forty-six dollars and thirty-six cents, now in the State treasury, to the credit of the "State Drainage Construction Fund," and the sum of twenty-one thousand and forty-eight dollars and seventy-five cents to the credit of the "Construction Fund of Drainage District Number One," pro rata, upon the Controller's warrants now outstanding against said funds, and the audited claims against said funds for which warrants have not been drawn.

The ayes and noes being demanded, the roll was called, and the House refused to recommit by the following vote:

AYES—Messrs Atwell, Barry, Briceland, Cammetti, Campbell, Crumpton, Faw, Field, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Johnston, Kerrick, Martin, Parker, Peterson, Plover, Rhel, Sinon, Stephens, Storke, Terry, Townsend, Weaver, Wheat, Wheelan, and Yell—30

NOES—Messrs. Bibb, Booth, Bowers, Brown, Callaghan, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussal, Grainger, Hall, Harvey, Healy, Hollister, Hughes, Keeler, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKimley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Rawle, Ryan, Smith, Stewart, Sweetland, Walrath, Wharton, and Mr. Speaker—45.

Mr. Cutter moved that the House resolve itself into Committee of the Whole, the Speaker in the chair, for the purpose of considering Assembly Bill No. 207.

The ayes and noes being demanded, the roll was called, and the House refused to go into Committee of the Whole by the following vote:

AYES—Messrs Booth, Bowers, Brown, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Fleming, Fortna, Granger, Harvey, Hollister, Irwin, Johnston, Keeler, Levenson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Ryan, Stewart, Sweetland, Walrath, and Mr. Speaker—34.

NOES—Messrs. Atwell, Barry, Bibb, Briceland, Callaghan, Caminetti, Campbell, Crumpton, Faw, Field, Flynn, Gaussail, Hall, Hamilton, Head, Healy, Heath, Hershey, Hughes, Hunter, Kerrick, Martin, McDonald, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Simon, Smith, Stephens, Storke, Terry, Townsend, Weaver, Wheat, Wheelan, and Yell—40.

SPECIAL FILE—(THIRD READING).

Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Coombs, Crumpton, Culver, Doty, Farley, Faw, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Levenson, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Stephens, Stewart, Terry, Townsend, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—52.

NOES—Mr. Storke—1.

Title approved.

Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Read third time.

CALL OF THE HOUSE.

Mr. Bibb moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Bibb moved that the Sergeant-at-Arms be instructed to arrest absentees, bring them before the bar of the House, and they be fined one dollar unless they give a satisfactory excuse.

So ordered.

The Sergeant-at-Arms presented at the bar of the House Mr. Levenson, who rendered his excuse, was excused, and released from the custody of the Sergeant-at-Arms by order of the House.

On motion of Mr. Murdock, further proceedings under the call of the House were dispensed with.

The question being then on the passage of Senate Bill No. 50, the roll was called, and the bill was passed by the following vote:

**AYES**—Messrs. Bibb, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Clement, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Head, Healy, Heath, HERSHEY, Hollister, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Rhuel, Simon, Smith, Stephens, Stewart, Terry, Townsend, Walrath, and Wharton—51.

**NOES**—Messrs. Barry, Briceland, Callaghan, Coombs, Culver, Cutter, Doty, McClaskey, McHale, Murdock, Nicol, Plover, Storke, Sweetland, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—19.

Title approved.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, February 28, 1883. }

*To the Assembly of the State of California.*

I have to inform your honorable body that I have approved Assembly Bill No. 1—An Act to repeal chapter two, of title six, part three, of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, 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.

GEORGE STONEMAN, Governor.

Mr. Matthews moved to suspend the rules, for the purpose of considering Assembly Bill No. 337.

Lost.

Mr. Healy in the chair.

#### THIRD READING—(RESUMED).

Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations—identical with Senate Bill No. 90. (Introduced on behalf of Joint Committee on Municipal Corporations, and in lieu of Assembly Bills Nos. 92, 238, 248, and 455.)

Read third time.

#### RECESS.

Pending the reading of Assembly Bill No. 509, at five o'clock and fifteen minutes P. M., on motion of Mr. Sweetland, the House took a recess till seven o'clock and thirty minutes this evening.

#### REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

#### LEAVE OF ABSENCE.

Messrs. Storke and Barry were granted leave of absence for this evening's session.

## CONSIDERATION OF ASSEMBLY BILL NO. 509—(RESUMED).

Mr. Ryan moved to amend section five hundred and one, by adding thereto the following:

*Provided*, That any city included in this class may, at its option, have a Board of Trustees instead of a Common Council, and such Board of Trustees shall consist of a First Trustee, who shall be ex officio Mayor, a Second Trustee, who shall be ex officio Superintendent of Streets; a Third Trustee, who shall be ex officio Superintendent of Water Works and the annual salaries of the officers of such city shall be as follows: The salary of the First Trustee shall be two thousand dollars per annum, the salary of the Second Trustee shall be eighteen hundred dollars per annum; the salary of the Third Trustee shall be twelve hundred dollars per annum; the salary of the Police Judge shall be eighteen hundred dollars per annum; the salary of the Assessor shall be eighteen hundred dollars per annum; the salary of the City Attorney shall be eighteen hundred dollars per annum, the salary of the Clerk shall be two thousand dollars per annum; the salary of the Treasurer shall be one thousand dollars per annum; the salary of the Water Rate Collector shall be fifteen hundred dollars per annum, the salary of the Tax and License Collector shall be twelve hundred dollars per annum, and four per cent of all moneys collected, the salary of the School Superintendent shall be fifteen hundred dollars per annum: all of which salaries shall be paid monthly; *provided further*, that wherever the words "Common Council" occur in this chapter they shall be construed to apply to the Board of Trustees, and all the powers conferred upon the Common Council of cities included in this class are hereby conferred upon the Board of Trustees of cities adopting a Board of Trustees instead of a Common Council, unless otherwise expressly provided in this Act.

Lost.

At eight o'clock and fifteen minutes P. M., Mr. Wharton moved to adjourn.

Lost

Mr. Weaver moved to amend section eight hundred and fifty-one, as follows:

Section 851. The government for such city and town shall be vested in a Board of Trustees, to consist of five members, a Mayor; a Clerk; a Treasurer, who shall be ex officio Tax Collector; an Assessor, a Recorder, and a Marshal, who shall be ex officio Chief of Police and License Collector, and such subordinate officers as are hereinafter provided for.

Lost.

Mr. Weaver moved to amend section eight hundred and fifty-two as follows:

Section 852. The members of the Board of Trustees, and the Mayor, Clerk, Treasurer, Recorder, and Marshal shall be elected by the qualified electors of said city or town at a general municipal election, to be held therein on the second Monday in April, in each even numbered year. Said Board of Trustees, Mayor, Clerk, Treasurer, Recorder, and Marshal shall hold office for the period of two years from and after the second Monday next succeeding the day of such election, and until their successors are elected and qualified. The Board of Trustees may, in their discretion, appoint an Attorney, a Poundmaster, a Superintendent of Streets, a Civil Engineer, and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation; which said officers shall hold office for the period of two years, and until their successors are appointed and qualified.

Lost.

Mr. Weaver moved to amend section eight hundred and fifty-eight, by inserting in line one, between the words "the" and "Monday," the word "second," and in line six, the word "days" in place of "hours."

Lost.

Mr. Weaver moved to strike out in subdivision nine of section eight hundred and sixty-two, all after the word "tax," down to the word "the" in line twenty-seven.

Lost.

Mr. Brown moved to amend by inserting after the word "dollars," in line twenty, the following: "*provided*, said poll tax is paid on or

before the first day of July each year, and if not paid by said date then it shall be three dollars."

Lost.

Mr. Weaver moved to strike out the word "once," in line four of section eight hundred and sixty-three, and insert "one month."

Lost.

Mr. Weaver moved to amend section eight hundred and sixty-six as follows: insert in line three, between the words "indebtedness" and "is," the words "or the probable income from taxes for the fiscal year."

Lost.

Mr. Irwin moved that Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations—identical with Senate Bill No. 90—(introduced on behalf of Joint Committee on Municipal Corporations, and in lieu of Assembly Bills Nos. 92, 238, 248, and 455)—be considered engrossed, and placed on its final passage.

So ordered.

#### CALL OF THE HOUSE.

Mr. Irwin moved a call of the House.

So ordered.

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

Messrs Atwell, Bibb, Booth, Brown, Callaghan, Caminetti, Campbell, Cary, Clark, Clement, Coleman, Crumpton, Cutter, Fleming, Flynn, Fortna, Gaus-sal, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerriek, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Ryan, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, Wheat, and Mr. Speaker.

Quorum present.

On motion of Mr. Murphy, further proceedings under the call of the House were dispensed with.

Mr. Townsend moved that the vote on the passage of Assembly Bill No. 509 be postponed till to-morrow morning, immediately after the reading of the Journal.

Lost.

The question being then on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Callaghan, Caminetti, Campbell, Clark, Clement, Coleman, Crumpton, Cutter, Fleming, Flynn, Fortna, Gaus-sal, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerriek, Levenson, Lewison, Martin, Matthews, Mc Claskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Stephens, Stewart, Sweetland, Townsend, Walrath, Wheat, and Mr. Speaker—50

NOES—Messrs. Brown, Cary, Ryan, and Weaver—4.

Title approved.

Mr. Johnston moved that the rules be suspended, for the purpose of considering Assembly Bill No. 502.

So ordered.

#### FIRST READING.

Assembly Bill No. 502—An Act to establish a State Board of Agriculture, and to appropriate moneys for the expenses thereof.

Read first time, and ordered to second reading.

## PETITION—(OUT OF ORDER).

By Mr. Flynn: Relative to silk culture in the State of California.  
Referred to Committee on Agriculture.

## ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Mr. Rhiel, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, March 1, 1883. }

House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Brice land, Brown, Callaghan, Caminetti Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty Farley, Faw, Field, Fleming, Flynn, Fortna, Gaus sail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mudock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Flynn, further reading was dispensed with.

Journal of Wednesday approved.

Mr. Murdock moved to add the following to Rule Seventy-seven:

All Senate bills on the general file shall be placed on the special file in the same order they now hold.

Referred to Committee on Rules.

## PRESENTATION OF PETITION.

By Mr. Levenson: In relation to Hastings' Law College, and that its government be vested in the University of California.

Placed on file.

## REPORTS OF STANDING COMMITTEES.

## ON ATTACHES AND EMPLOYEES.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred resolution of Mr. Sweetland, also resolution of Mr. Terry, in relation to the appointment of Miss McKim

and Miss Brennan, and of Mrs. A. Andrews, respectively, as clerks of the several committees of this House having no clerks—have had the same under consideration, and now report the same back, and recommend that said resolutions and each of them be not adopted, and your committee further recommend that all committee clerks, except those employed on the following committees, to wit: Ways and Means, Judiciary, Engrossment, and Apportionment, be discharged; and recommend further, that the House take action in relation to the necessity of employing two clerks for general duties on any of the committees not heretofore enumerated.

FIELD, Chairman.

Mr. Irwin moved that the report lay on the table.  
So ordered.

ON YOSEMITE BIG TREES AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

MR. SPEAKER. Your Committee on Yosemite Big Trees and Forestry, to whom was referred Assembly Concurrent Resolution No. 51—Relative to the preservation of the forests of the State of California—have had the same under consideration, and now report the same back, and recommend that it do pass.

SMITH, Chairman.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

MR. SPEAKER. Your Committee on Claims, to whom was referred Senate Bill No. 112—An Act for the relief of James Saultry for personal injuries received by him while in the service of the State—have had the same under consideration, and now report the same back, and recommend its passage.

G. W. T. CARTER, Chairman.  
JOHN H. M. TOWNSEND.  
N. L. COOMBS.  
J. H. MATTHEWS.  
L. C. GRANGER.

For one hundred and fifty dollars per month during his life time.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

MR. SPEAKER. Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 37—Relative to protesting against the leasing of the Yellowstone Park to private parties—and recommend that it be not adopted.

Also, Senate Concurrent Resolution No. 6—Relative to the passage of Chinese through the United States—and recommend that it be not adopted.

Also, Senate Concurrent Resolution No. 8—Relative to the appointment of Captain John Mullan as the agent and attorney of the State of California at Washington, D. C.—and recommend that it be not adopted, as the House has adopted the same resolution.

Also, Assembly Concurrent Resolution No. 40—Relative to asking Congress to segregate a portion of the Presidio Reservation and set the same aside for the use of the people as a public park—the majority recommend that it be not adopted, a minority recommend that it be adopted.

Also, Assembly Concurrent Resolution No. 30—Relative to the termination of the reciprocity treaty between the Government of the United States and that of Hawaii—and recommend that it be adopted.

Also, Senate Concurrent Resolution No. 5—Relative to the location of the eastern boundary line of the State of California—and recommend it be not adopted.

McCLASKEY, Chairman.

ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

MR. SPEAKER. Your Committee on Engrossment beg leave to report that they have carefully compared the following Assembly Bills, and find them correctly engrossed:

Assembly Bill No. 150—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions and the service of summons therein.

Assembly Concurrent Resolution No. 20—In relation to the appointment of Captain John Mullan, of San Francisco, agent and attorney to represent the State of California at Washington, and providing for his compensation.

Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom. (Introduced on behalf of committee.)

Assembly Bill No. 303—An Act to declare Feather River navigable above the point of its present navigation.

CALLAGHAN, Chairman.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 211—Placed on special file without reference.

## INTRODUCTION OF BILLS—(BY UNANIMOUS CONSENT).

By Mr. Irwin: An Act appropriating money to pay deficiencies in the expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for official advertising for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for the traveling expenses of the Board of Railroad Commissioners for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for armory rents and other expenses of the National Guard of California for the thirty-third fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for furnishing the State Normal School at San José for the thirty-third fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for rent, printing, and contingent expenses, in the office of Insurance Commissioner for the thirty-third fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for postage and expressage in the State Library for the thirty-third fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for the purchase of Supreme Court Reports for the thirty-fourth fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for arresting criminals without the limits of the State for the thirty-fourth fiscal year.

Referred to Committee on Ways and Means.

Also—An Act to appropriate money to pay deficiencies to Registers and Receivers of United States Land Offices for the twenty-fifth fiscal year.

Referred to Committee on Ways and Means.

Also—An Act to appropriate money to pay deficiencies for rewards offered by the Governor for the twenty-fifth fiscal year.

Referred to Committee on Ways and Means.

Also—An Act to appropriate money to pay deficiencies for furniture, repairs, and purchase of carpets for the State Capitol building for the thirty-first fiscal year.

Referred to Committee on Ways and Means.

Also—An Act to appropriate money to pay deficiencies for armory rents and other expenses of the National Guard of California for the thirty-first fiscal year.

Referred to Committee on Ways and Means.

Also—An Act to appropriate money to pay deficiencies for pay-

ment of rewards offered by the Governor for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also—An Act to appropriate money to pay deficiencies for water for irrigation, purchase of hose, and other articles for use on the State Capitol grounds for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also—An Act appropriating money to pay deficiencies for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-second fiscal year.

Referred to Committee on Ways and Means.

Also—An Act to appropriate money to pay deficiencies for furniture, repairs, and sundries furnished the State Capitol building for the thirtieth fiscal year.

Referred to Committee on Ways and Means.

Mr. Storke moved to take up second reading file.

So ordered.

#### SECOND READING.

Assembly Bill No. 390—An Act to provide for the division of existing counties, and for the creation of new counties.

Read second time.

Mr. Storke moved to amend section three, as follows:

Said petition shall be accompanied with the certificate of the County Assessor of each of the counties affected by the proposed division, showing that two thirds of the taxpayers, resident within the district taken from their respective counties to form such proposed new county, as they appear upon the last equalized assessment rolls thereof, have signed or authorized the signing of said petition. The Assessor of any county affected by the proposed division, shall furnish such certificate upon being paid or tendered the sum of ten dollars by any party signing such petition. The affidavit of a resident taxpayer, to the effect that he saw the petition signed by the person or persons to whose signature he deposes, shall be sufficient evidence to the Assessor of the genuineness of such signature or signatures, but when the signature is by an agent of a taxpayer, he may require evidence that the agent was authorized to sign the same. When the petition is signed by a resident taxpayer at any place out of the county, the certificate of a Notary, under his official seal, attesting the signature of such taxpayer, shall be sufficient.

Adopted.

Mr. Storke moved to amend section four, as follows:

The Board of Supervisors of any county may refuse to take action on any petition for the creation of a new county, unless it shall appear that the county which it is intended to create has within its territory not less than one thousand registered voters, and that the residue of each county from which territory is to be taken has not less than fifteen hundred voters appearing upon the Great Register of such county. The certificate of the County Clerk of each such county of the number of such voters within such territory, and residue, respectively, shall be evidence of the facts therein stated. Such County Clerk shall furnish such certificate on payment to him of the sum of five dollars for each certificate.

Adopted.

Mr. Storke moved to amend section five, as follows: Insert after the word "bounded," in line four, the words "and the boundaries of five Supervisors' districts."

Adopted.

Mr. Storke moved to amend section six, as follows:

The Board of Supervisors of the county to which the petition for such proposed new county is presented shall consider the same and take action thereon at its first regular meeting thereafter, and shall, if satisfied of the fact, direct the Clerk of the county to certify forth-

with, in duplicate, to the Secretary of State, that all of the requirements of this Act have been complied with. The Secretary of State, upon receiving such certificates, shall file one in his office and transmit the other forthwith to the Governor, who shall, within ten days thereafter, appoint some suitable person, a resident and qualified to be an elector of the proposed new county, as Census Enumerator, to take the census thereof and of the residue of each county from which any territory is to be taken to compose such proposed new county. The person appointed as Census Enumerator is hereby empowered to appoint as many deputies as in his judgment are necessary to expedite the work of taking such census. The Census Enumerator and all of his deputies shall take and subscribe to the constitutional oath of office. The Census Enumerator shall receive, as compensation for his services, five cents per name for each and every name properly entered in his census list, which compensation shall be in full payment for all services rendered by such Census Enumerator and all deputies employed by him, and all blanks and stationery used in taking and perfecting such census, and such compensation shall be allowed and paid by the proposed new county, if created; but if no new county shall be created, then the counties, respectively, whose census shall have been taken as provided in this Act, shall pay the Census Enumerator the compensation herein provided.

Adopted.

Mr. Storke moved to amend section seven, as follows:

The census list shall contain the name, age, and place of residence of each and every inhabitant in each county from which any territory is to be taken to form the proposed new county, and shall show on which side of the proposed division line such inhabitant or person resides. The Census Enumerator shall, as soon as possible, and within ninety days after his appointment, complete such census, and certify a correct list thereof, under oath, to the Clerk of each of the counties affected by division. If, by the list or lists so returned, it shall appear that the proposed new county will contain a population of not less than five thousand, and that a population of not less than eight thousand will remain in each of the counties from which any territory shall be taken to form such proposed new county, the County Clerk thereof shall, within five days after receiving such list, certify the facts shown by said census regarding his county and the proposed new county, to the Secretary of State, in duplicate. The Secretary of State shall file one of each of such certificates in his office, and forthwith transmit the other to the Governor, *provided*, that whenever the proposed new county shall be formed wholly from one county, no census need be taken, if the Board of Supervisors of such county shall, at a regular meeting, declare that the population of the residue of the county from which the proposed new county is to be formed will be not less than eight thousand, and that of the proposed new county not less than five thousand after such division. If such declaration be made, it shall be entered in the minutes of the Board, and two certified copies thereof shall be forthwith sent by the County Clerk to the Secretary of State, who shall file one of such certified copies in his office, and shall forthwith transmit the other to the Governor. The taking of a census may also be dispensed with in the residue of any one or more counties from which territory is to be taken to form a new county, whenever the Board of Supervisors thereof shall, at a regular meeting, declare that the population of the residue of the county will be not less than eight thousand, which declaration shall be thereupon entered upon the minutes of said Board, and two certified copies thereof shall be forthwith forwarded to the Secretary of State, in lieu of the certificate of facts shown by the census; but a census of such proposed new county shall not be omitted when territory to create the same has been taken from two or more counties.

Adopted.

Mr. Storke moved to amend section eight, as follows:

Within twenty days after the Governor shall have received from the Secretary of State the certificates and certified copies provided by section eight of this Act, he shall issue his proclamation stating that such proposed new county has been formed, and will be fully organized as soon as its officers shall have been duly elected and shall have qualified, and that on and after that date such new county shall be endowed with all the rights and privileges, and subject to all the responsibilities imposed on the several counties of this State by the laws and Constitution thereof; and he shall at the same time appoint five persons, one from each Supervisor District of such new county, who shall be qualified electors of such new county, and such persons so appointed shall, on taking the oath of office, file official bonds as required by sections four thousand and twenty-two and four thousand and six of the Political Code. The persons so appointed shall constitute the Board of Supervisors of such new county, and shall perform all the duties required of and have and exercise all the powers conferred upon Boards of Supervisors by general laws, and shall hold office until the next general election, and until their successors are elected and shall have qualified, and go out of office at the time the officers of other counties do. The Superior Judge of the county, or any one of the counties from which any territory has been taken to form a new county, shall approve the bonds of the Supervisors appointed by the Governor under this Act.

Adopted.

Mr. Storke moved to amend section nine, as follows:

It shall be the duty of the members of the Board of Supervisors provided for by this Act, to meet at some convenient place within such county, to be selected by such Board, within twenty days after receiving the proper notification of their appointment by the Governor, and organize. The place so selected shall be used as the temporary county seat of such county until the permanent county seat for such county shall have been located, as hereinafter provided.

Adopted.

Mr. Storke moved to amend section ten, as follows:

There shall be an election held in such new county as hereinafter provided, at which there shall be chosen by the qualified electors thereof, as they appear on the Great Register of the several counties from which such new county has been made up: One Superior Judge, one District Attorney, one County Clerk, one County Auditor, one County Recorder, one County Superintendent of Public Schools, one County Sheriff, one County Tax Collector, one County Assessor, one County Treasurer, one County Surveyor, one County Coroner, and one County Public Administrator. At the election above provided, the county seat of such new county shall be permanently located by a vote of the qualified electors thereof, and the place receiving the highest number of votes cast therefor shall be declared the permanent county seat of such new county. The manner of submitting the question of the location of the county seat shall be by the words "For county seat," printed on the ballots used at said election, and the manner of voting shall be by printing or writing the name of the place preferred by the voter on such ballot immediately to the right of the words "For county seat."

Adopted.

Mr. Storke moved to amend section eleven, as follows:

The county or counties from which territory is taken to create a new county shall, so soon as such proposed new county is organized, agree with such new county upon and employ some competent person to survey, run out, and accurately define the lines and boundaries of such new county. The costs and expenses of such survey shall be borne and paid by such new county, and the lines so established shall be the boundary lines between it and the several adjoining counties. Such survey shall adhere, as closely as possible, to the lines and boundaries set forth in the petition or petitions to the Supervisors mentioned in section two of this Act, and he may, when the nature of the ground renders it necessary, depart from such lines, but so as not to exclude from the new county or district cut off, any taxpayer by whom the petition was signed, nor to include therein any by whom the same was not signed, who were living outside of the boundary lines set forth in said petition, without the written consent thereto of the person to be included or excluded as the case may be; nor shall any part of the lines so run approach within five miles of the county seat of any existing county. Such surveyor shall file copies of his survey and field notes, duly certified, with the County Clerk of all the counties interested in or affected by such division.

Mr. Storke moves to strike out the word "shall," in line five of section twelve, and insert in lieu thereof the words "may in the discretion of the Court."

Adopted.

Mr. Storke moves to strike out the word "sixty," in line one of section thirteen, and insert in lieu thereof the word "thirty," and in same line and section, after the word "organization," insert the words "of the Board of Supervisors."

Adopted.

Mr. Storke moved to substitute the following for section fifteen:

Section 15. Immediately after the Board of Supervisors of the new county shall have received all the certificates as to amounts of indebtedness to be assumed by the new county, as provided by the last section, the Board of Supervisors of the new county shall issue an election proclamation for the election of the county officers mentioned in section twelve of this Act, the election to take place within thirty days from date of said proclamation, and shall in the same proclamation submit to the people a proposition for the issue of bonds for the purpose of providing for the payment of the several shares of the indebtedness of each county from which the new county has been made up, which such new county is required to assume, and for the purpose of providing for the expenses of such new county for the period of one year, and until the close of the fiscal year next following the expiration of such year from the date of the formation thereof, and of the expenses of the creation and organization of said new county; *provided,*

that not more than twenty thousand dollars of bonds shall be issued for the last named purpose. The words to be printed on the ballots for such issue of bonds shall be, "Issue of county bonds;" and the manner of voting shall be by writing or printing the word "For," or "Against," on said ballots after the words "Issue of county bonds." If two thirds of the votes cast be in favor of issuing said bonds, it shall be lawful for the Board of Supervisors of said new county to issue the same, or so much thereof as shall be necessary for the purposes aforesaid. Said bonds shall be payable at such dates, within twenty years, and shall be issued of such denominations, not less than one hundred dollars, as the Board of Supervisors may think advisable, and shall bear interest at a rate not to exceed eight per cent per annum, payable semi-annually, in gold coin of the United States, and said bonds shall not be sold for less than their face value. The Board of Supervisors shall create a sinking fund by levying an annual tax on each one hundred dollars of taxable property in such county sufficient to meet the payment of such bonds and interest as they become due.

Adopted.

Mr. Storke moved to substitute the following for section sixteen:

Section 16. The new county shall, within sixty days after said election, or within such further time as may be respectively granted to it by the Board of Supervisors of the several counties from which it is derived, pay or secure to the satisfaction of the respective Boards of Supervisors the amount of the indebtedness of their respective counties required to be assumed by the new county.

Adopted.

Mr. Storke moved to substitute the following for section seven-teen:

Section 17. All moneys due from any of the old counties to the school districts or road districts included in the territory of the new county, or that may become due by apportionment to such school districts or road districts during the school or fiscal year in which the new county was organized, shall by the proper officers of the old county or counties be transferred to the Treasurer of the new county, *provided*, that when a new county shall be created between the first day of January and the first day of July, such new county shall be paid by the county or counties from which such new county is made up, the money due such school and road district for the fiscal year next succeeding its organization.

Adopted.

Mr. Storke moved to amend section eighteen, by adding after the word "county," in line seven, the following:

Also, all taxes collected within the territory taken for such new county, as personal property tax, or State poll tax, in the year any new county is organized, shall be turned over to such new county; *provided*, the petition authorized by section two of this Act shall have been presented to the Board of Supervisors of the county to be divided, prior to the commencement of any fiscal year. Such new county shall credit the party or parties paying such tax with the tax so paid, on the assessment roll made up for such year by such new county.

Adopted.

Mr. Storke moved to amend section nineteen, by adding after the word "record," in line sixteen, the following:

In case it shall not have been practicable to make the annual tax levy for the fiscal year in which any new county may be created within the time prescribed by law, the same may be made at any time during that year, and shall be as valid and effectual as if made at the regular time.

Adopted.

The question being: "Shall the bill be ordered engrossed and to third reading?" the ayes and noes being demanded, the roll was called, and the House refused to order the bill engrossed and to third reading by the following vote:

AYES—Messrs. Barry, Booth, Briceland, Coleman, Field, Hamilton, Head, Heath, Hershey, Hughes, Leverson, Martin, Matthews, Murdock, Rhiel, Walrath, Wharton, and Mr. Speaker—18.

**NOES**—Messrs. Bibb, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Doty, Farley, Faw, Fleming, Gaussail, Granger, Hall, Harvey, Healy, Hunter, Irwin, Johnston, Keeler, Kerriek, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Weaver, and Yell—44.

Mr. Storke gave notice that he would, to-morrow, move to reconsider the vote whereby the House refused to order Assembly Bill No. 390 engrossed and to third reading.

Mr. Wharton moved to suspend the rules, for the purpose of considering Assembly Bill No 155.

The ayes and noes being demanded, the roll was called, and the House refused to suspend the rules by the following vote :

**AYES**—Messrs. Bibb, Cary, Clement, Coombs, Cutter, Farley, Faw, Fleming, Flynn, Gaussail, Granger, Hall, Harvey, Healy, Heath, HERSHEY, Hollister, Hughes, Keeler, Leveison, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Ryan, Smith, Stewart, Storke, Walrath, Weaver, and Wharton—37.

**NOES**—Messrs. Barry, Booth, Bruceland, Campbell, Carter, Clark, Coleman, Crumpton, Doty, Field, Hamilton, Head, Hunter, Irwin, Johnston, Kerriek, Martin, McClaskey, Nicol, Parker, Peterson, Plover, Rhiel, Simon, Stephens, Sweetland, Wheat, Wheelan, Yell, and Mr. Speaker—30.

Mr. Irwin moved that the Senate be requested to return to this House Assembly Bill No. 356

Mr. Flynn moved a call of the House.

Lost

The question being then on the motion requesting the Senate to return Assembly Bill No. 356, it was so ordered.

Mr. Levenson moved to suspend the rules, for the purpose of considering Senate Bill No. 355.

Lost.

#### SECOND READING—(RESUMED).

Assembly Bill No. 31—An Act to prevent the spreading of fruit tree pests and diseases, and to provide for their extirpation.

The question being on the question of the second reading, the ayes and noes being demanded, the roll was called, and the House ordered the bill read by the following vote :

**AYES**—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Culver, Doty, Farley, Faw, Fleming, Flynn, Fortna, Granger, Hall, Harveley, Head, Healy, Heath, Hollister, Hughes, Keeler, Kerriek, Lewison, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Plover, Rawle, Rhiel, Ryan, Sweetland, Townsend, Waltath, Weaver, Wharton, Wheelan, and Mr. Speaker—47

**NOES**—Messrs. Bruceland, Campbell, Clark, Crumpton, Field, Hamilton, Hunter, Irwin, Johnston, Martin, Matthews, McClaskey, McDonald, Nicol, Peterson, Smith, Stephens, Wheat, and Yell—19.

Bill read second time.

Mr. Townsend moved to amend section one, by inserting after the word "fruit," in line three, the following: "trees and fruit."

Adopted.

Mr. Townsend moved to amend section one, by striking out of line eleven the words "or removed to," and insert the words "all boxes, packages, and baskets."

Adopted.

Mr. Townsend moved to amend section one, by inserting in line thirteen, after the word "purpose," the words "must be disinfected within three days after their return."

Adopted.

Mr. Townsend moved to amend section one, by striking out of line fourteen, after the word "dealer," the rest of the section, and insert the words "before so using, removing, returning, or shipping the same without disinfecting, shall be guilty of a misdemeanor. All fruit packages known as free packages must be disinfected or burned within three days after being empty."

Adopted.

Mr. Irwin moved to amend as follows: Strike out all of section one to and including line eight.

The ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

**Ayes**—Messrs. Briceland, Cary, Clark, Crumpton, Field, Fleming, Fortna, Granger, Hamilton Harvey, Head, Hershey, Hunter, Irwin, Johnston, Leveison, Martin, McClaskey, Nicol Parker, Peterson, Stephens, Stewart, Storke, Wheat, and Yell—26.

**Noes**—Messrs. Atwell, Ribb, Booth, Bowers, Carter, Clement, Culver, Cutter, Doty, Farley, Faw, Flynn, Gaussail, Healy, Heath, Hollister, Hughes, Keeler, Kerriek, Lewison, McDonald, McKinley, Murdock, Murphy, Rawle, Rhiel, Ryan, Simon, Smith, Townsend, Wharton, and Mr. Speaker—32.

Mr. Irwin moved to amend section one, by inserting in line five, after the word "known," the words "to him."

Adopted.

Mr. Atwell moved to amend section one, by striking out of line five all after the word "trees" down to and including the word "horticulture," in line seven.

Adopted.

Mr. Irwin moved to amend section two, by inserting after the word "kind," in line one, the words "known to the owner to be."

Adopted.

Mr. Hollister moved to amend section two, by striking out of line three, after the word "pupæ," the balance of the line. Also, lines four, five, and six, to and including the word "all," and insert instead "which has fallen from the tree or trees, shall be gathered from the ground as often as once a week, and disposed of in such a manner as to effectually destroy all such insects, their larvæ, or pupæ."

Adopted.

Mr. Hollister moved to amend section three, as follows: Section three, on line three, after the word "pupæ" insert "or disease," and strike out the words "that are."

Adopted.

Also, section three, in line eighteen, after the word "territories" insert "which country, State, or territory is known to be infested by any insect or insects, their eggs, larvæ, or pupæ, or disease known to be injurious to fruit or fruit trees, and liable to spread contagion among fruit or fruit trees."

Adopted.

Also, section three, in line nineteen, after the word "arrival" insert "at any through shipping point or place of debarkation."

Adopted.

Mr. Hollister moved to strike out all of section five.

Adopted

Mr. Hollister moved the following substitute for section five:

All fruit trees known to the owner to be infested by any insect or insects, their germs, larvæ, or pupæ, or disease known to be injurious to fruit trees and liable to spread contagion, must be cleansed or disinfected before the first day of April, eighteen hundred and eighty-three, and on

or before the first day of April of every succeeding year thereafter. All owners or occupants of land on which fruit trees are grown, failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and fined as provided in section six of this Act.

Adopted.

Mr. Hollister moved to substitute for section six the following:

Any person or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense. Said fine, when collected, shall be paid into the school fund of the county where conviction is had.

Adopted.

The question being: "Shall the bill be ordered engrossed, printed, and to third reading?" the ayes and noes being demanded, the roll was called, and the bill was ordered engrossed, printed, and to third reading, by the following vote:

AYES—Messrs. Atwell, Bary, Bibb, Booth, Brown, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Culvei, Cutter, Doty, Farley, Paw, Fleming, Flynn, Gaussal, Healy, Heath, Hollister, Hughes, Irwin, Keefer, Kerick, Lewison, McHale, McKinley, Moffitt, Murdoch, O'Connor, Parker, Plover, Rawle, Rhuel, Ryan, Smith, Townsend, Walrath, Wharton, and Mr. Speaker—41.

NOES—Messrs. Campbell, Clark, Crumpton, Field, Fortna, Hall, Hamilton, Harvey, Head, Hershey, Hunter, Levenson, Martin, McClaskey, Murphy, Nicol, Peterson, Stephens, Stewart, Wheelan, and Yell—20.

#### REPORTS OF STANDING COMMITTEES.

##### ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 211, have had the same under consideration, and now report the same back and recommend its passage.

IRWIN, Chairman.

Ordered placed on special file.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly bill has been correctly enrolled:

Assembly Bill No. 140—Entitled "An Act to prevent the sale or disposition as butter of the substance known as 'oleomargarine,' or 'oleomargarine butter,' and when oleomargarine, or oleomargarine butter is sold or disposed of, requiring notice thereof to be given"—and the same was, at ten o'clock and fifty minutes A. M., March first, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, complied with the request of the Assembly, and herewith return Assembly Bill No. 336—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'Concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

A. T. VOGELSANG, Assistant Secretary.

Mr. Flynn, pursuant to notice given, moved to reconsider the vote whereby the House passed Assembly Bill No. 356.

Mr. Martin moved a call of the House.

Lost.

The question then recurring on the motion to reconsider, Mr. Irwin moved to lay the motion on the table.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Caminetti, Campbell, Clark, Coleman, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Grainger, Hall, Hamilton, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerick, Leverson, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Simon, Stephens, Stewart, Storke, Sweetland, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—51.

NOES—Messrs. Booth, Briceland, Brown, Carter, Cary, Clement, Coombs, Culver, Cutter, Harvey, Head, Heath, Hollister, Lewison, Martin, McKinley, Murdock, Ryan, Smith, and Weaver—20.

#### RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Nicol moved to suspend the rules, for the purpose of considering Assembly Bill No. 162.

The ayes and noes being demanded, the roll was called, and the motion carried by the following vote:

AYES—Messrs. Barry, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fortna, Gaussail, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerick, Leverson, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, Plover, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Terry, Weaver, Wheelan, and Mr. Speaker—47.

NOES—Messrs. Bibb, Clark, Flynn, Hall, Healy, Lewison, Martin, Matthews, McDonald, Murphy, O'Connor, Rawle, Smith, Sweetland, Townsend, Walrath, Wharton, and Wheat—18.

#### SECOND READING.

Assembly Bill No. 162—An Act amending section five hundred and twenty-six of the Code of Civil Procedure of the State of California, relative to the granting of injunctions.

Read second time, and ordered engrossed and to third reading.

Mr. Simon moved that the third reading of the bill be made a special order for to-morrow morning, immediately after the reading of the Journal.

So ordered.

Mr. Caminetti moved to suspend the rules, for the purpose of considering Assembly Bill No. 508.

So ordered.

#### FIRST READING.

Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several

counties to organize primary and grammar schools, and prescribe a course of study therefor.

Read first time, and ordered to second reading.

Mr. Caminetti moved to make Assembly Bill No. 508 a special order, for eleven o'clock A. M. to-morrow.

So ordered.

Mr. Storke moved to suspend the rules, for the purpose of considering Senate Bill No. 355.

So ordered.

Mr. Cutter moved to declare the bill a case of urgency, and that it be read first and second time by title, and placed on its passage.

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

**AYES**—Messrs. Barry, Bibb, Booth, Bowers, Brown, Caminetti, Carter, Cary, Clark, Clement, Coleman, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—60.

**NOES**—Messrs. Martin and Sweetland—2.

#### FIRST READING.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878.

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878.

Read second time, and ordered to third reading.

#### THIRD READING.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barry, Bibb, Booth, Brown, Caminetti, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Rhuel, Ryan, Smith, Stephens, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—60.

**NOES**—Mr. Stewart—1.

Title approved.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 1, 1883. }

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 140—An Act to prevent the sale or disposition as butter of the substance known as "oleomargarine," or

"oleomargarine butter," and when "oleomargarine," or "oleomargarine butter" is sold or disposed of, requiring notice thereof to be given.

GEORGE STONEMAN, Governor.

Mr. Bibb moved to suspend the rules, for the purpose of considering Senate Bill No. 132.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Bowers, Caminetti, Carter, Crumpton, Doty, Faw, Flynn, Fortna, Gaus-sail, Hall, Hamilton, Healy, Heath, Hollister, Hughes, Hunter, Kerrick, McDonald, Moffitt, Murphy, O'Connor, Rawle, Simon, Smith, Stewart, Storke, Terry, Wharton, and Wheelan—32.

NOES—Messrs. Barry, Brown, Cary, Clement, Coleman, Coombs, Cutter, Farley, Fleming, Granger, Harvey, Head, Johnston, Keele, Leveson, Lewison, Martin, Matthews, McHale, McKinley, Murdock, Parker, Peterson, Plover, Stephens, Sweetland, Townsend, Weaver, Wheat, and Mr. Speaker—30.

Mr. Caminetti moved to suspend the rules, for the purpose of considering Senate Bills Nos. 188 and 189; that they be declared a case of urgency, read first and second time by title, and placed on their final passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Flynn, Fortna, Gaus-sail, Harvey, Heath, Hollister, Hughes, Irwin, Johnston, Keele, Kerrick, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Parker, Peterson, Rawle, Rhiel, Simon, Smith, Stewart, Storke, Sweetland, Terry, Walrath, Wharton, Wheelan, and Mr. Speaker—49.

NOES—Messrs. Callaghan, Fleming, Granger, Hamilton, Head, Healy, Leveson, Martin, McDonald, Plover, Stephens, Townsend, and Wheat—13.

#### FIRST READING.

Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872

Read second time and ordered to third reading.

#### THIRD READING.

Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Bibb, Briceland, Callaghan, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Faw, Fortna, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hughes,

Hunter, Irwin, Johnston, Keeler, Kerrick, Leveson, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Rawle, Rhel, Ryan, Simon, Smith, Stewart, Storke, Terry, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—48.

NOES—Messrs. Doty, Field, Fleming, Head, Martin, Stephens, Townsend, and Wheat—8.

Title approved.

FIRST READING.

Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State schools lands.

Read first time, and ordered to second reading.

SECOND READING.

Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Read second time, and ordered to third reading.

THIRD READING.

Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Hamilton, Harvey, Head, Heath, Heishey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leveson, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—64.

NOES—Messrs. Doty, Townsend, and Wheat—3.

Title approved.

Mr. Heath moved to suspend the rules, for the purpose of considering Assembly Bill No. 440

So ordered.

Mr. Cutter moved that the bill be declared a case of urgency, read second time by title, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Callaghan, Campbell, Carter, Clement, Coleman, Crumpton, Cutter, Doty, Faw, Field, Fleming, Fortna, Hall, Hamilton, Harvey, Heath, Heishey, Hughes, Irwin, Johnston, Keeler, Kerrick, Leveson, McClaskey, McDonald, McKinley, Murdock, Nicol, O'Connor, Parker, Plover, Rawle, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Weaver, Wheat, Wheelan, and Mr. Speaker—51.

NOES—Messrs. Martin and Townsend—2.

## SECOND READING.

Assembly Bill No. 440—An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Read second time, and ordered to third reading.

Assembly Bill No. 440—An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Read third time

The roll was called, and the bill passed by the following vote:

AYES—Messrs Atwell, Barry, Bibb, Booth, Bowers, Briceland, Callaghan, Campbell, Carter, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—60.  
NOES—None.

Title approved.

Mr. Irwin moved to suspend the rules, for the purpose of considering Assembly Bill No. 327.

So ordered.

## SECOND READING.

Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled 'An Act to regulate the practice of pharmacy in the City and County of San Francisco,'" passed March 28, 1872, and passed by the State Legislature February 3, 1876.

Read second time.

Amendments by the committee concurred in.

Bill ordered engrossed, printed, and to third reading.

## CALL OF THE HOUSE.

Mr. Crumpton moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Keirck, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffit, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker.

Quorum present.

On motion of Mr. Campbell, further proceedings under the call of the House were dispensed with.

## SECOND READING.

Assembly Bill No. 4—An Act to declare when a vacancy exists in

an elective or appointive office, Board, or commission, of any county, city, city and county, township, or municipality, and provide for the filling of the same.

The question being on the second reading of the bill, Mr. Atwell moved the previous question.

So ordered

The ayes and noes being demanded, the roll was called, and the bill refused second reading by the following vote:

AYES—Messrs. Atwell, Bibb, Caminetti, Flynn, Head, Healy, Hershey, Hunter, Johnston, Kerrick, Levenson, Martin, Matthews, McDonald, Moffitt, Murphy, O'Connor, Parker, Rawle, Smith, Stephens, Stewart, Terry, Townsend, and Wheelan—25

NOES—Messrs. Barry, Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Heath, Hollister, Hughes, Keeler, Lewison, McClaskey, McHale, McKinley, Muddock, Nicol, Peterson, Plover, Simon, Storke, Sweetland, Walrath, Wharton, Wheat, and Mr. Speaker—40.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

And adopted Assembly Concurrent Resolution No. 50—Relative to instructing the State Engineer to report to the Governor on or before the first day of January, eighteen hundred and eighty-four, matters relating to the subject of irrigation, etc.

And Assembly Concurrent Resolution No. 51—Relative to the preservation of the forests of the State of California

And Assembly Concurrent Resolution No. 20—Relative to directing the Governor to fix the compensation for services rendered by Captain John Mullan in collections of claims due the State from the United States.

A. T. VOGELSSANG, Assistant Secretary.

At four o'clock and fifty minutes, Mr. Sweetland moved that the House take a recess till seven o'clock and thirty minutes this evening.

Lost.

Mr. Townsend moved to adjourn.

Lost.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Keeler: Providing for the adjournment of the present Legislature.

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

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Barry, Briceland, Brown, Caminetti, Carter, Cary, Clement, Crumpton, Culver, Faw, Field, Fleming, Granger, Hamilton, Head, Healy, Hollister, Hunter, Irwin, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, Moffitt, O'Connor, Peterson, Plover, Rawle, Rhiel, Smith, Stewart, Storke, Sweetland, Walrath, and Wheelan—39.

NOES—Messrs. Bibb, Campbell, Clark, Coombs, Cutter, Doty, Farley, Flynn, Harvey, Hershey, Hughes, Keeler, Levenson, Muddock, Nicol, Parker, Stephens, Terry, Townsend, Wharton, Wheat, and Mr. Speaker—22

At four o'clock and fifty-five minutes P. M., Mr. Moffitt moved to adjourn.

Lost.

Mr Irwin moved to change the position of Senate Bill No. 84 from general file to the special file.

Lost.

## REPORTS OF STANDING COMMITTEES.

## ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 457—"An Act to appropriate money to pay the claim of William Gutenberger for mechanics' tools and property destroyed at the branch State Prison at Folsom"—have had the same under consideration, and state that from the evidence heard by the committee, that we do not believe the State can be held liable, and therefore report the same back without recommendation.

Also, Assembly Bill No. 420—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected—have had the same under consideration, and now report the same back without recommendation.

GRANGER, Chairman.

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Petition relative to "woman's rights," the petitioner asks that the Legislature do enact such laws as will remove the political disabilities of women, and place them on equality with men citizens; your committee have not time to frame such a bill as is desired, but recommend the object of the petition to the just consideration of the House.

Also, Assembly Concurrent Resolution No. 33—Relative to proposed amendment to the Constitution of the State of California, amending article twenty—have had the same under consideration, and now report the same back, and recommend that it do not pass.

GRANGER, Chairman.

## ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 198—An Act to provide for compiling, illustrating, electrotyping, and copyrighting a State series of school text-books—have had the same under consideration, and now report the same back, and recommend that it do pass.

Also, Assembly Bill No. 205—An Act to amend section one thousand seven hundred and seventy-three of the Political Code, relating to County Boards of Education and to the examination of applicants for teachers' certificates:

Also, Assembly Bill No. 463—An Act to amend section one thousand six hundred and thirty-nine of the Political Code of the State of California, relating to the payment of Census Marshals, and fixing their compensation;

Also, Assembly Bill No. 505—An Act to provide for and facilitate the free printing of a State series of text-books—without recommendation.

STORKE, Chairman.

## MINORITY REPORT ON ASSEMBLY BILL NO. 508.

ASSEMBLY CHAMBER, SACRAMENTO, ———, 1883.

MR. SPEAKER: There having been no meeting of the Education Committee, at which Assembly Bill No. 508 was considered, the undersigned had no knowledge that it was to be reported on. The bill in its present form presents most objectionable features, and ought not to pass, while every proper object of the bill will be better secured by Assembly Bill No. 467, introduced by Mr. Keeler, which, but for the unfortunate haste with which the House consented to take up Assembly Bill No. 508 out of its turn, would have come up for consideration before it. That bill, introduced by a member of the Committee on Education, was regularly, and not irregularly, reported favorably by that committee.

The objections to Assembly Bill No. 508 are mainly as follows: *First*—A heavy and wholly unnecessary expense will be thrown upon every county by its provisions. *Second*—The ungraded school on Harrison Street, San Francisco, referred to in a prior report of the Committee on Education, is a standing proof that the grading of schools is not necessary to their efficiency. *Third*—That it takes the decision of the sort of school and teaching required by the people of any district out of the hands of the persons most interested, and therefore best able to judge of what is fitting and proper for their own children, and dictates to them what they shall do.

Respectfully submitted,

MONTAGUE R. LEVERSON.

Mr. Smith, at five o'clock and five minutes P. M., moved that the House take a recess till seven o'clock and thirty minutes this evening.

Lost.

## ADJOURNMENT.

At five o'clock and five minutes P. M., Mr. Moffitt moved to adjourn. The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Barry, Booth, Bowers, Brown, Caminetti, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Farley, Faw, Harvey, Head, Heath, Hollister, Keeler, Lewison, McDonald, McHale, Moffitt, Nicol, Peterson, Rhiel, Ryan, Storke, Sweetland, Townsend, Walrath, and Mr. Speaker—32.

NOES—Messrs. Bibb, Campbell, Doty, Field, Fleming, Flynn, Granger, Hamilton, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kenick, Levenson, Martin, Matthews, McClaskey, McKinley, O'Connor, Parker, Rawle, Smith, Stephens, Stewart, Terry, and Wheat—28.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, March 2, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. Campbell, further reading was dispensed with.

Journal of Thursday approved.

## RESOLUTION.

By Mr. Murdock:

WHEREAS, A vacancy has been declared in the position of Gallery Porter, and whereas, the Committee on Attachés and Employés have recommended the appointment of Robert Mitchell to fill such vacancy, therefore, be it

*Resolved*, That said Robert Mitchell be and he is hereby appointed to fill such vacancy, and to hereafter act as Gallery Porter of the Assembly.

Lost.

Mr. Murdock offered the following addition to Rule Seventy-seven:

Each member shall be allowed to select one bill from the general file, which the Clerk shall place upon the special file in the same order it now holds.

Referred to Committee on Rules.

## SPECIAL ORDER.

Special order for this hour, third reading of Assembly Bill No. 162—An Act amending section five hundred and twenty-six of the Code of Civil Procedure of the State of California, relative to the granting of injunctions.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barry, Booth, Bowers, Briceland, Brown, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Fortna, Gausail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mundock, Nicol, Peterson, Plover, Rhel, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—57.

**NOES**—Messrs. Callaghan, Flynn, Hall, Healy, Lewison, Murphy, O'Connor, Parker, Rawle, Smith, Sweetland, and Wheelau—12.

Title approved.

## REPORT OF A STANDING COMMITTEE.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

**MR. SPEAKER:** Your Committee on Engrossment beg leave to report that we have carefully examined, and find to be correctly engrossed, Assembly Bill No. 162—An Act amending section five hundred and twenty-six of the Code of Civil Procedure of the State of California, relative to the granting of injunctions.

Also, Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California.

We would also respectfully report that we made corrections in the enacting clause, by striking out the word "hereby" in Assembly Bill No. 162, and by inserting the enacting clause in Assembly Bill No. 127.

CALLAGHAN, Chairman.

Report concurred in.

## LEAVE OF ABSENCE.

Mr. Briceland was granted leave of absence for this day.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

**MR. SPEAKER:** Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 53—Relative to sending reports of State and other officers to members of the Legislature—have had the same under consideration, and now report the same back, and recommend that it be adopted.

Also, Assembly Bill No. 497—Entitled "An Act to appropriate money to pay for the erection of buildings and improvements, and for the purchase of land at the Napa State Asylum for the Insane"—have had the same under consideration, and now report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

## ON PUBLIC LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

**MR. SPEAKER:** Your Committee on Public Lands, to whom was referred Assembly Bill No. 458—An Act to define the duties of the Surveyor-General, in relation to the selection and location of lands, in lieu of the sixteenth and thirty-sixth sections and parts of said sections, for which the State of California is or may be entitled to indemnity—have had the same under consideration, and now report the same back, amended as follows: By striking out the whole of section three, by substituting section four for section three, and inserting the words "as required in section two of this Act," after the word "amended," in line one of said section three, and insert the words "for lands," after the word "applications," in line three in the same section, also, insert "such," after the word "to," in line seven; also, insert the word

"selections" after "indemnity," in line seven; and striking out the word "therefor," in line seven of same section, and substituting section four for section five—and recommending that the bill pass as amended.

COOMBS, Chairman.

ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that we have carefully compared Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled 'An Act to regulate the practice of pharmacy in the City and County of San Francisco,' passed March 27, A. D. 1872, and passed by the State Legislature February 3, 1870."

Also, Assembly Bill No. 31—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation—and find them to be correctly engrossed.

CALLAGHAN, Chairman.

Mr. Keeler moved to suspend the rules, for the purpose of considering Assembly Bill No. 467.

Lost.

Mr. Storke, pursuant to notice, moved to reconsider the vote whereby the House refused to order Assembly Bill No. 390 engrossed, printed, and to third reading.

The ayes and noes being demanded, the roll was called, and the motion to reconsider was carried by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Brown, Callaghan, Carter, Cary, Clement, Coleman, Crumpton, Culver, Doty, Farley, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hughes, Keeler, Lewison, Martin, Matthews, McDonald, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Ryan, Simon, Stephens, Storke, Sweetland, Terry, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—52

NOES—Messrs. Caminetti, Campbell, Clark, Coombs, Cutter, Faw, Fortna, Irwin, Johnston, Kerrick, McClaskey, McHale, Moffitt, Murphy, Smith, Stewart, Weaver, and Yell—18.

Mr. Caminetti moved to postpone the special order for this hour—consideration of Assembly Bill No. 508—till to-day, at two o'clock P. M.  
So ordered.

Mr. Granger moved that Assembly Bill No. 390 be recommitted to the Committee on County and County Boundaries, with instructions to amend, and that the bill be ordered printed.

Mr. Campbell moved the previous question.

So ordered.

The question being then on the motion to recommit, it was lost.

The question then being: "Shall the bill be ordered engrossed, printed, and to third reading?" the ayes and noes being demanded, the roll was called, and the bill was ordered engrossed, printed, and to third reading, by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Brown, Callaghan, Culver, Field, Fleming, Flynn, Gaussail, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hughes, Keeler, Martin, Matthews, McDonald, McKinley, Murdock, Murphy, O'Connor, Rawle, Rhel, Simon, Stephens, Storke, Terry, Walrath, Wharton, Wheat, and Mr. Speaker—33.

NOES—Messrs. Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Farley, Faw, Fortna, Granger, Hunter, Irwin, Johnston, Kerrick, Lewison, McClaskey, McHale, Moffitt, Nicol, Parker, Peterson, Plover, Ryan, Smith, Stewart, Sweetland, Townsend, Weaver, Wheelan, and Yell—33.

Mr. Wharton moved to suspend the rules, for the purpose of considering Assembly Bill No. 155.

The ayes and noes being demanded, the roll was called, and the House refused to suspend the rules by the following vote:

AYES—Messrs. Bibb, Booth, Callaghan, Campbell, Carter, Culver, Cutter, Farley, Faw, Fortna,

Gaussail, Hall, Healy, Heath, Hollister, Hughes, Irwin, Keeler, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Plover, Rawle, Smith, Stewart, Storke, Sweetland, Terry, Walrath, and Wharton—35.

NOES—Messrs. Atwell, Brown, Carv, Clark, Clement, Coleman, Coombs, Crumpton, Field, Fleming, Granger, Hamilton, Head, Hershey, Johnston, Kerrick, Martin, McClaskey, Murphy, Nicol, Parker, Peterson, Rhiel, Sinou, Stephens, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—31.

SPECIAL FILE—(FIRST READING).

Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Read first time, and ordered to second reading.

Mr. Crumpton moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Booth, Briceland, Brown, Callaghan, Cammetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutler, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Rhiel, Sinou, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Campbell moved to dispense with further proceedings under the call.

So ordered.

GENERAL FILE—PASSAGE.

Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious disease into the State of California.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Johnson, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Rhiel, Sinou, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—65.

NOES—Mr. Levenson—1.

Title amended, and approved as amended.

THIRD READING.

Assembly Bill No. 150—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions and the service of summons therein.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Bowers, Brown, Cammetti, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Culver, Cutler, Doty, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhiel, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—56.

NOES—Messrs. Clement, Farley, McHale, and Weaver—4.

Title approved.

Mr. Farrell (Day Watchman) was granted leave of absence till Monday.

Assembly Bill No. 303—An Act to declare the Feather River navigable above the point of its present navigation.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Brown, Callaghan, Canimetti, Campbell, Carter, Cary, Coleman, Doty, Farley, Faw, Field, Fleming, Gausson, Granger, Hall, Hamilton, Healy, Hollister, Hughes, Hunter, Irwin, Keeler, Kerrick, Leveison, Martin, Matthews, McClaskey, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wheat, Wheelan, and Mr. Speaker—17.

NOES—Messrs. Booth, Clement, Harvey, Head, Heath, Hershey, McDonald, McHale, Murdock, Rhel, Weaver, Wharton, and Yell—13.

Title amended, and approved as amended.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.

Also, Senate Bill No. 68—An Act to promote and encourage the development of the mineral resources of the State of California, and for the support of the Mining Bureau.

Also, Senate Bill No. 160—An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University.

A. T. VOGELSANG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 153—Referred to Committee on Enrollment.

Senate Bill No. 68—Referred to Committee on Mines and Mining.

Senate Bill No. 160—Placed on file without reference.

#### THIRD READING—(RESUMED).

Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Bibb, Booth, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fortna, Gausson, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Rhel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—60.

NOES—None.

Title approved.

#### CALL OF THE HOUSE.

Mr. Irwin moved a call of the House.

So ordered.

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

Messrs. Barry, Bibb, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark,

Clement, Coleman, Coombs, Crumpton, Culver, Cutler, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leveison, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Rhiel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker.

On motion of Mr. Irwin, further proceedings under the call were dispensed with.

### THIRD READING—(RESUMED).

Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco," passed March 28, 1872, and passed by the State Legislature February 3, 1876.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Bibb, Briceland, Brown, Caminetti, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Hershey, Hughes, Irwin, Johnston, Keeler, Kerrick, Leveison, Lewison, Martin, Matthews, McClaskey, McHale, Moffitt, Nicol, Parker, Rhiel, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Wheat, and Mr. Speaker—43.

**NOES**—Messrs. Barry, Booth, Callaghan, Carter, Cary, Clement, Coleman, Culver, Faw, Harvey, Heath, Hunter, Lewison, McDonald, McKinley, Murdock, Murphy, Peterson, Rawle, Ryan, Townsend, and Weaver—22.

Title approved.

Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments.)

Read third time.

Mr. Campbell moved to postpone further consideration of Assembly Bill No. 448 until after the noon recess.

So ordered.

Mr. Bibb gave notice that he would, to-morrow, move to reconsider the vote whereby the House passed Assembly Bill No. 327.

### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

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

Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Also, Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Also, Senate Bill No. 72—An Act to provide for the custody of insane criminals and persons charged with crime.

Also, Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Also, Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Also, Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics.

Also, Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year.

Also, Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Also, Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

A. T. VOGELSONG, Assistant Secretary.

## RECESS.

At twelve o'clock and thirty minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 2—Referred to Committee on Agriculture.  
Senate Bill No. 3—Referred to Committee on Agriculture.  
Senate Bill No. 72—Referred to Committee on State Hospitals.  
Senate Bill No. 130—Filed without reference.  
Senate Bill No. 131—Placed on special file without reference.  
Senate Bill No. 279—Placed on file without reference.  
Senate Bill No. 280—Placed on file without reference.  
Senate Bill No. 281—Placed on file without reference.  
Assembly Bill No. 30—The Senate amendments thereto were read.  
The roll was called, and the amendments concurred in by the following vote:

**AYES**—Messrs. Bibb, Briceland, Brown, Callaghan, Camnetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershby, Hughes, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, Matthews, McClaskey, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Rhel, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—63.  
**NOES**—None.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Campbell:

*Resolved*, That the Sergeant-at-Arms of this Assembly be and is hereby directed to serve upon Marcus P. Wiggin a copy of the report of the special committee appointed to investigate charges against said Marcus P. Wiggin, and that five days after such service this Assembly will give him a hearing upon the charges contained in said report.

Mr. Irwin moved to amend by adding, "provided that he be in the City of Sacramento."

Adopted.

The resolution as amended was then adopted.

By Mr. Brown:

*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.

Mr. Irwin moved to amend, by striking out the word "member."

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

Lost.

Mr. Campbell moved to refer the resolution to the Committee on Public Expenditures and Accounts.

So ordered.

## SPECIAL ORDER.

Special order for this hour :

Second reading of Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several counties to organize primary and grammar schools, and prescribe a course of study therefor.

Read second time.

Mr. Caminetti moved as a substitute for section one thousand six hundred and sixty-three, in printed bill, and all of the amendments offered by the Committee on Education, the following :

Section 1663. All schools, unless otherwise provided by law, must be divided into primary and grammar grades. The County Board of Education must, on or before the first day of July, eighteen hundred and eighty-three, prescribe the course of study in each grade, *provided*, that it shall not conflict with section one thousand six hundred and sixty-five of this Code. The Board shall also prescribe a course of study not in conflict with said section one thousand six hundred and sixty-five, that will fit and prepare the students therein to enter the scientific departments of the University of California, ~~to~~ be divided into four grades, requiring one year to each grade, and to be known as the Grammar School Course. The Grammar School Course shall apply to and be taught in school districts which have elected to have the same taught, as hereinafter provided. The Board of Trustees of any district may, by order duly made and entered in its minutes, upon petition or otherwise, call meetings of the qualified electors of the district as provided in subdivision twenty of section one thousand six hundred and seventeen of this Code, to determine whether the Grammar School Course shall be taught in such district. If such course shall be chosen, it shall thereafter in such district take the place of and be substituted for the course prescribed for the grammar grade. The County Board of Education shall provide and require that examinations in each of said courses shall take place at stated periods, not less than twice in each school year, for promotion. It shall also provide for conferring diplomas at the end of the course of study in the grammar grade and in the grammar school course for those who satisfactorily pass the required examination. The County Board of Education may amend and change, subject to said section one thousand six hundred and sixty-five, either of the above courses of study whenever necessary.

Adopted.

The bill was ordered engrossed, printed, and to third reading.

Mr. Caminetti moved to make the further consideration of the bill a special order for two o'clock P. M., to-morrow.

So ordered.

Third reading of Assembly Bill No. 448—An Act to establish a uniform system of county governments—(Introduced on behalf of the Committee on County and Township Governments)—resumed.

## CALL OF THE HOUSE.

Mr. Townsend moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bbb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flenung, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McHale, McKunley, Moffit, Murphy, Nicol, O'Connor, Parker, Peterson, Rhuel, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Townsend moved that the Sergeant-at-Arms be directed to

arrest absentees and bring them before the bar of the House, and unless they give a satisfactory excuse, be fined one dollar.

Mr. Parker moved as an amendment that they be reprimanded in addition.

Lost.

The motion was then carried.

On motion of Mr. Cutter, further proceedings under the call were dispensed with.

On motion of Mr. Larue, Assembly Bill No. 448 was considered engrossed.

The question being then on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Briceaud, Brown, Cammett, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kernick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, O'Connor, Parker, Peterson, Rhel, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—60.

NOES—None.

Title approved.

Mr. Cutter moved to suspend the rules, for the purpose of considering Assembly Bill No. 467.

So ordered.

#### FIRST READING.

Assembly Bill No. 467—An Act to amend section one thousand four hundred and ninety-seven of the Political Code, relating to Normal Schools.

Read first time, and ordered to second reading.

Mr. Keeler moved to make the further consideration of the bill a special order, immediately after the disposition of the special order for to-morrow, at two o'clock P. M.

So ordered.

Mr. Simon moved to suspend the rules, for the purpose of considering Assembly Bill No. 417.

Lost.

Mr. Smith moved to make the consideration of Assembly Bill No. 155 a special order for to-morrow, at eleven o'clock A. M.

Lost.

Mr. Coleman moved to suspend the rules, for the purpose of considering Assembly Bill No. 71.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Barry, Bowers, Campbell, Coleman, Crumpton, Doty, Farley, Field, Fleming, Flynn, Gaussail, Granger, Hamilton, Hershey, Hunter, Irwin, Kernick, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Rawle, Rhel, Simon, Smith, Stephens, Stewart, Terry, Townsend, Wheat, Wheelan, and Yell—36.

NOES—Messrs. Booth, Brown, Carter, Cary, Clement, Coombs, Cutter, Faw, Fortna, Harvey, Head, Heath, Hollister, Keeler, Martin, Matthews, McClaskey, Peterson, Ryan, Stewart, Walrath, and Wharton—22.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, passed the following bill: Senate Bill No. 288—An Act authorizing and empowering the Regents of the University of California to convey certain lands.

Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

J. J. McCARTHY, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 247—Mr. Storke moved that the consideration of the bill be made a special order for to-morrow, at ten o'clock A. M.

So ordered.

Senate Bill No. 288—Mr. Terry moved that the bill be made a special order for to-morrow morning, immediately after the disposition of the special order for ten o'clock.

So ordered.

Mr. O'Connor moved to suspend the rules, for the purpose of considering Senate Bill No. 132.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

Ayes—Messrs Atwell, Barry, Bibb, Briceland, Callaghan, Caminetti, Cary, Clark, Clement, Crumpton, Doty, Faw, Fleming, Flynn, Gaussail, Granger, Hamilton, Heath, Hershey, Kerrick, McClaskey, McDonald, Mr Hale, Moffitt, O'Connor, Rawle, Rhel, Sinou, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wheelan, and Yell—32.

Noes—Messrs Booth, Bowers, Brown, Campbell, Carter, Coombs, Culver, Cutter, Farley, Field, Fontana, Harvey, Head, Irwin, Keeler, Lewison, Martin, McKinley, Nicol, Parker, Peterson, Ryan, Sweetland, Walth, Weaver, Wharton, and Wheat—30.

SECOND READING—(RESUMED).

Assembly Bill No. 64—An Act to amend section one thousand four hundred and five of the Civil Code, in relation to succession to property by non-resident foreigners.

Read second time, considered engrossed, and ordered to third reading.

FIRST READING.

Assembly Bill No. 166—An Act to authorize the Treasurer of State to pay out certain money paid into the treasury under an Act entitled "An Act to promote drainage," approved April 23, 1880.

Withdrawn.

Assembly Bill No. 219—An Act to provide for the appointment of prosecuting attorneys for Police Judges' Courts in all consolidated city and county governments.

Read first time, and ordered to second reading.

Assembly Bill No. 149—An Act to prohibit the sale of intoxicating liquors in precincts, townships, wards of cities, cities and counties, where the people so determine.

Refused first reading.

Assembly Bill No. 237—An Act to carry into effect section eighteen, article eleven, of the Constitution.

Read first time, and ordered to second reading.

Assembly Bill No 353—An Act providing for probation in criminal cases, and for the appointment of probation officers.

Read first time, and ordered to second reading.

Assembly Bill No. 376—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three thousand four hundred and seventy-eight, relative to nuisances.

The ayes and noes being demanded, the roll was called, and the bill ordered read first time and to second reading by the following vote:

**AYES**—Messrs. Brown, Campbell, Carter, Cary, Clark, Coombs, Doty, Faw, Field, Flynn, Fortna, Granger, Heishey, Hollister, Hunter, Johnston, Kerrick, Levenson, Martin, Matthews, Nicol, Peterson, Rhiel, Ryan, Stephens, Storke, and Townsend—27.

**NOES**—Messrs. Barry, Bibb, Buceland, Caninetti, Crumpton, Cutter, Farley, Harvey, Heath, Irwin, Keeler, Lewison, McClaskey, McDonald, McHale, McKinley, Parker, Rawle, Stewart, Sweetland, Wabath, and Wheat—22.

#### REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Concurrent Resolution has been correctly enrolled:

Assembly Concurrent Resolution No. 51—"Relative to preservation of the forests of the State of California." and the same was, at four o'clock and forty minutes P. M., March second, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Cutter:

*Resolved*, That the Sergeant-at-Arms be and is hereby directed to deliver to the State Librarian all reports of the Chief Executive Viticultural Officer and the State Mineralogist, and the Catalogues of the State Museum of California, remaining in his hands at the close of the twenty-fifth session of the Legislature of California.

Adopted.

By Mr. Crumpton:

**WHEREAS**, The system of drawing stationery and other supplies from the Secretary of State now in vogue, and which has been the practice of past Legislatures, is wrong in theory, and liable to great abuses in practice; therefore, be it

*Resolved*, That we request the Committee of Public Expenditures to report a proper law, having for its object the correction of these abuses, and providing for drawing stationery and other supplies for members and attachés of the Legislature.

Adopted.

By Mr. Bibb:

**WHEREAS**, The Assembly, on February seventeenth, passed a resolution allowing Fred. Taylor six days pay, at three dollars per day, for services as Page, and whereas, said resolution should have been in favor of Chas. M. Pockman, therefore, be it

*Resolved*, That the Controller be directed to draw his warrant in favor of Chas. M. Pockman for the sum of eighteen dollars.

Referred to Committee on Attachés and Employés.

#### RECESS.

At five o'clock and five minutes P. M., on motion of Mr. Bibb, the House took a recess till seven o'clock and thirty minutes this evening.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

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

Messrs. Atwell, Barry, Booth, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Doty, Field, Fleming, Flynn, Fortna, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Johnston, Kerrick, Levenson, Martin, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Reeves, Rhel, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Weaver, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Matthews was granted leave of absence for this evening.

Mr. Campbell moved to suspend the rules and take up second reading file.

So ordered.

#### SECOND READING.

Assembly Bill No. 164—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 and fish ponds.

Ordered engrossed, printed, and to third reading.

Assembly Bill No. 66—An Act to amend section one thousand seven hundred and fifty-one of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardian and ward.

Read second time, ordered engrossed, and to third reading.

Substitute for Assembly Bill No. 100—An Act to amend section eight hundred and thirty-two, article two, of the Civil Code of the State of California, relating to lateral and subjacent support of boundaries.

Read second time, ordered engrossed, and to third reading.

Assembly Bill No. 108—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of the Civil Code, in relation to the acknowledgment and proof of written instruments.

Read second time, and ordered engrossed and to third reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Johnston, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 156—An Act making appropriation for the deficiency in the appropriation for the postage and expressage of the Superintendent of Public Instruction for the thirty-fourth fiscal year.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 156—An Act making appropriation for the deficiency in the appropriation for the postage and expressage of the Superintendent of Public Instruction for the thirty-fourth fiscal year—and now report the same back, and recommend its passage.

Report received.

Mr. Johnston moved that the bill be considered engrossed, and ordered to third reading.

So ordered.

Mr. Coleman moved that the resolution for the payment of the expenses incurred by E. C. Dozier and D. G. Barnes, in the prosecution and defense of the contested election case, which was laid on the table, be now taken from the table.

CALL OF THE HOUSE.

Mr. Caminetti moved a call of the House.

So ordered.

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

Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, McClaskey, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Sweetland, further proceedings under the call were dispensed with.

Mr. Caminetti, at eight o'clock P. M., moved to adjourn.

Lost.

The question being then on the motion of Mr. Coleman to take the resolution from the table, the ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Hollister, Hughes, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, McClaskey, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Ryan, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Yell—58.

NOES—Messrs. Barry, Caminetti, Heath, Hershey, Johnston, Martin, McHale, Nicol, Wheat, and Mr. Speaker—10.

The question being on the adoption of the resolution allowing the claims of E. C. Dozier and D. G. Barnes, Mr. Campbell moved the following substitute for the resolutions now before the House:

*Resolved*, That the sum of one thousand and twenty-seven dollars be allowed to E. C. Dozier, and the sum of seven hundred and seventy-six dollars and thirty-six cents to D. G. Barnes, expenses in contest, and that the Controller draw his warrant for each amount to each, payable out of the Contingent Fund of the Assembly.

Mr. Farley moved that the whole matter be referred to the Committee on Public Expenditures and Accounts, with instructions to report as to the amount necessarily expended.

Lost.

The question being then on the substitute by Mr. Campbell, the ayes and noes being demanded, the roll was called, and the substitute was adopted by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Gaussail, Granger, Hall, Harvey, Healy, Hughes, Hunter, Keeler, Kerrick, Levenson, Lewison, McHale, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Ryan, Simon, Smith, Stephens, Sweetland, Terry, Townsend, Walrath, Weaver, and Yell—48.

NOES—Messrs. Atwell, Bibb, Cary, Culver, Field, Fortna, Hamilton, Heath, Hershey, Hollister, Johnston, Martin, McClaskey, McDonald, Nicol, Rhiel, Stewart, Storke, Wharton, Wheat, and Mr. Speaker—21.

Mr. Caminetti gave notice that he would, to-morrow, move to reconsider the vote whereby the substitute allowing the claims of D. G. Barnes and E. C. Dozier was adopted.

Mr. Doty moved to suspend the rules, for the purpose of considering Senate Bill No. 112.

So ordered.

#### FIRST READING.

Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State. Read first time, and ordered to second reading.

Mr. Cutter moved that the second reading of Senate Bill No. 112 be made a special order for to-morrow morning, at eleven o'clock.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Bibb, Bowers, Brice land, Brown, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culter, Doty, Farley, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Hollister, Hughes, Johnston, Keeler, Lewison, McClaskey, McDonald, McHale, McKinley, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Ryan, Sinon, Smith, Stewart, Sweetland, Townsend, Walrath, Weaver, Wheat, and Mr. Speaker—50.

NOES—Messrs. Barry, Callaghan, Campbell, Culver, Field, Heath, Hunter, Kerrick, Martin, Nicol, Rhel, Stephens, Storke, Wharton, and Yell—15.

#### REPORT OF A STANDING COMMITTEE.

##### ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Senate Bill No. 72—An Act to provide for the custody of insane criminals and insane persons charged with crime—have had the same under consideration, and now report the same back, and recommend the passage of the bill—Dr. Head, member of the said committee, dissenting from the recommendation of the committee.

CRUMPTON, Chairman.

Mr. Sinon moved to suspend the rules, for the purpose of considering Assembly Bill No. 449.

Lost.

Mr. McDonald, at nine o'clock and twenty-five minutes P. M., moved that the House do now adjourn.

Lost.

#### SECOND READING—(RESUMED).

Assembly Bill No. 161—An Act to amend section one thousand three hundred and three of the Code of Civil Procedure, relative to the hearing of petitions of the probate of wills and notice given thereof.

Read second time.

Mr. Johnston moved that the bill be considered engrossed and ordered to third reading.

So ordered.

Assembly Bill No. 165—An Act to prevent the spreading of contagious diseases among domestic animals.

Read second time, considered engrossed, and ordered to third reading.

Assembly Bill No. 172—An Act to amend section one thousand

four hundred and two of the Civil Code of the State of California, concerning the community property vested in surviving wife.

Read second time.

Amendments by the committee concurred in, and bill ordered engrossed, printed, and to third reading.

Assembly Bill No. 174—An Act to amend sections one thousand two hundred and forty-one, one thousand two hundred and forty-five, one thousand two hundred and forty-seven, one thousand two hundred and forty-eight, one thousand two hundred and forty-nine, one thousand two hundred and fifty-two, one thousand two hundred and fifty-three, one thousand two hundred and fifty-four, one thousand two hundred and sixty, one thousand two hundred and sixty-three, and one thousand two hundred and sixty-seven of the Civil Code of California, concerning homesteads.

Read second time.

Bill considered engrossed, and ordered to third reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years—report the same back, and recommend its passage.

Report received.

Mr. Cutter moved that Assembly Bill No. 183 be declared a case of urgency, read third time, and placed on its final passage.

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

**Ayes**—Messrs. Atwell, Barry, Bibb, Booth, Brown, Callaghan, Cammetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Foutna, Grazier, Hall, Harvey, Healy, Heath, Hershey, Johnston, Keeler, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Ryan, Snon, Smith, Stephens, Stewart, Storke, Terry, Walrath, Weaver, Wharton, and Mr. Speaker—53.

**Nays**—Messrs. Hunter, Martin, Parker, Rhel, and Wheat—5.

#### THIRD READING.

Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Read third time.

The roll was called, and the bill passed by the following vote.

**AYES**—Messrs. Atwell, Bibb, Booth, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Heath, Hershey, Hughes, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Nicol, O'Connor, Peterson, Rawle, Reeves, Ryan, Sinon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, and Wharton—50.

**NOES**—Messrs. Barry, Field, Parker, Rhiel, Wheat, and Mr. Speaker—6.

Title approved.

Mr. McClaskey moved to suspend the rules, for the purpose of considering Senate Bill No. 85.

So ordered.

#### SECOND READING.

Senate Bill No. 85—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.

Bill read second time.

Mr. Atwell moved to amend section one, by striking out of line thirteen the words "one and one half," and inserting "two."

Lost.

Bill ordered to third reading.

#### ADJOURNMENT.

At ten o'clock P. M., on motion of Mr. Rhiel, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, March 3, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Bibb, Booth, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, on motion of Mr. Carter, further reading was dispensed with.

Journal of Friday approved.

## SPECIAL ORDER.

Special order for this hour, Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Mr. Storke moved that the bill be declared a case of urgency, and read first and second time by title.

The roll was called, and it was so ordered by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—63.

NOES—Mr. Smith—1.

## FIRST READING.

Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Read first time, and ordered to second reading.

## SECOND READING.

Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Read second time, and ordered to third reading.

Mr. Storke moved that the third reading of the bill be made a special order for Monday, immediately after the reading of the Journal.

So ordered.

Mr. Terry moved that Senate Bill No. 288—An Act authorizing and empowering the Regents of the University of California to convey certain lands—be declared a case of urgency, read first and second time by title, and placed on its final passage.

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

AYES—Messrs. Briceland, Brown, Cary, Clement, Farley, Hamilton, Heath, Irwin, Johnston, Keeler, Kerrick, McClaskey, Terry, Wheat, and Mr. Speaker—15.

NOES—Messrs. Barry, Bibb, Bowers, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Cutler, Doty, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Harvey, Head, Hershey, Hollister, Hunter, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Walrath, Wheelan, and Yell—47.

## FIRST READING.

Senate Bill No. 288—An Act authorizing and directing the Regents of the University of California to convey certain lands.

Read first time, and ordered to second reading.

Mr. Campbell moved that the second reading of the bill be made a special order for Monday, immediately after the consideration of Senate Bill No. 247.

So ordered.

Mr. Campbell moved that the rules be suspended, for the purpose of considering Senate Bill No. 228, and the bill be declared a case of urgency, and read first, second, and third times, and placed on its final passage.

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

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—60.

NOES—Messrs. Head, Peterson, and Simon—3.

#### FIRST READING.

Senate Bill No. 228—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.

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 228—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.

Read second time, and ordered to third reading.

#### THIRD READING.

Senate Bill No. 228—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.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—60.

NOES—None.

Title approved.

Mr. Storke moved to suspend the rules, for the purpose of considering Senate Bill No. 49.

Lost.

Mr. Farley moved that the rules be suspended, for the purpose of considering Assembly Concurrent Resolution No. 53—Relative to sending reports of State and other officers to the members elect of the Legislature.

So ordered.

The Concurrent Resolution was then read and adopted.

Mr. Irwin moved to suspend the rules, for the purpose of taking Assembly Bill No. 503 from the general file and placing it on the special file.

So ordered.

Mr. Wharton moved that the rules be suspended, for the purpose of making Assembly Bill No. 155 a special order for two o'clock and thirty minutes P. M. this day.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**Ayes**—Messrs Atwell, Barry, Bibb, Booth, Brown, Callaghan, Caminetti, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Faw, Fleming, Flynn, Fortna, Hall, Healy, Heath, Hershey, Hollister, Irwin, Keeler, Lewison, Martin, Mathews, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Smith, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, and Wharton—48.

**Noes**—Messrs. Bowers, Briceland, Campbell, Crumpton, Doty, Field, Hamilton, Head, Hunter, Johnston, Kerrick, McClaskey, Rhel, Simon, Stephens, Wheat, Wheelan, Yell, and Mr. Speaker—19.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following bills Senate Bill No. 121—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

Also, Assembly Bill No. 25—An Act to amend sections four and nine of 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," and to add a new section thereto.

J. J. McCARTHY, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 121—Placed on file without reference.

Assembly Bill No. 25—Referred to Committee on Enrollment.

Mr. Keeler moved that Assembly Bill No. 121 be made a special order for Tuesday, immediately after the reading of the Journal.

So ordered.

#### REPORTS OF STANDING COMMITTEES.

##### ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March —, 1883.

MR. SPEAKER: Your Committee on Agriculture have examined Senate Bill No. 2—An Act to prevent the spread of fruit and fruit tree pests—and recommend that the same do pass, with the amendments of the committee.

Also, Substitute for Senate Bill No. 3—An Act to create and establish a Board of Horticulture, and to provide moneys for the expenses thereof—and recommend its passage.

DOTY, Chairman.

##### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 41—Relative to asking Congress to pass a law withdrawing from sale certain lands in the State of California—and now beg leave to report the same back, and recommend that it do pass.

McCLASKEY, Chairman.

##### ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 485—Entitled an Act to enable the Board of Supervisors of the various counties of the State to call special elections and issue bonds to build bridges—have had the same under consideration, and now report the same back without recommendation.

NICOL, Chairman.

##### ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883

MR. SPEAKER: Your Committee on Rules, to whom was referred Assembly Resolution, relative

to amending Rule Seventy-seven of the Assembly—have had the same under consideration, and now report it back to the House without recommendation.

SINON, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1878.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 50—An Act to amend sections four and eleven of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, relating to the examination of the books and accounts of savings banks and savings associations—have had the same under consideration, and now report it back, and recommend that it do not pass.

Also, Assembly Bill No. 461—An Act to amend section three thousand eight hundred and fifty-eight of the Political Code, in relation to delinquent poll taxes—and recommend that it do not pass.

Also, Assembly Bill No. 469—An Act to amend section forty-seven of the Code of Civil Procedure, relating to the sessions of the Supreme Court—without recommendation.

Also, Assembly Bill No. 506—An Act to amend section six hundred and eighty-one of the Code of Civil Procedure, relative to the issuance of execution—without recommendation.

Also, Assembly Bill No. 511—An Act creating the office of Code Commissioner, to provide for his appointment, establishing his term of office, and fixing his compensation—and recommend its passage.

TERRY, Chairman.

SPECIAL ORDER.

Special order for this hour: Second reading of Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

Read second time.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

Speaker Larue in the chair.

The bill was amended in Committee of the Whole.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State—have amended the same, and recommend its passage as amended.

On motion of Mr. Clark, the report was concurred in.

The question being: "Shall the bill be ordered engrossed, printed, and to third reading?" the ayes and noes being demanded, the roll was called, and the bill was so ordered by the following vote:

AYES—Messrs Bibb, Booth, Bowers, Buceland, Brown, Callaghan, Cammett, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Grainger, Hall, Harvey, Healy, Hershev, Hughes, Hunter, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffit, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Ryan, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Mr. Speaker—61.

Noes—Messrs. Atwell, Barry, Campbell, Hamilton, Head, Heath, Irwin, Parker, Rhiel, Storke, Wheat, and Yell—12.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Concurrent Resolutions have been correctly enrolled:

Concurrent Resolution No. 20—Relative to directing the Governor to fix the compensation for services rendered by Captain John Mullan in collections of claims due the State from the United States.

Also, Assembly Concurrent Resolution No. 50—Relative to instructing the State Engineer to report to the Governor, on or before the first day of January, eighteen hundred and eighty-four, matters relating to the subject of irrigation, etc.

Also, Assembly Bill No. 30—Entitled "An Act to establish and support a Bureau of Labor Statistics."

And the same were, at twelve o'clock M., March third, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

### ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Mr. Farley's resolution in reference to the compensation for a "History of Assembly Bills"—have had the same under consideration, and now report the same back with the recommendation that it be adopted.

L. H. BROWN.  
J. H. G. WEAVER.  
THOMAS HEALY.

Adopted.

### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on March second, passed Assembly Bill No. 241—"An Act to amend section three hundred and fifty-nine of the Civil Code," relating to increasing and diminishing the capital stock of corporations.

A. T. VOGELSANG, Assistant Secretary.

### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 241 referred to Committee on Enrollment.

### LEAVE OF ABSENCE.

Mr. Granger was granted leave of absence.

### RESOLUTIONS—(OUT OF ORDER).

By Mr. Smith:

*Resolved*, That the Controller be directed to draw his warrant in favor of P. H. Ridiger, for the sum of sixteen dollars and eighty cents, due him as mileage incurred in the matter of serving subpoena on T. V. Steinmann, to appear before the Committee on Corporations.

Referred to Committee on Public Expenditures and Accounts.

By Mr. Culver:

*Resolved*, That the Controller of State is hereby authorized and instructed to draw his warrant in favor of Scott & Muir, for eighty-nine dollars and seventy cents (\$89 70), for globes, holders, and labor furnished the Assembly Chamber, payable from the Contingent Fund of the Assembly.

Referred to Committee on Public Expenditures and Accounts.

## RECESS.

At twelve o'clock and thirty minutes p. m., the Speaker declared a recess until two o'clock p. m. this day.

## REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

Mr. Murdock called up the following resolution, which had been reported back to the House by the Committee on Rules, without recommendation:

*Resolved*, That all Senate Bills now on the general file shall be placed on the special file, in the same order they now hold, and bills hereafter received from the Senate shall, upon being reported, be placed upon the special file.

Lost.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

## ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 68—An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith—have had the same under consideration, and now report the same back, and recommend its passage.

FARLEY, Chairman.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that we have carefully examined Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several counties to organize primary and grammar schools, and prescribe a course of study therefor:

Also, Assembly Bill No. 172—An Act to amend section one thousand four hundred and two of the Civil Code of the State of California, concerning the community property vesting in surviving wife;

And find them to be correctly engrossed.

Also, Substitute for Assembly Bill No. 390—An Act to provide for the division of existing counties, and for the creation of new counties—and find it correctly engrossed.

CALLAGHAN, Chairman.

Mr. Irwin moved that the resolution relative to committee clerks, which was laid on the table, be now taken from the table.

Lost.

## SPECIAL ORDER.

Special order for this hour: Third reading of Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several counties to organize primary and grammar schools, and prescribe a course of study therefor.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Doty, Farley, Field, Fleming, Fortna, Gaussail, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston,

Keeler, Kerrick, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—62.

NOES—None.

The title was amended, and adopted as amended.

Mr. Irwin moved that the Committee on Ways and Means be directed to report back Assembly Bills Nos. 511 to 528, inclusive, on Monday morning.

So ordered.

#### SPECIAL ORDER.

Special order for this hour: Second reading of Assembly Bill No. 467—An Act to amend section one thousand four hundred and ninety-seven of the Political Code, relating to Normal Schools

Read second time.

The amendments by the committee were adopted.

Mr. Nicol moved to amend section one, by striking out of line six the words "or in the State or Territory where the applicant resides."

Adopted.

The bill was ordered engrossed, printed, and to third reading.

Mr. Keeler moved that the third reading of the bill be made a special order for Monday, at eleven o'clock A. M.

So ordered.

#### SPECIAL ORDER.

Special order for this hour: Second reading of Assembly Bill No. 155—An Act to provide for the organization, government, and control of irrigation districts.

Mr. Atwell moved that the bill be referred to the Judiciary Committee, with instructions to report Monday morning, at ten o'clock, as to its constitutionality, and that the consideration of the bill be made a special order for that hour.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Barry, Caminetti, Campbell, Clark, Coombs, Crumpton, Doty, Fleming, Fortna, Hamilton, Head, Hershey, Hunter, Johnston, Kerrick, Martin, Nicol, Parker, Plover, Rhel, Simon, Stephens, Wheat, Wheelan, and Yell—26.

NOES—Messrs. Booth, Briceland, Brown, Carter, Clement, Culver, Cutter, Farley, Faw, Field, Flynn, Gaussail, Hall, Harvey, Healy, Heath, Hughes, Irwin, Keeler, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Peterson, Rawle, Reeves, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, and Wharton—40.

The question being then: "Shall Assembly Bill No. 155 be read the second time?" the ayes and noes being demanded, the roll was called, and the bill ordered read by the following vote:

AYES—Messrs. Booth, Bowers, Briceland, Brown, Campbell, Carter, Clark, Clement, Culver, Cutter, Farley, Faw, Field, Flynn, Gaussail, Hall, Harvey, Healy, Heath, Hughes, Hunter, Irwin, Lewison, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, and Wharton—45.

NOES—Messrs. Atwell, Barry, Caminetti, Coombs, Crumpton, Doty, Fleming, Fortna, Hamilton, Head, Hershey, Johnston, Keeler, Kerrick, Martin, Nicol, Rhel, Simon, Stephens, Wheat, Wheelan, and Yell—22.

The bill was read second time.

Mr. Atwell moved to amend section one, by inserting in line two, after the word "tributaries," the words "other than navigable waters."

Adopted.

Mr. Reeves moved to amend section two, by striking out of lines one and two the words "not less than fifteen resident land owners," and inserting in lieu thereof the words "a majority of all resident land owners on each side of the water supply or stream."

Adopted.

Mr. Atwell moved to amend section six, by substituting the following: "The elections shall be conducted in accordance with the provisions of the Political Code, relating to elections" (title two, chapter one).

Adopted.

Mr. Irwin moved to amend the section as amended, by adding the following: "At such elections none but qualified electors who are at the time land owners shall vote."

Lost.

Mr. Atwell moved to amend section seven, by inserting after the word "votes," in line three, the words "and land owners in the district"

Lost.

Mr. Wharton moved to amend section fifteen, by substituting the following:

It shall be the duty of the Boards of Supervisors of the counties in which such districts are situated, to levy upon the lands within the district actually receiving water, a tax of so much per acre as may be necessary to meet the estimated expenditure, which tax shall be collected as other taxes are collected, and when so collected shall be received and set aside by the County Treasurer as an irrigation fund.

Adopted.

Mr. Moffitt moved to amend section seventeen, by striking out the section and substituting the following.

Section 17. The Board of Irrigation Commissioners shall have power to apportion all the waters within their districts capable of being used for irrigation among the several canals constructed, or which may hereafter be constructed, under the provisions of this Act, for irrigation, or for domestic and stock purposes, whether the said canals are owned by individuals, associations, or corporations, or by districts organized under this Act. The distribution of water shall be in proportion to the acreage to be annually cultivated by irrigation, and to the amount actually required for domestic and stock purposes. But in no case shall waste be allowed when there is a scarcity of water. The distribution of the water among the irrigators shall be according to the rules and regulations adopted by the organizations or individuals owning the ditches or canals. *provided*, that in distributing such waters there shall be distributed: *First*—To the riparian proprietor so much water only as is necessary for the use of his stock, for household purposes, and for irrigation, to the extent that such proprietor has been accustomed to use the water for irrigation prior to the passage of this Act. *Second*—To those who have appropriated and used such waters for irrigation, to the extent only that they have used them prior to the passage of this Act, in the order of their appropriations. *Third*—To all the lands in the district, or districts, proportionally, when cultivated by means of irrigation.

Mr. Farley moved as an amendment to the amendment, as follows :

The Board of Irrigation Commissioners shall have power to condemn in the mode provided in title seven, part three, of the Code of Civil Procedure, within their districts, for the public use all existing water rights, canals, ditches, bulkheads, reservoirs, and the rights of way for such canal and ditches as may be necessary for the perfection of a system of irrigation for their district whether the property of private individuals, incorporated companies, riparian owners, or otherwise, *provided*, that the same amount of water used or appropriated by said individuals, incorporated companies riparian owners, or others, for their individual use before said condemnation, shall after said condemnation be supplied to them and each of them, by said Board, as a preference right at the same reasonable rates as water is supplied to other parties

Adopted.

Mr. Johnston moved to add to the amendment to the amendment, as follows :

*Provided further, that no riparian proprietor shall be taxed for the payment of any indebtedness incurred in any condemnation proceedings.*

Lost.

Mr. Atwell moved to amend section eighteen, by inserting after the word "implements" in line five, the following :

When instructed to do so at any general election, a majority of not less than two thirds of all the voters and land owners in said irrigation district voting in favor thereof.

Lost.

Pending the consideration of the bill, Mr. Caminetti moved that the further consideration of the bill be postponed till Monday, at ten o'clock P. M.

Lost.

The bill was ordered engrossed, printed, and to third reading.

Mr. Wharton moved that the third reading of the bill be made a special order for Monday, at three o'clock P. M.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

AYES—Messrs. Booth, Bowers, Brown, Campbell, Carter, Clark, Clement, Coombs, Culver, Cutter, Farley, Fleming, Flynn, Fortna, Gaussail, Hall, Harvey, Healy, Heath, Hughes, Keeler, Lewison, Matthews, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Ryan, Smith, Stewart, Sweetland, Walrath, and Wharton—39.

NOES—Messrs. Atwell, Barry, Caminetti, Crumpton, Field, Hamilton, Head, HERSHEY, Hunter, Irwin, Johnston, Kerrick, Martin, McHale, Nicol, Plover, Rhel, Simon, Stephens, Storke, Townsend, Wheat, Yell, and Mr. Speaker—24.

Mr. Cutter moved that the bill be placed at the head of the third reading file.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

AYES—Messrs. Booth, Bowers, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Culver, Cutter, Farley, Field, Flynn, Gaussail, Hall, Harvey, Healy, Heath, Hughes, Irwin, Keeler, Lewison, Matthews, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Rawle, Reeves, Ryan, Smith, Stewart, Sweetland, Walrath, and Wharton—40.

NOES—Messrs. Atwell, Crumpton, Fortna, Hamilton, Head, HERSHEY, Hunter, Johnston, Kerrick, Martin, McHale, Nicol, Plover, Rhel, Simon, Stephens, Storke, Townsend, Wheat, Yell, and Mr. Speaker—21.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. )  
SACRAMENTO, March 3, 1883. )

*To the Assembly of the State of California :*

I have to inform your honorable body that I have approved Assembly Bill No. 30—An Act to establish and support a Bureau of Labor Statistics.

GEORGE STONEMAN, Governor.

#### LEAVE OF ABSENCE.

Messrs. Cary, Coleman, and McClaskey were granted leave of absence till Monday, at two o'clock P. M.

Mr. Caminetti moved that Assembly Bill No. 228 be made a special order for Monday, at ten o'clock A. M.

Lost.

#### REPORTS OF STANDING COMMITTEES.

##### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Senate Concurrent Resolution No. 15—Relative to requesting our Representatives and instructing our Senators in Congress to use their best efforts towards securing the promotion of Lieutenant W. I. Reed, United States Army—and beg leave to report the same back, and recommend that it be adopted.

McCLASKEY, Chairman.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled—Assembly Bill No. 153—Entitled "An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor"—and the same was, at three o'clock and thirty-five minutes P. M., March third, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

##### RECESS.

At five o'clock and thirty minutes P. M., on motion of Mr. Brown, the House took a recess until seven o'clock and thirty minutes this evening.

##### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Cumpston, Culver, Cutter, Faw, Field, Fleming, Flynn, Hall, Hamilton, Head, Heath, Hunter, Johnston, Keeler, Keruck, Levenson, Lewison, Martin, Matthews, McHale, McKinley, Moffitt, Nicol, Parker, Peterson, Rawle, Reeves, Rhel, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Yell, and Mr. Speaker.

Quorum present.

Mr. Caminetti moved that the notice of reconsideration relative to the resolution allowing the claims of Messrs. Barnes and Dozier be postponed till Monday, at ten o'clock A. M.

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

So ordered.

Mr. Cutter moved to suspend the rules, for the purpose of considering Assembly Bill No. 209.

Lost.

Mr. Sweetland moved that the House go into Committee of the Whole, Mr. Hershey in the chair, for the purpose of considering Assembly Bill No. 65.

Lost.

##### SPECIAL ORDER.

Special order for this hour: Second reading of Assembly Bill No. 65—An Act to establish a simple, speedy, and inexpensive system of procedure in civil cases.

Read second time.

Mr. Barry moved to indefinitely postpone the further consideration of this bill.

Mr. Flynn moved that the consideration of Assembly Bill No. 65 be temporarily postponed.

So ordered.

Mr. Flynn asked leave to be permitted to introduce a bill.

The ayes and noes being demanded, the roll was called with the following result:

Ayes—Messrs Atwell, Barry, Brown, Caminetti, Campbell, Carter, Clark, Clement, Crumpton, Culver, Farley, Faw, Field, Fleming, Flynn, Gaussail, Hamilton, Harvey, Head, Healy, Hetshey, Hughes, Hunter, Johnston, Keeler, Levenson, Lewison, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhuel, Ryan, Sinon, Smith, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Yell, and Mr. Speaker—51.

Noes—Mr. Kerrick—1.

The motion having failed to receive a constitutional majority, it was declared lost.

The question being then on the motion of Mr. Barry to indefinitely postpone the further consideration of Assembly Bill No. 65, Mr. Campbell moved the previous question.

The question then recurring on the motion to indefinitely postpone, the ayes and noes being demanded, the roll was called, and the motion lost by the following vote:

Ayes—Messrs Barry, Campbell, Culver, Farley, Kerrick, Lewison, McHale, Murphy, Nicol, O'Connor, Rhuel, Smith, Sweetland, Townsend, Weaver, Wharton, and Yell—18.

Noes—Messrs. Atwell, Caminetti, Carter, Coombs, Crumpton, Cutter, Faw, Fleming, Flynn, Gaussail, Hamilton, Harvey, Head, Healy, Hershey, Hughes, Hunter, Johnston, Keeler, Levenson, McDonald, McKinley, Moffitt, Parker, Peterson, Rawle, Ryan, Sinon, Stewart, Walrath, and Mr. Speaker—30.

#### ADJOURNMENT.

At ten o'clock and five minutes p. m., on motion of Mr. Yell, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, March 5, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Heath, Hetshey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, on motion of Mr. Brown, further reading was dispensed with.  
Journal of Saturday approved.

## RESOLUTION—(OUT OF ORDER).

By Mr. Campbell:

*Resolved*, That the Secretary of State be and he is hereby directed to certify to the Controller a statement of the amount of stationery, stamps, etc., drawn by each member of this Assembly; and that the Controller be and he is hereby directed to draw a warrant in favor of each member of this Assembly for the sum of twenty-five dollars as his contingent fund, less the amount of stationery, stamps, etc., drawn by him, said warrant payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Culver:

*Resolved*, That the Secretary of State be and he is hereby instructed to receive from the members of this Assembly such unused articles of stationery drawn on requisition as they may wish to return, *provided*, the packages or articles are unbroken and in good condition, and the same be credited to their account.

Adopted.

By Mr. Cutter:

*Resolved*, That the Secretary of State be and he is hereby directed not to honor any further requisitions on his office by members of the Assembly.

Adopted.

By Mr. Caminetti:

*Resolved*, That five thousand copies of the report of the State Viticultural Commissioner be ordered printed for the use of the Assembly, and that the same be delivered to the Secretary of State, who shall immediately transmit to each member of the Assembly fifty copies thereof, the expense to be audited by the Board of Examiners, and paid out of the Contingent Fund of the Assembly.

Referred to Committee on Public Printing.

## PETITION.

By Mr. Brown: From J. B. Cox, preferring charges against Honorable E. W. McKinstry, Justice of the Supreme Court of California.  
Mr. Terry moved to lay the petition on the table.

Lost.

Mr. Flynn moved that the petition be referred to the Committee on Judiciary with instructions.

So ordered.

## REPORT OF A STANDING COMMITTEE.

## ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 390—An Act to provide for the division of existing counties and for the creation of new counties—beg leave to correct an omission in section four of the substitute recommended for passage by the committee, which was intended to read as follows:

Section 4. The Board of Supervisors of any county shall refuse to take action on any petition

for the creation of a new county, unless it shall appear that the county which it is intended to create has within its territory not less than one thousand registered voters, and that the residue of each county from which territory is to be taken has not less than fifteen hundred voters appearing upon the Great Register of such county. The certificate of the County Clerk of each such county of the number of such voters within such territory, and residue, respectively, shall be evidence of the facts therein stated. Such County Clerk shall furnish such certificate on payment to him of the sum of five dollars for each certificate. The Board of Supervisors may refuse to take action on such petition whenever in its judgment the best interests of the whole county will be sub-served thereby, and in case of such refusal, no application must be considered for the space of one year from the date of such refusal.

And recommend that the House concur in these corrections.

D. P. HERSHEY, Chairman.  
SIDNEY HALL.  
M. R. LEVERSON.  
A. WALRATH  
WM. M. CUTTER.

Concurred in.

Mr. Flynn asked the consent of the House to introduce a bill out of order.

The roll was called, and the request was granted by the following vote:

AYES—Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—63.

NOES—None.

#### INTRODUCTION OF A BILL.

By Mr. Flynn: An Act providing for the submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Mr. Flynn moved that the bill be considered without reference, declared a case of urgency, read first and second time, considered engrossed, and ordered to third reading.

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

AYES—Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Crumpton, Culver, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Hamilton, Harvey, Head, Healy, Heath, Hunter, Irwin, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—58.

NOES—Messrs. Coombs, Johnston, and Weaver—3.

#### FIRST READING.

Assembly Bill No. 529—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Read first time, and ordered to second reading.

#### SECOND READING.

Assembly Bill No. 529—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Read second time, and ordered to third reading.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

The Senate amendments thereto were read.

The ayes and noes being demanded on the question of the concurrence in the Senate amendment to section forty-five of the bill, the roll was called, and the House refused to concur in the amendment by the following vote:

**AYES**—Messrs. Barry, Bibb, Coombs, Cutter, Doty, Farley, Flynn, Fortna, Head, Heath, Hughes, Irwin, Kerrick, McDonald, McHale, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Wheat, and Wheelan—34.

**NOES**—Messrs. Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Clement, Crumpton, Culver, Faw, Field, Hamilton, Harvey, Heishey, Hunter, Johnston, Keeler, Levenson, Lewison, Martin, Matthews, McKinley, Reeves, Rhiel, Townsend, Weaver, Wharton, Yell, and Mr. Speaker—31.

The question being then on the concurrence in the Senate amendments, except that to section forty-five, the roll was called, and the amendments were concurred in by the following vote:

**AYES**—Messrs. Barry, Bibb, Bowers, Briceland, Caminetti, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Smith, Stephens, Stewart, Terry, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—50.

**NOES**—Messrs. Brown, Carter, Clement, Culver, Harvey, Heath, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Storke, Sweetland, Walrath, and Wharton—16.

Mr. Cutter moved that the Senate be asked to recede from its amendment to section forty-five.

So ordered.

Mr. Storke gave notice that he would, to-morrow, move to reconsider the vote whereby the House refused to concur in the amendment to section forty-five of Assembly Bill No. 130.

Mr. Irwin moved to reconsider the vote whereby the House refused to concur in the Senate amendment to section forty-five of Assembly Bill No. 130.

Lost.

## REPORTS OF STANDING COMMITTEES.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that we have carefully examined and find correctly engrossed the following Assembly Bills:

Assembly Bill No. 467—Entitled "An Act to amend section one thousand four hundred and ninety-seven of the Political Code, relating to Normal Schools."

Also, Substitute for Assembly Bill No. 100—Entitled "An Act to amend section eight hundred and thirty-two of the Civil Code of the State of California, relative to lateral and subjacent support of boundaries."

Also, Senate Bill No 112—Entitled "An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State."

Also, Assembly Bill No. 164—Entitled "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 and fish ponds."

Also, Assembly Bill No 155—Entitled "An Act to provide for the organization, government, and control of irrigation districts"

Respectfully submitted

CALLAGHAN, Chairman.

## ON STATE HOSPITALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER: Your Committee on State Hospitals, to whom was referred Assembly Bill No. 450—An Act relating to inmates of insane asylums—have had the same under consideration, and now report the same back, and recommend by a majority of the committee that the bill do not pass.

CRUMPTON, Chairman.

## MINORITY REPORT.

MR. SPEAKER: I would most respectfully dissent from the majority report of the Committee on State Hospitals on Assembly Bill No. 480—An Act relating to inmates of insane asylums—and recommend that the same do pass, after striking out section two of the bill.

HEAD.

Mr. Weaver moved that Assembly Bill No. 131 be declared a case of urgency, and read first and second times by title.

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

AYES—Messrs. Barry, Bibb, Booth, Briceland, Brown, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Doty, Farley, Faw, Field, Flynn, Fortna, Gaus-sail, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matibews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—57.

NOES—Messrs. Caminetti, Culver, Head, and Hunter—4.

## FIRST READING.

Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Read first time, and ordered to second reading.

## SECOND READING.

Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Read second time, and ordered to third reading.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Martin, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 131—

An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association—report the same back, and recommend its passage.

On motion of Mr. Storke, the report was concurred in.

#### RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

#### REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Caminetti moved to amend Senate Bill No. 131 as follows: Strike out in section one, line three, the words "and civil," between the words "Mexican" and "wars."

Lost.

#### THIRD READING.

Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Barry, Booth, Briceland, Brown, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farlev, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Holhster, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, Moffitt, Murdock, Murphy, Parker, Plover, Rawle, Reeves, Rhrel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—60.

NOES—Messrs. Atwell, Caminetti, Coombs, Faw, Field, Fortna, Head, Martin, McKinley, Nicol, Peterson, Sweetland, and Terry—13.

Title approved.

#### REPORT OF A STANDING COMMITTEE.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled: Assembly Bill No. 25—Entitled "An Act to amend sections three, four, nine, and eleven, of 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 15, 1880, so as to create two additional districts."

Also, Assembly Bill No. 241—Entitled "An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations."

And the same were, at twelve o'clock and seventeen minutes P. M., March fifth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

Mr. Atwell rose to a question of privilege, and read the following preamble and resolutions:

HANFORD, CALIFORNIA, March 3, 1883.

A meeting of the members of the several water ditch companies situated in Mussel Slough and Lower Kings River country, namely, the Lower Kings River Ditch, the Rhoads Ditch, the People's Ditch, and the Last Chance Ditch Company, met in the People's Ditch Company's

office on this, the third day of March, eighteen hundred and eighty-three, for the purpose of vindicating the action of our Assemblyman, Honorable A. J. Atwell, on the question of irrigation, during the present session of the Legislature now convened in Sacramento.

Mr A. S. Ayers was elected President, and Porter Mickle Secretary, when the following resolutions were adopted

*WHEREAS*, The ditch and land owners of the Mussel Slough and Lower Kings River country have built, at great expense of money and labor, a vast system of canals and ditches for irrigating purposes, and have thereby saved from desert barrenness a large extent of country, and have built permanent homes thereon, and have raised the value of the land so reclaimed from one dollar per acre to fifty dollars or more per acre, and whereas, other parties have robbed us of our water, and are seeking to retain the same by means of legislation hostile to our interests, and to natural justice, and have caused false and malicious representations of the irrigation question to be made public through the press of the State, and have caused to be held mass meetings, so called, in the interest of such other and hostile parties, at which have been passed resolutions immoderate in tone and indefensible in any view of justice, and have gone so far as to denounce the course pursued in the Legislature of this State by our Assemblyman, Honorable A. J. Atwell; and whereas, the people of this section of the country supported for the Assembly the said A. J. Atwell, believing that he would faithfully represent our interests in the matter of irrigation laws; and whereas, we have so far discovered in the course of the Honorable A. J. Atwell in the Legislature, upon this subject, no cause for complaint, and, upon the contrary, are fully and entirely satisfied with his action in such matters: now, therefore, be it

*Resolved*, That we have watched with interest the course pursued by the Honorable A. J. Atwell on the irrigation question in the Legislature, and that we do hereby fully and entirely approve of the same.

*Resolved*, That we denounce the action of the so called mass meeting held at Tulare City, March first, eighteen hundred and eighty-three, as being held and called in the interest of water monopolists, who are seeking to get control of water that of right belongs to and is used by land owners and prior appropriators.

*Resolved*, That we do hereby denounce the course and action of the newspaper correspondents and writers who are endeavoring to create a sentiment against us and our cause, by decrying the action of the Honorable A. J. Atwell, the representative of this Assembly District in the Legislature of the State.

*Resolved*, That a copy of these resolutions be sent to the Senate and the Assembly at Sacramento, and published in the newspapers of this county.

A. S. AYERS, President.

PORTER MICKLE, Secretary.

Mr. Cutter moved to suspend the rules, for the purpose of considering Assembly Bill No. 65.

Lost.

Mr. Irwin moved that Assembly Bill No. 503 be declared a case of urgency, considered engrossed, read first and second time by title, and to third reading for amendment and passage.

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

AYES—Messrs. Atwell, Barry, Booth, Bowers, Briceland, Brown, Callaghan, Cammett, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Hall, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kernick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—66.

NOES—Messrs. Clement and Granger—2.

#### FIRST READING.

Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to refund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Read first time, and ordered to second reading.

#### SECOND READING.

Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city

or town, to refund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Read second time, and ordered to third reading.

THIRD READING.

Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to refund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Read third time.

The amendments by the committee were concurred in.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussal, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—66.

NOES—None.

Title approved.

RESOLUTION—(OUT OF ORDER).

By Mr. Cutter:

WHFREAS, Early in the session of this Assembly, two Porters were appointed to take care of the committee rooms, and as only one of said Porters—namely, W. S. Linn—has been here to perform any service as such Porter, he has been obliged to do the work of two men; therefore, be it

*Resolved*, That the sum of one hundred and forty-nine dollars be allowed said W. S. Linn for his services so rendered, and that the Controller be directed to draw his warrant for said sum, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

Mr. Cutter moved to suspend the rules, for the purpose of considering Senate Bill No. 112.

So ordered.

THIRD READING.

Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussal, Granger, Hall, Harvey, Hershey, Hughes, Hunter, Irwin, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawie, Reeves, Ryan, Simon, Stephens, Stewart, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—59.

NOES—Messrs. Barry, Campbell, Hamilton, Head, Martin, Parker, Rhuel, Storke, and Yell—9.

Title approved.

Mr. Campbell moved that the Substitute for Assembly Bill No. 139 be ordered printed.

So ordered.

## SECOND READING.

Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Read second time, and ordered to third reading.

## REPORT OF A STANDING COMMITTEE.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bills Nos. 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, and 528, relative to the appropriation of money for the payment of certain deficiencies, have had the same under consideration, and, in obedience to an order of the House, requiring the committee to report on Monday, fifth instant, now report said bills back without recommendation, the committee not having had time to give them sufficient investigation and consideration to warrant a recommendation.

CAMPBELL, Chairman.

Mr. Irwin moved that the consideration of Assembly Bills Nos. 512 to 528, inclusive, be made a special order for to-morrow, at eleven o'clock A. M.

So ordered.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on March third, A. D. eighteen hundred and eighty-three, passed Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'Concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—with amendments, and respectfully ask concurrence therein by the Assembly.

Also, passed, this fifth day of March, eighteen hundred and eighty-three, Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Also, Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Also, Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

EDWIN F. SMITH, Secretary.

Mr. Cutter moved that the consideration of the Senate message be postponed till to-morrow, at ten o'clock A. M.

Mr. Murdock moved the previous question.

So ordered.

The question being then on the motion by Mr. Cutter, the ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**AYES**—Messrs. Barry, Booth, Bowers, Brown, Carter, Cary, Clement, Coombs, Culver, Cutter, Farley, Fortna, Harvey, Heath, Hershey, Hollister, Johnston, Keeler, Levenson, Lewison, McClaskey, McHale, McKinley, Murdock, Nicol, Plover, Reeves, Ryan, Storke, Sweetland, Walrath, Weaver, Wharton, Wheat, and Wheelan—35.

**NOES**—Messrs. Atwell, Bibb, Callaghan, Cammetti, Campbell, Clark, Coleman, Crumpton, Doty, Faw, Field, Flynn, Gaus-sail, Granger, Hall, Hamilton, Healy, Hughes, Hunter, Irwin, Kerick, Martin, Matthews, McDonald, Moffitt, Murphy, O'Connor, Parker, Peterson, Rawle, Rhel, Simon, Smith, Stephens, Stewart, Terry, Townsend, Yell, and Mr. Speaker—39

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'Concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

The Senate amendments thereto were read.

Mr. Johnston moved that the House concur in the Senate amendments, except that to section two thousand five hundred and forty-five.

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

**AYES**—Messrs. Atwell, Barry, Bibb, Bowers, Brice-land, Callaghan, Cammetti, Campbell, Clark, Coleman, Crumpton, Doty, Farley, Faw, Field, Flynn, Gaus-sail, Granger, Hall, Hamilton, Healy, Hershey, Hughes, Hunter, Irwin, Johnston, Kerick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—53

**NOES**—Messrs. Booth, Brown, Carter, Cary, Clement, Coombs, Culver, Cutter, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Walrath, and Wharton—19.

The question being on concurring in the Senate amendment to section two thousand five hundred and forty-five, the roll was called, and the House refused to concur in the amendment by the following vote:

**AYES**—Messrs. Brown and Cary—2.

**NOES**—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Callaghan, Campbell, Carter, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Gaus-sail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Heishey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—65.

The House having refused to concur in the Senate amendment to section two thousand five hundred and forty-five, the Senate was requested to recede from its amendment to that section.

Mr. Campbell moved that Senate Bill No. 285 be declared a case of urgency, read first and second time by title, and the further con-

sideration of it made a special order for to-morrow, at ten o'clock A. M.

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

Ayes—Messrs Atwell, Barry, Beard, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Furlley, Faw, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhoad, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wharton, Yell, and Mr. Speaker—59.

Nays—Mr. Culver—1.

#### FIRST READING.

Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Read second time, and ordered to third reading.

Mr. Johnston moved that Senate Bill No. 196 be read first time, and ordered to the head of the second reading file for to-morrow.

So ordered.

#### FIRST READING.

Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Read first time, and ordered to second reading.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Placed on file without reference.

## SPECIAL ORDER.

Special order for this hour: Third reading of Senate Bill No. 247—An Act to provide for the better control and management of the University of California, and for the investment and security of the same.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Doty, Farlev, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—56.

NOES—None.

Title approved.

## SECOND READING—(RESUMED).

Senate Bill No. 288—An Act authorizing and directing the Regents of the University of California to convey certain lands.

Read second time, and ordered to third reading.

Mr. Terry moved to make further consideration of Senate Bill No. 288 a special order for two o'clock P. M. to-morrow.

So ordered.

## THIRD READING.

Assembly Bill No. 467—An Act to amend section one thousand four hundred and ninety-seven of the Political Code, relating to Normal Schools.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Doty, Farlev, Faw, Field, Fleming, Fortna, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—60.

NOES—Mr. Parker—1.

Title approved.

Mr. Campbell moved to suspend the rules, for the purpose of taking up Assembly Bill No. 462; that it be declared a case of urgency, and read first and second time by title, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Doty, Farlev, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Hollister, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—58.

NOES—Messrs. Flynn, Heath, Hershey, Hunter, Lewison, Murphy, Walrath, and Weaver—8.

## FIRST READING.

Assembly Bill No. 462—An Act to authorize cities to erect and

maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Read first time, and ordered to second reading.

SECOND READING.

Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Read second time, and ordered to third reading.

THIRD READING.

Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Read third time.

The House refused to concur in the amendments by the committee.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Booth, Bowers, Brown, Callaghan, Cammetti, Campbell, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—61.

NOES—Mr. Lewison—1.

Title approved.

Mr. Farley moved that Senate Bill No. 68 be declared a case of urgency, read first and second time by title, and read third time, and placed on its final passage.

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

AYES—Messrs. Brown, Cammetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Heath, Hershey, Irwin, Keeler, Kerrick, Levenson, Lewison, McHale, McKinley, Murdock, Parker, Rawle, Reeves, Sinon, Stephens, Stewart, Storke, Terry, Weaver, Wharton, Yell, and Mr. Speaker—41.

NOES—Messrs. Barry, Booth, Bowers, Clark, Field, Head, Healy, Hunter, Johnston, Martin, Matthews, McClaskey, McDonald, Moffitt, Nicol, O'Connor, Peterson, Plover, Rhel, Smith, and Wheat—21.

Mr. Storke moved to suspend the rules, for the purpose of considering Senate Bill No. 49.

So ordered.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Storke, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 49—An Act to provide an industrial department for the deaf, dumb, and blind.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 49—An Act to provide an industrial department for the deaf, dumb, and blind—report the same back, and recommend its passage.

The report was concurred in.

The bill was then ordered to third reading.

Mr. Johnston moved that the rules be suspended, for the purpose of considering Senate Bill No. 74.

So ordered.

## SECOND READING.

Senate Bill No. 74—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Read second time, and ordered to third reading.

Mr. Moffitt moved to suspend the rules, for the purpose of considering Senate Bill No. 130.

So ordered.

## FIRST READING.

Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Read first time, and ordered to second reading.

Mr. Irwin moved that Assembly Bill No. 511 be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

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

AYES—Messrs Atwell, Barry, Bibb, Bowers, Clark, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Fortna, Gaussul, Granger, Healy, Heishey, Irwin, Johnston, Leverson, Lewison, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawie, Reeves, Ryan, Simon, Stephens, Storke, Terry, Wahath, Wharton, Yell, and Mr. Speaker—41.

NOES—Messrs. Brown, Caminetti, Carter, Clement, Hamilton, Harvey, Heath, Hunter, Keeler, Kerriek, Martin, Matthews, McHale, Nicol, Rhiei, Stewart, Townsend, Weaver, and Wheat—19.

## REPORT OF A STANDING COMMITTEE.

## ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER Your Committee on Public Expenditures and Accounts, to whom was referred the following resolutions: Assembly Resolution, relative to amount of stationery drawn by different members, etc.; and Assembly Resolution, relative to pay of P. H. Rediger—have had the same under consideration, and recommend their passage.

CAMINETTI, Chairman.

Adopted.

Mr. Caminetti asked the consent of the House to introduce a bill.

The roll was called, and the request was granted by the following vote:

**AYES**—Messrs. Atwell, Barry, Bibb, Bowers, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Heath, Heishey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—58.

**NOES**—Messrs. Brown, Hall, Healy, and Nicol—4.

#### INTRODUCTION OF A BILL.

By Mr. Caminetti: An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of prevention of frauds in the same.

Mr. Cutter moved that the rules be suspended, and the bill read first time.

So ordered.

#### FIRST READING.

Assembly Bill No. 530—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of prevention of frauds in the same.

Read first time, and ordered printed and to second reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Campbell:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant in favor of and the amount for each opposite the names of the following named persons, payable out of the Contingent Fund of the Assembly: J. F. Davis, repairing chairs, etc., as per bill rendered, thirty-seven dollars and seventy-five cents; W. B. Miller, repairing clocks and keeping the same running, as per bill rendered, thirty dollars; Capital Ice Company, for ice during the session, as per bill rendered, twenty-four dollars.

Referred to Committee on Public Expenditures and Accounts.

Mr. Simon moved to suspend the rules, for the purpose of considering Assembly Bill No. 417.

So ordered.

#### SECOND READING.

Assembly Bill No. 417—An Act to authorize the Coroner in consolidated city and county governments to appoint a physician to hold autopsies, and fix his compensation for the same.

Read second time.

Mr. Johnston moved to amend section one, by striking out of line five the word "twenty," and inserting in lieu thereof "ten."

Lost.

The bill was ordered engrossed, and to third reading.

Mr. Simon moved that the further consideration of the bill be made a special order for twelve o'clock M., to-morrow.

#### RECESS.

Mr. Wharton, at five o'clock and twenty minutes P. M., moved to adjourn.

Mr. Barry moved as an amendment, that the House take a recess until seven o'clock and thirty minutes this evening.

So ordered.

REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Barry moved to suspend the rules, for the purpose of considering Assembly Bill No. 309.

So ordered.

SECOND READING.

Assembly Bill No. 309—An Act to provide for the appointment of subordinate officers in the service of the State.

Read second time.

Mr. Barry moved that the bill be considered engrossed, ordered to third reading, and made a special order for eleven o'clock and thirty minutes A. M. to-morrow.

The ayes and noes being demanded, the roll was called, and motion lost by the following vote:

AYES—Messrs. Atwell, Barry, Bowers, Briceland, Campbell, Clark, Crumpton, Culver, Farley, Fleming, Granger, Hamilton, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Lewison, Matthews, Murdock, Parker, Peterson, Plover, Reeves, Rhiel, Ryan, Storke, Townsend, Walrath, and Mr. Speaker—31.

NOES—Messrs. Brown, Caminetti, Carter, Cary, Clement, Coombs, Cutter, Flynn, Fortna, Harvey, Head, Healy, Levenson, Martin, McClaskey, McDonald, McHale, Murphy, Nicol, O'Connor, Rawle, Stephens, Stewart, Terry, and Wheat—25.

Mr. Atwell moved to suspend the rules, for the purpose of considering Assembly Concurrent Resolution No. 41.

So ordered.

Assembly Concurrent Resolution No. 41—Relative to the building of reservoirs and the protection of the forests of the State to aid irrigation.

Resolution read and adopted.

Mr. Murdock moved to suspend the rules, for the purpose of considering Senate Bill No. 132.

The ayes and noes being demanded, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Briceland, Caminetti, Campbell, Cary, Clement, Crumpton, Flynn, Granger, Hall, Hamilton, Healy, Heath, Kerrick, Lewison, Matthews, McDonald, Murdock, O'Connor, Rawle, Smon, Stewart, Storke, Terry, and Mr. Speaker—27.

NOES—Messrs. Bowers, Brown, Carter, Clark, Coombs, Cutter, Farley, Fortna, Harvey, Head, Hunter, Johnston, Keeler, Martin, McClaskey, McKinley, Nicol, Parker, Peterson, Plover, Rhiel, Ryan, Stephens, and Wheat—24.

Mr. Kerrick moved to suspend the rules, for the purpose of considering Assembly Bill No. 165.

So ordered.

THIRD READING.

Assembly Bill No. 165—An Act to prevent the spreading of contagious diseases among domestic animals.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Failey, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, Murdock, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Storke, Terry, Townsend, Walrath, and Mr. Speaker—52.

NOES—Messrs. McDonald, Stewart, and Wheat—3.

Title approved.

Mr. Barry moved that Assembly Bill No. 309 be considered engrossed and ordered to third reading.

So ordered.

Mr. Reeves moved to suspend the rules, for the purpose of considering Assembly Bill No. 293.

So ordered.

#### SECOND READING.

Assembly Bill No. 293—An Act to amend “An Act to regulate the use of artesian wells, and to prevent the waste of subterranean water in the State.”

Read second time.

Amendment by committee concurred in.

The bill was ordered engrossed, printed, and to third reading.

Mr. Reeves moved to make Assembly Bill No. 292 a special order for four o'clock P. M. to-morrow.

So ordered.

Mr. Matthews moved to suspend the rules, for the purpose of considering Assembly Bill No. 337, that it be considered a case of urgency, that it be read second and third times, and put upon its passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Farley, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Heath, Hershey, Hughes, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wheat, and Mr. Speaker—58.

NOES—Messrs Flynn, Hunter, and Rhel—3.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Matthews, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 337—An Act to pay the claim of Hiram Clock.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 337—An Act to pay the claim of Hiram Clock—report the same back, and recommend its passage.

## THIRD READING.

Assembly Bill No. 337—An Act to pay the claim of Hiram Clock.  
Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Barry, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Farley, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wharton, Wheat, and Mr. Speaker—55.

NOES—None.

Title approved.

Journal of Saturday approved.

Mr. Ryan moved to suspend the rules, for the purpose of considering Assembly Bill No. 228.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

AYES—Messrs. Barry, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Cutter, Farley, Fortna, Hamilton, Harvey, Hershey, Keeler, Lewison, McHale, McKinley, Murdock, Murphy, Plover, Reeves, Ryan, Sinon, Storke, Townsend, Walrath, Wharton, and Mr. Speaker—31.

NOES—Messrs. Crumpton, Culver, Fleming, Flynn, Gaussail, Head, Heath, Hunter, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, Nicol, O'Connor, Parker, Peterson, Rawle, Rhuel, Stephens, Stewart, Terry, and Wheat—24.

Mr. Granger moved to suspend the rules, for the purpose of considering Assembly Bill No. 346.

So ordered.

## FIRST READING.

Assembly Bill No. 346—An Act for the relief of James Kananan, George Carlisle, and George Citizen.

Read first time.

Substitute by the committee adopted.

Mr. Granger moved that Assembly Bill No. 346 be declared a case of urgency, and bill read second time.

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

AYES—Messrs. Atwell, Booth, Briceland, Caminetti, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Gaussail, Granger, Harvey, Hershey, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhuel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, and Wharton—44.

NOES—Messrs. Barry, Campbell, Clement, Fortna, Hamilton, Head, Heath, Johnston, McHale, Peterson, and Wheat—11.

Mr. Johnston moved to suspend the rules, for the purpose of considering Assembly Bill No. 209.

Mr. Peterson moved a call of the House.

So ordered.

Mr. Johnston, at eight o'clock and fifty-five minutes P. M., moved to adjourn.

Lost.

## CALL OF THE HOUSE.

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

Messrs. Atwell, Barry, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Stewart, Stoike, Terry, Townsend, Wharton, Wheat, and Mr. Speaker

Quorum present.

On motion of Mr. Kerrick, further proceedings under the call were dispensed with.

The question then being upon the motion of Mr. Johnston, to suspend the rules for the purpose of considering Assembly Bill No. 209, the ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

AYES—Messrs. Barry, Booth, Brown, Caminetti, Clark, Coleman, Crumpton, Cutter, Fleming, Gaussail, Hamilton, Harvey, Hughes, Johnston, Keeler, Kerrick, Lewison, McClaskey, McDonald, Murdock, Murphy, Ryan, Simon, Stephens, Stoike, Terry, Townsend, and Walrath—28.

NOES—Messrs. Atwell, Briceland, Campbell, Carter, Cary, Coombs, Culver, Flynn, Head, Heath, Hershey, Hollister, Hunter, Levenson, Martin, McHale, Peterson, Rawle, Rhel, Stewart, Wharton, Wheat, and Mr. Speaker—23.

#### MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER: The Senate, on this day, passed the following bill Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and eighteen, relating to revenue and the collection of property taxes, and redemptions from sales therefor

Also, adopted Senate Concurrent Resolution No. 21—Relative to requesting the Secretary of the Interior to quiet the disputed titles to the land included in the El Sobrante grant, in Contra Costa County.

A. T. VOGELSANG, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 5, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, respectfully refuses to recede from its action in the adoption of the amendment to Assembly Bill No. 130, known as section forty-five, relating to the time when the Act shall take effect, and again respectfully ask that the Assembly concur in said amendment.

They have also had under consideration Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two, of the Political Code, and repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—and accede to the request of the Assembly by receding from its amendment to section two thousand five hundred and forty-five.

Also, amended and passed Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein—and respectfully ask the concurrence of the Assembly to amendments made thereto.

Also, amended and passed Assembly Bill No 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years"—and respectfully ask the concurrence of the Assembly to the amendments made thereto.

Also, passed the following Senate Bills:

Senate Bill No. 95—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Also, Senate Bill No. 186—An Act to amend section three hundred and eighty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to satisfaction of judgment against and sale of franchise owned by corporations, associations, or other persons.

Also, Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State.

Also, Senate Bill No. 156—An Act to amend section three hundred and forty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations.

Also, Senate Bill No. 40—An Act to amend section four hundred and ninety-six of the Penal Code.

Also, Senate Bill No. 116—An Act entitled “An Act to amend section one thousand nine hundred and sixty-five of an Act to establish a Political Code,” approved March 12, 1872, relative to bonds to secure the State against loss of property or company funds, etc

Also, Senate Bill No. 115—An Act entitled “An Act to amend section one thousand nine hundred and sixty-two of an Act to establish a Political Code,” approved March 12, 1872, relative to number of officers and privates of companies.

Also, Senate Bill No. 99—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 11, 1872, relating to bills of exceptions.

Also, the following Assembly Bills:

Assembly Bill No. 82—An Act to pay the claim of James Saultry.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Also, Assembly Joint Resolution No. 1—Relative to the Mexican Veteran Pension Bill.

Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

And refused passage to the following

Assembly Bill No. 21—An Act supplementary to an Act entitled “An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State,” approved April 15, 1880.

A. T. VOGELSSANG, Assistant Secretary.

#### ADJOURNMENT.

At nine o'clock and ten minutes P. M., on motion of Mr. Townsend, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, March 6, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Ryan, Sinou, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Hollister, further reading was dispensed with.

#### PROTEST.

A protest was presented by Mr. Terry, from citizens and taxpayers of San Joaquin County, protesting against Senate Bill No. 120—Relat-

ing to revenue and the collection of property taxes and redemption from tax sales.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Farley:

*Resolved*, That the State Printer be and he is hereby directed to print three hundred copies of history of Assembly Bills, Concurrent and Joint Resolutions, as per copy prepared by the Chief Clerk.

Adopted.

By Mr. Hollister:

*Resolved*, That A. Smith be allowed one hundred dollars as compensation for services at the desk, and that the Controller be authorized to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Public Expenditures and Accounts.

REPORT OF A STANDING COMMITTEE.

The Committee on Public Buildings and Grounds presented a report, which was ordered printed as a supplement to the Journal:

REPORT OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, in the discharge of the duties imposed on them to visit the State buildings (other than prison buildings), and report on their condition and requirements, would report as follows. They have visited the following named institutions: the Napa State Asylum for the Insane, the Deaf and Dumb and Blind Asylum, State Normal School at San José, State Insane Asylum at Stockton, State University at Berkeley, and the Branch State Normal School at Los Angeles.

NAPA STATE ASYLUM FOR THE INSANE.

The committee met at the office of the Board of Directors at the building near Napa, and proceeded to examine into the condition of the structure and grounds. The buildings have been so often the subject of elaborate description, we deem it unnecessary to enter into a full description of them, and will content ourselves with giving the result of our examination. The wards for male patients are crowded to their utmost capacity in many instances; a large number of patients are not proper subjects for treatment in an insane asylum. The building was originally designed to accommodate six hundred patients, with a possible means of accommodating two hundred more by using the attics. At the present moment there are one thousand two hundred patients crowded in every nook and corner. For twelve thousand dollars suitable quarters can be arranged for the officers of the institution, and the portion now occupied by twelve persons can be made to accommodate one hundred and eighty patients, to provide for whom would require an expenditure of over seventy thousand dollars.

Appropriations amounting to fifty-nine thousand dollars were asked for. We have reduced the amount to nineteen thousand dollars to make the improvements which we consider necessary at the present time. A good deal of repairs are necessary, and some means should be adopted to secure proper protection from fire. The heating apparatus seems to be an expensive experiment. It has been found necessary to place stoves in several of the wards during the cold spell. We regard this as a dangerous expedient, which should not be permanently adopted. The water supply, though better than in any other State institution, is not sufficient to meet the requirements of the asylum. We have recommended an appropriation for the improvement of the same and for the establishment of a system of protection from fire.

STATE NORMAL SCHOOL.

This building has been lately erected, partly on the ruins of the structure destroyed. It is a substantial brick building, with freestone dressing, large airy corridors, class-rooms, and stairways, all easy of access to the exterior, and seems admirably adapted for the purpose intended. We think the use of sandstone for a base course ill-timed economy, as it presents evidence of decay, though scarcely two years in position, and the same may be said of the ornamental stone caps. The heating apparatus is entirely too small for the purpose intended. Either the pipes should be covered with some non-conducting material, or an additional furnace should be placed in

position. The storing of a large quantity of bituminous coal in the basement should be discontinued, or the cellar where it is placed should be made fire-proof. We desire to record the pleasing fact, for the first time in the history of any State building, no appropriation is required for building purposes, the grounds, or water supply.

#### STATE UNIVERSITY.

The buildings forming the group of colleges are pleasantly located on a sloping plateau at the base of the Alameda foothills. They are (with two exceptions) constructed in the most solid manner of stone and brick. The College of Letters is a wooden structure on a brick foundation. It requires extensive repairs. At the outset it was illy constructed, and the floors, which originally were intended to be self-supporting, have to be strengthened with columns, which are inadequate for the purpose. It requires painting, and a general course of repair.

The Gymnasium is a large, well-built, wooden structure, presented to the University by A. K. P. Harmon. The exterior requires painting and cleaning; otherwise it is in perfect order, admirably adapted from its construction and design for the use of those who delight in the development of the human frame. The Colleges of Agriculture, Mining, and Mechanic Arts, and the Museum, are large, well arranged, and solidly built structures of brick and stone, giving every evidence of careful study in their design, and skillful construction. The Library is an elegant building, admirable in its effect, and convenient in its appointments.

The destruction of valuable timber and shade trees steadily going on is something that should be remedied. The creek that forms the main outlet for the watershed of the surrounding hills carries with it, in flood time, a vast body of water and sharp gravel or quartz. Owing to its rapid fall, its effect at the many turns to its course is to undermine the banks, and in many instances to completely change its course, to the utter destruction of the trees and grounds. Means should be adopted to stay the effects of the floods, by means of stone embankments at the principal turns, and by partially straightening out its course. It has been suggested to plant the hills with some rapid-growing trees, thereby protecting the soil, and in a measure preventing the rapid rise of the creek after a moderate fall of rain. This would seem to be feasible. The plantations on the adjoining hills are in a thriving condition. Since their existence there has been no sand slides, and the ground retains its moisture all the year. The bridge and footways are unsafe for travel in most instances. They should be repaired with stone buttresses in every instance, and thrown open for public travel. The sewerage of the several buildings is a matter requiring serious consideration. Heretofore the thinly populated character of the adjacent country, and the comparatively small attendance at the University, gave no occasion for anxiety on sewerage matters, the Winter's rains effectually disposing of the sewage matter. The vast increase in the population of the Town of Berkeley and the surrounding country requires some provision to be made for the proper disposition of this matter. We had under consideration a report of the State Engineer, in which he recommends a system of pipe sewerage to lead to the waters of the bay, and suggesting an appropriation of fifteen thousand dollars for the purpose. The report is only suggestive; no definite data having been obtained sufficient to form an estimate as to the cost, and proper line of sewer. We suggest that the Regents and Board of Directors of the Deaf and Dumb and Blind Asylum should cause to be made proper specifications and surveys, and present to the Legislature a definite plan and its cost before asking for any appropriation for the work. If the necessity is so pressing, it seems strange that neither Board has taken the trouble to have a proper investigation of the matter, but expect the Legislature to make an appropriation on a mere approximate estimate, hurriedly given.

It may be possible that another means of disposing of the sewage may be discovered equally as effective and not so expensive. A plan was suggested to your committee. Owing to the press of other business and the shortness of the time at our disposal, we could not give the matter the consideration which its importance demands.

#### DEAF AND DUMB AND BLIND ASYLUM.

This institution consists of a series of detached buildings, solidly constructed and admirably adapted for the purpose intended. At the session of eighteen hundred and seventy-five at 1818 hundred and seventy-six, an appropriation was made for the purpose of rebuilding the structure destroyed by fire. The sum of one hundred and ten thousand dollars was appropriated for the purpose of erecting a building sufficiently capacious to comfortably accommodate one hundred and thirty pupils—giving all the necessary accommodations for class-rooms, assembly halls, and dormitories—and, when entirely completed, to be able to accommodate at least two hundred and fifty pupils, and not to exceed in cost one hundred and seventy-five thousand dollars. The buildings up to the present time have cost the State two hundred and twenty-three thousand dollars, with an inadequate water supply. The sum of ten thousand dollars is required for the grading of the grounds and inclosing them, and five thousand dollars for improving the water supply. In our opinion, there is no pressing need for the former, and we have allowed four thousand dollars for the latter purpose. Common prudence would seem to dictate the necessity for an abundant supply of water. No reasonable means should be left untried to provide for the same. Here, however, it is made a secondary matter.

Here the question of sewerage is becoming a serious matter. The system followed is to allow it to spread over the surface of the ground, and then to plow it in. As one portion becomes saturated, another is taken up, until all the available ground is worked over. When there is sufficient ground to work over, this system is a good one. In this instance, the ground is circumscribed,

and becomes saturated so as not to absorb any more. In the Summer time this produces an unpleasant effect, the exhalations rendering the adjoining neighborhood almost uninhabitable. From personal observation we cannot corroborate this, but we have the assurance of the Directors and others to that effect.

The State Engineer recommends the same system of sewerage for this place as for the University, and for the same reasons as set out in our report on the sewerage of the University, we have declined to recommend the appropriation mentioned.

#### STATE ASYLUM AT STOCKTON.

This institution is situated on an alluvial formation, without drainage, except such as provided by means of cesspools, which are being continually pumped out, at a cost of two thousand five hundred dollars per annum, and allowed to spread over the surface of the grounds. This course has been persevered in so long, the grounds have lost their power of absorption. The fluid matter must evaporate, thereby rendering the adjoining habitations unhealthy. Why such a system should be persevered in for such a length of time, passes our comprehension. The cost of a proper system would not exceed ten thousand dollars, entailing no further expenditure. The present system has cost the State at least thirty thousand dollars, with unsatisfactory results. We have recommended an appropriation to improve the drainage of the premises.

The permanent buildings are in good condition, and kept unexceptionably clean. We observed a want of ventilation in the wards of the new buildings, and generally in the water-closets. This should be remedied. The new buildings are well-built structures of brick and stone. The inside finish of the doors and windows is not of such enduring material as the necessities of the building require—economy in this regard is ill-timed. The dilapidated wooden building adjoining the new buildings is made to contain (not accommodate) one hundred and fifty-three patients. It is utterly unfit for such a purpose. That such a number of our unfortunate fellow-citizens, deprived of the power of self-protection, should be thrust into such a den, exposed to the inclemency of the weather and the danger from fire, is a stigma on our civilization. In joint session with the Senate Committee on Public Buildings and Grounds, we have thoroughly discussed this matter, and have recommended an appropriation of one hundred and sixty-three thousand dollars for the erection of new buildings to receive the inmates of this wretched structure, and to provide for the probable increase of admissions for the next four years.

#### STATE CAPITOL.

The condition of this structure is such as to require considerable repairs. No care seems to have been taken for its proper preservation. The present administration succeeded to an accumulation of dust and cobwebs for nearly two years, and a depleted treasury account. The painting, plumbing, and roofing require a thorough overhauling, and the chambers of the Senate and Assembly and water-closets require ventilation. This question has been more or less discussed at every session for the last twelve years. Owing to the radical character of the alterations proposed to effect that object, it was not deemed prudent to make the changes suggested in the character of the building. A cheap, and what seems to be a very effective system of ventilation, has been devised, and which, in our judgment, will make the ventilation of the building all that can be desired. We have recommended an appropriation to make all the necessary repairs, and provide for the completion of the ventilation. The granite base for the fence on Tenth Street is being placed in position; a contract has been made for its completion, under the superintendence of the Capitol Commissioners and a competent architect. As the work is incomplete, we do not desire to pass an opinion on it. The fence on the line of L Street is completed, and presents a very fine appearance. It is unfortunate that the same quality of granite has not been used on both fronts.

#### THE BRANCH STATE NORMAL SCHOOL, LOS ANGELES,

Is a solidly constructed brick building, placed in a commanding position, overlooking the City of Los Angeles. The aspect is one of the finest in the State. The structure has been used for school purposes for several months, yet the interior wood-work has not yet received a single coat of paint. As a consequence a good deal of damage has taken place. The ventilation of the building has been entirely neglected. No provision whatsoever seems to have been made for the entrance of pure and the exit of foul air. In fact, some of the class-rooms are unfit for use owing to this fact. We suggest an immediate provision be made for this purpose. The doors of the class-rooms open inward, thereby blocking up the passages in the event of a panic. This is a violation of the law of every municipality in the State, and should be immediately remedied. Proper heating apparatus should be provided. The conducting pipes are already in place. Open stoves are a dangerous makeshift.

The present water supply is both expensive and inadequate. It is suggested to run a main pipe and connect with a flume situated a short distance away, and place in position a hydraulic ram, the waste water from which can be utilized. By this system an abundant supply can be obtained to supply the requirements of the school, and irrigate the beautiful grounds. We therefore recommend the passage of Senate Bill No. 130, to appropriate money for the completion of the building and the improvement of the water supply.

In this connection your committee would call your attention to the growing habit of Trustees and others in charge of State institutions, placing a statement of their requirements before non-visiting committees, and having the bills in many cases referred to such committees. This

course we consider at variance with the requirements of the law. The special committees are required to visit each institution, examine into its condition, and report upon its requirements from personal observation. They should be better able to judge of the necessity of such requirements than those whose duties are in another direction.

For the committee.

P. PLOVER, Chairman.  
GILLIS DOTY.  
JOHN T. CAMPBELL.  
C. S. STEPHENS.  
A. B. HUNTER.  
EMILE A. GAUSSAIL.  
J. H. CULVER.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 120—Referred to Judiciary Committee.

Senate Concurrent Resolution No. 21—Referred to Committee on Public Lands.

The Senate refuses to recede from its action in the adoption of the amendment to Assembly Bill No. 130, known as section forty-five, relating to the time when the Act shall take effect, and again respectfully ask that the Assembly concur in said amendment.

Mr. Cutter moved that the House concur in the amendment.

The ayes and noes being demanded, the roll was called, and the House refused to concur by the following vote:

AYES—Messrs. Barry, Clark, Coombs, Cutter, Doty, Fleming, Flynn, Head, Levenson, McDonald, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Simon, and Storke—18.

NOES—Messrs. Atwell, Booth, Bowers, Briceland, Brown, Campbell, Carter, Cary, Clement, Crumpton, Farley, Faw, Field, Fortna, Granger, Hamilton, Harvey, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, O'Connor, Rawle, Reeves, Rhel, Ryan, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—46.

Mr. Campbell moved that a Committee of Free Conference be appointed, for the purpose of considering Assembly Bill No. 130.

So ordered.

Assembly Bill No. 356—The Senate receded from its amendment to section two thousand five hundred and forty-five.

The bill was referred to Committee on Enrollment.

Assembly Bill No. 128—The House refused to concur in the Senate amendments.

Mr. Irwin moved that the Senate be asked to recede from its amendments to Assembly Bill No. 128.

So ordered.

Assembly Bill No. 77—The Senate amendments thereto were read.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Flynn, the House went into Committee of the Whole, for the purpose of considering the Senate amendments to Assembly Bill No. 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years."

Speaker pro tem. Campbell in the chair.

The committee arose, reported progress, and asked leave to sit again.

#### IN ASSEMBLY.

Speaker pro tem. Campbell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker pro tem. stated as follows :

GENTLEMEN: The Committee of the Whole have had under consideration the Senate amendments to Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—now report progress, and ask leave to sit again.

Report concurred in.

Mr. Cutter moved that Assembly Bill No. 65 be ordered printed as amended.

So ordered.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 6, 1883. }

*To the Assembly of the State of California :*

I have to inform your honorable body that I have approved Assembly Bill No. 25—An Act to amend sections three, four, nine, and eleven, of 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 15, 1880, so as to create two additional districts.

Also, Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

GEORGE STONEMAN, Governor.

## REPORT OF COMMITTEE.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully examined Assembly Bill No. 293—Entitled "An Act to amend an Act to regulate the use of artesian wells, and to prevent the waste of subterranean water in this State"—and find it to be correctly engrossed.

Respectfully submitted.

CLEMENT, of the Committee.

## RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Cutter moved to suspend action on Assembly Bill No. 77 for half an hour.

Lost.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the further consideration of Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

Speaker Larue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN. The Committee of the Whole, having had under consideration Assembly Bill No. 77, have concurred in the amendments by the Senate, with the exception of those to lines thirty-seven, thirty-eight, two hundred and twenty-eight, two hundred and twenty-nine, two hundred and fifty-five, and two hundred and fifty-six—and now request the House to concur in the action of the Committee of the Whole.

Mr. Clark moved that the recommendation of the committee be adopted.

So ordered.

The question being on concurring in the Senate amendment, increasing the salary of bookkeeper of Secretary of State to four thousand dollars, the roll was called, and the House concurred in the amendment by the following vote:

AYES—Messrs. Barry, Bibb, Booth, Callaghan, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Healy, Hershey, Hunter, Kerrick, McClaskey, McDonald, Moffitt, Mudock, Murphy, O'Connor, Parker, Peterson, Rawle, Rhel, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—42.

NOES—Messrs. Atwell, Brown, Carter, Cary, Clement, Culver, Cutter, Faw, Fortna, Harvey, Heal, Heath, Johnston, Keeler, Leverson, Lewison, Martin, McHale, McKinley, Nicol, Plover, Reeves, Weaver, Wharton, and Wheelan—25.

The question being on concurring in Senate amendment increasing salary of bookkeeper of the Controller of the State to four thousand dollars, the roll was called, and the House refused to concur in the amendment, by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Callaghan, Campbell, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Gaussail, Granger, Hall, Hamilton, Hershey, Hunter, McClaskey, McDonald, Moffitt, Mudock, Murphy, O'Connor, Parker, Peterson, Rhel, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—39.

NOES—Messrs. Bowers, Brown, Carter, Cary, Clement, Culver, Cutter, Faw, Flynn, Fortna, Harvey, Head, Heath, Hollister, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, McHale, McKinley, Nicol, Plover, Rawle, Reeves, Weaver, Wharton, and Wheelan—29.

Mr. Flynn gave notice that, on to-morrow, he would move to reconsider the vote by which the House concurred in Senate amendment to Assembly Bill No. 77, increasing the salary of bookkeeper to the Secretary of State to four thousand dollars.

Mr. Storke moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mudock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker

Quorum present.

Mr. Storke moved that further proceedings under the call of the House be dispensed with.

So ordered.

Mr. Storke moved to reconsider the vote by which the House concurred in Senate amendment increasing the salary of the book-keeper of Controller of State to four thousand dollars.

So ordered.

The question then recurring on the motion to concur, the roll was called, and the House concurred in the amendment by the following vote:

**AYES**—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Callaghan, Caminetti, Campbell, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Granger, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Keeler, Kerick, Levenson, Matthews, McClaskey, McDonald, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Rhiel, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—48.

**NOES**—Messrs. Brown, Carter, Clement, Culver, Cutter, Faw, Flynn, Fortna, Gausaul, Harvey, Heath, Hollister, Irwin, Johnston, Lewison, Martin, McHale, McKinley, Nicol, Plover, Rawle, Reeves, Walrath, Weaver, Wharton, and Wheelan—26.

The question being on concurring in the Senate amendment increasing the appropriation for the State Prison at San Quentin to one hundred and fifty thousand dollars, the roll was called, and the House refused to concur in the amendment by the following vote:

**AYES**—Messrs. Barry, Booth, Bowers, Callaghan, Carter, Faw, Hall, Hamilton, Harvey, Heath, Hollister, Hunter, Keeler, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, Reeves, Smith, Storke, Wharton, Wheelan, and Mr. Speaker—25.

**NOES**—Messrs. Atwell, Bibb, Brown, Caminetti, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gausaul, Granger, Head, Healy, Hershey, Hughes, Irwin, Johnston, Levenson, Martin, McClaskey, McHale, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Simon, Stephens, Terry, Townsend, Walrath, Weaver, Wheat, and Yell—45.

The question being on concurring in the Senate amendment, increasing the appropriation for aid of District Agricultural Society Number Eleven to two thousand four hundred dollars, the roll was called, and the House refused to concur in the amendment by the following vote:

**AYES**—Messrs. Atwell, Bowers, Callaghan, Carter, Coombs, Cutter, Farley, Faw, Fleming, Hall, Harvey, Healy, Hershey, Hollister, Keeler, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Nicol, Peterson, Reeves, Ryan, Simon, Smith, Sweetland, and Wheelan—29.

**NOES**—Messrs. Barry, Bibb, Booth, Brown, Caminetti, Campbell, Clement, Coleman, Crumpton, Culver, Doty, Field, Flynn, Fortna, Gausaul, Granger, Hamilton, Head, Heath, Hunter, Irwin, Johnston, Kerick, Levenson, Matthews, Murdock, O'Connor, Parker, Plover, Rawle, Stevens, Storke, Terry, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—38.

The question then being on concurring in all Senate amendments, except those increasing appropriation for State Prison at San Quentin, and increasing the appropriation for aid of Agricultural Society Number Eleven, the roll was called, and the House concurred in the amendments by the following vote:

**AYES**—Messrs. Barry, Bibb, Bowers, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Gausaul, Granger, Hamilton, Harvey, Healy, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—66.

**NOES**—Messrs. Cary, Culver, Fortna, Head, and Heath—4.

Mr. Campbell moved that the Senate be requested to recede from its amendments which the House refused to concur in.

So ordered.

Mr. Coleman moved to suspend the rules, and make Assembly Bill No. 71 a special order for to-morrow, at two o'clock P. M.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Barry, Callaghan, Carter, Cary, Clark, Coleman, Crumpton, Doty, Farley, Fleming, Gaussaul, Granger, Hall, Hamilton, Hershey, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Matthews, McHale, Murdock, Nicol, Parker, Peterson, Plover, Rhiel, Simon, Stephens, Wheat, Yell, and Mr. Speaker—36.

NOES—Messrs. Bowers, Brown, Caminetta, Campbell, Clement, Coombs, Culver, Cutter, Faw, Field, Flynn, Fortna, Harvey, Head, Healy, Health, Lewison, Martin, McClaskey, McDonald, McKinley, Murphy, O'Connor, Rawle, Reeves, Ryan, Smith, Stewart, Storke, Sweetland, Walrath, Weaver, Wharton, and Wheelan—34.

#### CONSIDERATION OF SENATE MESSAGES—(RESUMED).

Senate Bill No. 98—Referred to Judiciary Committee.  
 Senate Bill No. 186—Referred to Judiciary Committee.  
 Senate Bill No. 110—Referred to Judiciary Committee.  
 Senate Bill No. 156—Referred to Committee on Corporations.  
 Senate Bill No. 40—Referred to Committee on Crimes and Penalties.  
 Senate Bill No. 116—Referred to Judiciary Committee.  
 Senate Bill No. 115—Referred to Committee on Military Affairs.  
 Senate Bill No. 99—Referred to Judiciary Committee.

#### APPOINTMENT OF A COMMITTEE.

The Speaker appointed Messrs. Campbell, Yell, and Booth as a Committee of Free Conference on Assembly Bill No. 130.

#### MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following bills: Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine, of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Also, Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

And have also adopted Assembly Concurrent Resolution No. 52—Relative to the claim of Esther H. Dennis, and other heirs of Wm. E. Dennis, deceased, and to report thereon to the Legislature at its next session.

Also, Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Also, Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Also, Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Also, Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

Also, Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane.

Also, Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

Also, Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

Also, Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building, and furniture and purchase of carpets for the thirty-fourth fiscal year.

A. T. VOGELSAK, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

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. 112—An Act for the relief of James Saultry for personal injuries received by him while in the service of the State.

A. T. VOGELSAK, Assistant Secretary.

Consideration of the Senate message.

Senate Bill No. 181—Ordered placed on file without reference.

Mr. Johnston moved that the rules be suspended, for the purpose of considering Senate Bills Nos. 338 and 356.

So ordered.

#### FIRST READING.

Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Read first time, and ordered to second reading.

Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements, and the purchase of lands for the Napa State Asylum for the Insane.

Read first time, and ordered to second reading.

Mr. Cutter moved that Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof—and Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements, and the purchase of land for the Napa State Asylum for the Insane—be declared a case of urgency, read second and third times, and placed on their final passage.

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

AYES—Messrs Booth, Bowers, Brown, Callaghan, Cammetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Hershey, Hunter, Irwin, Johnston, Kerle, Kernick, Lewison, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—54.

NOES—Messrs Bibb, Culver, Head, Heath, Martin, Matthews, Plover, Storke, and Wharton—9.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Also, Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane.

Speaker pro tem. Campbell in the chair.

## IN ASSEMBLY.

Speaker pro tem. Campbell in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker pro tem. stated as follows:

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Also, Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane—report the same back and recommend their passage.

Report concurred in, on motion of Mr. Farley.

Mr. Larue moved to postpone the further consideration of Senate Bill No. 356 till to-morrow, at two o'clock P. M.

So ordered.

Mr. Farley gave notice that he would, to-morrow, move to reconsider the vote whereby Senate Bill No. 338 was ordered to second reading.

Mr. Larue moved to postpone the further consideration of Senate Bill No. 338 till to-morrow, at two o'clock P. M.

So ordered

Mr. Storke gave notice that he would, to-morrow, move to reconsider the vote whereby the consideration of Senate Bills Nos. 338 and 356 were declared urgent.

## CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 333—Referred to Committee on Ways and Means.

Senate Bill No. 335—Referred to Committee on Ways and Means.

Senate Bill No. 334—Referred to Committee on Ways and Means.

Assembly Bill No. 243—Referred to Committee on Enrollment.

Assembly Bill No. 310—Referred to Committee on Enrollment.

Senate Bill No. 368—Referred to Committee on Ways and Means.

Mr. Cutter moved that the House go into Committee of the Whole, for the purpose of considering Assembly Bill No 207—An Act to ascertain the sum due all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars.

The Speaker ruled that the rules of the House required a suspension of the rules to consider the bill at this time.

Mr. Cutter appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the decision of the House?" the ayes and noes being demanded, the roll was called, and the Chair was sustained by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Camineth, Clark, Faw, Field, Fleming, Flynn, Gaussail, Hall, Hamilton, Head, Healy, Hershey, Hunter, Irwin, Johnston, Kernick, Martin, Matthews, McDonald, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhel, Simon, Stephens, Storke, Terry, Townsend, Weaver, Wheat, Wheelan, and Mr. Speaker—38.

NOES—Messrs. Booth, Brown, Carter, Cary, Clement Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fortna, Harvey, Heath, Hollister, Keeler, Levenson, Lewison, McClaskey, McHale, McKinley, Moffitt, Peterson, Reeves, Ryan, Smith, Stewart, Sweetland, Walrath, and Wharton—30.

Mr. Cutter moved to suspend the rules, for the purpose of considering Assembly Bill No. 207.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Booth, Brown, Carter, Cary, Clark, Clement, Coleman, Coombs, Culver, Cutter, Doty, Farley, Fleming, Fortna, Granger, Harvey, Heath, Hershey, Hollister, Irwin, Keeler, Levenson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Peterson, Rawle, Ryan, Smith, Stewart, Sweetland, Waiath, Wharton, Wheelan, and Mr. Speaker—39.

NOES—Messrs. Atwell, Barry, Bibb, Cunniff, Crumpton, Faw, Field, Flynn, Gaussail, Hall, Hamilton, Head, Healy, Hughes, Hunter, Johnston, Kerick, Martin, McDonald, Murphy, Nicol, O Connor, Parker, Plover, Rhiel, Simon, Stephens, Storke, Terry, Townsend, Weaver, Wheat, and Yell—34

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 6, 1853.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, appointed as Committee of Free Conference, on the part of the Senate, Senators Cross, Johnson, and Vrooman, to consider amendments to Assembly Bill No. 130, and also refuses to recede from its amendments to Assembly Bill No. 77, and hereby appoints on the part of the Senate, as a Committee of Conference, Senators Murphy, English, and Kellogg, to meet and confer with a like number to be appointed by the Assembly, and to report the action of said Committee of Conference to their respective bodies.

A. T. VOGELSAK, Assistant Secretary.

#### APPOINTMENT OF A COMMITTEE.

The Speaker appointed Messrs. Coleman, Campbell, and Murdock as a Committee of Free Conference on Assembly Bill No. 77.

#### THIRD READING.

Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Bibb, Booth, Bowers, Cunniff, Campbell, Clark, Coleman, Culver, Doty, Fortna, Gaussail, Hall, Hamilton, Healy, Heath, Hunter, Irwin, Keeler, Kerick, Lewison, Martin, McDonald, Moffitt, Murdock, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Townsend, Wharton, Wheat, and Mr. Speaker—41

NOES—Messrs. Atwell, Brown, Carter, Cary, Clement, Crumpton, Farley, Faw, Fleming, Granger, Harvey, Hershey, McHale, McKinley, Nicol, Sweetland, Weaver, Wheelan, and Yell—19

Title approved.

#### REPORT OF A STANDING COMMITTEE.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1853.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled: Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Also, Assembly Bill No. 82—Entitled "An Act to pay the claim of James Saulty."

Also, Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

And the same were, at three o'clock and forty-three minutes P. M., March sixth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that we have carefully examined Substitute for Assembly Bill No. 390—Entitled “An Act to provide for the division of existing counties, and for the creation of new counties”—and find it to be correctly engrossed. Respectfully submitted.

CALLAGHAN, Chairman.

Mr. Keeler moved that Senate Bill No. 121—An Act to repeal an Act entitled “An Act to provide an additional Judge of the Superior Court for the County of Mono,” approved April 16, 1880—be declared a case of urgency.

Read first and second time by title, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutler, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Towusend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—65.

NOES—Mr. Murphy—1.

#### FIRST READING.

Senate Bill No. 121—An Act to repeal an Act entitled “An Act to provide an additional Judge of the Superior Court for the County of Mono,” approved April 16, 1880

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 121—An Act to repeal an Act entitled “An Act to provide an additional Judge of the Superior Court for the County of Mono,” approved April 16, 1880.

Read second time, and ordered to third reading.

#### THIRD READING.

Senate Bill No. 121—An Act to repeal an Act entitled “An Act to provide an additional Judge of the Superior Court for the County of Mono,” approved April 16, 1880.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hughes, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walth, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—63.

NOES—None.

Title approved.

#### REPORT OF A STANDING COMMITTEE.

A minority report of the Committee on State Prisons, presented by Mr. Yell, was ordered printed as a supplement to the Journal:

## MINORITY REPORT OF THE COMMITTEE ON STATE PRISONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. SPEAKER At the time your Committee on State Prisons made its report, I had not completed my examination of the subject. Not having at that time had the data and information sufficient to enable me to report as fully as I desired, and having since that time examined the reports of the Directors and Warden, also the report of the Senate committee, who had the exclusive use of the books and papers of the prison, and the evidence taken by that committee, I now beg leave to make a supplemental report:

I find, upon an examination of the testimony adduced before the Senate committee, that there have been palpable violations of the Constitution by the Directors of the prison. Section three, article ten, says that all employes of the prison, except the Warden and Clerk, shall be appointed by the Warden, yet the Directors made it a condition of the appointment of these two officers that they should relinquish their right of appointment to them. Section six of the same article has been virtually violated in allowing certain favored parties to become the sole purchasers of furniture, harness, and other materials at a stated price, without allowing other outside parties to become purchasers at competitive prices.

I find that the "Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880, has been violated in a number of instances by the Directors—*first*, in purchasing articles manufactured at the State Prison; *second*, in receiving presents from the officers of the prison; *third*, in allowing the Warden and Clerk of the prison to use the property and material of the State in the construction and manufacture of articles for their own use; *fourth*, in allowing the Warden to convert the property of the State to his own use and to sell to the State other property as an equivalent; *fifth*, in allowing spirituous liquors to be sold on the prison grounds—all of which acts are in direct violation of law.

I find, also, that section three, article nineteen, of the Constitution, has been violated by the employment of free Chinese labor, which says that "no Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime."

I find that wood and other supplies have been purchased without first advertising for bids, as prescribed by law, that manufactures of the prison have been sold and disposed of without advertising or inviting competitive bids; that a large sum of money, to wit: twenty-four thousand dollars per annum, has been drawn from the State to pay to convicts for faithful labor, and deposited in a private bank, in his own name, in contravention of the provisions of section four hundred and twenty-four of the Penal Code of this State, by the Warden of the prison.

I find that in the establishment of the jute factory, the purchase of material therefor, the employment of Chinese, the leasing of machinery, and many other points in connection with the factors, that the Directors and Warden have far exceeded the duties and powers conferred on them by law; that section six, of article ten, of the Constitution, and the laws founded thereon, have been virtually ignored, if not in the letter, at least in the practice. The same firms that manufactured furniture and harness under the contract system are now supplying the material and purchasing the articles manufactured, paying therefor just the price of the labor expended thereon.

In addition to the above facts, I wish to call the attention of the Legislature to the fact that there are great discrepancies in the statements of the financial affairs of the prison, as exhibited in the second and third annual reports of the Board of Directors. It appears in the third annual report of the Board, in table two, page thirty-nine, that the amount of one hundred and fifty-nine thousand eight hundred and thirty-one dollars and forty cents was received from the State treasury for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and that the total cost of maintenance for the same time was one hundred and forty-six thousand nine hundred and seventy-seven dollars and forty-five cents, leaving a balance unaccounted for of twelve thousand eight hundred and fifty-three dollars and ninety-seven cents. It is also shown, on page forty-four, in the recapitulation of profits on the manufacturing departments, was thirty-four thousand nine hundred and twenty-eight dollars and forty-two cents. It also appears, in table six, page forty-two, that the sale of brick for the same period was thirty-five thousand eight hundred and seven dollars and fifty-five cents, and the expenses of the same were fifteen thousand two hundred and seventy-seven dollars and fifty-five cents, leaving a profit of twenty thousand five hundred and thirty dollars. Table number one, on page thirty of the second annual report, shows the receipts from labor to have been five thousand one hundred and forty dollars and twenty-five cents, and no table showing the receipts from the same source for the ensuing six months, which, on the same ratio, would amount to thirty thousand eight hundred and forty-one dollars and fifty cents. Thus it will be seen that, in these last three items, ninety-eight thousand three hundred and eleven dollars and thirty-nine cents have been received, with no exhibit of corresponding outlay, except that in the Warden's report, on page twenty-six, he says he finds himself with a cash balance on hand of thirty-six thousand six hundred and seventy-one dollars and eighty-eight cents, of which he paid into the treasury the sum of twenty-five thousand dollars, reserving the balance for future expense, leaving still a balance of over sixty-two thousand dollars unaccounted for.

I find, also, that the Directors exceeded their authority in purchasing land adjoining the prison at a price over six hundred dollars more than was authorized by law.

These and many other acts lead me to the conclusion that the business management of the prison has been conducted in a loose and negligent if not in a criminal manner.

ARCHIBALD YELL.

Mr. Reeves moved to make Assembly Bill No. 293<sup>1</sup> a special order for seven o'clock and thirty minutes p. m.

## RECESS.

Pending the consideration of the motion by Mr. Reeves, Mr. Sweetland, at five o'clock and ten minutes p. m., moved to adjourn.

Mr. Bibb moved as an amendment, that the House take a recess till seven o'clock and thirty minutes this evening.

So ordered.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Bibb, Bowers, Briceland, Brown, Caminetti, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Failey, Field, Fleming, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Simon, Stephens, Stewart, Sweetland, Wahath, Weaver, Wharton, Wheat, and Mr. Speaker

Quorum present.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti:

*Resolved by the Senate, the Assembly concurring,* That the twenty-fifth session of the Legislature of the State of California adjourn sine die on Saturday, the tenth day of March, A. D. eighteen hundred and eighty-three, at twelve o'clock m

Mr. Rhiel moved that the resolution be laid on the table.

So ordered.

Mr. Cary moved that the Committee on Federal Relations be instructed to report back this evening, if practicable, Senate Concurrent Resolution No. 21.

So ordered.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Barry (for the Committee on Corporations): Relative to investigating the charges of lobbying, preferred by the public press.

Mr. Johnston moved that the resolution be laid on the table.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Brown, Cary, Clement, Coombs, Culver, Cutter, Hollister, Johnston, Keeler, Kerrick, Martin, Matthews, McDonald, Moffitt, Murphy, O'Connor, Rawle, Stewart, Sweetland, and Wahath—20.

NOES—Messrs. Atwell, Barry, Bibb, Briceland, Callaghan, Caminetti, Clark, Crumpton, Doty, Failey, Field, Fleming, Hall, Hamilton, Head, Healy, Hershey, Hunter, McHale, Murdock, Parker, Peterson, Plover, Reeves, Rhiel, Simon, Stephens, Storke, Weaver, Wheat, and Mr. Speaker—31.

The question being then on the adoption of the resolution, Mr. Caminetti moved to amend, by inserting "also all lobbying practiced by members of the Legislature"

Mr. Irwin moved the previous question.

So ordered.

The ayes and noes being demanded on the adoption of the amendment by Mr. Caminetti, the roll was called, and the amendment was adopted by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Bowers, Brown, Caminetti, Cary, Coleman, Coombs, Cutter, Farley, Fleming, Flynn, Hall, Hamilton, Harvey, Healy, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Maitin, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhel, Ryan, Stephens, Stewart, Townsend, Weaver, Wharton, and Wheat—41.

NOES—Messrs. Barry, Briceland, Callaghan, Campbell, Carter, Clark, Crumpton, Culver, Doty, Field, Gaussail, Granger, Head, Hershey, Moffitt, Murdock, Parker, Reeves, Simon, Storke, Sweetland, Terry, Walrath, Yell, and Mr. Speaker—25.

The question being then on the adoption of the resolution as amended, the ayes and noes being demanded, the roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McKinley, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Stephens, Storke, Townsend, Weaver, Wharton, Wheat, and Yell—55.

NOES—Messrs. Culver, Fleming, Johnston, Moffitt, Murdock, Murphy, Nicol, Sweetland, Terry, and Walrath—10.

Mr. Cutter gave notice that he would, to-morrow, move to reconsider the vote whereby the House adopted the resolution.

#### SPECIAL ORDER.

Special order for this hour: Third reading of Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six 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, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Fleming, Granger, Hall, Hamilton, Head, Healy, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, Moffitt, Murdock, Nicol, O'Connor, Plover, Rawle, Reeves, Rhel, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—48.

NOES—None

Mr. Irwin moved to amend the title, by inserting after the figures "3,734," the words "of the Political Code," and after the figures "365," insert the words "of said Code."

Adopted.

The title was then approved as amended.

## REPORT OF A STANDING COMMITTEE—(OUT OF ORDER).

## ON PUBLIC LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Senate Concurrent Resolution No. 21—Relative to requesting the Secretary of the Interior to quiet the disputed titles to the land included in the "El Sobrante" grant in Contra Costa County—have had the same under consideration, and now report the same back, and recommend its passage.

COOMBS, Chairman.

Senate Concurrent Resolution No. 21—Relative to requesting the Secretary of the Interior to quiet the disputed titles to the lands included in the El Sobrante grant in Contra Costa County.

Adopted.

Mr. Irwin moved to rescind the vote whereby the House amended the title of Senate Bill No. 285.

So ordered.

The title was then approved.

Mr. Coleman moved to suspend the rules, for the purpose of considering Senate Concurrent Resolution No. 15.

So ordered.

Senate Concurrent Resolution No. 15—Relative to requesting our Representatives and instructing our Senators in Congress to use their best efforts toward securing the promotion of Lieutenant W. I. Reed, U. S. A.

Adopted.

Mr. Sinon moved to suspend the rules, for the purpose of considering Assembly Bill No. 417.

Lost.

Mr. Wharton moved to suspend the rules, for the purpose of considering Assembly Bill No. 365.

Lost.

Journal of Monday approved.

## SPECIAL ORDER.

Special order for this hour: First reading of Assembly Bill No. 512—An Act appropriating money to pay deficiencies for official advertising for the thirty-second fiscal year.

The ayes and noes being demanded on the question of the first reading of the bill, the roll was called, and the bill ordered read by the following vote:

AYES—Messrs. Atwell, Bowers, Caminetti, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Cutter, Farley, Fleming, Hamilton, Kerrick, McClaskey, McKinley, Murdock, Nicol, Reeves, Storke, Sweetland, Townsend, Walrath, Yell, and Mr. Speaker—25.

NOES—Messrs. Bibb, Brown, Field, Gaussul, Granger, Head, Hershey, Hunter, Keeler, Martin, McHale, Moffitt, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Ryan, Stephens, Weaver, and Wheat—23.

The bill was read first time, and ordered to second reading.

Mr. Atwell, at nine o'clock and thirty-five minutes p. m., moved to adjourn.

Lost.

Assembly Bill No. 513—An Act appropriating money to pay deficiencies for the traveling expenses of the Board of Railroad Commissioners for the thirty-second fiscal year.

The ayes and noes being demanded on the question of the first reading of the bill, the roll was called, and the bill refused first reading by the following vote:

AYES—Messrs Carter, Coleman, Coombs, Crumpton, Farley, Johnston, McClaskey, Murdock, Nicol, Peterson, Plover, Reeves, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr Speaker—21.

NOES—Messrs Atwell, Barry, Bibb, Brown, Caminetti, Campbell, Cary, Culver, Doty, Field, Fleming, Flynn, Gaussail, Hall, Hamilton, Harvey, Head, Hershey, Hunter, Irwin, Keeler, Kerrick, Martin, Matthews, McHale, Moffitt, Murphy, O'Connor, Parker, Rawle, Rhiel, Ryan, Sinon, Stephens, and Weaver—35.

Mr. Irwin gave notice that he would, to-morrow, move to reconsider the vote by which the House refused Assembly Bill No. 513 first reading.

Mr. Wharton moved that the consideration of Senate Bill No. 288 be made a special order for eleven o'clock A. M.

So ordered.

Mr. Townsend moved that Assembly Bills Nos. 513 to 528, inclusive, be recommitted to the Committee on Ways and Means.

Mr. Irwin arose to a point of order, his point of order being that the bills could not all be recommitted on one motion.

The Speaker ruled the point of order not well taken.

Mr. Irwin appealed from the decision of the Chair.

Mr. Farley moved that the appeal be laid on the table.

So ordered.

The question being then on the motion of Mr. Townsend to recommit the bills, it was so ordered.

#### THIRD READING.

Assembly Bill No. 293—An Act to amend "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean water in the State."

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Bibb, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Hershey, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, and Mr Speaker—54.

NOES—Messrs. Atwell and Yell—2.

Title approved.

Mr. Murdock moved to suspend the rules, for the purpose of considering Senate Bill No. 160.

So ordered.

#### FIRST READING.

Senate Bill No. 160—An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Read first time, and ordered to second reading.

#### ADJOURNMENT.

At nine o'clock and fifty-five minutes P. M., on motion of Mr. Rhiel, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
 Wednesday, March 7, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

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

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Carv, Clark, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gausail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keele, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Campbell, further reading was dispensed with.

## REPORT OF A COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: Your Committee of Free Conference, to whom was referred Assembly Bill No. 130, as amended by the Senate, have had the same under consideration, and now report the same back, and recommend that the Assembly concur in the Senate amendment, inserting section forty-five in said bill.

CAMPBELL,  
 YELL,  
 BOOTH,  
 Committee.

The question being on the adoption of the report of the Committee of Free Conference, and concurring in the Senate amendment to section forty-five, the roll was called, and the House concurred in the amendment by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Briceland, Caminetti, Campbell, Clark, Coleman, Coombs, Crompton, Cutter, Faw, Field, Fleming, Flynn, Fortna, Hall, Hamilton, Head, Healy, Hershey, Hughes, Hunter, Irwin, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—50.

NOES—Messrs. Brown, Carter, Gary, Clement, Granger, Harvey, Heath, Johnston, Keele, McHale, McKinley, Reeves, Stephens, Walrath, and Weaver—15.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: Your Committee of Conference, in reference to Assembly Bill No. 77, beg leave to report that, with respect to appropriation for San Quentin, they have been unable to agree with a similar committee of the Senate, and now recommend that a free conference be had in reference thereto, but agree to all other amendments.

COLEMAN, Chairman.  
 CAMPBELL  
 MURDOCK.

Adopted.

The question being on the adoption of the report of the Committee of Free Conference, and concurring in the Senate amendment increasing the appropriation for the aid of District Agricultural Society Number Eleven, the roll was called, and the amendment was concurred in by the following vote:

AYE—Messrs. Atwell, Booth, Briceland, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Fleming, Fortna, Harvey, Hershey, Hughes, Hunter, Irwin, Johnston, Keelel, Kernick, Lewison, Martin, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Sweetland, Walrath, Wharton, and Mr. Speaker—47.

NOES—Messrs. Barry, Bibb, Brown, Caninetti, Crompton, Field, Flynn, Granger, Hall, Hamilton, Head, Heath, Leveson, Matthews, McHale, O'Connor, Stewart, Storke, Terry, Townsend, Weaver, and Wheat—22.

## REPORTS OF STANDING COMMITTEES.

### ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER. Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 510—Entitled "An Act to prevent the destruction of navigable streams and private property by hydraulic mining"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

COLEMAN, Chairman.

### ON ELECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER. Your Committee on Elections hereby report back the memorial of Harry Barber, relative to the contested election case from Solano County, and recommend that the prayer of said memorialist be not granted.

Also, Assembly Resolution No. —Relative to informing the Governor that a vacancy exists in the representation to the Assembly from Solano County—and recommend that the same be not adopted.

PARKER, Chairman.

Adopted.

### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 46—An Act to repeal "An Act concerning trespassing of animals upon private lands in certain counties in the State of California," approved March 7, 1878—have had the same under consideration, and, in accordance with instructions, report the same with substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 98—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section six hundred and sixty-three, relating to proceedings for new trials—and recommend its passage.

Also, Senate Bill No. 99—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 11, 1872, relating to bills of exceptions—and recommend its passage.

Also, Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State—and recommend its passage.

Also, Senate Bill No. 156—An Act to amend section three hundred and eighty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to satisfaction of judgment against and sale of franchise owned by corporations, associations, or other persons—and recommend its passage.

Also, Assembly Petition, relative to charges against Judge McKinstry of the Supreme Court—and report that the charges as preferred are insufficient, in the opinion of your committee, to call for an investigation into the same by this House.

TERRY, Chairman.

### ON CRIMES AND PENALTIES.

MR. SPEAKER. Your Committee on Crimes and Penalties have had under consideration Senate Bill No. 40—Entitled an Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of receivers of stolen property—and beg leave to report the same back, and recommend that it do pass.

McCLASKEY, Chairman.

Mr. Cutter moved that Assembly Bill No. 530 be declared a case of urgency, read second and third times, considered engrossed, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Stewart, Sweetland, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—62.

NOES—Mr. Nicol—1.

#### SECOND READING.

Assembly Bill No. 530—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of the prevention of frauds in the same.

Read second time, and ordered to third reading.

#### THIRD READING.

Assembly Bill No. 530—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of the prevention of frauds in the same.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Barry, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hughes, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—68.

NOES—Mr. Nicol—1.

Title approved.

#### APPOINTMENT OF A COMMITTEE.

The Speaker appointed Messrs. Coleman, Flynn, and Murdock as Committee of Free Conference on Assembly Bill No. 77.

Mr. Clark moved that Senate Bill No. 181 be declared a case of urgency.

Read first and second times by title, read third time, and placed on its final passage:

AYES—Messrs. Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Heath, Hershey, Hughes, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—63.

NOES—Messrs. Head and Wheat—2.

## FIRST READING.

Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Read first time, and ordered to second reading

## SECOND READING.

Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Read second time, and ordered to third reading.

## THIRD READING.

Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Read third time.

Mr. Johnston moved to amend section one, by striking out lines seventeen, eighteen, and that portion of line nineteen down to and including the word "misdemeanor."

Adopted.

Mr. Parker moved to amend section one, by striking out of line five the word "quail."

Lost.

Mr. Hershey moved to amend section one, by striking out of lines five and six the words "or marsh hen."

Adopted.

Mr. Kerrick moved to amend, by striking out section two.

Lost.

Mr. Caminetti moved that the consideration of the bill be indefinitely postponed.

## CALL OF THE HOUSE.

Mr. Ryan moved a call of the House.

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

Messrs. Barry, Bibb, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Coombs, Crumpton, Culver, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Lever-son, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy,

Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Yell—60.

Quorum present.

On motion of Mr. Johnston, further proceedings under the call were dispensed with.

The question being on the motion of Mr. Caminetti, to indefinitely postpone, it was lost.

Mr. Johnston moved to amend section five, by striking out of line twenty-five the word "all," down to and including the word "destroyed," in line thirty-seven.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
SACRAMENTO, March 7, 1883. }

*To the Assembly of the State of California.*

I have to inform your honorable body that I have approved Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Also, Assembly Bill No. 82—An Act to pay the claim of James Saultry

Also, Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

GEORGE STONEMAN, Governor.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, returns to the Assembly, in accordance with report of Committee of Conference, Assembly Bill No. 130—"An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein."

And, also, that the Senate has appointed as a Committee of Free Conference, to consider the amendment to Assembly Bill No. 77, in regard to State Prison appropriation, on the part of the Senate, Senators Murphy, English, and Cox.

A. T. VOGELSANG, Assistant Secretary.

#### REPORT OF A STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled

Assembly Bill No. 356—Entitled "An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code—all of said sections relating to the Board of State Harbor Commissioners, their powers and duties"

Also, Assembly Joint Resolution No. 1—Relative to requesting our Congressmen to aid in the passage of the Mexican Veteran Pension Bill.

And the same were, at twelve o'clock and ten minutes A. M., March seventh, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### CALL OF THE HOUSE.

Mr. Clark moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Farley, Faw, Field, Fleming, Flynn,

Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Keeley, Kerrick, Leveson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Muffitt, Nicol, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Clark moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Wharton moved that the Sergeant-at-Arms be directed to arrest absentees, and bring them before the bar of the House.

So ordered.

Mr. Atwell moved that absentees failing to give a satisfactory excuse be fined one dollar each.

So ordered.

Messrs. Coleman, Murdock, and Flynn were presented at the bar of the House, excused, and released from the custody of the Sergeant-at-Arms, by order of the House.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Ryan moved that Messrs. Sinon and Leveson be appointed deputy Sergeants-at-Arms to assist in arresting absentees.

So ordered.

The Sergeant-at-Arms presented Mr. Bowers at the bar of the House, who was excused, and released from the custody of the Sergeant-at-Arms, by order of the House.

Mr. Caminetti moved that further proceedings under the call of the House be dispensed with.

Lost.

Deputy Sergeant-at-Arms Sinon presented at the bar of the House Mr. Wheelan, who paid the fine imposed, and was released from the custody of the Sergeant-at-Arms, by order of the House.

The Sergeant-at-Arms was directed to arrest and retain Mr. Plover in his custody until ordered released by the House.

So ordered.

The Sergeant-at-Arms presented Speaker Larue at the bar of the House.

Mr. Atwell moved that the Speaker pay to the Speaker pro tem. eight dollars, collected from absentees on previous occasions.

So ordered.

The Sergeant-at-Arms presented at the bar of the House Mr. Bibb, who was excused, and released from the custody of the Sergeant-at-Arms, by order of the House.

On motion of Mr. Heath, further proceedings under the call of the House were dispensed with.

The question being then on the passage of Senate Bill No. 181 as amended, the roll was called.

RECESS.

Pending the calling of the roll, the hour of twelve o'clock and thirty minutes P. M. having arrived, the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
 Speaker Larue in the chair.  
 Quorum present.

The Sergeant-at-Arms presented at the bar of the House, Mr. Plover, who was excused, and released from the custody of the Sergeant-at-Arms, by order of the House.

The question being on the passage of Senate Bill No. 181, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Barry, Bibb, Booth, Briceland, Brown, Caminetti, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Head, HERSHEY, Hollister, Irwin, Johnston, Keeler, Kerrick, Martin, McClaskey, McDonald, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Ryan, Simon, Smith, Stephens, Terry, Walrath, Wharton, Yell, and Mr. Speaker—51.

**NOES**—Messrs. Atwell, Carter, Culver, Farley, Hamilton, Heath, Hunter, Lewison, Matthews, Moffitt, Parker, Reeves, Rhel, Stewart, Storke, Sweetland, Townsend, Weaver, and Wheat—19.

Title approved.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 SACRAMENTO, March 7, 1883. }

*To the Assembly of the State of California.*

I have to inform your honorable body that I have approved Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

GEORGE STONEMAN, Governor.

SACRAMENTO, March 7, 1883.

**MR. SPEAKER:** Your Committee of Free Conference on the subject-matter of difference between the Senate and Assembly, to wit: The Assembly's non-concurrence in the Senate's amendment to Assembly Bill No. 77—Entitled "An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years"—as follows striking out the word "sixty," before the word "thousand," in the two hundred and thirtieth line of section one of said Act (an item for the support of the State Prison at San Quentin), and inserting in lieu thereof the words "one hundred and fifty"—have had the same under consideration, and respectfully report that the Senate Committee, on its part, agreed to recommend the Senate to recede from its amendment, and adopt in lieu thereof the words "one hundred and twenty" before the word "thousand," in said line of said section, and your committee, on the part of the Assembly, assented thereto, and respectfully recommend the adoption of said amendment.

All of which is respectfully submitted.

Senate Committee-----	{ B. D. MURPHY WARREN B. ENGLISH. FRED COX.
Assembly Committee---	{ JAS. J. FLYNN. J. V. COLEMAN. CHAS. A. MURDOCK.

The question being on the adoption of the report of the Committee of Free Conference, and concurring in the amendment to Assembly Bill No. 77, increasing the appropriation for the support of the State Prison at San Quentin, the roll was called, and the report was concurred in by the following vote:

**AYES**—Messrs. Barry, Booth, Briceland, Callaghan, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Heath, HERSHEY, Hollister, Hunter, Johnston, Keeler, Kerrick, Lewison,

Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Reeves, Rhuel, Ryan, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—53.

NOES—Messrs. Atwell, Bibb, Brown, Caminetti, Cary, Culver, Field, Head, Murphy, O'Connor, Plover, Rawle, Stewart, and Weaver—14.

Mr. Murdock moved to suspend the rules, for the purpose of considering Senate Bill No. 160.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Murdock, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 160—An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

~~GFNTLFMFN~~ The Committee of the Whole have had under consideration Senate Bill No. 160—An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University—now report the same back, and recommend its passage.

Report concurred in.

Mr. Murdock moved that the further consideration of Assembly Bill No. 160 be made a special order for ten o'clock A. M. to-morrow.

So ordered.

Mr. Campbell moved to suspend the rules, for the purpose of considering Senate Bill No. 196.

Lost.

Mr. Farley moved to suspend the rules, for the purpose of considering Senate Bill No. 68.

Lost.

Mr. Coleman moved to suspend the rules, and make Assembly Bill No. 71 a special order for to-morrow, at two o'clock P. M.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Barry, Buceland, Callaghan, Caminetti, Campbell, Cary, Clark, Coleman, Crumpton, Doty, Eaw, Field, Fleming, Granger, Hamilton, Harvey, Hershey, Hunter, Johnston, Kerick, Leveson, Martin, Matthews, Moffitt, Nicol, Parker, Peterson, Plover, Rhuel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Wheat, and Mr. Speaker—37.

NOES—Messrs. Booth, Brown, Carter, Clement, Coombs, Culver, Cutter, Farley, Flynn, Fortna, Heath, Hollister, Irwin, Keeler, Lewison, McClaskey, McDonald, Murphy, O'Connor, Rawle, Reeves, Ryan, Smith, Sweetland, Walrath, Weaver, and Wharton—27.

#### CONSIDERATION OF THE SENATE MESSAGE

Assembly Bill No. 243—An Act making appropriations to pay the

deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

The Senate amendments thereto were read and concurred in.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Moffitt:

*Resolved.* That the Assistant Journal Clerk, E. F. Conway, 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 his warrant for the same, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

By Mr. Caminetti:

*Resolved.* That the committee appointed by the House to investigate charges preferred against Marcus P. Wiggins, Judge of the Superior Court of the County of Mono, be and is hereby instructed to file in this House articles of impeachment against said Judge, the same to be based on the charges contained in the evidence taken by said committee.

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

Lost.

Mr. Barry moved to defer action on the resolution until to-morrow, at two o'clock and thirty minutes P. M.

Mr. Flynn moved to amend, by deferring action until seven o'clock and thirty minutes to-night.

Lost.

The question then recurring on Mr. Barry's motion to postpone to two o'clock and thirty minutes P. M. to-morrow, it was adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER. Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 310—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 25, 1880."

Also, Assembly Concurrent Resolution No. 52—Requiring the State Board of Examiners to examine into the claim of Esther H. Dennis, the widow, and the other heirs of William E. Dennis, deceased, and to report thereon to the Legislature at its next session.

And the same were, at two o'clock and fifty minutes P. M., March seventh, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

REPORT OF MAJORITY OF COMMITTEE ON EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER. We, the undersigned members of the Committee on Expenditures and Accounts, to whom was referred the claim of A. Smith, for the sum of one hundred dollars for services at the Clerk's desk, beg leave to report that we have examined the same and find it correct, and recommend its payment.

J. H. G. WEAVER,  
L. C. GRANGER,  
L. H. BROWN,  
Majority of the Committee.

Said members of committee recommend the adoption of the following resolution:

*Resolved.* That A. Smith be allowed one hundred dollars as compensation for services at the Clerk's desk, and that the Controller be authorized and he is hereby directed to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Lost.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Also, Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Also, Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Also, Senate Bill No. 268—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year.

Have had the same under consideration, and now report the same back, and recommend that they do pass.

CAMPBELL, Chairman.

Mr. Levenson moved that the Committee on Attachés and Employés be directed to inquire if any of the clerks whose services have been dispensed with have been drawing pay since their dismissal, to put a stop to any such practice if it has been done, and to report all such cases to the House.

So ordered.

Mr. Storke moved to make Senate Bill No. 39 a special order for to-morrow, at ten o'clock A. M.

So ordered.

Mr. Wharton moved a call of the House.

Lost.

#### SPECIAL ORDER.

Third reading of Senate Bill No. 288—An Act authorizing and directing the Regents of the University of California to convey certain lands.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—61.

NOES—Messrs. Bibb, Gaussail, Peterson, and Walrath—4.

Title approved.

Mr. Barry gave notice that he would, to-morrow, move to reconsider the vote whereby Senate Bill No. 288 was passed.

Mr. Coleman moved that the rules be suspended, for the purpose of taking up Mr. Barry's motion to reconsider.

So ordered.

The question being then on the motion of Mr. Barry to reconsider the vote whereby the House passed Senate Bill No. 288, it was lost.

#### FIRST READING.

Assembly Bill No. 514—An Act appropriating money to pay deficiencies for armory rents and other expenses of the National Guard of California for the thirty-third fiscal year.

Refused first reading.

Assembly Bill No. 515—An Act appropriating money to pay deficiencies for furnishing the State Normal School at San José for the thirty-third fiscal year.

Refused first reading.

Assembly Bill No. 516—An Act appropriating money to pay deficiencies for rent, printing, and contingent expenses, in the office of Insurance Commissioner for the thirty-third fiscal year.

Refused first reading.

Assembly Bill No. 517—An Act appropriating money to pay deficiencies for postage and expressage in the State Library for the thirty-third fiscal year.

Refused first reading.

Assembly Bill No. 518—An Act appropriating money to pay deficiencies for the purchase of Supreme Court Reports for the thirty-fourth fiscal year.

Refused first reading.

Assembly Bill No. 519—An Act appropriating money to pay deficiencies for arresting criminals without the limits of the State for the thirty-fourth fiscal year.

Refused first reading.

Assembly Bill No. 520—An Act to appropriate money to pay deficiencies to Registers and Receivers of United States Land Offices for the twenty-fifth fiscal year.

Refused first reading.

Assembly Bill No. 521—An Act to appropriate money to pay deficiencies for rewards offered by the Governor for the twenty-fifth fiscal year.

Refused first reading.

Assembly Bill No. 522—An Act to appropriate money to pay deficiencies for furniture, repairs, and purchase of carpets for the State Capitol for the thirty-first fiscal year.

Refused first reading.

Assembly Bill No. 523—An Act to appropriate money to pay deficiencies for armory rent and other expenses of the National Guard of California for the thirty-first fiscal year.

Refused first reading.

Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

Read first time, and ordered to second reading.

Assembly Bill No. 525—An Act to appropriate money to pay deficiencies for water for irrigation, purchase of hose, and other articles for use on the State Capitol grounds for the thirty-second fiscal year.

Refused first reading.

Assembly Bill No. 526—An Act appropriating money to pay deficiencies for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-second fiscal year.

Refused first reading.

Assembly Bill No. 527—An Act to appropriate money to pay deficiencies for furniture, repairs, and sundries furnished the State Capitol building for the thirtieth fiscal year.

Refused first reading.

Assembly Bill No. 528—An Act appropriating money to pay deficiencies in the expenses of the Supreme Court under section forty-seven of the Code of Civil Procedure for the thirty-second fiscal year.

Refused first reading.

## RESOLUTION—(OUT OF ORDER).

By Mr. Cutter:

WHEREAS, The Controller of State refuses to obey a resolution of this House, directing him to draw certain warrants on its Contingent Fund; and whereas, said Contingent Fund is subject to such disposition as this body may order, without auditing by any State officer; therefore, be it

*Resolved*, That the Controller of State be and he is hereby adjudged to be in contempt of the Assembly, and the Judiciary Committee are instructed to at once make examination and report to the House such action as said committee may deem necessary to vindicate the dignity of this body and secure enforcement to its resolutions.

Adopted.

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPROCKER Your Committee on Judiciary, to whom was referred Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes, and redemption from sales thereof—have had the same under consideration, and now report the same back, and recommend that it do not pass Your committee return herewith the protest against the passage of said bill.

TERRY, Chairman.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Atwell:

*Resolved by the Assembly, the Senate concurring*, That the twenty-fifth session of the Legislature do adjourn sine die on Thursday, March eighth, at twelve o'clock M.

Mr. Simon moved that the resolution be laid on the table.

So ordered.

Mr. Irwin gave notice that he would, to-morrow, move to reconsider the votes whereby Assembly Bills Nos. 514, 515, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 627, and 528 were refused first reading.

Mr. Heath was granted leave of absence for the remainder of the day.

## CALL OF THE HOUSE.

Mr. Kerrick moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bibb, Booth, Briceland, Brown, Callaghan, Carinetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Conno, Parker, Peterson, Plover, Rawle, Reeves, Rhief, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, and Mr. Speaker.

Quorum present.

On motion of Mr. Murdock, further proceedings under the call of the House were dispensed with.

Mr. Hall, at four o'clock and fifty-five minutes, moved that the House take a recess till seven o'clock and thirty minutes this evening.

Mr. Wharton, at five o'clock P. M., moved to adjourn.

Lost.

Mr. Terry moved that the special orders for this hour be postponed till to-morrow, at ten o'clock.

Mr. Keeler asked leave to withdraw Assembly Bill No. 358—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880, is hereby repealed.

Request granted.

At five o'clock and five minutes P. M., Mr. Brown moved to adjourn.

Mr. Bibb moved, as an amendment, that the House take a recess till seven o'clock and thirty minutes this evening.

Lost.

The question being then on the motion to adjourn, the ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**AYES**—Messrs. Atwell, Barry, Bowers, Briceland, Brown, Callaghan, Carter, Cary, Cleinent, Coleman, Coombs, Culver, Farley, Hershey, Hollister, Hunter, Martin, Matthews, McHale, Parker, Peterson, Plover, Rhuel, Smith, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheat—31.

**NOES**—Messrs. Bibb, Caminetti, Campbell, Clark, Crumpton, Cutter, Doty, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Irwin, Johnston, Keeler, Levenson, Lewison, McClaskey, McDonald, McKinley, Mollitt, Murdock, Murphy, Nicol, O'Connor, Rawle, Reeves, Simon, Stephens, Stewart, Storke, Yell, and Mr. Speaker—36.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 7, 1883. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

GEORGE STONEMAN, Governor.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the report of the Joint Committee of Free Conference, who have had under consideration Assembly Bill No. 77, and receded from its amendment to line two hundred and thirty of section one; and, also, that they have, in compliance with said report, substituted the words "one hundred and twenty" in lieu of "one hundred and fifty."

A. T. VOGELSANG, Assistant Secretary.

Referred to Committee on Enrollment.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Yell:

*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 George W. Peckham 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 and Employés.

Mr. Cutter, pursuant to notice, moved to reconsider the vote whereby the House adopted the resolution relative to lobbying.

So ordered.

The question being on the resolution, Mr. Cutter moved that it be laid on the table.

The ayes and noes being demanded, the roll was called, and the motion carried by the following vote:

**AYES**—Messrs. Atwell, Bowers, Brown, Campbell, Carter, Cary, Clement, Coombs, Cutter, Farley, Fleming, Fortna, Harvey, Hershey, Hollister, Johnston, Keeler, Kerrick, Levenson, Lewison, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, Rawle, Reeves, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, and Wharton—36

**NOES**—Messrs. Barry, Bibb, Callaghan, Caminetti, Clark, Coleman, Crumpton, Culver, Doty, Field, Flynn, Gaussail, Granger, Hamilton, Hunter, Irwin, Martin, Matthews, McHale, O'Connor, Parker, Peterson, Plover, Rhuel, Simon, Storke, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—31.

#### RECESS.

At five o'clock and thirty minutes p. m., on motion of Mr. Irwin, the House took a recess till seven o'clock and thirty minutes this evening.

#### REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

Mr. Nicol gave notice that he would, to-morrow, move to reconsider the vote by which the House refused to adopt the resolution allowing A. Smith extra pay.

#### LEAVE OF ABSENCE.

The Committee on Attachés and Employés and Mr. Healy were granted leave of absence for this evening.

Mr. Cutter moved that Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876—be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

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

**AYES**—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Hershey, Hollister, Hunter, Keele, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, Parker, Peterson, Reeves, Rhuel, Ryan, Simon, Stephens, Storke, Sweetland, Terry, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—55.

**NOES**—Messrs. Coleman and Harvey—2.

#### FIRST READING.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Read second time, and ordered to third reading.

## THIRD READING.

Senate Bill No 327—An Act to amend an Act entitled “An Act to provide for the future management of the Napa State Asylum for the Insane,” approved March 6, 1876.

Read third time

Mr. Johnston moved to amend, by inserting in line fifty-two, between the words “strict” and “account,” the words “and itemized.”

Adopted.

Mr. Cutter moved to reconsider the vote whereby the House adopted Mr. Johnston’s amendment.

Lost.

The question then being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Bibb, Bowers, Buceland, Brown, Carter, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Fortna, Gaussail, Hall, Hamilton, Hershey, Hollister, Hunter, Kerrick, Leveson, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Moffitt, Murock, Murphy, Nicol, O’Connor, Parker, Peterson, Rhel, Ryan, Stephens, Stewart, Storke, Sweetland, Walthath, Weaver, Wharton, Yell, and Mr. Speaker—48.

NOES—Messrs. Bairy, Caminetti, Faw, Head, Johnston, Keelel, McClaskey, Rawle, Reeves, Townsend, and Wheat—11.

Title approved.

Mr. Bibb moved to reconsider the vote whereby the House passed Senate Bill No. 327.

So ordered.

The bill was then considered engrossed, and ordered printed and to third reading.

Mr. Irwin, pursuant to notice, moved to reconsider the vote whereby Assembly Bill No. 513 was refused first reading.

Lost.

Mr. Keeler moved to suspend the rules, for the purpose of considering Senate Bill No. 68.

So ordered.

## FIRST READING.

Senate Bill No. 68—An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith.

Read first time, and ordered to second reading.

Mr. Keeler moved that the further consideration of Senate Bill No. 68 be made a special order for eleven o’clock to-morrow.

So ordered.

Mr. Cary moved to suspend the rules, for the purpose of considering Senate Bill No. 352.

So ordered.

Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

Read first time, and ordered to second reading.

Mr. Cary moved that the further consideration of the bill be made a special order for to-morrow, at two o’clock and thirty minutes P. M.

So ordered.

Mr. Irwin gave notice that he would, to-morrow, move to recon-

sider the vote by which the House concurred in the Senate amendment to Assembly Bill No. 243.

Also, to reconsider the vote whereby Assembly Bills Nos. 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 525, 526, 527, and 528, were refused first reading.

Mr. Hollister, at eight o'clock and forty minutes p. m., moved to adjourn.

Lost.

#### SECOND READING.

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

Read second time.

Mr. Lewison moved to amend section two, by striking out of line three the words "Lake and Sonoma," and substituting in lieu thereof the words "Yuba and Nevada."

Lost.

Mr. Flynn moved to amend section five, as follows: Strike out all after the word "of," in line nine, where it occurs the second time, and insert the following: "Hyde Street, thence along the center of Hyde Street to the center of California Street; thence along the center of California Street to its intersection with the east line of the city cemetery; thence northerly in a direct line to the waters of the Pacific Ocean; thence along the shore, in an easterly direction, to the place of beginning, together with all the islands within the boundaries of the City and County of San Francisco, shall comprise the Fourth Congressional District."

Adopted.

The bill was then ordered engrossed and to third reading.

Mr. Coleman moved to suspend the rules, and make Assembly Bill No. 71 a special order for to-morrow, at two o'clock and thirty minutes p. m.

So ordered.

Mr. Moffitt moved to suspend the rules, for the purpose of the consideration of Senate Bill No. 130.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Moffitt, the House went into Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN—The Committee of the Whole have had under consideration Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same—and now report the same back, and recommend its passage.

Mr. Atwell moved that Assembly Bill No. 130 be declared a case of urgency, read third time, and placed on its final passage.

Mr. Atwell moved a call of the House.

Lost.

The question being then on the motion to declare Assembly Bill No. 130 a case of urgency, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Barry, Bowers, Briceland, Brown, Caminetti, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Fortna, Gaussall, Hall, Hamilton, Harvey, Head, Hershey, Hollister, Hunter, Keeler, Kerrick, Leverson, Lewison, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Reeves, Rhiel, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, and Mr. Speaker—44.

NOES—Messrs. Campbell, Carter, Cary, Culver, Johnston, Martin, McClaskey, McHale, Murdock, Nicol, Peterson, Rawle, Stewart, and Wheat—14.

#### ADJOURNMENT.

At nine o'clock p. m., on motion of Mr. Atwell, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, March 8, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelau, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal of Wednesday, on motion of Mr. Carter, further reading was dispensed with.

#### LEAVE OF ABSENCE.

Mr. Matthews was granted leave of absence for this day.

#### RESOLUTION.

By Mr. Brown:

*Resolved by the Assembly, the Senate concurring,* That a Conference Committee of three be appointed by the Assembly, with a like number from the Senate, to confer and fix the time at which the twenty-fifth session of the Legislature shall adjourn sine die.

Adopted.

## REPORTS OF COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that they have carefully compared Assembly Bill No 129—An Act to divide the State of California into Congressional Districts—and find it correctly engrossed.

CALLAGHAN, Chairman.

## ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly petition relative to amending the game laws—have had the same under consideration, and now report the same back, having recommended legislation in regard thereto.

MOFFITT, Chairman.

## RESOLUTION.

By Mr. Cutter:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant, payable out of the Contingent Fund of the Assembly, in favor of James M. Farrelly, for the sum of sixty dollars, the same being for contingent expenses of his office.

Referred to Committee on Public Expenditures and Accounts.

## SPECIAL FILE—(THIRD READING).

Assembly Bill No. 139—An Act to divide the State of California into Congressional Districts.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Bibb, Bowers, Briceland, Brown, Callaghan, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Healy, Hunter, Irwin, Kerick, Martin, McClaskey, McDonald, McHale, Moffitt, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—47.

NOES—Messrs. Barry, Booth, Caminetti, Carter, Cary, Clement, Culver, Harvey, Heath, Hollister, Johnston, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Sweetland, Walrath, Weaver, and Wharton—21.

Title approved.

Mr. Campbell moved that the rules be suspended, for the purpose of reconsidering the vote whereby the House passed Assembly Bill No. 129.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Callaghan, Campbell, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Head, Healy, Hunter, Irwin, Kerick, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—51.

NOES—Messrs. Booth, Brown, Caminetti, Carter, Culver, Hamilton, Harvey, Heath, Hollister, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Sweetland, Walrath, Weaver, and Wharton—19.

Mr. Campbell then moved to reconsider the vote whereby the House passed Assembly Bill No. 129.

So ordered.

## CALL OF THE HOUSE.

Mr. Flynn moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Flynn, further proceedings under the call of the House were dispensed with.

The question then being on the passage of Assembly Bill No. 129, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Bibb, Bowers, Briceland, Callaghan, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Head, Healy, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McDonald, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhel, Smith, Stephens, Stewart, Storke, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—48.

**NOES**—Messrs. Barry, Booth, Brown, Caminetti, Carter, Cary, Clement, Culver, Hamilton, Harvey, Heath, Johnston, Keeler, Lewison, McHale, McKinley, Murdock, Reeves, Ryan, Sweetland, Walrath, Weaver, and Wharton—23.

Title approved.

#### MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

**MR. SPEAKER** I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several counties to organize primary and grammar schools, and prescribe a course of study therefor.

A. T. VOGELSANG, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 8, 1883.

**MR. SPEAKER** I am directed to inform your honorable body that the Senate, on March seventh, eighteen hundred and eighty-three, passed Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations.

A. T. VOGELSANG, Assistant Secretary.

Mr. Cutter, pursuant to notice, moved to reconsider the vote whereby the House concurred in the Senate amendments to Assembly Bill No. 243.

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

So ordered.

Mr. Irwin moved that Assembly Bill No. 511—An Act creating the office of Code Commissioner, to provide for his appointment, establishing his term of office, and fixing his compensation—be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

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

**AYES**—Messrs. Atwell, Barry, Bibb, Bowers, Briceland, Brown, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Heath, Hershey, Irwin, Johnston, Keeler, Kerrick, Lewison, McClaskey, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, and Mr. Speaker—44.

**NOES**—Messrs. Caminetti, Campbell, Clement, Faw, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Hunter, Martin, McDonald, McHale, O'Connor, Weaver, and Wheat—17.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on March sixth, passed Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree Grant.

A. T. VOGELSANG, Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 348—Ordered placed on file without reference.  
Mr. Storke moved a call of the House.  
Lost.

SPECIAL ORDER.

Special order for this hour: Third reading of Senate Bill No. 160—An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Fortna, Gaus-sail, Hall, Hamilton, Harvey, Healy, Heath, Johnston, Keeler, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Parker, Plover, Reeves, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Yell, and Mr. Speaker—53

NOES—Messrs. Cammett, Field, Fleming, Granger, Hershey, Hunter, Irwin, Martin, Nicol, Peterson, Rawle, Rhel, and Wheat—13.

Title approved.

REPORT OF A COMMITTEE.

ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled

Assembly Bill No. 130—Entitled "An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein."

Also, Assembly Bill No. 243—Entitled "An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year."

And the same were, at ten o'clock and fifty minutes A. M., March eighth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

SPECIAL ORDERS—(CONTINUED).

Senate Bill No. 49—An Act to provide an industrial department for deaf, dumb, and blind.

Read third time.

Mr. Storke moved a call of the House.

Lost.

The question being then on the passage of Senate Bill No. 49, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coleman, Coombs, Crompton, Cutter, Doty, Faw, Fleming, Hamilton, Harvey, Healy, Heath, Johnston, Keeler, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Reeves, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Whcat, Wheelan, and Mr. Speaker—46.

NOES—Messrs. Atwell, Barry, Bibb, Cammett, Campbell, Field, Flynn, Fortna, Gaus-sail, Granger, Hall, Hunter, Irwin, Kerrick, Martin, O'Connor, Plover, Rawle, Rhel, and Yell—20.

Title approved.

## THIRD READING.

Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Caminetti, Carter, Cary, Clark, Clement, Coleman, Crumpton, Cutter, Doty, Farley, Faw, Harvey, Healy, Heath, Hollister, Hunter, Johnston, Keeler, Kerrick, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Plover, Reeves, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—45.

NOES—Messrs. Atwell, Barry, Brown, Campbell, Coombs, Field, Fleming, Fortna, Gaussal, Granger, Hall, Hamilton, Head, Hershey, Martin, Matthews, McHale, Parker, Peterson, Rawle, Rhiel, Ryan, Storke, and Yell—24.

Title approved.

Mr. Caminetti gave notice that, on to-morrow, he would move to reconsider the vote whereby the House passed Senate Bill No. 338.

Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Booth, Bowers, Briceland, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Gaussal, Hamilton, Harvey, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Sweetland, Terry, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—49.

NOES—Messrs. Atwell, Barry, Bibb, Caminetti, Campbell, Coombs, Field, Fleming, Fortna, Granger, Hall, Head, Healy, Martin, Peterson, Simon, Stewart, Storke, and Wharton—19.

Title approved.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Keeler, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 68—An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith.

Speaker Larue in the chair.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 68—An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith—now report the same back, and recommend its passage.

Mr. Cutter moved that Senate Bill No. 68 be declared a case of urgency, read third time, and placed on its final passage.

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

AYES—Messrs. Booth, Briceland, Brown, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connell, Parker, Peterson, Plover, Reeves, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Wharton, Wheelan, Yell, and Mr. Speaker—54.

NOES—Messrs. Atwell, Barry, Caminetti, Campbell, Field, Fortna, Head, Hunter, Martin, Matthews, Nicol, Rawle, Rhiel, Weaver, and Wheat—15.

### THIRD READING.

Senate Bill No. 68—An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Booth, Bowers, Briceland, Brown, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Granger, Hall, Hamilton, Harvey, Heath, Hershey, Hollister, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Parker, Peterson, Plover, Reeves, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Wharton, and Mr. Speaker—52.

NOES—Messrs. Atwell, Barry, Caminetti, Campbell, Fortna, Head, Hunter, Martin, Nicol, Rawle, Weaver, Wheat, and Yell—13.

Title approved.

### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 8, 1883. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

Also, Assembly Bill No. 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

GEORGE STONEMAN, Governor.

Mr. Campbell moved that the hour of recess be postponed five minutes.

So ordered.

### RESOLUTION.

By Mr. Campbell:

WHEREAS, By virtue of the contingent expenses necessarily incurred by each member of the Assembly, and by authority of section twenty-three of article four of the Constitution:

*Resolved*, That the Secretary of State be and he is hereby directed to certify to the Controller a statement of the amount of stationery, stamps, etc., drawn by each member of this Assembly, and that the Controller be and he is hereby directed to draw a warrant in favor of each member of this Assembly for the sum of twenty-five dollars, as his contingent fund, less the amount of stationery, stamps, etc., drawn by him; said warrant payable out of the Contingent Fund of the Assembly.

Adopted.

### RECESS.

At twelve o'clock and thirty-five minutes P. M., the Speaker declared a recess till two o'clock P. M. this day.

### REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

Mr. Hollister moved to suspend the rules, for the purpose of considering Senate Bill No. 2.

So ordered.

#### FIRST READING.

Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Read first time, and ordered to second reading.

Mr. Brown moved that Senate Bill No. 2 be declared a case of urgency, read second and third times, and placed on its final passage.

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

AYES—Messrs. Barry, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Clement, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Keeler, Kerick, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Mr. Speaker—56.

NOES—Messrs. Crumpton, Field, Fleming, Hunter, Irwin, Martin, Nicol, Wheat, Wheelan, and Yell—11.

#### SECOND READING.

Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Read second time.

The amendments proposed by the Committee on Agriculture to sections one and two, were read and adopted.

Mr. Townsend moved to reconsider the vote whereby the amendment to section one was adopted.

So ordered.

The question being then on the adoption of the amendment, it was lost.

Mr. Townsend moved to reconsider the vote whereby the amendment to section two was adopted.

So ordered.

The question being then on the adoption of the amendment, it was lost.

The House refused to concur in the amendments to sections five and six.

The bill was then ordered to third reading.

#### THIRD READING.

Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Head, Healy, Heath, Hollister, Hughes, Keeler, Kerick, Levenson, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Yell, and Mr. Speaker—58.

NOES—Messrs. Atwell, Clark, Crumpton, Field, Fleming, Hamilton, Hershey, Hunter, Irwin, Martin, Nicol, Wheat, and Wheelan—13.

Title approved.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 8, 1883.

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

Senate Bill No. 295—An Act to secure a representation of the resources and industries of California at the Amsterdam International Exhibition, and provide for the expenses thereof.

Also, have adopted Assembly Concurrent Resolution No. 55—Relative to the appointment of a Joint Conference Committee to fix the time at which the twenty-fifth session of the Legislature shall adjourn sine die, and in compliance with terms of said resolution have appointed as a Committee of Conference on the part of the Senate Senators Cross, Maddox, and Dougherty.

Also, have concurred in Assembly amendments to Senate Bill No. 181.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 295—Ordered placed on file, without reference.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred resolutions to pay the claims of Miller & Davis, and of Scott & Mun, have had the same under consideration, and now report the same back and recommend the passage of the resolutions.

CAMINETTI, Chairman.

Adopted.

Mr. Yell gave notice that he would, to-morrow, move to reconsider the vote whereby the House passed Senate Bill No. 2.

The Committee on Public Expenditures and Accounts ask leave to introduce a bill.

Request granted by the requisite vote.

## INTRODUCTION OF A BILL.

By Mr. Caminetti: An Act to add a new section to the Political Code, relating to furnishing stationery and office supplies to officers and attachés of the Senate and Assembly, to be numbered section two hundred and fifty.

Mr. Storke moved that the bill be read first time without reference. So ordered.

## FIRST READING.

Assembly Bill No. 531—An Act to add a new section to the Political Code, relating to furnishing stationery and office supplies to officers and attachés of the Senate, to be numbered section two hundred and fifty.

Read first time, and ordered to second reading.

Mr. Cutter moved that Assembly Bill No. 531 be declared a case of urgency, read second time by title, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawie, Reeves, Rhief, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—69.

NOES—Mr. Terry—1.

## SECOND READING.

Assembly Bill No. 531—An Act to add a new section to the Political Code, relating to furnishing stationery and office supplies to officers and attachés of the Senate and Assembly, to be numbered section two hundred and fifty.

Read second time, and ordered to third reading.

## THIRD READING.

Assembly Bill No. 531—An Act to add a new section to the Political Code, relating to furnishing stationery and office supplies to officers and attachés of the Senate and Assembly, to be known as section two hundred and fifty.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Batty, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Faw, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hunter, Keeler, Lewison, McClaskey, McKinley, Moffitt, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stewart, Storke, Sweetland, Terry, Walrath, and Weaver—52

NOES—Messrs. Atwell, HERSHEY, Irwin, Kerrick, Martin, Matthews, Murdock, Nicol, Stephens, Townsend, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—14.

Title approved.

## APPOINTMENT OF A COMMITTEE.

The Speaker appointed Messrs. Storke, Townsend, and Doty a committee, to act with a like committee from the Senate, to fix the time of the final adjournment of the twenty-fifth session of the Legislature.

## REPORT OF A COMMITTEE.

The Committee on Public Expenditures and Accounts presented a report, which was ordered printed as a supplement to the Journal:

## REPORT OF COMMITTEE ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred the special message of his Excellency Governor George Stoneman, relative to the office of Commissioner of Immigration, respectfully submit the following report:

The committee has made an examination of the affairs of said office, and of the actions of the Commissioner, from which is found the following facts:

The Commissioner was appointed January sixteenth, eighteen hundred and eighty, and qualified on the nineteenth day of January of the same year.

On the nineteenth of January, eighteen hundred and eighty, he appointed George W. Reed and H. S. Bunker, deputies, but made no written appointment. These deputies subscribed to and filed their oath of office. No contract or agreement was made by the Commissioner with these deputies, as to the amount he would pay each for the services performed. He says he intended to pay each the sum of two thousand four hundred dollars per annum.

Dr. Wm. M. Lawlor was also appointed a deputy in the month of January, eighteen hundred and eighty-one, to take effect February first, following. Again no written appointment was made. There is no record of an official oath being subscribed and filed by the last named deputy. The contract as to salary with this deputy was fifty dollars per month.

The committee doubt the necessity of the appointment of so many deputies, and the Commissioner testifies that he did not know it was actually necessary to have two deputies, and that since the restriction law of Congress went into effect, one deputy would have been sufficient to perform the duties of the office, in company with himself. While he had the power to appoint deputies, the law contemplates that they must not be appointed unless the labor of the office requires their services.

The great difference in salary paid to deputies, or "intended to be paid," as the Commissioner expresses it, is another matter to which we call your attention. Deputy Lawlor made regular visits to every ship that entered the harbor of San Francisco. The other two deputies rarely went; yet the deputy who attended regularly gets fifty dollars per month, and those who did not the Commissioner "intends to pay" two hundred dollars per month. But we do not think it necessary to discuss this matter further, as we do not consider that there was any legal appointment of deputies (see section eight hundred and ninety-four, Political Code) by the Commissioner, and, therefore, no salaries can be allowed to these so called deputies, payable out of public moneys in the hands of the Commissioner. We find that the amount due the State from said Commissioner is twenty-seven thousand eight hundred and six dollars and ninety cents, for which suits are undertaken by the Attorney-General.

The laws in force are not calculated to insure an honest administration of the office, as the officer is not compelled to answer at specific times, and in a specific manner, to any superior officer, nor account to any one for expenditures in such manner, nor pay over in such manner moneys collected to the Treasurer of the State.

This has been remedied by Assembly Bill No. 530, which has passed the Assembly and is now in the Senate.

If the office is kept in existence, it is imperatively necessary to pass such bill. And in such case, we would also further recommend the Governor to suspend the Commissioner and vacate the office whenever it appears that the business of the office is not sufficient to pay the expenses thereof, or when it appears that there is no rational demand for the existence of the office of Commissioner of Immigration.

Perhaps, since the decision of the Supreme Court of the United States, holding that a law such as ours is constitutional, it may be well, in order to protect our State against the introduction of lepers, that the office be continued, provided it appears that said officer can accomplish said end; but should the Legislature think otherwise, it should pass Assembly Bill No. 297, introduced by Mr. Brown, which requires an accounting from the present Commissioner, and abolishes the office.

The object of the investigation has been accomplished, in giving the Attorney-General facts upon which to base his actions against the Commissioner.

CAMINETTI, Chairman

Mr. Caminetti moved that the petition of Mrs. E. P. W. Packard, relative to the passage of a law known as the "Identity Act," be printed as a supplement to the Journal.

So ordered.

#### PETITION FOR PASSAGE OF A LAW, KNOWN AS THE IDENTITY ACT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

I hereby respectfully petition the Assembly for the passage of the law hereto annexed. It is important, just, and sensible, and one which ought to have been passed in every State in this Union years ago, and it must have been a mere oversight that it has not been so passed. It is to "declare the identity of married women," and thereby, by a single Act, emancipate her from all the legal disabilities of coverture which the common law of marriage entails upon her. And this Act simply makes her legal position to correspond to her present social position. The common law makes her a nonentity—the slave of her husband—by a suspension of all her rights during coverture. The custom of this civilized age recognizes her as an identity, the companion or partner of her husband, and she ought to be so legally, instead of being, as she now is, his slave legally.

By statute law, married woman has already many rights which have materially modified her slavish relation; but her identity she has not, and since common law obtains until overturned by statutory law, all these specifications of special rights have not struck to the root principle of the common law. She is still a slave, in law, and has never been emancipated, by a declaration of her identity. All these special rights are privileges conferred upon a nonentity or a slave in law—not upon a person—a woman in law. When this declaration is made, married woman's legal status is raised from this brute level to the plane of humanity, but not before, no matter how numerous her special rights may become. When thus emancipated, married woman is protected in all her womanly rights just as all other women now are, and, like them, can have all her trespasses adjudicated upon without first securing her identity by a divorce. And herein consists the fundamental remedy for the divorce evil. Neither does she then need the ballot to secure her womanly rights, for, by this restoration of her identity she has them all conferred upon her at once. Being thus endowed with all her rights as a woman, she can demand her right "to be protected" by man, her natural protector, and this would place woman in a far nobler, higher position than the ballot would confer upon her, since she then would become her own protector, and forfeit her claims or right of womanhood "to be protected." And if married woman is ever enfranchised, this emancipation must precede it, to make her a person in law—for a nonentity or slave is not a legal voter. But as woman, by emancipation, secures all her rights as a woman, we see no claim left her for the ballot, for

the ballot only confers upon her man's rights and man's responsibilities, whereas this identity Act simply confers upon her woman's rights and woman's responsibilities.

This legislation is an entirely "new departure" in the woman's rights movement, and is destined to become the universal law of America, and several Legislatures have already inaugurated it by the emancipation of their married women, and thereby superseded the necessity for woman's seeking the ballot as a means of securing her rights of womanhood.

Most respectfully submitted, in behalf of the legal emancipation of the married women of California, by

MRS. E. P. W. PACKARD.

AN ACT TO DECLARE AND PROTECT THE IDENTITY OF MARRIED WOMEN.

*The People of the State of California, represented in Senate and Assembly, do enact as follows.*

SECTION 1. Henceforth woman shall retain the same legal existence after marriage as before marriage, and shall receive the same protection of all her rights, as a woman, which her husband does as a man, and for any injuries sustained to her person, property, character, or natural rights, she shall have the same right to appeal in her own name alone to the Courts of law or equity for redress and protection that the husband has to appeal in his own name alone.

SEC. 2. All laws or portions of laws inconsistent with the foregoing are hereby repealed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER. Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Resolution No. ——Relative to instructing this committee to report a proper law in relation to stationery and supplies furnished to officers, etc.—have had the same under consideration, and now report the same back with the bill accompanying this report, and recommend the passage of the bill.

CAMINETTI, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER. Your Committee on Attachés and Employés, to whom was referred the resolution of Mr. Levenson, have had the same under consideration, and do now report that the clerks whose services were dispensed with have not drawn pay since their discharge.

Also, resolution of Mr. Moffitt, relative to the pay of E. F. Conway, as Assistant Journal Clerk, that we find that section twenty-three, article four, of the Constitution, provides that no attaché shall have his compensation increased after he is elected or appointed, and therefore recommend that it be not adopted.

Also, resolution of Mr. Yell, relative to allowing the Journal Clerk fifty dollars for finishing, comparing, and ruling the Journal, recommend that the same be not adopted.

Also, resolution of Mr. Bibb, relative to the pay of Charles M. Pockman, recommend that the same be adopted.

Also, resolution of Mr. Cutter, relative to extra pay of W. S. Linn for services as Porter, beg leave to report that we examined into this claim, and find that he has done the work for which he has claimed this compensation, and also find that warrants have been drawn by other parties for this same work. We are under the impression that the Constitution prohibits the payment of this claim, but will report the same back to the House for action without recommendation.

FIELD, Chairman.

The report was considered seriatim.

The recommendation of the committee relative to the claim of E. F. Conway was concurred in.

Also, that relative to allowing the Journal Clerk fifty dollars for services to be performed at the close of the session.

Also, that relative to the pay of C. M. Pockman, and reported back without recommendation the resolution allowing W. S. Linn extra pay.

Mr. Cutter moved that the resolution allowing the claim of W. S. Linn be adopted.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Brown, Carter, Cary, Clement, Coleman, Culver, Cutter,

Doty, Farley, Field, Granger, Hall, Healy, Hollister, Kerrick, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Plover, Rawle, Ryan, Smith, Stephens, Stewart, Terry, Walrath, Wharton, and Wheelan—34.

NOES—Messrs. Barry, Beard, Briceland, Caminetti, Campbell, Clark, Coombs, Crumpton, Faw, Fleming, Flynn, Fortna, Gaussail, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Lewison, Martin, Matthews, McClaskey, McHale, Murdock, Parker, Peterson, Reeves, Rhiel, Storke, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—36.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Senate Concurrent Resolution No. 12—Relative to instructing our Senators and requesting our Representatives in Congress to take certain action in regard to Alaskan government—and beg leave to report the same back, and recommend that it be adopted.

Also, Senate Concurrent Resolution No. 13—Relative to bills now pending in the Congress of the United States, having for their object the transfer of the revenue cutter service from the Treasury to the Navy Department, and the establishment of a Bureau of Mercantile Marine—and beg leave to report the same back, and recommend that it be adopted.

Also, Senate Concurrent Resolution No. 18—Relative to the proposed repeal of the pre-emption laws of the United States, and instructing our Senators and Representatives in Congress to oppose such repeal—and now beg leave to report the same back, and recommend that it be adopted.

McCLASKEY, Chairman.

Mr. Moffitt moved to suspend the rules, for the consideration of Senate Bill No. 130.

So ordered.

### THIRD READING.

Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Failey, Faw, Flynn, Granger, Hall, Harvey, Head, Healy, Heath, Hollister, Hunter, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Reeves, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Wheat, and Mr. Speaker—52.

NOES—Messrs. Barry, Beard, Callaghan, Caminetti, Campbell, Fleming, Fortna, Gaussail, Hershey, McHale, Peterson, Weaver, and Yell—13.

Title approved.

Mr. Caminetti moved the following as a substitute for Assembly resolution, in the matter of Honorable Marcus P. Wiggin:

It appearing from the return of the Sergeant-at-Arms that Marcus P. Wiggin has this day been served with a copy of the charges and specifications against him; therefore

*Resolved*, That this Assembly will give him a hearing upon said charges on Friday, March ninth, eighteen hundred and eighty-three, at three o'clock P. M.

The ayes and noes being demanded, the roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Caminetti, Campbell, Clark, Coleman, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hunter, Johnston, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Moffitt, Nicol, O'Connor, Parker, Peterson, Rawle, Rhiel, Simon, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—50.

NOES—Messrs. Booth, Brown, Carter, Cary, Clement, Coombs, Culver, Harvey, Keeler, Lewison, McKinley, Murdock, Reeves, Ryan, Walrath, and Wharton—16.

Mr. Caminetti withdrew his notice of motion to reconsider the vote whereby Senate Bill No. 338 was passed.

Special order for this hour: Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

On motion of Mr. Cutter, the House went into Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply of the Deaf and Dumb and Blind Asylum—and now report the same back, and recommend its passage.

Mr. Cutter moved that the recommendation of the committee be adopted.

So ordered.

Mr. Cutter moved that Senate Bill No. 352 be declared a case of urgency, and be read third time, and placed on its final passage.

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

AYES—Messrs. Beard, Booth, Briceand, Brown, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Hamilton, Harvey, Heath, Hershey, Irwin, Keeler, Kerrick, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawie, Reeves, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, and Mr. Speaker—49.

NOES—Messrs. Barry, Bibb, Clark, Field, Granger, Hall, Healy, Hunter, Martin, Rhiel, Weaver, and Yell—12.

Mr. Cutter moved that the further consideration of the bill be made a special order for to-morrow, at ten o'clock and thirty minutes A. M.

So ordered.

REPORT OF A STANDING COMMITTEE.

ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled:

Assembly Bill No. 77—Entitled "An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years"—and the same was, at three o'clock and twenty-five minutes P. M., March eighth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

SPECIAL ORDER.

Special order for this hour: Second reading of Substitute for Assembly Bill No. 71—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.

Read second time.

Mr. Coleman moved to amend, by striking out section one.

So ordered.

Mr. Coleman moved to amend, by striking out section two.

So ordered.

Mr. Coleman moved so amend, by striking out section three.

So ordered.

Mr. Coleman moved to amend, by striking out section four.

So ordered.

Mr. Coleman moved to amend, by striking out section five.

So ordered.

Mr. Coleman moved to amend, by striking out section six.

So ordered.

Mr. Coleman moved to amend, by striking out section seven.

So ordered.

Mr. Coleman moved to amend section eight, by striking out of line five, the words "and Port Costa."

So ordered.

Mr. Flynn moved to amend section nine, by striking out of line eight the words, "one half the above rates shall be paid," and substitute in lieu thereof, "no pilotage shall be paid."

Lost

Mr. Coleman moved to amend by striking out section ten.

So ordered.

Substitute for the bill was adopted.

Mr. Barry moved that the bill be considered engrossed, ordered printed, and to third reading.

So ordered.

Mr. Barry moved that the further consideration of the bill be made a special order for ten o'clock A. M. to-morrow.

The ayes and noes being demanded, the roll was called, and the motion carried by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Booth, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussaul, Ganger, Hall, Hamilton, Harvey, Heath, Hershey, Hollister, Hunter, Iwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhiel, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Waliath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—62.

NOES—Messrs. Bibb, Bowers, Cutter, Flynn, Healy, McDonald, Murphy, O'Connor, Rawle, Ryan, and Smith—11.

SENATE CHAMBER, SACRAMENTO, March 8, 1883.

MR. SPEAKER. I am directed to inform your honorable body that the Senate, on this day, acceded to the request of the Assembly, and has receded from its amendments to Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

A. T. VOGELSSANG, Assistant Secretary.

Mr. Nicol moved that Senate Bill No. 348 be made a special order for to-morrow.

Mr. Caminetti moved that the Sergeant-at-Arms be directed to serve the Honorable Marcus P. Wiggin with a copy of the resolutions adopted this day.

So ordered.

## RESOLUTION.

By Mr. Wharton :

*Resolved*, That the Controller of State is hereby authorized and directed to draw his warrant, to the amount of sixteen dollars, in favor of J. H. Williams, for services rendered as Gallery Porter prior to his discharge.

Referred to Committee on Attachés and Employés.

## RESOLUTION—(OUT OF ORDER).

By Mr. Sinon :

WHEREAS. The right of petition is a right fundamental in our government, and of inestimable value to the citizens of a republic; and whereas, when this great boon of freemen is stricken down or denied, liberty becomes a mockery; therefore,

*Resolved by the Assembly of the State of California*, That it is the duty of this and all other legislative bodies to hear the petitions or complaints of citizens, when couched in decent and respectful language, feeling themselves deprived of their rights, to the end that no man may feel that the government has not guarded with jealous care his interests or his liberties; and to that end it is hereby ordered that the petition heretofore presented to this House by Jerome B. Cox, a citizen of this State, but which was not read, shall be heard and treated in such manner as this House shall deem proper upon hearing.

Mr. Weaver moved that the resolution be laid on the table.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Booth, Brown, Caminetti, Cary, Clement, Coombs, Crumpton, Farley, Field, Irwin, Johnston, McClaskey, McHale, Nicol, Parker, Plover, Rhel, Smith, Stewart, Storke, Walrath, Weaver, Wharton, and Wheat—27.

NOES—Messrs. Bibb, Campbell, Carter, Clark, Coleman, Culver, Cutter, Doty, Faw, Fleming, Fortna, Gaussail, Ganger, Hamilton, Harvey, Healy, Heath, Hershey, Hunter, Keeler, Kerrick, Levenson, Lewison, Matthews, McDonald, McKinley, Murdock, Murphy, Reeves, Sinon, Stephens, Terry, Townsend, Wheelan, and Yell—35.

Mr. Sinon moved the adoption of the resolution.

Mr. Murdock moved as an amendment, that the petition referred to in the resolution be printed in the Journal.

Mr. Campbell moved that the further consideration of the resolution be postponed till to-morrow, at ten o'clock A. M.

## RECESS.

Pending the consideration of the motion, Mr. Wharton, at five o'clock and forty-five minutes P. M., moved to adjourn.

Mr. Yell moved, as an amendment, that the House take a recess till seven o'clock and thirty minutes this evening.

So ordered.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

The question being on the resolution by Mr. Sinon, Mr. Campbell withdrew his motion to postpone.

Mr. Flynn moved, as an amendment to the amendment, that the report of the Judiciary Committee be adopted.

Mr. Storke moved the previous question.

The question being then on the motion of Mr. Flynn, the ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Healy, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, McClaskey, McDonald, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Stewart, Storke, Sweetland, Terry, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—53.

NOES—Messrs. Culver, Doty, Fleming, Heath, Hershey, Levenson, Matthews, McKinley, Simon, and Stephens—10.

Mr. Barry moved to suspend the rules, for the purpose of considering Assembly Bill No. 309.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Booth, Callaghan, Campbell, Carter, Clark, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Hamilton, Heath, Hollister, Hunter, Keeler, Kerrick, Lewison, Martin, McKinley, Moffitt, Peterson, Reeves, Rhiel, Smith, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—39.

NOES—Messrs. Bibb, Briceland, Brown, Caminetti, Cary, Clement, Coombs, Cutter, Hall, Head, Healy, Hershey, Irwin, Johnston, McClaskey, McDonald, McHale, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Simon, Stewart, Terry, and Weaver—27.

#### APPROVAL OF THE JOURNAL.

Journal of Wednesday approved.

Mr. Campbell moved that the resolution adopted yesterday, adjudging the Controller of State in contempt of this House, together with the whole subject-matter relating thereto, be expunged from the Journal.

So ordered.

#### REPORT OF A STANDING COMMITTEE—(OUT OF ORDER).

##### ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, ———, 1883.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Resolution No. ———Relative to the contingent expenses of James Farrelly—have had the same under consideration, and now report the same back, and recommend that the House take no action thereon until an itemized account be furnished.

CAMINETTI, Chairman.

Adopted.

Mr. Nicol, pursuant to notice, moved to reconsider the vote whereby the House refused to adopt the majority report of the Committee on Expenditures and Accounts, relative to the claim of A. Smith.

Mr. Barry moved to lay the motion to reconsider on the table.

So ordered.

Mr. Cutter moved to suspend the rules, for the purpose of considering Assembly Bill No. 302.

So ordered.

#### SECOND READING.

Assembly Bill No. 302—An Act to transfer money, now in what is known as the Drainage Fund, to the General Fund, to be used in payment of claims against the said Drainage Fund.

Read second time.

Mr. Cutter presented a substitute for the bill.

Mr. Caminetti arose to a point of order, his point of order being that the substitute was foreign to the bill.

The Speaker ruled the point of order not well taken.

The question being on the adoption of the substitute, the ayes and noes being demanded, the roll was called, and the substitute was adopted by the following vote:

**AYES**—Messrs. Booth, Bowers, Briceland, Brown, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Fleming, Fortna, Gaussail, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Irwin, Keeler, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Reeves, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Wharton, and Mr. Speaker—49.

**NOES**—Messrs. Atwell, Barry, Beard, Bibb, Caminetti, Crumpton, Field, Hall, Head, Hunter, Johnston, Kerrick, Parker, Rawle, Rhuel, Townsend, Wheat, and Yell—18.

Mr. Johnston moved to amend section one, by inserting after words "State Treasurer," the words "belonging to the Construction Fund of Drainage District Number One."

Lost.

Mr. Caminetti moved to amend section one, as follows:

*Provided*, that the amounts to be paid to each claimant respectively shall be considered in full liquidation of all claims against the State.

Lost.

Mr. Irwin moved to amend, by inserting after the word "presented," the words "and take evidence concerning the same."

Adopted.

Mr. Johnston moved to amend, by striking out section three.

The ayes and noes being demanded, the roll was called, and the amendment was lost by the following vote:

**AYES**—Messrs. Barry, Bibb, Bowers, Caminetti, Campbell, Crumpton, Field, Flynn, Gaussail, Head, Heath, Hunter, Johnston, Nicol, O'Connor, Parker, Plover, Rawle, Rhuel, Townsend, Wheat, and Yell—22.

**NOES**—Messrs. Beard, Booth, Briceland, Brown, Carter, Cary, Clark, Clement, Coleman, Coombs, Cutter, Doty, Farley, Faw, Fleming, Fortna, Grainger, Hamilton, Harvey, Healy, Hershey, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Peterson, Reeves, Simon, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, and Mr. Speaker—43.

Bill ordered engrossed, printed, and to third reading.

Mr. Cutter moved that the further consideration of the bill be made a special order for to-morrow, at two o'clock and thirty minutes P. M.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**AYES**—Messrs. Atwell, Beard, Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coleman, Coombs, Cutter, Doty, Farley, Faw, Fleming, Fortna, Grainger, Hamilton, Harvey, Hershey, Irwin, Keeler, Kerrick, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Peterson, Reeves, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Yell, and Mr. Speaker—46.

**NOES**—Messrs. Barry, Bibb, Caminetti, Campbell, Crumpton, Field, Flynn, Gaussail, Hall, Head, Heath, Hunter, Johnston, Martin, McDonald, Nicol, O'Connor, Parker, Plover, Rawle, Rhuel, and Wheat—22.

Mr. Coleman moved that the Clerk be directed to renumber the sections of Assembly Bill No. 71 to conform to the amendments adopted to-day.

So ordered.

PASSAGE.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to

provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiei, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—60.

**NOES**—None.

Title approved.

Mr. Wharton moved to suspend the rules, for the purpose of considering Assembly Bill No. 365.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote :

**AYES**—Messrs. Beard, Bibb, Booth, Bowers, Brown, Carter, Cary, Clark, Clement, Cutter, Farley, Flynn, Fortna, Granger, Hall, Harvey, Healy, Heath, Hunter, Lewison, Matthews, McDonald, McHale, McKinley, O'Connor, Peterson, Plover, Rawle, Reeves, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, and Wharton—37.

**NOES**—Messrs. Atwell, Barry, Caminetti, Campbell, Crumpton, Doty, Fleming, Hamilton, Head, Hershey, Irwin, Johnston, Martin, McClaskey, Nicol, Parker, Rhiei, Storke, Townsend, Wheat, and Mr. Speaker—23.

Mr. Johnston moved to suspend the rules, for the purpose of considering Senate Bill No. 196.

The ayes and noes being demanded, the roll was called, and the motion lost by the following vote :

**AYES**—Messrs. Bibb, Booth, Bowers, Brown, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hall, Hamilton, Head, Healy, Heath, Johnston, Keeler, Levenson, Lewison, McClaskey, McDonald, McKinley, O'Connor, Plover, Rawle, Reeves, Sinon, Sweetland, Terry, Walrath, and Mr. Speaker—38.

**NOES**—Messrs. Atwell, Barry, Beard, Briceland, Caminetti, Field, Gaussail, Harvey, Hershey, Hunter, Irwin, Martin, Matthews, McHale, Nicol, Parker, Peterson, Rhiei, Smith, Stewart, Storke, Townsend, Wharton, and Wheat—24.

Mr. Irwin continued his notice of motion to reconsider the votes whereby Assembly Bills Nos. 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 525, 526, 527, and 528 were refused first reading.

#### ADJOURNMENT.

At nine o'clock and thirty-five minutes p. m., Mr. Storke moved to adjourn.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote :

**AYES**—Messrs. Atwell, Barry, Beard, Booth, Brown, Caminetti, Carter, Cary, Clark, Clement, Coleman, Farley, Field, Fleming, Granger, Hall, Healy, Heath, Hershey, Hunter, Levenson, Martin, Matthews, McHale, Parker, Peterson, Plover, Rhiei, Smith, Storke, Sweetland, Townsend, Wheat, and Mr. Speaker—34.

**NOES**—Messrs. Bibb, Bowers, Campbell, Coombs, Crumpton, Cutter, Doty, Flynn, Fortna, Gaussail, Hamilton, Harvey, Irwin, Johnston, Kerrick, McClaskey, McDonald, McKinley, Rawle, Reeves, Sinon, Stewart, Terry, Walrath, Wharton, and Yell—26.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, March 9, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Waiath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. McClaskey, further reading was dispensed with.

Journal of Thursday approved as corrected.

Mr. Cutter asked the consent of the House to withdraw Assembly Bill No. 207.

Request granted.

## SPECIAL ORDER FOR THIS HOUR.

Third reading of Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf, and Dumb, and Blind Asylum.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Beard, Booth, Bowers, Briceland, Brown, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Flynn, Fortna, Hamilton, Harvey, Heath, Hollister, Irwin, Keeler, Kerrick, Levenson, Lewison, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, Peterson, Rawle, Reeves, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, and Weaver—46.

**NOES**—Messrs. Barry, Bibb, Callaghan, Caminetti, Campbell, Clark, Field, Granger, Hall, Head, Healy, Hershey, Hunter, Johnston, Martin, Matthews, McClaskey, McHale, Parker, Plover, Rhiel, Wheat, Yell, and Mr. Speaker—24.

Title approved.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 9, 1883.

**MR. SPOFFERD:** I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 392—"An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature."

And, on March eighth, passed Senate Bill No. 212—"An Act for the relief of John W. Metcalf and George McLellan."

Also, on March first, denied adoption to Assembly Concurrent Resolution No. 21—Relative to proposed amendment to section nine, article thirteen, of the Constitution.

A. T. VOGELSANG, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 212—Referred to Committee on Claims.

Senate Bill No. 392—Ordered placed on file.

Mr. Cutter moved to suspend the rules, for the purpose of considering Senate Bill No. 120.

So ordered.

## FIRST READING.

Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue, and the collection of property taxes and redemption from sales therefor.

The question being on the first reading of the bill, the ayes and noes being demanded, the roll was called, and the bill refused first reading by the following vote:

AYES—Messrs. Beard, Bowers, Caminetti, Campbell, Cary, Clark, Clement, Coleman, Coombs, Cutter, Doty, Farley, Fleming, Fortna, Granger, Hall, Hamilton, Healy, Hollister, Hunter, Johnston, Kerrick, Levenson, Martin, McClaskey, Murphy, Peterson, Simon, Smith, Stephens, Storke, Sweetland, and Mr. Speaker—33.

NOES—Messrs. Barry, Bibb, Booth, Briceland, Brown, Callaghan, Carter, Crumpton, Faw, Flynn, Gaussail, Harvey, Head, Heath, Irwin, Lewison, Matthews, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Plover, Reeves, Ruel, Stewart, Terry, Townsend, Weaver, Whatton, Wheat, and Yell—35.

Mr. Campbell moved that a committee of three be appointed to confer with the Governor in reference to an error in Assembly Bill No. 77.

So ordered.

## APPOINTMENT OF A COMMITTEE.

The Speaker appointed Messrs. Campbell, Sweetland, and Johnston a committee to confer with the Governor in relation to Assembly Bill No. 77.

Mr. McClaskey moved to suspend the rules, for the purpose of considering Senate Bill No. 3.

So ordered.

Mr. McClaskey moved that the consideration of the bill be postponed till twelve o'clock m. this day.

So ordered.

## SPECIAL ORDER.

Special order for this hour: Third reading of Assembly Bill No. 71—An Act to amend sections two thousand four hundred and sixty-five and two thousand four hundred and sixty-six of article six of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, Vallejo, and Benicia.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Grauger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor,

Parker, Plover, Rawle, Reeves, Rhuel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—70.

NOES—None.

Title approved.

FIRST READING.

Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant.

Read first time, and ordered to second reading.

CALL OF THE HOUSE.

Mr. Nicol moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Kerrick, Leverson, Lewison, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Hershey, further proceedings under the call were dispensed with.

Mr. Nicol moved that Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant—be declared a case of urgency, read second and third times, and placed on its final passage.

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

AYES—Messrs. Atwell, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Fortna, Gaussail, Hall, Harvey, Healy, Heath, Hollister, Keeler, Kerrick, Leverson, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Plover, Rawle, Reeves, Ryan, Sinon, Smith, Stephens, Stewart, Terry, Walrath, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—54.

NOES—Messrs. Barry, Field, Granger, Head, Hershey, Hunter, Martin, Matthews, Murphy, Parker, Peterson, Rhuel, and Weaver—13.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Heath, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant.

Speaker Larue in the chair.

IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant—report the same back, and recommend its passage.

On motion of Mr. McClaskey, the report was concurred in.

## THIRD READING.

Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant.

Read third time.

## RECESS.

Pending the consideration of the bill, the hour of twelve o'clock and thirty minutes P. M. having arrived, the Speaker declared a recess till two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.

## REPORT OF A STANDING COMMITTEE.

## ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled:

Assembly Bill No. 508—Entitled "An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring County Boards of Education in the several counties to divide certain schools into primary and grammar grades, to prescribe a course of study for such grades and for a grammar school course, to provide for examinations therein, and that school districts may elect to have the grammar school course taught in their respective districts"—and the same was, at eleven o'clock and five minutes A. M. March ninth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

## CALL OF THE HOUSE.

Mr. Stephens moved a call of the House.

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

Messrs. Barry, Beard, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw. Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hunter, Irwin, Johnston, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Neal, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker

Quorum present.

On motion of Mr. Hershey, further proceedings under the call of the House were dispensed with.

The question being on the passage of Senate Bill No. 348—An Act to appropriate money for the construction and completion of the roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant.

Mr. Cutter moved the previous question.

So ordered.

The question being then on the passage of the bill.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Beard, Booth, Brown, Caminetti, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Flynn, Gaussail, Hall, Hamilton, Harvey, Healy, Hollister, Irwin, Kerrick, Lewison, McClaskey, McDonald, McKinley, Moffitt, Muddock, Murphy, Nicol, Plover, Rawle, Reeves, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Wharton, Wheat, and Wheelan—44.

**NOES**—Messrs. Barry, Bibb, Briceland, Callaghan, Campbell, Farley, Field, Fleming, Fortna, Granger, Head, Hershey, Hunter, Martin, Matthews, McHale, O'Connor, Peterson, Rhiel, Weaver, Yell, and Mr. Speaker—22

Title read and approved.

Mr. Irwin gave notice that he would, to-morrow, move to reconsider the vote whereby the House passed Senate Bill No. 348.

Mr. Cutter moved that Senate Bill No. 3—An Act to establish a State Board of Horticulture and appropriate moneys for the expenses thereof—be declared a case of urgency, read first time by title, read second time, and considered in Committee of the Whole, and read third time, and placed on its final passage.

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

**AYES**—Messrs. Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Healy, Hollister, Johnston, Kerrick, Leveson, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Muddock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Simon, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—56.

**NOES**—Messrs. Beard, Bibb, Campbell, Crumpton, Field, Head, Hershey, Hunter, Irwin, Martin, Stephens, Wheat, and Yell—13.

#### FIRST READING.

Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Read first time, and ordered to second reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Speaker Larue in the chair.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

**GENTLEMEN:** The Committee of the Whole have had under consideration Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof—now report the same back, and recommend its passage.

## THIRD READING.

Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Culver, Cutler, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Johnston, Kerrick, Levenson, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Simon, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, and Mr. Speaker—38.

NOES—Messrs. Barry, Bibb, Crumpton, Field, Hunter, Martin, Stephens, Wheat, and Yell—9.

Title approved.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that we have carefully examined Assembly Bill No. 302—Entitled an Act to transfer money now in what is known as the Drainage Fund, to the General Fund, to be used in payment of claims against the said Drainage Act—and find it to be correctly engrossed.

CALLAGHAN, Chairman.

Mr. Barry moved to suspend the rules, for the purpose of taking up Assembly Bill No. 334.

So ordered.

Mr. Barry moved that the consideration of Assembly Bill No. 334 be postponed until after the disposition of the special order for this hour.

Mr. Cutter moved that the special order for this hour—the consideration of Assembly resolution in the matter of Honorable Marcus P. Wiggin—be postponed until seven o'clock and thirty minutes this evening.

Lost.

Mr. Storke moved to suspend the rules, for the purpose of considering Senate Bill No. 392.

Lost.

## PROTEST.

Presented by Mr. Caminetti:

We hereby protest against the further consideration of the substitute adopted for Assembly Bill No. 302, for the reasons that the subject thereof is entirely foreign to the original bill, that the substitute being an original proposition, cannot be introduced within ten days before the expiration of the sixty days' limit of the session of the Legislature, without receiving a two-thirds vote as provided by the Constitution; and further, being a bill providing for appropriation of money, it should have been considered in Committee of the Whole.

A. CAMINETTI.  
B. A. RAWLE.  
E. J. O'CONNOR.  
JOHN FIELD.  
S. M. MARTIN.  
JAS. J. FLYNN.  
THOS. F. BARRY.  
J. J. CALLAGHAN.  
P. PLOVER.  
D. H. BIBB.  
H. W. HEAD.  
H. J. CRUMPTON.  
A. R. WHEAT.  
A. B. HUNTER.  
A. RHEIL.  
F. D. NICOL.  
ARCHIBALD YELL.  
EDWIN PARKER.  
F. E. JOHNSTON.

The protest was read.

The question being on the third reading of Assembly Bill No. 302—An Act to transfer money, now in what is known as the Drainage Fund, to the General Fund, to be used in payment of claims against the said Drainage Fund, the ayes and noes being demanded, the roll was called, and the bill ordered read by the following vote:

AYES—Messrs Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Faw, Fleming, Fortna, Granger, Hamilton, Harvey, Hershey, Irwin, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Peterson, Reeves, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—44.

NOES—Messrs Barry, Beard, Bibb, Caminetti, Campbell, Crumpton, Field, Flynn, Gaussail, Hall, Head, Healy, Heath, Hunter, Johnston, Martin, McDonald, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhel, Townsend, Wheat, and Yell—27.

The bill was read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Beard, Booth, Briceland, Brown, Carter, Cary, Clark, Clement, Culver, Cutter, Doty, Farley, Faw, Fleming, Fortna, Granger, Hamilton, Harvey, Hershey, Irwin, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Peterson, Reeves, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, Yell, and Mr. Speaker—42.

NOES—Messrs. Barry, Bibb, Callaghan, Caminetti, Campbell, Crumpton, Field, Flynn, Hall, Head, Healy, Heath, Hunter, Johnston, Martin, McDonald, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhel, Storke, Townsend, and Wheat—25.

Mr. Yell gave notice of motion to reconsider.

Mr. Cutter moved to amend the title as follows: "An Act to provide for the examination and auditing of all unpaid claims arising under an Act entitled 'An Act to promote drainage,' approved April 23, 1880, to require County Treasurers to pay over moneys in their hands collected under said Act, and to provide for pro rata distribution among the claimants of all moneys collected under said Act."

The ayes and noes being demanded on the question of the adoption of the amendment to the title, the roll was called, and the amendment was adopted by the following vote:

AYES—Messrs. Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Faw, Fleming, Fortna, Granger, Hamilton, Harvey, Hershey, Hollister, Irwin, Keeler, Levenson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Peterson, Reeves, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, and Mr. Speaker—42.

NOES—Messrs. Barry, Beard, Bibb, Callaghan, Caminetti, Campbell, Crumpton, Field, Flynn, Hall, Head, Healy, Heath, Hunter, Johnston, Kerrick, Martin, McDonald, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhel, Townsend, Wheat, and Yell—28

#### RESOLUTION.

By Mr. Levenson: That a question of privilege takes precedence of all other questions, and it is the duty of the Speaker to recognize a member who rises to a question of privilege, and to interrupt for that purpose every other business.

Referred to Committee on Rules.

Mr. Yell moved that the rules be suspended, for the purpose of taking up Senate Bill No. 110.

So ordered.

Mr. Yell moved that Senate Bill No. 110 be made a special order for to-morrow, at ten o'clock and thirty minutes A. M.

So ordered.

## SPECIAL ORDER.

Special order for this hour: The consideration of Assembly resolution in the matter of Honorable Marcus P. Wiggin.

## ANSWER OF THE RESPONDENT.

*To the honorable the Assembly of the State of California.*

The undersigned would respectfully represent and show, that on yesterday, March eighth, at twelve o'clock, noon, he was served by your Sergeant-at-Arms with a copy of the report of your special committee, made on the twenty-sixth day of February, eighteen hundred and eighty-three, but he is not advised as to whether the said report was ever adopted by your honorable body, or whether the same was ever entered upon the Journal of your proceedings, as required by the Constitution of this State. This respondent has been at all times accessible, and could have been served at any time when it was desirable. Your respondent came from Alameda to Sacramento on the twenty eighth of February, and remained until the afternoon of March second, and then returned to Alameda, where his presence was made necessary by illness in his family. It seems that on the last named date, your honorable body passed a resolution directing the Sergeant-at-Arms to serve upon this respondent a copy of the report of the special committee, and giving to him five days after such service within which to prepare his defense and be heard before your honorable body, and a certified copy of such resolution was served on yesterday, attached to a copy of the report of the committee. This respondent has never avoided or attempted in any way to avoid the service of any process upon him, but on the contrary thereof has attended in Sacramento the greater portion of the time since these charges were originally preferred. He desires a full, fair, and impartial investigation of the charges made against him. His attorney is now at work preparing a written answer to said charges, which he is advised he has the right to make. But he is advised by his attorney that it will be impossible to complete his said answer within the very insufficient time allowed by the resolution passed yesterday afternoon, a copy of which resolution was served upon him at seven o'clock yesterday afternoon. He is also advised by his attorney, and fully believes himself, that it is important and necessary that he have witnesses and produce their testimony before your honorable body. When your special committee was investigating the charges against him, he made such defense only as he was advised was responsive to the charges then made and the authority of that committee looking towards an impeachment. But the report of said committee does not correctly and fully state the facts as they exist, and he can, as he believes, produce evidence that will throw an entirely different light upon the whole matter. He therefore respectfully asks and requests your honorable body that he be allowed a reasonable time within which to prepare and compile his written answer to the charges made against him, and that he have a subpoena for William Wetherill, Morris Dick, and W. A. Loose, who constituted the Board of Supervisors at the time of the transaction complained of, also, for John A. McQuaid, and several other persons, resident in Mono County, in order that their testimony may be produced before your honorable body. This application is not made for delay merely, and your respondent has no desire for an unnecessary or unreasonable delay: but he claims the right, as an officer and citizen, under the Constitution of California, to be heard before he is condemned.

MARCUS P. WIGGIN, Respondent

Mr. Booth moved that the further consideration of the matter be postponed till next Monday, at three o'clock P. M.

Lost.

Mr. Weaver moved to adjourn.

Mr. Flynn moved as an amendment, that the House take a recess till seven o'clock and thirty minutes this evening.

Lost.

The question then recurring on the motion to adjourn, it was lost.

Mr. Storke moved that Mr. Wiggin be given one hour, commencing at seven o'clock and thirty minutes this evening, in which to answer the complaint.

So ordered.

## RECESS.

At four o'clock and fifty minutes P. M., on motion of Mr. Heath, the House took a recess till seven o'clock and thirty minutes this evening.

## REASSEMBLED.

The House reassembled.  
 Speaker pro tem. Campbell in the chair.  
 Quorum present.

## MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 SACRAMENTO, March 9, 1883. }

*To the Assembly of the State of California*

I have to inform your honorable body that I have approved Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring County Boards of Education in the several counties to divide certain schools into primary and grammar grades, to prescribe a course of study for such grades and for a grammar school course, to provide for examinations therein, and that school districts may elect to have the grammar school course taught in their respective districts.

Also, Assembly Bill No. 53—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.

Also, Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Except as to one item, which I disapprove, as per accompanying message

GEORGE STONEMAN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 SACRAMENTO, March 9, 1883. }

*To the honorable the Assembly of the State of California*

MR. SPEAKER I have duly considered Assembly Bill No. 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years"—and have approved the same, except the following item therein, viz. "For contingent expenses of the Controller's office, nine thousand six hundred dollars." The said item is excessive, and provides for more money than is required for the contingent expenses of the Controller's office. I suppose the item was inserted at the above figure through an error in engrossing or enrolling the bill. The sum of two hundred dollars is all that is required or asked for by the Controller. I therefore disapprove of the above item, and leave the matter with the Legislature for such action as it may think proper to take.

GEORGE STONEMAN, Governor.

## CONSIDERATION OF THE GOVERNOR'S MESSAGE.

Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

The question being: "Shall that portion of the bill objected to by the Governor, to wit: 'For contingent expenses of the Controller's office, nine thousand six hundred dollars,' become a law, notwithstanding the objection of the Governor?" the roll was called, and the Governor's veto was sustained by the following vote:

AYES—None.

NOES—Messrs. Atwell, Barry, Booth, Bowers, Brown, Callaghan, Cammetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Healy, Hershey, Hunter, Irwin, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, and Mr. Speaker—56.

Mr. Campbell asked the consent of the House to introduce a bill.  
 The request was granted by the requisite vote.

## INTRODUCTION OF A BILL.

By Mr. Campbell: An Act supplemental to the General Appro-

ropriation Bill, to provide a Contingent Fund for the office of the Controller.

Mr. Johnston moved to suspend the rules, for the purpose of considering the bill.

So ordered.

#### FIRST READING.

Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill, to provide a Contingent Fund for the office of the Controller.

Read first time, and ordered to second reading.

Mr. Johnston moved that the bill be ordered printed, and its further consideration made a special order immediately after the reading of the Journal.

So ordered.

Mr. Cutter moved to suspend the rules, for the purpose of considering Senate Bill No. 196.

So ordered.

Mr. Cutter moved that the consideration of Senate Bill No. 196 be made a special order, immediately after the disposition of the special orders set for this evening.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Hughes was granted indefinite leave of absence, on account of sickness, and Mr. Coleman was granted leave of absence for two days.

#### SPECIAL ORDER.

Special order for this hour, consideration of Assembly Resolution, in the matter of Hon. Marcus P. Wiggin.

Mr. Sweetland moved that the whole matter be indefinitely postponed.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Booth, Brown, Carter, Cairy, Clement, Coombs, Cutter, Fortna, Harvey, Healy, Lewison, McClaskey, McKinley, Moffitt, Reeves, Ryan, Sweetland, and Walrath—18.

NOES—Messrs. Atwell, Barry, Bibb, Bowers, Callaghan, Caminetti, Clark, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McHale, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhel, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Weaver, and Mr. Speaker—41.

The question being then on the consideration of the Assembly resolution in the matter of the Hon. M. P. Wiggin, Mr. Caminetti moved that the Hon. Mr. Wiggin and his counsel be invited to seats within the bar of the House.

So ordered.

The Hon. Mr. Wiggin, accompanied by his counsel, the Hon. Henry Edgerton and the Hon. S. C. Denson, now came forward and took seats within the bar of the House.

At the suggestion of Mr. Edgerton, Mr. Atwell moved that the further consideration of the matter be made a special order for to-morrow evening, at seven o'clock and thirty minutes, at which time the gentlemen may appear and present their case.

So ordered.

## REPORT OF CONFERENCE COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1883.

MR. SPEAKER Your Conference Committee, appointed to consider and report upon the sine die adjournment of this Legislature, respectfully report they have met and conferred upon this matter, and have decided to recommend that this Legislature adjourn sine die Tuesday, the thirteenth day of March, at twelve o'clock midnight, *provided*, at that time the County Government Bill shall have passed both Houses.

CROSS, Chairman Senate Committee.  
STORKE, Chairman Assembly Committee.

## SECOND READING.

Mr. Barry moved that Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres—be declared a case of urgency, that it be read second time by title, read third time, considered engrossed, and placed on its final passage.

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

AYES—Messrs Barry, Beard, Bibb, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heishey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Weaver, and Mr. Speaker—58.

NOES—None.

Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July second, eighteen hundred and sixty-two, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Read second time, and ordered to third reading.

Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July second, eighteen hundred and sixty-two, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Read third time, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Beard, Booth, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, and Mr. Speaker—57.

NOES—None.

Title approved.

## REPORT OF A STANDING COMMITTEE.

## ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1883.

MR. SPEAKER. Your Committee on Claims, to whom was referred Senate Bill No 212, have had the same under consideration, and now report the same back, and recommend its passage.

GRANGER, Chairman.

Mr. Townsend moved that Senate Bill No. 212 be made a special order for to-morrow, at two o'clock P. M.

So ordered.

Mr. Farley moved that Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses—be declared a case of urgency, that it be read a second time by title, read a third time, considered engrossed, and placed on its final passage.

The roll was called, and the motion carried by the following vote

AYES—Messrs. Barry, Beard, Bibb, Booth, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Mr. Speaker—62.

NOES—None.

#### SECOND READING.

Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Read second time, and ordered to third reading.

#### THIRD READING.

Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Read third time.

Mr. Farley moved to amend section four, as follows: "The licenses herein provided for shall be collected as now provided for by the provisions of chapter fifteen of the Political Code of the State of California." Section four shall be numbered section five.

Adopted.

The bill was ordered printed as amended.

Mr. Johnston moved that the further consideration of the bill be made a special order for to-morrow, at two o'clock P. M.

So ordered.

Mr. Irwin moved that Assembly Bill No. 511—An Act creating the office of Code Commissioner, to provide for his appointment, establishing his term of office, and fixing his compensation—be declared a case of urgency; that it be read a first and second time by title, read a third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Beard, Booth, Campbell, Cary, Coombs, Crumpton, Cutter, Farley, Field, Flynn, Fortna, Granger, Harvey, Hershey, Hunter, Irwin, Johnston, Kerrick, McClaskey, Moffitt, O'Connor, Parker, Peterson, Rawle, Reeves, Rhiel, Stephens, Storke, Terry, Wharton, Yell, and Mr. Speaker—33.

NOES—Messrs. Barry, Bowers, Brown, Caminetti, Carter, Clark, Clement, Faw, Gaussail, Hall, Hamilton, Healy, Keeler, Levenson, Lewison, Martin, Matthews, McHale, McKinley, Murphy, Nicol, Ryan, Simon, and Weaver—24.

## SPECIAL ORDER FOR THIS HOUR.

Second reading of Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

The question being on the second reading of the bill, the ayes and noes being demanded, the roll was called, and the bill was ordered read by the following vote :

AYES—Messrs. Booth, Bowers, Brown, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, McClaskey, McKinley, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Ryan, Sinon, Stephens, Stewart, Storke, and Wharton—41.

NOES—Messrs. Atwell, Barry, Beard, Callaghan, Caminetti, Field, Fortna, Hershey, Hunter, Martin, Matthews, McHale, Parker, Rhiel, Terry, Weaver, Yell, and Mr. Speaker—18.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN · The Committee of the Whole have had under consideration Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor—now report the same back, and recommend its passage.

Report concurred in.

Mr. Cutter moved that the further consideration of the bill be made a special order for to-morrow, at ten o'clock A. M.

The ayes and noes being demanded, the roll was called with the following result :

AYES—Messrs. Booth, Brown, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Farley, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Heath, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, McClaskey, McKinley, Moffitt, Nicol, O'Connor, Peterson, Rawle, Reeves, Ryan, Stephens, Stewart, Sweetland, Terry, and Walrath—39.

NOES—Messrs. Atwell, Barry, Beard, Callaghan, Caminetti, Faw, Field, Fortna, Hunter, Martin, Matthews, McHale, Parker, Plover, Rhiel, Sinon, Storke, Townsend, Weaver, Yell, and Mr. Speaker—22.

The motion having failed to receive two thirds of the votes of the members present, the Speaker declared it lost.

## ADJOURNMENT.

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

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, March 10, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barry, Beard, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffit, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Waiath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Mr. Campbell moved to dispense with the reading of the Journal of Friday.

So ordered.

Journal of Friday approved.

## RESOLUTION.

By Mr. Campbell:

*Resolved*, That all clerks of committees be and they are hereby discharged, and that no per diem be allowed them after this day, except clerks of the Enrolling Committee.

Adopted.

Mr. Cutter, pursuant to notice given, moved to reconsider the vote whereby the House on yesterday passed Assembly Bill No. 302.

Mr. Ryan moved to lay the motion to reconsider on the table.

## CALL OF THE HOUSE.

Pending the consideration of the motion, Mr. Flynn moved a call of the House.

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

Messrs. Barry, Beard, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffit, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Brown moved to dispense with further proceedings under the call of the House.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**AYES**—Messrs. Booth, Briceland, Brown, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Faw, Fleming, Fortna, Granger, Harvey, Hershey, Hollister, Irwin, Keeler, Leverson, Lewison, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Peterson, Reeves, Ryan, Sinon, Sweetland, Terry, Walrath, Weaver, Wheelan, and Mr. Speaker—39.

**NOES**—Messrs. Barry, Beard, Callaghan, Campbell, Crumpton, Field, Flynn, Gaussail, Hall, Hamilton, Head, Healy, Heath, Hunter, Johnston, Kerrick, Martin, McDonald, Murphy, O'Connor, Parker, Plover, Rawle, Rhel, Stephens, Stewart, Storke, Townsend, Wheat, and Yell—30.

Pending the announcement of the vote, Mr. Flynn, at ten o'clock and twenty minutes A. M., moved to adjourn.

The ayes and noes being demanded, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Booth, Briceland, Brown, Carter, Cary, Clement, Coombs, Culver, Cutter, Faw, Field, Harvey, Head, Heath, Hollister, Keeler, Lewison, McClaskey, McHale, Moffitt, Murdock, O'Connor, Plover, Rawle, Ryan, Stewart, Sweetland, Walrath, Weaver, and Wheelan—30.

**NOES**—Messrs. Barry, Beard, Callaghan, Campbell, Clark, Crumpton, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Hershey, Hunter, Irwin, Johnston, Kerrick, Leverson, Martin, Matthews, McDonald, McKinley, Murphy, Peterson, Reeves, Rhel, Sinon, Stephens, Storke, Terry, Townsend, Wheat, Yell, and Mr. Speaker—37.

The question recurring on the motion to lay the motion to reconsider on the table, the ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**AYES**—Messrs. Booth, Briceland, Brown, Carter, Cary, Clark, Clement, Coombs, Culver, Cutter, Doty, Farley, Faw, Fleming, Fortna, Granger, Hamilton, Hershey, Hollister, Irwin, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Peterson, Reeves, Ryan, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Weaver, Wheelan, and Mr. Speaker—44.

**NOES**—Messrs. Barry, Beard, Callaghan, Campbell, Crumpton, Field, Flynn, Gaussail, Hall, Harvey, Head, Healy, Heath, Hunter, Johnston, Martin, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhel, Storke, Townsend, Wheat, and Yell—27.

## REPORT OF A STANDING COMMITTEE.

### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

**MR. SPEAKER:** Your Committee on Engrossment beg leave to report that we have carefully examined Assembly Bill No. 259—Entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,'" approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses—and find it to be correctly engrossed.

Respectfully submitted.

CLEMENT, of the Committee.  
CALLAGHAN, Chairman.

Messrs. Booth, Hershey, and Clark were granted leave of absence until Monday.

Mr. Johnston moved that Senate Bill No. 392—An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature—be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

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

**AYES**—Messrs. Atwell, Beard, Bibb, Booth, Briceland, Callaghan, Caminetti, Carter, Cary, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Matthews, McClaskey, McHale, McKinley, Nicol, Parker, Peterson, Reeves, Rhel, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—45.

**NOES**—Messrs. Campbell, Culver, Faw, Head, Heath, Martin, and Plover—7.

## FIRST READING.

Senate Bill No. 392—An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature.

Read first time, and ordered to second reading.

Mr. Townsend moved to reconsider the vote whereby the House refused to declare Senate Bill No. 392 a case of urgency.

So ordered.

## CALL OF THE HOUSE.

Mr. Levenson moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Beard, Bibb, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

On motion of Mr. Storke, further proceedings under the call of the House were dispensed with.

Mr. Townsend moved that Senate Bill No. 392—An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature—be declared a case of urgency, read second and third times, and placed on its final passage.

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

AYES—Messrs. Atwell, Bibb, Booth, Brown, Callaghan, Caminetti, Campbell, Carter, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Healy, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wheat, Wheelan, Yell, and Mr. Speaker—60.

NOES—Messrs. Culver, Faw, Hamilton, Head, Heath, and Weaver—6.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Johnston, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 392—"An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature."

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 392—An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature, and report the same back, and recommend its passage.

On motion of Mr. Johnston, the report was concurred in.

THIRD READING.

Senate Bill No. 392—An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Healy, Hollister, Hunter, Irwin, Kerrick, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhiel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Yell, and Mr. Speaker—54.

NOES—Messrs. Faw, Hamilton, Head, Heath, and Wheat—5.

Title approved.

Mr. Atwell moved to declare Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill (Assembly Bill No. 77), to provide a contingent fund for the office of the Controller—a case of urgency, that it be read a second time by title, read a third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Healy, Heath, Hollister, Hunter, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rhiel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Yell, and Mr. Speaker—55.

NOES—Mr. Head—1

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Johnston, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill (Assembly Bill No. 77), to provide a contingent fund for the office of the Controller.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill (Assembly Bill No. 77), to provide

a contingent fund for the office of the Controller—now report the same back and recommend its passage.

Report concurred in.

#### CALL OF THE HOUSE.

Mr. Johnston moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rhiel, Simon, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Atwell moved that the Sergeant-at-Arms be instructed to bring in all members about the building absent without leave, and they be fined one dollar each, unless they give satisfactory excuses.

So ordered.

The Sergeant-at-Arms presented Messrs. Clement, Reeves, and Head at the bar of the House, and, on motion, they were excused.

Mr. Sweetland moved that further proceedings under the call of the House be dispensed with.

Lost.

The Sergeant-at-Arms presented Mr. Stephens at the bar of the House, and, on motion, he was excused.

Mr. Murphy moved that further proceedings under the call of the House be dispensed with.

So ordered.

#### THIRD READING.

Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill (Assembly Bill No. 77), to provide a contingent fund for the office of Controller.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhiel, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—66.

NOES—Mr. Head—1.

Title approved.

Mr. Yell moved that the consideration of Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State—be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

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

**AYES**—Messrs. Atwell, Barry, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhel, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—59.

**NOES**—Messrs. Terry and Weaver—2.

#### FIRST READING.

Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, relating to the absence of State officers from the State.

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, relating to the absence of State officers from the State.

Read second time, and ordered to third reading.

#### THIRD READING.

Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, relating to the absence of State officers from the State.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Barry, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhel, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—62.

**NOES**—None

Title approved.

#### THIRD READING.

Assembly Bill No. 259—An Act to amend an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Barry, Beard, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McHale, McKinley, Moffitt, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—58.

**NOES**—Mr. Levenson—1

Title approved.

Mr. Johnston moved that the rules be suspended, for the purpose of considering Senate Bill No. 74.

So ordered.

Mr. Terry moved that the hour of recess be postponed till one o'clock p. m.

So ordered.

### THIRD READING.

Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Read third time.

The roll was called, and the bill passed by the following vote:

*Ayes*—Messrs. Barry, Bibb, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Matthews, McClaskey, McHale, McKinley, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Sinon, Smith, Stephens, Storke, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—55.

*Nays*—None

Title approved.

### REPORT OF A STANDING COMMITTEE.

#### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years—have had the same under consideration, and now report the same back, and recommend its passage.

CAMPBELL, Chairman.

Mr. Campbell moved that Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of tax for State purposes for the thirty-fifth and thirty-sixth fiscal years—be declared a case of urgency.

Read first and second times by title, read third time, and placed on its final passage.

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

*Ayes*—Messrs. Barry, Bibb, Booth, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Heath, Hollister, Hunter, Johnston, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—61

*Nays*—Messrs. Irwin and Weaver—2.

### FIRST READING.

Assembly Bill No. 492—An Act to amend section three thousand

seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

Read first time, and ordered to second reading.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

Speaker Larue in the chair.

The bill was amended in Committee of the Whole.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN—The Committee of the Whole have had under consideration Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years—have amended the same, and recommend its passage as amended

On motion of Mr. Campbell, the report of the committee was concurred in.

The bill was then ordered engrossed, printed, and to third reading as amended.

Mr. Townsend moved to suspend the rules, for the purpose of considering Senate Bill No. 212.

So ordered.

Mr. Townsend moved to declare Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan—a case of urgency, that it be read first time by title, read second time, and considered in Committee of the Whole, read third time, and placed on its final passage.

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

AYES—Messrs. Booth, Caminetti, Campbell, Cary, Clement, Coombs, Crompton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Healy, Hunter, Johnston, Keeler, Levenson, Matthews, McClaskey, Moffitt, Peterson, Plover, Rhiel, Simon, Smith, Stewart, Storke, Terry, Townsend, Walrath, Wheelan, and Mr. Speaker—38.

NOES—Messrs. Atwell, Barry, Callaghan, Carter, Faw, Field, Hamilton, Head, Heath, Irwin, Kerrick, Martin, McHale, Murphy, Nicol, Parker, Rawle, Reeves, Stephens, Sweetland, Weaver, Wharton, Wheat, and Yell—24.

FIRST READING.

Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Read first time.

Mr. Townsend moved to make Senate Bill No. 212 a special order for Monday, at ten o'clock A. M.

So ordered.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 10, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco," passed March 28, 1872, and passed by the State Legislature February 3, 1876.

A. T. VOGELSSANG, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 327—Referred to Enrolling Committee.

## RECESS.

At one o'clock P. M., the Speaker declared a recess until two o'clock P. M. this day.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

Mr. Campbell, on behalf of the special committee appointed to investigate the charges preferred against the Honorable Marcus P. Wiggin, asked the unanimous consent of the House to withdraw the charges and the whole subject-matter relating thereto.

Request granted.

Mr. Cutter moved to suspend the rules, for the purpose of considering Senate Bill No. 85.

So ordered.

## THIRD READING.

Senate Bill No. 85—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. Beard, Bowers, Briceland, Campbell, Carter, Coombs, Crumpton, Culver, Cutter, Doty, Faley, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Granger, Hall, Harvey, Head, Healy, Heath, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, McClaskey, McDonald, McHale, Moffitt, Murdock, O'Connor, Rawle, Rhel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—48.

NOES—Messrs. Cary, Clement, Hamilton, and McKinley—4.

Title approved.

Mr. Irwin moved to suspend the rules, for the purpose of considering Assembly Bill No. 524.

So ordered.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Irwin, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year—now report the same back, and recommend its passage.

Report concurred in.

Mr. Irwin moved that the further consideration of the bill be made a special order for Monday, at ten o'clock and thirty minutes A. M.  
So ordered.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 10, 1883.

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

Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

Senate Bill No. 235—An Act in relation to the inspection of steam boilers in the State of California.

Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

A. T. VOGELSANG, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Mr. Johnston moved that the Senate message be now taken up.

So ordered.

Mr. Johnston moved to suspend the rules, for the purpose of considering Senate Bill No. 372.

So ordered.

## FIRST READING.

Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

Read first time, and ordered to second reading.

Mr. Johnston moved to make Senate Bill No. 372 a special order for two o'clock P. M. Monday.

So ordered.

Mr. Terry moved to suspend the rules, for the purpose of considering Senate Bill No. 369.

So ordered.

First reading of Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Read first time, and ordered to second reading.

Mr. Terry moved to make Senate Bill No. 369 a special order for Monday, at ten o'clock A. M.

So ordered.

Assembly Bill No. 39—An Act to repeal section five hundred and

five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

The Senate amendments thereto were read.

The roll was called, and the amendments were concurred in by the following vote:

AYES—Messrs. Beard, Bowers, Briceland, Campbell, Cary, Clement, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Irwin, Johnston, Lewison, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Simon, Stephens, Stewart, Storke, Terry, Townsend, Wairath, Wharton, Wheat, Wheelan, and Mr. Speaker—44.

NOES—Messrs. Carter, Weaver, and Yell—3.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Wharton :

*Resolved*, That A. Smith be allowed fifty-six dollars (\$56), as compensation for services at the desk, and the Controller is hereby authorized and directed to draw his warrant for the same, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

#### LEAVE OF ABSENCE.

Mr. Doty was granted leave of absence for this day.

Mr. Simon moved to suspend the rules, for the purpose of considering Senate Bill No. 132.

So ordered.

The question being: "Shall the bill be read the first time?" the ayes and noes were demanded, the roll was called, and the motion was carried by the following vote :

AYES—Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Caminetti, Coombs, Cutter, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Healy, Hollister, Irwin, Lewison, Martin, McClaskey, McDonald, McKinley, Murdock, Murphy, O'Connor, Rawle, Reeves, Simon, Smith, Terry, Wharton, and Mr. Speaker—35.

NOES—Messrs. Carter, Clement, Culver, Faw, Field, Harvey, Kerriek, McHale, Moffitt, Nicol, Peterson, Plover, Rhiel, Stephens, Storke, Weaver, and Wheat—17.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 10, 1883.

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

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances

Also, Senate Bill No. 332—An Act to amend section five, article eleven, of the Constitution of the State of California.

Also, Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation and defining their duties, and for the further protection of bee culture.

A. T. VOGELSANG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 358—Ordered placed on file without reference.

Senate Bill No. 332—Ordered placed on file without reference.

Assembly Bill No. 230—Referred to the Committee on Enrollment.

## FIRST READING.

Senate Bill No. 132—An Act entitled "An Act to grant to Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Read first time, and ordered to second reading.

Mr. Sinon moved to make Senate Bill No. 132 a special order for Monday, at three o'clock and thirty minutes p. m.

So ordered.

Mr. Storke moved to suspend the rules, for the purpose of considering Assembly Bill No. 390.

So ordered.

## THIRD READING.

Assembly Bill No. 390—An Act to provide for the division of existing counties, and for the creation of new counties.

The question being: "Shall the bill be read third time?" the ayes and noes were demanded, and the bill refused third reading by the following vote:

AYES—Messrs. Barry, Briceland, Callaghan, Hamilton, Head, Lewison, McClaskey, Plover, and Wharton—9.

NOES—Messrs. Atwell, Beard, Bibb, Caminetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Cutter, Farley, Faw, Field, Fleming, Gaussal, Granger, Hall, Harvey, Healy, Hunter, Irwin, Kerrick, McHale, Moffitt, Murphy, Nicol, Parker, Peterson, Reeves, Rhiel, Smith, Stephens, Storke, Terry, Townsend, Weaver, Wheat, Yell, and Mr. Speaker—40.

Mr. Storke gave notice that, on Monday, he would move to reconsider the vote whereby the House refused Assembly Bill No. 390 third reading.

Mr. Hamilton moved to suspend the rules, for the purpose of considering Assembly Bill No. 411.

So ordered.

## SECOND READING.

Assembly Bill No. 411—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

Read second time, considered engrossed, and to third reading.

Mr. Hamilton moved to make Assembly Bill No. 411 a special order for Monday, at eleven o'clock a. m.

So ordered.

Mr. Irwin, pursuant to notice, moved to reconsider the vote whereby the House passed Assembly Bill No. 348.

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

Mr. Nicol moved a call of the House.

Lost.

The question then recurring on the motion to lay the motion to reconsider on the table, the ayes and noes being demanded, the roll was called, and the motion carried by the following vote:

AYES—Messrs. Beard, Bibb, Briceland, Carter, Clement, Crumpton, Culver, Cutter, Farley, Faw, Fleming, Flynn, Gaussal, Granger, Hamilton, Harvey, Heath, Hollister, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, Peterson, Reeves, Sinon, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, Wheat, and Wheelan—43.

NOES—Messrs. Barry, Caminetti, Coombs, Head, Hunter, Irwin, Matthews, Parker, Rhiel, Storke, Townsend, Yell, and Mr. Speaker—13.

## INTRODUCTION OF A CONCURRENT RESOLUTION.

Relative to ridding the State of Chinese criminals.

Referred to Committee on Chinese Emigration and Immigration.

Mr. Caminetti moved to suspend the rules, for the purpose of considering Assembly Bill No. 278.

So ordered.

## SECOND READING.

Assembly Bill No. 278—An Act to amend an Act entitled "An Act to define the boundary line between the Counties of Amador and El Dorado."

Read second time.

Mr. Irwin moved to amend section one, by inserting in line six, after the word "road," the words "as the same existed on the first day of January, eighteen hundred and sixty-seven."

Adopted.

Mr. Irwin moved to reconsider the vote whereby the House adopted the amendment to line five.

So ordered.

The bill was ordered engrossed, printed, and to third reading.

Mr. Caminetti moved that the further consideration of the bill be made a special order for Monday, at ten o'clock A. M.

So ordered.

## REPORT OF A STANDING COMMITTEE.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that we have carefully examined Assembly Bill No. 492—Entitled an Act to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years, and find it correctly engrossed.

Respectfully submitted.

CLEMENT, Chairman.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 10, 1883. }

*To the honorable the Assembly of the State of California.*

MR. SPEAKER. I have the honor to inform you that I have this day accepted the resignation of the Honorable Marcus P. Wiggan as Judge of the Superior Court of Mono County, State of California.

GEORGE STONEMAN, Governor.

## ADJOURNMENT.

At three o'clock and forty minutes P. M., Mr. Barry moved to adjourn.

Mr. Murphy moved, as an amendment, that the House take a recess till seven o'clock and thirty minutes this evening.

Lost.

The question then recurring on the motion to adjourn, the ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Clement, Coombs, Culver, Farley, Faw, Field, Fleming, Fortna, Gaussail, Hamilton, Harvey, Heath, Hollister, Hunter, Keeler, Kerriek, Martin, McDonald, McHale, Nicol, Parker,

Plover, Reeves, Rhiel, Sinon, Smith, Storke, Terry, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—42.

NOES—Messrs. Bibb, Crumpton, Flynn, Granger, Head, Irwin, Johnston, Levenson, McClaskey, McKinley, Moffitt, Murphy, Rawle, Stephens, Sweetland, Townsend, and Walrath—17.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, March 12, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barry, Beard, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Reeves, Rhiel, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, on motion of Mr. Faw, further reading of the Journal was dispensed with.

Journal of Saturday approved.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that we have carefully examined Substitute for Assembly Bill No. 278—Entitled "An Act to amend an Act entitled an Act to define the boundary line between the Counties of Amador and El Dorado"—and find it to be correctly engrossed.

Respectfully submitted.

CLEMENT, of the Committee.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 319—An Act to amend section three hundred and forty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time for the commencement of certain civil actions.

Also, Assembly Bill No. 320—An Act to amend section twenty-two of "An Act to promote irrigation," approved April 1, 1872, relating to irrigation.

Also, Assembly Bill No. 321—An Act to amend section one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to eminent domain.

Also, Assembly Bill No. 322—An Act to add a new section, to be known as section one thousand four hundred and twenty-three, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to water and water rights.

Also, Assembly Bill No. 323—An Act to make an Act entitled "An Act to promote irrigation," approved April 1, 1872, applicable to Fresno County, by amending section twenty-six of said Act.

Also, Assembly Bill No. 423—An Act to provide for a system of irrigation, and for the organization of irrigation districts.

Also, Assembly Petition relative to and protesting against any legislation on the subject of irrigation.

Have had the same under consideration, and now report the same back without recommendation.

BEARD, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. SPEAKER—Your Committee on Irrigation herewith return to the House four several petitions, in reference to irrigation.

BEARD, Chairman.

CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Parker: Relative to instructing our Senators and requesting our Representatives in Congress to demand of the President of the United States the discharge of L. Stewart, S. M. Herrick, P. E. Jeffries, J. Q. Adams, W. I. Sargent, Geo. J. Campbell, O. H. Butler, and Chas. S. Jacobs, Foremen at Mare Island Navy Yard, for conspiracy at the general election, November seventh, eighteen hundred and eighty-two.

The resolution was considered seriatim.

Mr. Farley moved to amend, by striking out the second resolution.

Adopted.

Mr. Irwin moved to adopt the resolution as amended.

The ayes and noes being demanded, the roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Barry, Beard, Bowers, Briceland, Callaghan, Camnetti, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flenuing, Flynn, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Irwin, Johnston, Levenson, Martin, Matthews, McClaskey, McDonald, Moffitt, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—47.

NOES—Messrs. Brown, Carter, Clement, Culver, Harvey, Heath, McHale, McKinley, Murdock, Reeves, Ryan, Smith, Walrath, Weaver, and Wharton—15.

RESOLUTIONS.

By Mr. Murdock:

*Resolved*, That the Clerk be authorized to correct the following clerical errors in Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations. Strike out the word "and" in section two hundred and fourteen, page eighty-one, in line twenty-six; insert the figures "622" after the word "section," in line three, section six hundred and ninety-five, page one hundred and fifty-nine; insert the figures "622" after the word "section," in line forty-five, section seven hundred, page one hundred and sixty; strike out the word "debt" in line three, section eight hundred and sixty-nine, page one hundred and eighty-eight, and insert in lieu thereof the word "depth."

Adopted.

By Mr. Brown:

WHEREAS, The Conference Committee having recommended that the twenty-fifth session of the Legislature do adjourn sine die Tuesday, March thirteenth, at twelve o'clock p. m., therefore, be it

*Resolved by the Assembly, the Senate concurring*, That this Legislature do adjourn sine die Tuesday, March thirteenth, at twelve o'clock p. m.

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

So ordered.

Mr. Flynn moved that the resolution be taken from the table.

The ayes and noes being demanded, the roll was called, and the motion carried by the following vote:

**AYES**—Messrs. Barry, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Clement, Culver, Farley, Faw, Field, Flynn, Hall, Harvey, Head, Healy, Heath, Keeler, Martin, McClaskey, McDonald, McHale, Nicol, O'Connor, Peterson, Reeves, Ryan, Smith, Stewart, Terry, Walrath, Weaver, Wharton, and Yell—35.

**NOES**—Messrs. Beard, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Fleming, Fortna, Granger, Hamilton, Hershey, Hunter, Johnston, Kerrick, Matthews, McKinley, Moffitt, Murdock, Parker, Plover, Rawle, Rhiel, Stephens, Storke, Sweetland, Townsend, Wheat, and Mr. Speaker—29.

Mr. Barry moved that the further consideration of the resolution be postponed till three o'clock P. M. this day.

So ordered.

**SPECIAL FILE—(THIRD READING).**

Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fortna, Granger, Hamilton, Harvey, Head, Healy, Hershey, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—57.

**NOES**—None

Title approved.

**SPECIAL ORDER.**

Special order for this hour, second reading of Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Mr. Terry moved that the bill be declared a case of urgency, read second time by title, read third time, and placed on its final passage.

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

**AYES**—Messrs. Atwell, Barry, Beard, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Flynn, Fortna, Hall, Hamilton, Harvey, Healy, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—57.

**NOES**—Messrs. Head, Martin, and Matthews—3.

**SECOND READING.**

Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Read second time, and ordered to third reading.

**THIRD READING.**

Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Hall, Hamilton, Harvey, Healy, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Smith, Stephens, Stewart, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—56.

NOES—Messrs. Head, Hershey, and Rhel—3.

Title approved.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Townsend, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan—and now report the same back, and recommend its passage.

On motion of Mr. Cutter, the report of the committee was concurred in.

Mr. Townsend moved to declare Senate Bill No. 212 a case of urgency, that it be read a third time, and placed on its final passage.

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

AYES—Messrs. Beard, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Flynn, Granger, Hall, Healy, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, and Mr. Speaker—48.

NOES—Messrs. Barry, Briceland, Faw, Field, Fortna, Head, McHale, Sweetland, Weaver, Wharton, and Wheat—11.

Mr. Townsend moved that Senate Bill No. 212 be considered engrossed, ordered to third reading, and made a special order for to-morrow, at ten o'clock A. M.

So ordered.

Mr. Irwin moved to refer Assembly Bill No. 278 to the Chairman of the Committee on Counties and County Boundaries, with instructions.

So ordered.

#### THIRD READING.

Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Beard, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Farley, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Healy, Hershey, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhuel, Stephens, Stewart, Terry, Townsend, Wheat, Yell, and Mr. Speaker—47.

NOES—Messrs. Head, Heath, McHale, and Weaver—4.

Title approved.

### THIRD READING.

Assembly Bill No. 411—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

Mr. Peterson moved that the consideration of Assembly Bill No. 411 be indefinitely postponed.

Lost.

### CALL OF THE HOUSE.

Mr. Hamilton moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Beard, Bibb, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

So ordered.

### THIRD READING.

Assembly Bill No. 411—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Beard, Bibb, Briceland, Brown, Campbell, Carter, Clark, Clement, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhuel, Ryan, Stephens, Stewart, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—55.

NOES—Messrs. Callaghan, Coombs, Fortna, Harvey, McDonald, and Peterson—6.

Title approved.

### REPORT OF COMMITTEE.

#### ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 278, with instructions—have had the same under consideration, and now report the same back amended as instructed.

HERSHEY, Chairman.

Mr. McClaskey gave notice that he would, to-morrow, move to reconsider the vote whereby the House passed Assembly Bill No. 411.

Mr. Cutter moved to suspend the rules, for the purpose of considering Assembly Bill No. 196.

The ayes and noes being demanded, the roll was called, and the motion was lost by the following vote:

**AYES**—Messrs. Bibb, Brown, Campbell, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hall, Hamilton, Healy, Johnston, Keeler, Kerrick, Levenson, McClaskey, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Rawle, Reeves, Rowland, Stephens, Stewart, Sweetland, Terry, Walrath, Wharton, and Mr. Speaker—38.

**NOES**—Messrs. Atwell, Barry, Briceland, Callaghan, Clark, Faw, Field, Fortna, Harvey, Head, Heath, Hershey, Hunter, Irwin, Martin, Matthews, McHale, Murdock, Parker, Peterson, Plover, Rhiel, Storke, Townsend, Weaver, Wheat, and Yell—27.

Mr. Moffitt moved to suspend the rules, for the purpose of considering Senate Bill No. 82.

So ordered.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Moffitt, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 82—An Act to pay the salary of the reporter of decisions of the Supreme Court for the period elapsing from January seventh to July first, eighteen hundred and eighty.

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

**GENTLEMEN** The Committee of the Whole have had under consideration Senate Bill No. 82—An Act to pay the salary of the reporter of decisions of the Supreme Court for the period elapsing from January seventh to July first, eighteen hundred and eighty—and now report the same back, and recommend its passage.

Report concurred in.

Mr. Atwell moved that the consideration of Senate Bill No. 82 be made a special order for to-morrow, at ten o'clock A. M.

So ordered.

Mr. Hamilton moved to suspend the rules, for the purpose of taking up the motion to reconsider the vote whereby the House passed Assembly Bill No. 411.

So ordered.

Mr. Murdock moved to reconsider the vote whereby the House passed Assembly Bill No. 411.

So ordered.

The question being then on the passage of the bill, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Beard, Bibb, Brown, Caminetti, Campbell, Carter, Clark, Clement, Crumpton, Culver, Doty, Farley, Faw, Fleming, Flynn, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, McHale, McKinley,

Murdock, Murphy, Nicol, O'Connor, Parker, Rawle, Reeves, Rhel, Stephens, Stewart, Storke, Terry, Townsend, Weaver, Wheat, and Yell—47.

NOES—Messrs. Briceland, Callaghan, Coombs, Cutter, Field, Fortna, Harvey, Healy, McClaskey, McDonald, Peterson, Plover, Ryan, Walrath, and Mr. Speaker—15.

Title approved.

RECESS.

At twelve o'clock and thirty minutes P. M. the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

SPECIAL ORDER.

Special order for this hour: Second reading of Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

The question being on the second reading of the bill, the ayes and noes being demanded, the roll was called, and the bill was ordered read by the following vote:

AYES—Messrs. Caminetti, Carter, Cary, Clement, Cutter, Doty, Farley, Fleming, Granger, Hamilton, Harvey, Healy, Heath, Johnston, Keeler, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Reeves, Stephens, Sweetland, Walrath, Wheat, and Yell—31.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Brown, Callaghan, Clark, Coombs, Crumpton, Faw, Field, Fortna, Gaussail, Hall, Head, Hershey, Hunter, McHale, Nicol, Parker, Peterson, Plover, Rhel, Smith, Storke, Terry, Weaver, Wheelan, and Mr. Speaker—30.

IN COMMITTEE OF THE WHOLE.

Mr. Cutter moved that the House resolve itself into Committee of the Whole, the Speaker in the chair, for the purpose of considering Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Brown, Caminetti, Carter, Cary, Clement, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hamilton, Harvey, Healy, Heath, Hollister, Johnston, Keeler, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Reeves, Ryan, Stephens, Sweetland, Walrath, Wheat, Yell, and Mr. Speaker—36.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Clark, Coombs, Crumpton, Faw, Field, Fortna, Gaussail, Hall, Head, Hershey, Hunter, McHale, Nicol, Parker, Peterson, Plover, Rhel, Smith, Stewart, Terry, Weaver, and Wheelan—29.

The bill was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof—and now report the same back, and recommend its passage.

Report concurred in.

Mr. Cutter moved that Senate Bill No. 372 be considered engrossed, ordered to third reading, and made a special order for to-morrow, at eleven o'clock A. M.

The ayes and noes being demanded, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Caminetti, Carter, Cary, Culver, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hamilton, Harvey, Healy, Hollister, Johnston, Keeler, Kerrick, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Reeves, Ryan, Stephens, Storke, Sweetland, Walrath, Wharton, Wheat, and Mr. Speaker—35.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Briceland, Brown, Clark, Clement, Coombs, Crumpton, Faw, Field, Fortna, Gaussail, Head, Heath, Hershey, Hunter, Martin, McHale, Nicol, Parker, Peterson, Plover, Rhel, Smith, Stewart, Terry, Townsend, and Weaver—30.

The bill was ordered to third reading.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that we have carefully examined Assembly Concurrent Resolution No. 57—Relative to instructing our Representatives in Congress to demand of the President the removal of certain employes at the Mare Island Navy Yard.

Also, Substitute for Assembly Bill No. 278—Entitled "An Act to define the boundary line between the Counties of Amador and El Dorado."

And find them to be correctly engrossed.

Respectfully submitted.

CALLAGHAN, Chairman.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 128—Entitled "An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein."

Also, Assembly Bill No. 327—Entitled "An Act to repeal an Act entitled an Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco," passed March 28, 1872, and passed by the State Legislature February 3, 1876.

And the same were, at one o'clock and fifty-five minutes P. M., March twelfth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 10, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following bills: Assembly Bill No. 334—"An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted to the State of California by Act of Congress of July second, eighteen hundred and sixty-two, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres."

And struck from the Senate file Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

The Conference Committee appointed to consider and report upon the sine die adjournment of the twenty-fifth session of the Legislature, report that they have conferred upon the matter, and recommend that the Legislature adjourn sine die on March thirteenth, at twelve o'clock midnight, provided that Assembly Bill No. 448 shall have been finally acted on.

Also, on this day, passed as amended, Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments.)

And respectfully ask the concurrence of the Assembly in said amendments.

A. T. VOGELSONG, Assistant Secretary.

Mr. Flynn moved that the special order be postponed till after the consideration of the Senate message.

So ordered.

CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 448—The Senate amendments thereto were read.

The question being on concurring in the Senate amendment to section twenty-six, adding a subdivision, to be known as subdivision thirty-six, the ayes and noes being demanded, the roll was called, and the amendment was concurred in by the following vote:

AYES—Messrs. Atwell, Barry, Brown, Callaghan, Cary, Clement, Cutter, Doty, Faw, Fleming, Flynn, Gaussail, Granger, Hamilton, Harvey, Head, Hershey, Hollister, Johnston, Kerrick, Levenson, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Ryan, Simon, Smith, Stephens, Storke, Terry, Weaver, and Wharton—41.

NOES—Messrs. Caminetti, Campbell, Carter, Clark, Crumpton, Culver, Farley, Field, Hall, Healy, Heath, Hunter, Irwin, Martin, Matthews, McClaskey, Rhel, Stewart, Townsend, Wheat, Yell, and Mr. Speaker—22.

The House refused to concur in the Senate amendment to the section relating to the salary of the Recorder of counties of the eighth class.

The House refused to concur in the Senate amendments to the section relating to the salaries of Sheriff, Treasurer, and Assessor of counties of the eighteenth class.

The House refused to concur in the Senate amendment to the section relating to the salary of Public Administrator of counties of the twenty-fourth class.

Mr. Flynn moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Beard, Bibb, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with.

Mr. Granger moved that the Sergeant-at-Arms be directed to arrest absentees, bring them before the bar of the House, and unless they give a satisfactory excuse, be fined one dollar.

The Sergeant-at-Arms presented at the bar of the House Messrs. Bibb and Hollister, who were ordered into custody until the fine be paid.

Mr. Heath moved that further proceedings under the call be dispensed with.

Lost.

On motion of Mr. Wharton, further proceedings under the call were dispensed with.

The question being on concurring in the Senate amendment to section one hundred and sixty-five, as follows: After the words "poll taxes," strike out the word "except," down to and including the words "any commission."

The ayes and noes being demanded, the roll was called, and the House refused to concur by the following vote:

**AYES**—Messrs. Atwell, Beard, Bibb, Brown, Campbell, Cary, Clement, Doty, Faw, Fleming, Flynn, Granger, Hamilton, Harvey, Head, Healy, Kerrick, Levenson, McDonald, McHale, Moffitt, Murphy, Nicol, O'Connor, Parker, Rawle, Ryan, Stewart, Weaver, and Mr. Speaker—30.

**NOES**—Messrs. Barry, Briceland, Caminetti, Carter, Clark, Coombs, Crumpton, Cutter, Farley, Field, Fortna, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Martin, Matthews, McClaskey, McKinley, Murdock, Peterson, Plover, Rhel, Stephens, Storke, Terry, Townsend, Walrath, Wharton, Wheat, and Yell—35.

Mr. Flynn moved to take a recess till seven o'clock and thirty minutes this evening.

Lost.

The House refused to concur in the Senate amendment to the section relating to the salary of District Attorney of counties of the sixth class.

Mr. Johnston moved that the House concur in all the amendments made by the Senate to Assembly Bill No. 448 except the following: The amendment made to the salary of Recorder in counties of the eighth class; the amendment made to the salary of Treasurer of counties of the nineteenth class; the amendments made to the salary of Sheriff, Treasurer, and Assessor in counties of the eighteenth class; the amendment to the salary of Treasurer of counties of the twenty-third class; the amendment to the salary of District Attorney of counties of the sixth class; the amendment, in striking out of section one hundred and sixty-five "except that the poll taxes collected from persons owning real property within the county, he must collect without deducting any commission." And as to these amendments, moved the House refuse to concur in them, and each of them, and asks the Senate to recede from said amendments, and from each of them.

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

**AYES**—Messrs. Atwell, Beard, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—65.

**NOES**—None.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed the following bills  
Senate Bill No. 117—An Act to amend the Constitution.

Ordered on file.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of "An Act to establish a Political Code," approved March 12, 1872.

Enrollment.

A. T. VOGELSANG, Assistant Secretary.

## REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled: Substitute for Assembly Bill No. 39—Entitled "An Act to amend section five hundred and five of an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to street railroad corporations"—and the same was, at three o'clock and twenty minutes P. M., March twelfth, eighteen hundred and eighty-three, presented to the Governor for his approval.

MURDOCK, for Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled: Assembly Bill No. 509—Entitled "An Act to provide for the organization, incorporation, and government of municipal corporations—and the same was, at four o'clock and thirty-five minutes P. M., March twelfth, eighteen hundred and eighty-three, presented to the Governor for his approval.

MURDOCK, Chairman.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 391—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

A. T. VOGELSANG, Assistant Secretary.

Ordered on file.

Mr. Irwin moved to take up Assembly Bill No. 278 for consideration.

So ordered.

## THIRD READING.

Assembly Bill No. 278—An Act to amend an Act entitled "An Act to define the boundary line between the Counties of Amador and El Dorado."

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhel, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—59.

NOES—Messrs. Faw and Flynn—2.

Title approved.

## ADJOURNMENT.

At six o'clock P. M., Mr. Rhel moved to adjourn.

Mr. Wharton moved as an amendment that the House take a recess till eight o'clock this evening.

Lost.

The question recurring on the motion to adjourn, it was so ordered.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
 Tuesday, March 13, 1883. }

The House met pursuant to adjournment.

Speaker Larue in the chair.

Roll called, and the following members answered to their names :

Messrs. Atwell, Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mudlock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Sinou, Stephens, Stewart, Starke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Weaver, further reading was dispensed with.

Journal of Wednesday approved.

## REPORTS OF COMMITTEES.

## ON CHINESE IMMIGRATION AND EMIGRATION.

MR. SPEAKER: Your committee would respectfully report that they have had under consideration Assembly Concurrent Resolution No. 56—In relation to the conditional pardon of Chinese criminals—and would recommend that it be adopted.

STEPHENS, Chairman.  
 McHALE.  
 BIBB.  
 BROWN.  
 McKINLEY.

Mr. Wharton moved the adoption of the resolution.

Mr. Cutter moved the previous question.

So ordered.

The question being on the adoption of the resolution, the ayes and noes were demanded.

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

A YES—Messrs. Atwell, Bowers, Brown, Campbell, Carter, Cary, Clement, Coleman, Crumpton, Culver, Doty, Farley, Faw, Field, Fortna, Granger, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Moffitt, Peterson, Plover, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Sweetland, Townsend, Walrath, Weaver, Wharton, Wheat, and Yell—46.

NOES—Messrs. Barry, Beard, Briceland, Callaghan, Caminetti, Clark, Coombs, Cutter, Fleming, Flynn, Irwin, Johnston, McDonald, Mudlock, Murphy, Nicol, O'Connor, Parker, Rawle, Starke, Terry, and Mr. Speaker—22.

## ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the following resolution.

*Resolved*, That the Controller of State is hereby authorized and directed to draw his warrant, to the amount of sixteen dollars, in favor of J. H. Williams, for services rendered as Gallery Porter prior to his discharge.

Have had the same under consideration, and now report the same back, and recommend that it be not adopted.

FIELD, Chairman.

Adopted.

ON HOSPITALS.

MR. SPEAKER: I herewith hand in Assembly Bills Nos. 366, 245, 404, and 474, with the request that they be returned to the author.

CRUMPTON, Chairman.

ON CORPORATIONS.

SACRAMENTO, March 13, 1883.

*To the Assembly of the State of California:*

Your Committee on Corporations has had under consideration Senate Bill No 156—An Act to amend section three hundred and forty-nine of an Act known as the Civil Code, relating to the collection of delinquent assessments levied by corporations— and report the same back and recommend it for passage.

BARRY, Chairman.

ON CLAIMS.

ASSSEMBLY CHAMBER. SACRAMENTO. March 12, 1883.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bills Nos. 294, 368, 452, 453, 454, 459, 490, and 500—have had the same under consideration, and now report the same back with the statement, that more time was required than has been at the command of the committee to obtain the requisite amount of proofs of the justice of these claims, or to arrive at a satisfactory conclusion in respect to each or all of the same; and therefore we report the same back without prejudice to the claimants, and ask that your committee be now discharged from their further consideration.

GRANGER, Chairman.

SPECIAL ORDER.

Special order for this hour: Senate Bill No. 132—An Act entitled "An Act to grant to Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Read third time, considered engrossed, and ordered to third reading.

Mr. Cutter moved that the bill be declared a case of urgency, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Granger, Healy, Heath, Hershey, Irwin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Reeves, Ryan, Stewart, Sweetland, Townsend, Walrath, and Wharton—41

NOES—Messrs. Campbell, Clark, Field, Harvey, Head, Hunter, Keeler, Kerrick, Martin, McHale, Nicol, Parker, Peterson, Plover, Rhiel, Stephens, Terry, Weaver, Wheat, and Mr. Speaker—19.

Mr. Flynn moved that Senate Bill No. 132 be referred to a committee of one, with instructions.

So ordered.

THIRD READING.

Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Coleman, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Granger, Harvey, Healy, Hollister, Hunter, Irwin, Johnston, Keeler, Levenson, Martin, Matthews, McClaskey, McDonald,

McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, and Mr. Speaker—51.

NOES—Messrs. Heath, Hershey, Peterson, and Wheat—4.

Mr. Levenson entered a protest against the action of the House in reference to the passing of several bills.

Mr. Moffitt moved that the protest be laid on the table.

So ordered.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years

A. T. VOGELSANG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 492—The Senate amendments thereto were read.

The roll was called, and the amendments concurred in by the following vote.

AYES—Messrs. Barry, Beard, Booth, Bowers, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Harvey, Healy, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Martin, Mathews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—56.

NOES—Mr. Levenson—1.

#### THIRD READING.

Senate Bill No. 82—An Act to pay the salary of the reporter of decisions of the Supreme Court for the period elapsing from January seventh to July first, eighteen hundred and eighty.

Read third time.

Mr. Moffitt moved a call of the House.

Lost.

The question being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Beard, Booth, Bowers, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Granger, Harvey, Healy, Hollister, Hunter, Johnston, Kerrick, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, and Wharton—49.

NOES—Messrs. Clark, Field, Fortna, Heath, Hershey, Levenson, Martin, Rhuel, Wheat, and Mr. Speaker—10.

Title approved.

Mr. Cutter moved that Senate Bill No. 391—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds—be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

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

AYES—Messrs. Beard, Bibb, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Granger,

Hall, Harvey, Healy, Hunter, Johnston, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, and Mr. Speaker—50.

NOES—Messrs. Barry, Carter, Clark, Fortna, Head, Heath, Hershey, Kerrick, Leverson, Weaver, and Wheat—11.

#### FIRST READING.

Senate Bill No. 391—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Read first time, and ordered to second reading.

Mr. Flynn moved that Senate Bill No. 391 be substituted on the file for Assembly Bill No. 529.

Mr. Cutter moved to reconsider the vote whereby the House refused to declare Senate Bill No. 391 a case of urgency.

So ordered.

Mr. Cutter moved that Senate Bill No. 391—An Act providing for the submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds—be declared a case of urgency, read second and third times, and placed on its final passage.

#### CALL OF THE HOUSE.

Mr. Bibb moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Granger, Hall, Harvey, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker.

Quorum present.

Mr. Kerrick moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being then on declaring Senate Bill No. 391 a case of urgency, the roll was called, and the motion carried by the following vote:

AYES—Messrs. Atwell, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Granger, Hall, Harvey, Healy, Hershey, Hunter, Irwin, Johnston, Keeler, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, and Mr. Speaker—54

NOES—Messrs. Barry, Carter, Clark, Culver, Fortna, Heath, Kerrick, Leverson, Storke, Weaver, Wharton, and Wheat—12.

#### SECOND READING.

Senate Bill No. 391—An Act providing for the submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Read second time.

Mr. Barry moved to amend section one, by striking out of line six the words "without the approval of any other Board, officer, or person," and substitute in lieu thereof the words "with the approval of the presiding officer thereof."

Adopted.

Mr. Flynn moved to amend by adding to section two the following: "Provided, that said bonds shall not be sold below par."

Adopted.

Mr. Flynn moved to amend section three, by inserting in line two, between the words "Supervisors" and "provide" the word "may" in lieu of the word "shall."

Adopted.

Bill ordered printed, engrossed, and to third reading.

Mr. Flynn moved that the further consideration of the bill be postponed till two o'clock P. M. this day.

So ordered.

#### SENATE MESSAGE.

SACRAMENTO, March 13, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adhered to all its amendments to Assembly Bill No. 448, except the amendment made to the salary of the Treasurer in counties of the nineteenth class (from which it recedes), and again respectfully asks the concurrence of the Assembly to said amendments.

A. T. VOGELSLANG, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Mr. Brown moved that the House recede from its action of yesterday, in refusing to concur in Senate amendments to Assembly Bill No. 448, except that made to the salary of Treasurer of counties of the nineteenth class.

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

AYES—Messrs. Atwell, Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Kerriek, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—66.

NOES—Messrs. Bibb, Carter, Hershey, Leverson, and Storke—5.

The question being on concurring in the Senate amendments to Assembly Bill No. 448, except that to the salary of Treasurer of counties of the nineteenth class, the roll was called, and the amendments were concurred in by the following vote:

AYES—Messrs. Atwell, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hollister, Hunter, Keeler, Kerriek, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—62.

NOES—Messrs. Barry, Caminetti, Carter, Hershey, Irwin, and Storke—6.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13, 1883. }

To the Assembly of the State of California

I have to inform your honorable body that I have approved Assembly Bill No. 39—An Act

to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Also, Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Also, Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations.

Also, Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled 'An Act to regulate the practice of pharmacy in the City and County of San Francisco,'" passed March 28, 1872, and passed by the State Legislature February 3, 1876.

GEORGE STONEMAN, Governor.

#### CONCURRENT RESOLUTION.

By Mr. Storke:

*Resolved by the Assembly, the Senate concurring,* That this Legislature adjourn sine die Tuesday, March thirteenth, eighteen hundred and eighty-three, at twelve o'clock midnight.

The ayes and noes being demanded, the roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Booth, Bowers, Briceland, Brown, Carter, Cary, Clark, Clement, Coleman, Crumpton, Culver, Doty, Farley, Faw, Field, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Iwim, Kennick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Whitton, Wheat, and Mr. Speaker—58.

**NOES**—Messrs. Bibb, Callaghan, Campbell, Combs, Cutter, Fleming, Flynn, Fortna, Granger, Hall, Healy, Johnston, Keeler, and Yell—14.

#### PROTEST.

**MR. SPEAKER:** I hereby solemnly protest against the action of this Assembly, in concurring with the Senate amendment to the County Government Bill, whereby the salaries of officers in the eighteenth class were increased, and respectfully request that this, my protest, be entered on the Journal

March 13, 1883.

D. N. HERSHEY.

#### RESOLUTION.

*Resolved,* That the following bills and resolutions be returned to the Clerk of the House by the committees to whom they were referred

Assembly Bill No. 199, referred to Committee on Agriculture.

Assembly Bill No. 406, referred to Committee on Apportionment.

Assembly Concurrent Resolution No. 9, referred to Committee on Chinese Immigration and Emigration.

Assembly Bill No. 163, referred to Committee on Commerce and Navigation.

Assembly Bill No. 443, referred to Committee on Commerce and Navigation.

Assembly Concurrent Resolution No. 18, referred to Committee on Constitutional Amendments.

Assembly Concurrent Resolution No. 44, referred to Committee on Constitutional Amendments.

Assembly Concurrent Resolution No. 45, referred to Committee on Constitutional Amendments.

Assembly Bill No. 330, referred to Committee on County and Township Governments.

Assembly Bill No. 491, referred to Committee on County and Township Governments.

Assembly Bill No. 416, referred to Committee on Corporations.

Assembly Concurrent Resolution No. 5, referred to Committee on Federal Relations.

Assembly Bill No. 413, referred to Committee on Mileage.

Assembly Bill No. 403, referred to Committee on Military.

Assembly Bill No. 432, referred to Committee on Military.

Assembly Bill No. 435, referred to Committee on Military.

Senate Bill No. 115, referred to Committee on Military.

Senate Bill No. 116, referred to Committee on Military.

Assembly Bill No. 489, referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 147, referred to Committee on Public Lands

Assembly Bills No. 197, 305, and 429, referred to Committee on Public Morals.

Assembly Joint Resolution No. 2, referred to special committee (Granger, Chairman).

Assembly Bill No. 422, referred to Committee on Water Rights and Drainage.

## BILLS WITHDRAWN.

Mr. Johnston moved that he be granted leave to withdraw from the files the following named bills introduced by him :

Assembly Bill No. 370—No. 245 on file.  
 Assembly Bill No. 126—No. 196 on file.  
 Assembly Bill No. 125—No. 195 on file.  
 Assembly Bill No. 124—No. 194 on file.  
 Assembly Bill No. 119—No. 193 on file.  
 Assembly Bill No. 118—No. 192 on file.  
 Assembly Bill No. 117—No. 191 on file.  
 Assembly Bill No. 116—No. 190 on file.  
 Assembly Bill No. 115—No. 189 on file.  
 Assembly Bill No. 114—No. 188 on file.  
 Assembly Bill No. 113—No. 187 on file.  
 Assembly Bill No. 112—No. 186 on file.  
 Assembly Bill No. 111—No. 185 on file.  
 Assembly Bill No. 123—No. 184 on file.  
 Assembly Bill No. 122—No. 183 on file.  
 Assembly Bill No. 121—No. 182 on file.  
 Assembly Bill No. 120—No. 181 on file.  
 Assembly Bill No. 396—No. 147 on file.  
 Assembly Bill No. 263—No. 120 on file

So ordered.

## REPORTS OF COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bills Nos. 163 and 443, now report the same back, without recommendation.

COLEMAN, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your special committee to whom was referred Senate Bill No. 132 for correction, respectfully report that the corrections directed have been made.

MURDOCK, Special Committee.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Campbell:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

WHEREAS, Sections two hundred and sixty-one and two hundred and sixty-nine of the Political Code specify the officers and their duties after the close of the session of the Legislature and the compensation therefor;

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Chief Clerk and Assistant Clerks of the Assembly of the twenty-fifth session for the sum of fifty dollars each, in compliance with aforesaid sections two hundred and sixty-one and two hundred and sixty-nine, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Hollister:

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 the Controller of State is authorized and hereby directed to draw his warrant on the State treasury for that amount, payable out of the Contingent Fund of the Assembly

Mr. Storke moved as an amendment that the sum be made twenty-five dollars.

Lost.

The question recurring on the original motion, it was adopted.

By Mr. Barry:

*Resolved*, That the Controller be directed to draw his warrant in favor of Thomas F. Barry for the sum of one hundred and eighty-nine dollars and ten cents, for expenses of Committee on Corporations in investigation, as per bill herewith rendered

SACRAMENTO, March 13, 1883.

Bennett James, Sheriff, etc.....	\$11 50
F. A. Rouleau, Searcher of Records.....	15 00
Searcher of Records, Tehama County.....	20 00
Searcher of Records, Napa County.....	10 00
Wilson, mileage from Tehama County.....	27 00
Tolley, mileage from Tehama County.....	27 00
Witness fees of Wilson.....	4 00
Witness fees of Tolley.....	4 00
Sheriff's fees, Tehama County.....	4 00
Frank Kelly, witness fees.....	25 00
F. V. Steinmann, mileage from San Francisco.....	16 80
F. V. Steinmann, witness fees.....	4 00
Thomas F. Barry, mileage to San Francisco.....	16 80
Subpœna service.....	1 50
Stamps.....	1 50
Expressage.....	1 00
Total.....	\$189 10

By Mr. Campbell:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of the Minute Clerk and assistant for twenty-four dollars each, for services to be performed at the close of the session—three days, at eight dollars per day.

Adopted.

By Mr. Murdock:

*Resolved*, That the Sergeant-at-Arms be instructed to deliver to Assemblyman Levenson one hundred and fifty copies of Assembly Bill No. 65.

Adopted.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

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

Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill (Assembly Bill No. 77), to provide a contingent fund for the office of the Controller.

Also, Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

A. T. VOGELSAANG, Assistant Secretary

#### REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bills Nos. 330 and 491, have had the same under consideration, and now report the same back without recommendation.

JOHNSTON, Chairman.

RECESS.

At twelve o'clock and thirty minutes, the Speaker declared a recess till two o'clock P. M. this day.

REASSEMBLED.

The House reassembled.  
Speaker Larue in the chair.  
Quorum present.

Mr. Flynn moved that Senate Bill No. 117—An Act to amend the Constitution (relative to the State Board of Education), be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

CALL OF THE HOUSE.

Mr. Flynn moved a call of the House.

So ordered.

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

Messrs. Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Flynn, Fortna, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hunter, Johnston, Keeler, Levenson, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Bibb moved that the Sergeant-at-Arms be directed to arrest absentees, and bring them before the bar of the House.

So ordered.

Mr. Crumpton moved that the absentees be reprimanded by the Speaker.

So ordered.

The Sergeant-at-Arms presented at the bar of the House, Messrs. Culver and Campbell, who were excused and released from the custody of the Sergeant-at-Arms by order of the House.

On motion of Mr. Fleming, further proceedings under the call of the House were dispensed with.

Senate Concurrent Resolution—An Act to amend the Constitution (relative to the State Board of Education)—read.

Mr. Crumpton moved to amend, by striking out of line four the word "shall," and insert the word "may."

Mr. Campbell moved as an amendment to the amendment, as follows: Strike out all after the word "state," in line four, printed bill, and insert, "The Legislature shall have power to cause."

Lost.

The question then recurring on the amendment, it was adopted.

Mr. Cutter moved to amend by inserting in line three, after the word "shall," the words "compile, or cause to be compiled, and."

Adopted.

Mr. Johnston moved to amend as follows: Strike out of line seven, commencing with the words "a price," down to and including the word "same," in line eight, and inserting in lieu thereof the words "the cost price of printing, publishing, and distributing the same."

Adopted.

The question being on the adoption of the resolution as amended, the roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Caminetti, Carter, Cary, Clark, Clement, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, McClaskey, McDonald, McHale,

McKinley, Moffitt, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Smith, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—62.

None—None.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER Your Committee on Engrossment beg leave to report that we have carefully examined:

Senate Bill No. 132—Entitled "An Act entitled 'An Act to grant to Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings.'"

Also, Senate Bill No. 391—Entitled "An Act providing for submitting to a vote of the qualified electors of a county or city and county a proposal to issue bonds."

And find them to be correctly engrossed.

Respectfully submitted.

CALLAGHAN, Chairman.

##### ON CONSTITUTIONAL AMENDMENTS.

MR. SPEAKER Your Committee on Constitutional Amendments have had under consideration Assembly Concurrent Resolution No. 18, No. 44, and No. 45, and beg leave to report the same back, with the statement that each of them contain important germs of reform tending to a radical change of our organic Act, which we would have liked to condense into political rules in legal terms familiar to our American usage, and to have laid them before the people of our State for their consideration and action; but we have not had the requisite time to do so, and at the same time to attend to the discharge of our legislative duties of pressing importance. We, therefore, now report the same back to the Assembly without special recommendation.

GRANGER, Chairman.

Mr. Crumpton moved to suspend the rules, for the purpose of considering bills on third reading file.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Bibb, Booth, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Hollister, Johnston, Keeler, Leveison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Rawle, Reeves, Smith, Stephens, Stewart, Sweetland, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—48.

NOES—Messrs. Barry, Beard, Briecland, Head, Heath, Hunter, Irwin, Martin, Parker, Peterson, Plover, Rhiel, Storke, and Townsend—14.

##### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 225—Entitled "An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872, relating to elections and registration of voters"

Also, Assembly Bill No. 230—Entitled "An Act to authorize the Boards of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture"

And the same were, at two o'clock and thirty-five minutes a. m., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day passed the following: Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses, with clerical error in engrossed copy corrected by clerk, per order of Senate.

A. T. VOGELSONG, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER · I am directed to inform your honorable body that the Senate, on this day, passed the following bills

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.  
Also, Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

Also, respectfully request the return of Assembly Concurrent Resolution No. 21, which was returned to the Assembly from the Senate under misapprehension.

A. T. VOGELSAAG, Assistant Secretary.

Mr. Flynn moved a call of the House.

So ordered.

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

Messrs. Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Flynn moved that further proceedings under the call of the House be dispensed with.

So ordered.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

The Senate amendments thereto were read.

The roll was called, and the Senate amendments concurred in by the following vote:

AYES—Messrs. Atwell, Beard, Bibb, Bowers, Campbell, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Head, Healy, Hunter, Irwin, Levenson, Martin, Matthews, McClaskey, McDonald, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Smith, Storke, Terry, Townsend, Wheat, Yell, and Mr. Speaker—45.

NOES—Messrs. Barry, Booth, Briceland, Brown, Caminetti, Carter, Culver, Farley, Hamilton, Harvey, Heath, Hershey, Hollister, Johnston, Keeler, McKinley, Reeves, Stephens, Stewart, Sweetland, Walrath, and Wharton—22.

Mr. Granger moved to reconsider the vote whereby the House passed Assembly Bill No. 129.

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

So ordered.

Mr. Yell moved to postpone the consideration of the Senate messages until after the disposition of the special order for this hour.

So ordered.

#### SPECIAL ORDER—(THIRD READING).

Special order for this hour:

Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor

Read third time.

Mr. Irwin moved to recommit the bill to the Committee on Ways and Means, with instructions.

Mr. Bibb moved the previous question.

The ayes and noes being demanded, the roll was called, and the motion was carried by the following vote:

**AYES**—Messrs. Bibb, Booth, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Harvey, Healy, Hollister, Keeler, Leverson, McDonald, McKinley, Moffitt, Murphy, O'Connor, Peterson, Rawle, Reeves, Smith, Stewart, Terry, Walrath, and Mr. Speaker—36.

**NOES**—Messrs. Barry, Beard, Briceland, Field, Fortna, Granger, Hall, Head, Heath, Hershey, Hunter, Irwin, Johnston, Martin, Matthews, McHale, Parker, Plover, Rhuel, Stephens, Storke, Townsend, Wheat, and Yell—24.

The question being then on the motion to recommit, the ayes and noes being demanded, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Briceland, Field, Fortna, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Martin, Matthews, McHale, Murdock, Parker, Rhuel, Storke, Townsend, Wheat, and Yell—22.

**NOES**—Messrs. Bibb, Booth, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hall, Harvey, Healy, Hollister, Johnston, Keeler, Leverson, McClaskey, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Smith, Stephens, Stewart, Terry, Walrath, Wharton, and Mr. Speaker—44.

Mr. Bibb moved a call of the House.

Lost.

Mr. Irwin moved to take a recess till seven o'clock and thirty minutes this evening.

Lost.

The question then being on the passage of Senate Bill No. 196, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hall, Hamilton, Harvey, Healy, Hollister, Johnston, Keeler, Leverson, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, O'Connor, Reeves, Smith, Stephens, Stewart, Sweetland, Walrath, Wharton, Yell, and Mr. Speaker—45.

**NOES**—Messrs. Atwell, Barry, Beard, Briceland, Clark, Coombs, Field, Fortna, Head, Heath, Hershey, Hunter, Irwin, Martin, Matthews, Parker, Peterson, Plover, Rhuel, Storke, Terry, Townsend, and Wheat—23.

Title approved.

Mr. Yell moved to reconsider the vote whereby the House passed Senate Bill No. 196.

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

The ayes and noes being demanded, the roll was called, and the motion carried by the following vote:

**AYES**—Messrs. Bibb, Booth, Bowers, Brown, Callaghan, Campbell, Carter, Cary, Clement, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Flynn, Granger, Hall, Hamilton, Harvey, Healy, Johnston, Keeler, Levison, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Rawle, Reeves, Smith, Stewart, Sweetland, and Walrath—37.

**NOES**—Messrs. Atwell, Barry, Beard, Briceland, Clark, Coombs, Field, Fleming, Fortna, Head, Heath, Hershey, Hunter, Irwin, Martin, Matthews, Murdock, Parker, Peterson, Plover, Rhuel, Storke, Townsend, Wheat, and Yell—24.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

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

Assembly Bill No 477—An Act to provide for the erection of a wall at the State Prison at Folsom. (Introduced on behalf of the committee.)

Also, Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Also, Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to re-fund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Also, denied passage to Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

A. T. VOGELSANG, Assistant Secretary.

## REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 374—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted to the State of California by Act of Congress of January second, eighteen hundred and sixty-two, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Also, Assembly Bill No. 492—An Act to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

And the same were, at three o'clock and forty-five minutes P. M., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

Mr. Rhiel, at four o'clock and ten minutes, moved to take a recess till seven o'clock and thirty minutes this evening.

The ayes and noes being demanded, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Briceland, Cary, Clement, Fleming, Hamilton, Head, Hershey, Hunter, Martin, McHale, Nicol, Parker, Peterson, Plover, Rhiel, Storke, and Terry—20.

NOES—Messrs. Bibb, Bowers, Brown, Carter, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Flynn, Fortna, Granger, Hall, Harvey, Healy, Heath, Irwin, Johnston, Keeler, Matthews, McClaskey, McDonald, McKinley, Murdock, Murphy, Rawle, Reeves, Ryan, Stephens, Stewart, Sweetland, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—38.

## THIRD READING—(RESUMED).

Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

Read third time.

Mr. Cutter moved the previous question.

So ordered.

The question being on the passage of the bill, the roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Brown, Camineth, Carter, Cary, Clement, Culver, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hall, Harvey, Heath, Hollister, Irwin, Johnston, Keeler, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Rawle, Reeves, Ryan, Stephens, Stewart, Sweetland, Wheat, and Yell—38.

NOES—Messrs. Atwell, Barry, Beard, Briceland, Clark, Coombs, Crumpton, Faw, Field, Fortna, Head, Hershey, Hunter, Martin, Nicol, Parker, Peterson, Plover, Rhiel, Smith, Storke, Terry, Townsend, and Mr. Speaker—24.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

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

Assembly Bill No. 440—An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in 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.

A. T. VOGELSSANG, Assistant Secretary.

Mr. Cutter moved to reconsider the vote whereby Senate Bill No. 372 was refused passage.

Mr. Beard moved to lay the motion to reconsider on the table.

#### CALL OF THE HOUSE.

Mr. Cutter moved a call of the House.

So ordered.

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

Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Harvey, Head, Healy, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Atwell moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question then recurring on the motion to lay the motion to reconsider on the table, the ayes and noes being demanded, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Clark, Field, Fortna, Head, Hershey, Hunter, Martin, McHale, Nicol, Parker, Peterson, Rhiel, Smith, Stephens, Terry, Townsend, and Mr. Speaker—20

NOES—Messrs. Bibb, Booth, Bowers, Brown, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Granger, Hall, Harvey, Healy, Heath, Hollister, Irwin, Johnston, Keeler, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murphy, O'Connor, Plover, Rawle, Reeves, Ryan, Stewart, Storke, Sweetland, Walrath, Wharton, Wheat, and Yell—45.

Mr. Peterson, at four o'clock and thirty-five minutes P. M., moved to take a recess till seven o'clock and thirty minutes this evening.

Lost.

The question being then on the motion to reconsider, Mr. Cutter moved the previous question.

So ordered.

The ayes and noes being demanded on the motion to reconsider, the roll was called, and the motion carried by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Brown, Caminetti, Carter, Cary, Clement, Coleman, Culver, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hall, Harvey, Healy, Hollister, Irwin, Johnston, Keeler, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Plover, Reeves, Ryan, Stephens, Stewart, Sweetland, Walrath, Wharton, Wheat, and Yell—41.

NOES—Messrs. Atwell, Barry, Beard, Clark, Field, Fortna, Head, Hershey, Hunter, Martin, McHale, Nicol, Parker, Peterson, Rhiel, Smith, Storke, Terry, Townsend, and Mr. Speaker—20.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 530—An Act to add a new section to the Political Code, to be known

as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the prevention of fraud in the same.

A. T. VOGELSSANG, Assistant Secretary.

The question being on the passage of Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof—the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Bibb, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Culver, Cutter, Doty, Farley, Fleming, Flynn, Granger, Hall, Harvey, Healy, Heath, Hollister, Irwin, Johnston, Keeler, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, O'Connor, Rawle, Reeves, Ryan, Stephens, Stewart, Sweetland, Walrath, Wharton, Wheat, and Yell—43.

**NOES**—Messrs. Atwell, Barry, Beard, Clark, Coombs, Crumpton, Field, Fortna, Head, Hershey, Hunter, Martin, McHale, Nicol, Parker, Peterson, Rhiel, Smith, Storke, Terry, Townsend, and Mr Speaker—22

Title approved.

#### SPECIAL ORDER.

Special order for this hour: The third reading of Senate Bill No. 132—An Act entitled "An Act to grant to Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Read third time.

Mr. Flynn moved that the bill be referred to a committee of one, with instructions to strike out the words "on or before the first day of August, eighteen hundred and eighty-three."

So ordered.

The bill was referred to Mr. Flynn.

Mr. Flynn, the special committee appointed to amend Senate Bill No. 132, reported the same back and recommended its passage as amended.

Report received.

The question being on the passage of the bill as amended, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Barry, Beard, Bibb, Bowers, Brown, Caminetti, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hunter, Johnston, Martin, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Rawle, Reeves, Rhiel, Ryan, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, and Wheat—48.

**NOES**—Messrs. Atwell, Harvey, Keeler, McHale, Parker, Peterson, Plover, and Mr. Speaker—8.

Mr. Flynn moved to amend the title, by inserting after the word "in" the words "counties, and adopted."

The title was approved as amended.

#### REPORTS OF COMMITTEES.

##### ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bills Nos. 193, 305, and 409, and also numerous petitions relating to Sunday laws, and liquor traffic, etc.—have had the same under consideration, and now report the same back without recommendation (the provisions of said bills being in the main provided for by other bills heretofore reported by your committee).

HAMILTON, Chairman.

## ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled

Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill, to provide a contingent fund for the office of the Controller.

Also, Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

And the same were, at five o'clock P. M., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval

SWEETLAND, Chairman.

## SPECIAL ORDER—(CONTINUED).

Third reading of Senate Bill No. 391—An Act providing for the submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Bibb, Booth, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Hall, Harvey, Healy, Hershey, Hunter, Irwin, Johnston, Keeler, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffit, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Stephens, Sweetland, Townsend, Yell, and Mr. Speaker—46

NOES—Messrs. Barry, Beard, Clark, Hamilton, Heath, Storke, Wharton, and Wheat—8.

Title approved.

## REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your Committee on Public Expenses and Accounts, to whom was referred Assembly Resolution No. —, relative to the contingent expenses of the Sergeant-at-Arms—have had the same under consideration, and now report the same back and recommend its passage.

CAMINETTI, Chairman.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California.

Also, Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

A. T. VOGELSANG, Assistant Secretary.

## RECESS.

At five o'clock and thirty minutes P. M., on motion of Mr. Bibb, the House took a recess till eight o'clock this evening.

## REASSEMBLED.

The House reassembled.

Speaker Larue in the chair.

Quorum present.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Mr. Campbell moved the bill be declared a case of urgency, read first and second times by title, read third time, and placed on its final passage.

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

**AYES**—Messrs. Barnes, Barry, Beard, Booth, Bowers, Briceland, Callaghan, Cammetti, Campbell, Carter, Cary, Clement, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kernick, Martin, Matthews, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walthath, Wharton, Wheat, and Yell—62.  
**NOES**—None.

#### FIRST READING.

Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Read first time, and ordered to second reading.

#### SECOND READING.

Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Read second time, and ordered to third reading.

#### THIRD READING.

Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Read third time, the roll called, and the bill passed by the following vote :

**AYES**—Messrs. Atwell, Barry, Beard, Booth, Bowers, Briceland, Callaghan, Cammetti, Campbell, Carter, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Healy, Heath, Hershey, Hollister, Johnston, Keeler, Kernick, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Stephens, Stewart, Sweetland, Terry, Townsend, Walthath, Wharton, Wheat, Yell, and Mr. Speaker—58.  
**NOES**—Messrs. Hunter, Martin, and Rhuel—3.

Title approved.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

**MR. SPEAKER** I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly amendments to Assembly Bills Nos. 391, 132, and 117.

Also, passed Assembly Concurrent Resolution No. 29—Relative to instructing our Senators and requesting our Representatives in Congress to have a law passed in the interest of the viticultural industry.

Also, Assembly Concurrent Resolution No. 43—Relative to the law now introduced in Congress for the relief of settlers on the Moquelumos grant in this State.

A T VOGELSANG, Assistant Secretary.

Mr. Yell moved that Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco"—be declared a case of urgency, read first time by title, read second time and con-

sidered in Committee of the Whole, read third time, and placed on its final passage.

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

**AYES**—Messrs. Atwell, Bary, Beard, Bibb, Booth, Bowers, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Hall, Hamilton, Healy, Hershey, Hollister, Hunter, Johnston, Keeler, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, Nicol, Peterson, Plover, Rawle, Reeves, Ryan, Sinou, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—55.

**NOES**—Messrs. Fleming, Granger, Heath, Kerrick, Parker, Rhel, and Terry—7.

#### FIRST READING.

Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

Speaker Larue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

**GENTLEMEN**—The Committee of the Whole have had under consideration Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco"—now report the same back, and recommend its passage.

Report concurred in.

#### THIRD READING.

Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

Read third time.

The roll was called, and the bill was passed by the following vote:

**AYES**—Messrs. Bary, Bibb, Bowers, Briceland, Brown, Callaghan, Camnetti, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Flynn, Fortna, Gaussail, Harvey, Healy, Heath, Hershey, Hollister, Johnston, Keeler, Kerrick, Martin, McClaskey, McDonald, McKinley, Moffitt, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—52.

**NOES**—Messrs. Beard, Field, Fleming, Hunter, and Rhel—5.

Title approved.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13, 1883. }

*To the Assembly of the State of California.*

I have to inform your honorable body that I have approved:

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of "An Act to establish a Political Code," approved March 12, 1872, relating to electing and registration of voters.

Also, Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Also, Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

Also, Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College Grant of one hundred and fifty thousand acres.

Also, Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill, to provide a contingent fund for the office of the Controller.

Also, Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

GEORGE STONEMAN, Governor.

Mr. Johnston moved that Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year, be declared a case of urgency, read first time by title, read second time, and considered in Committee of the Whole, read third time, and placed on its final passage.

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

**AYES**—Messrs. Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fortna, Gausaul, Granger, Hamilton, Harvey, Healy, Heath, HERSHEY, Hunter, Johnston, Keeler, Kerick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plovei, Reeves, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walath, Wharton, Wheat, Yell, and Mr. Speaker—58.

**NOES**—Messrs. Beard, Fleming, Head, Parker, and Rhel—5.

## FIRST READING.

Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year.

Read first time, and ordered to second reading.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year.

Speaker Larue in the chair.

## IN ASSEMBLY.

Speaker Larue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction for the thirty-third fiscal year—report the same back, and recommend its passage.

Report concurred in.

## THIRD READING.

Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage of the Superintendent of Public Instruction for the thirty-third fiscal year.

Read third time, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Bibb, Bowers, Bucland, Brown, Cammetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Harvey, Healy, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Muddock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walth, Wharton, Wheat, Yell, and Mr. Speaker—61.

NOES—None.

Title approved.

## REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER. Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 183—Entitled "An Act making an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years."

Also, Assembly Bill No. 462—Entitled "An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities."

Also, Assembly Bill No. 477—Entitled "An Act to provide for the erection of a wall at the State Prison at Folsom."

And the same were, at eight o'clock and thirty-five minutes P. M., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

Mr. Johnston moved to declare Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year—a case of urgency, that it be read first time by title, read second time, and placed on its final passage.

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

AYES—Messrs. Bibb, Bowers, Bucland, Brown, Callaghan, Cammetti, Campbell, Carter, Cary, Clark, Clement, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Granger, Hall, Harvey, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Martin, McClaskey, McDonald, McHale, McKinley, Muddock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—56.

NOES—Messrs. Head and Parker—2.

## FIRST READING.

Senate Bill No. 280—An Act making an appropriation for a defi-

ciency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Read first time, and ordered to second reading.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Cutter, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Speaker Larue in the chair.

IN ASSEMBLY.

Speaker Larue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year—report the same back and recommend its passage

Report concurred in.

THIRD READING.

Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Read third time, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Bibb, Booth, Bowers, Briceland, Brown, Cammett, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleining, Flynn, Fortna, Granger, Harvey, Healy, Heath, Hershey, Hunter, Keeler, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Ryan, Smith, Stephens, Stewart, Storke, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—53.

NOES—Messrs. Beard, Head, Parker, and Rhuel—4.

Title approved.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

A. T. VOGELSANG, Assistant Secretary.

Mr. Johnston moved to declare Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year—a case of urgency, that it be read first time by title, read and considered second time in Committee of the Whole, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Hall, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Matthews, McKinley, Moffitt, Mudock, Murphy, Peterson, Plover, Rawle, Reeves, Ryan, Simon, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—55.

NOES—Mr. Head—1.

#### FIRST READING.

Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of Superintendent of Public Instruction for the thirty-second fiscal year.

Read first time, and ordered to second reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Johnston, the House went into Committee of the Whole for the purpose of considering Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

Speaker Larue in the chair.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows :

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year—now report the same back and recommend its passage.

Report concurred in.

#### THIRD READING.

Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Atwell, Beard, Bibb, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Faw, Field, Fleming, Flynn, Granger, Hall, Hamilton, Harvey, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, O'Connor, Peterson, Plover, Reeves, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—54.

NOES—Messrs. Head, Parker, and Rhiel—3.

Title approved.

#### MESSAGE FROM THE SENATE.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 58, relative to the sine die adjournment of the twenty-fifth session of the Legislature of the State of California.

Also, passed Assembly Bill No. 212—An Act amendatory of and supplemental to 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 public lands," approved March 2, 1867, approved March 2, 1868.

A. T. VOGELSANG, Assistant Secretary.

Mr. Johnston moved to declare Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year—a case of urgency; that it be read the first time by title, read and considered second time in Committee of the Whole, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerriek, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Mudock, Murphy, O'Connor, Plover, Reeves, Ryan, Smith, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—60.

NOES—Messrs. Head, Parker, Peterson, Rawle, and Rhel—5.

#### FIRST READING.

Senate Bill No. 333—An Act making an appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Read first time, and ordered to second reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Townsend, the House went into Committee of the Whole for the purpose of considering Senate Bill No. 333—An Act making an appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Speaker Larue in the chair.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 333—An Act making an appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year—now report the same back, and recommend its passage.

Report concurred in.

#### THIRD READING.

Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Read third time, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Doty, Farley, Fleming, Flynn, Gaussail, Hall, Hamilton, Harvey, Healy, Heath, Irwin, Johnston, Keeler, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Peterson, Plover, Reeves, Ryan, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Wharton, Yell, and Mr. Speaker—50.

NOES—Messrs. Head, Heishey, Parker, and Rhel—4.

Title approved.

Mr. Johnston moved to declare Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year—a case of urgency, that it be read first time by title, read and considered second time in Committee of the Whole, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Flynn, Gaussail, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Keeler, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murphy, O'Connor, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Wharton, Wheat, Yell, and Mr. Speaker—58.

NOES—Messrs. Head, Hunter, Martin, and Parker—4.

#### FIRST READING.

Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Read first time, and ordered to second reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Townsend, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Speaker Larue in the chair.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year—now report the same back and recommend its passage.

Report concurred in.

#### THIRD READING.

Senate Bill No. 334—An Act making appropriation for a deficiency

in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Read third time.

The roll was called, and bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bowers, Bibb, Booth, Bowers, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutler, Doty, Farley, Faw, Fleming, Flynn, Gaussail, Granger, Hall, Harvey, Heath, Hershhey, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, O'Connor, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—54.

NOES—Messrs. Field, Head, Hollister, Hunter, Parker, and Storke—6.

Title approved.

#### REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled:

Assembly Bill No. 129—Entitled "An Act to divide the State of California into Congressional Districts."

Also, Assembly Bill No. 259—Entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,' approved March 12, A. D. 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors and fixing licenses."

Also, Assembly Bill No. 440—Entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings."

And the same were, at nine o'clock and fifteen minutes p. m., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 337—An Act to pay the claim of Hiram Clock.

A. T. VOGELSANG, Assistant Secretary.

Mr. Johnston moved to declare Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year—a case of urgency, that it be read first time by title, read and considered second time in Committee of the Whole, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Barry, Beard, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutler, Doty, Farley, Faw, Field, Fleming, Flynn, Gaussail, Grauger, Harvey, Healy, Heath, Hershhey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhuel, Ryan, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—62.

NOES—Messrs. Head, Hollister, Parker, and Wharton—4.

#### FIRST READING.

Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Read first time, and ordered to second reading.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Speaker Larue in the chair.

## IN ASSFMBLY.

Speaker Larue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year, now report the same back and recommend its passage.

Report concurred in.

## THIRD READING.

Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Read third time, the roll was called, and bill passed by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Brice land, Brown, Callaghan, Cammett, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Irwin, Johnston, Keeler, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Simon, Stephens, Stewart, Sweetland, Terry, Townsend, Wheat, Yell, and Mr. Speaker—64

NOES—Messrs. Field, Head, Storke, and Wharton—4.

Title approved.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13, 1883. }

To the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly Bill No. 183—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-third and thirty-fourth fiscal years.

Also, Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Also, Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom.

GEORGE STONEMAN, Governor.

Mr. Johnston moved to declare Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year—a case of urgency; that it be read the

first time by title, read and considered the second time in Committee of the Whole, read third time, and placed on its final passage.

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

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Harvey, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Peterson, Rawle, Reeves, Rhel, Ryan, Simon, Smith, Stephens, Stewart, Sweetland, Townsend, Walrath, Wheat, Yell, and Mr. Speaker—57.

**NOES**—Messrs. Field, Fortna, Head, Martin, Matthews, McHale, Parker, Plover, Storke, and Wharton—10.

#### FIRST READING.

Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year.

Read first time, and ordered to second reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year.

Speaker Larue in the chair.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

**GENTLEMEN:** The Committee of the Whole have had under consideration Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year—now report the same back and recommend its passage.

Report concurred in.

#### THIRD READING.

Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year.

Read third time, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barry, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Irwin, Johnston, Keeler, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, Reeves, Ryan, Simon, Stephens, Stewart, Yell, and Mr. Speaker—48.

**NOES**—Messrs. Field, Head, Martin, Matthews, McHale, Parker, Peterson, Rawle, Rhel, Storke, Wharton, and Wheat—12.

Title approved.

Mr. Farley moved to suspend the rules, for the purpose of considering Senate Concurrent Resolution No. 19.

So ordered.

Senate Concurrent Resolution No. 19—Relative to supplying the members of the late Constitutional Convention with copies of the debates of that body, which are now lying in the office of the Secretary of State.

Read and adopted.

Mr. Coleman moved that Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances—be declared a case of urgency, read first time by title, considered in Committee of the Whole, read third time, and placed on its final passage.

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

AYES—Messrs. Atwell, Beard, Bybb, Booth, Bowers, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Fleming, Gausssal, Granger, Hall, Hamilton, Harvey, Healy, Hershey, Hollister, Irwin, Keeler, Kerick, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Ryan, Smith, Stephens, Stewart, Sweetland, Terry, Walrath, Yell, and Mr. Speaker—54.

NOES—Messrs. Briceland, Field, Fortna, Head, Heath, Hunter, Leverson, Martin, Matthews, Peterson, Rhel, Storke, Wharton, and Wheat—14.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13, 1883. }

*To the Assembly of the State of California*

I have approved Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

Also, Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Also, Assembly Bill No. 440—An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated arising from the construction of school buildings.

GEORGE STONEMAN, Governor.

#### FIRST READING.

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read first time, and ordered to second reading.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Yell, the House went into Committee of the Whole, for the purpose of considering Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Speaker Larue in the chair.

#### IN ASSEMBLY.

Speaker Larue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances—now report the same back, and recommend its passage.

Report concurred in.

THIRD READING.

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read third time, the roll was called, and the bill passed by the following vote

AYES—Messrs Bibb, Booth, Bowers, Brown, Callaghan, Cammetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Grainger, Hall, Harvey, Hunter, Keelel, Keruek, McClaskey, McDonald, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Reeves, Ryan, Simon, Stephens, Stewart, Terry, Townsend, Walrath, Yell, and Mr. Speaker—50.

NOES—Messrs Atwell, Head, Heath, Hershey, Hollister, Irwin, Johnston, Martin, Matthews, Rhel, Stolke, Wharton, and Wheat—13

RESOLUTIONS—(OUT OF ORDER).

By Mr. Matthews:

*Resolved*, That the Postmistress of this Assembly, Miss M. Fannie Burnett, be allowed four days in which to close the affairs of her office, and that she be allowed the same per diem as she now receives therefor. The Controller is hereby authorized to draw his warrant in favor of the said Miss M. Fannie Burnett for the same, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Atwell:

*Resolved*, That the Sergeant-at-Arms be and is hereby allowed the sum of fifty dollars for closing the affairs of his office, after the adjournment of the Assembly, and the Controller be and is hereby instructed to draw his warrant on the State treasury for that amount, payable out of the Contingent Fund of the Assembly.

The ayes and noes being demanded on the question of the adoption of the resolution, the roll was called, and the resolution lost by the following vote:

AYES—Messrs. Atwell, Bibb, Booth, Bowers, Callaghan, Coombs, Cutter, Farley, Flynn, Gaussall, Grainger, Hall, Healy, Keelel, Matthews, McDonald, McKinley, Moffitt, Murphy, O'Connor, Parker, Rawle, Reeves, Ryan, Smith, Stewart, Sweetland, Walrath, and Wharton—29.

NOES—Messrs Barry, Beard, Brown, Cammetti, Campbell, Carter, Cary, Clement, Crumpton, Doty, Faw, Field, Fleming, Fortna, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Johnston, Martin, McHale, Murdock, Nicol, Peterson, Plover, Rhel, Stephens, Stolke, Townsend, Wheat, and Mr. Speaker—33.

REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled

Assembly Bill No. 56—Entitled "An Act to encourage the destruction of wild animals 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."

Also, Assembly Bill No. 530—Entitled "An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of prevention of frauds in the same "

Also, Assembly Bill No. 448—Entitled "An Act to establish a uniform system of county and township governments."

And the same were, at ten o'clock and twenty-five minutes p. m., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chanman.

## RESOLUTION.

By Mr. Ryan :

WHEREAS, It will be necessary for the Journal Clerk of this House, and his assistant, to remain here four days after the adjournment sine die, to close, compare, and properly rule the Journal, therefore, be it

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of George W. Peckham, Journal Clerk, and his assistant, for the sum of thirty-two dollars each, for the said four days' work, payable out of the Contingent Fund of the Assembly.

Mr. Hollister moved to amend by striking out the words "four" and "thirty-two," and inserting, instead, "two" and "sixteen."

Adopted.

The resolution, as amended, was then adopted.

## MESSAGE FROM THE SENATE.

The Senate, by a committee composed of Senators Johnson, Sullivan, and Baldwin, appeared and asked the House whether they had any further communication to make to the Senate.

Mr. Keeler moved that a committee of three be appointed to notify the Senate that the House had no further communications to make.

So ordered.

The Chair appointed on said committee Messrs. Keeler, Townsend, and Yell.

Mr. Campbell moved that a committee of three be appointed to wait on the Governor and ask if he had any further communication to make to the House.

So ordered.

The Chair appointed on said committee Messrs. Campbell, Heath, and Stephens.

## REPORT OF A COMMITTEE.

Mr. Keeler, of the committee appointed to wait on the Senate, reported that the Senate had no further communication to make to the House.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Sweetland :

*Resolved*, That George Woodburn be allowed four days' extra time for conveying the mail from the Post Office to the Capitol after the Legislature adjourns.

Adopted.

By Mr. Brown :

*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.

Adopted.

By Mr. Hershey :

*Resolved*, That it is the sentiment of this House that the Speaker thereof during this, the twenty-fifth session of the Legislature, by his uniform courtesy, firmness, and kindness, as well as by the justice of all decisions made by him, is entitled to the thanks of the Assembly, as well as the confidence and esteem of all its members.

Adopted.

## REPORT OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled

Assembly Bill No. 503—Entitled “An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to re-fund its indebtedness, to issue bonds therefor, and provide for the payment of the same”

And the same was, at eleven o'clock and thirteen minutes p. m., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### STATEMENT OF ENROSSING CLERK.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER I herewith submit to your honorable notice a statement of my account with the Secretary of State.

##### Recapitulation.

Amount charged to me as per book account in office of Secretary of State-----	\$170 92
Amount returned-----	109 26
Balance charged to my account-----	\$61 66

Of the amount, sixty-one dollars and sixty-six cents, which stands against my account, there is seven dollars and seventy-one cents which has never been received by me, which amount, if corrected, would leave the amount used by me in the office fifty-three dollars and ninety-five cents

Respectfully submitted.

CHARLES A. GIFFEN, Engrossing Clerk.

#### RESOLUTION.

By Mr. Atwell:

*Resolved*, That the Clerk as well as his assistants are entitled to the gratitude of this House for the fair, impartial, correct, and straightforward manner in which the duties of these offices have been performed. That a Chief Clerk to fill the place filled by Mr. Haley, as well as his deputies, could not be found in the world to excel them.

Adopted.

#### REPORTS OF COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Concurrent Resolution and Bills have been correctly enrolled.

Assembly Concurrent Resolution No. 29—“Relative to instructing our Senators and requesting our members in the Congress of the United States to urge the passage of laws for the promotion and protection of the viticultural industries of the State of California and other States of the Union”

Also, Assembly Bill No. 127—“An Act to prevent the introduction of contagious or infectious diseases into the State of California.”

Also, Assembly Bill No. 290—“An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents”

And the same were, at twelve o'clock p. m., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. SPEAKER Your Committee on Enrollment beg leave to report that the following Assembly Bills have been correctly enrolled.

Assembly Bill No. 337—Entitled “An Act to pay the claim of Hiram Clock.”

Also, Assembly Concurrent Resolution No. 43—Relative to the law now introduced in Congress for the relief of the settlers on the Moquelumos Grant in this State.

And the same were, at twelve o'clock p. m., March thirteenth, eighteen hundred and eighty-three, presented to the Governor for his approval.

SWEETLAND, Chairman.

Mr. Campbell moved that the Speaker and Chief Clerk be instructed to approve the minutes of to-day's session, and sign the Journal.

So ordered.

#### REPORT OF A COMMITTEE.

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 communication to make to this body.

#### VALEDICTORY.

**GENTLEMEN OF THE ASSEMBLY** Little more than two months ago we met in this hall, and took a solemn obligation to faithfully discharge the duties imposed upon us as Assemblymen. How well we have discharged that obligation our constituents now have the opportunity for judging.

We met as strangers, and very few of us possessed legislative experience. Sixty days seemed and was considered by many to be too brief a time in which to perfect and pass necessary laws—laws which were demanded by the people. When a member of the Constitutional Convention of eighteen hundred and seventy-nine, I thought it a wise provision, and I am now convinced that the time is ample. I am very certain that if our successors will be as industrious and will apply themselves as closely to business as we have, our State will not suffer for legislation.

We promised the people before election that we would enact such laws as we might deem best for the public welfare, and that we would repeal others which were dead letters upon our statutes.

Several laws of great general importance, which should have been passed at the last session of the Legislature, were left by our predecessors for our consideration, and have occupied much of our time.

Although we have remained a few days over the allotted time, still we have been in session but fifty-six working days. In that time we have enacted the general road law, the law for municipal corporations, the county government bill, the general appropriation, and provided for the apportionment of the State into Assembly, Senatorial, and Congressional Districts. All these are laws of a general and very important character. We have also, according to agreement, repealed the so called "Sunday law," and have enacted a large number of other laws that will be of general benefit to the community.

While it is probable that some necessary legislation will be left undone, I feel that we, especially in this House, may flatter ourselves that no laws, bearing even the appearance of bad legislation, have been passed by the Assembly.

Our appropriations for the support of the various institutions under State control and management have been large; but as our population increases so also must our expenses increase in the same ratio. Nevertheless, I have good authority for stating that they do not amount to as much as was appropriated at the last session of the Legislature by four hundred and twenty thousand dollars. All things considered, I am satisfied that our course will be approved by our constituents.

When this Assembly convened, on the eighth of January, I was chosen as your presiding officer. As I stated to you at that time, I accepted the position with much fear and reluctance, having had but little experience in legislation, and none as presiding officer. I was very doubtful of my ability to fill the position as it should be filled, with credit to myself and honor to the people. At that time I appealed to you for your forbearance and assistance while in the discharge of the many duties devolving upon myself as Speaker of this Assembly. To-day I can truthfully say that I am thankful to you, one and all, for your kind forbearance with me, and for your assistance in preserving order and in the dispatch of business. In my rulings I have endeavored, at all times, to be fair and just. I have tried to divest myself of all feelings, either of a partisan or of a selfish nature, and my whole aim has been to carry out the wishes and desires of the Assembly, to preserve order, and to dispatch business. During the excitement which has frequently arisen, when I have been called upon to decide questions of order, I have probably made mistakes, and some members, feeling that they were not properly treated, have felt offended. Of these members, if there be any, I crave pardon, and assure them that I have had no such intention. To every member of this House I entertain none other than the kindest feelings and the greatest respect.

To the Speaker pro tem, and to the clerks at the desk, I wish also to return my sincere thanks for the efficient manner in which they have discharged their duties, and for the assistance they have rendered me at all times. Likewise would I return thanks to the Sergeant-at-Arms, Watchmen, Porters, Pages, and other employes, who have, at all times, been ready and willing to assist me.

As the time fixed by concurrent resolution for adjournment is near at hand, there can but little more be said. Our labors are completed. We separate to-day and return to our homes, to our families, and to our constituents, and may we, one and all, receive that welcome plaudit: "Well done, thou good and faithful servant."

May peace, prosperity, and happiness attend you all, and in after life may we kindly remember one another.

Again thanking you, gentlemen, for the honor conferred upon me, and for the trust you have reposed in me, I now say "good-by," and declare this, the twenty-fifth session of the Assembly of the State of California, adjourned without day.

H. M. LARUE,  
Speaker.

M. C. HALEY, Chief Clerk.  
THOMAS CLEARY, Minute Clerk.