

THE
JOURNAL OF THE SENATE

DURING THE
EXTRA SESSION

OF THE
THIRTY-THIRD LEGISLATURE OF THE STATE OF CALIFORNIA,
1900.

BEGAN ON MONDAY, JANUARY TWENTY-NINTH, AND ENDED ON SATURDAY,
FEBRUARY TENTH, NINETEEN HUNDRED



SACRAMENTO·
A. J. JOHNSTON, : : SUPERINTENDENT STATE PRINTING,
1900.

INDEX TO DAILY JOURNALS OF THE SENATE.

	PAGES
MondayJanuary 29.....	5- 16
Tuesday " 30.....	16- 26
Wednesday..... " 31.....	27- 29
Thursday.....February 1.....	30- 35
Friday..... " 2.....	35- 39
Saturday..... " 3.....	40- 47
Monday..... " 5.....	47- 60
Tuesday..... " 6.....	61- 68
Wednesday..... " 7.....	69- 82
Thursday..... " 8.....	82- 88
Friday..... " 9.....	88-115
Saturday..... " 10.....	115-118

JOINT ASSEMBLY FOR ELECTION OF UNITED STATES SENATOR.

Wednesday.....February 7.....	74- 77
-------------------------------	--------

CALIFORNIA LEGISLATURE—SENATE.

THIRTY-THIRD (EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 29, 1900. }

The Senate met at one o'clock P. M., in pursuance to the proclamation of the Governor, Hon. Henry T. Gage, dated January 23, 1900, convening the Legislature of the State of California in extraordinary session.

Lieutenant-Governor Hon. Jacob H. Neff, President of the Senate, in the chair, by virtue of Section 238, Article II, of the Political Code.

Pursuant to Section 237, of Article II, of the Political Code, Frank J. Brandon, Secretary of Senate; E. F. Mitchell, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant-Governor Hon. Jacob H. Neff now called the Senate to order.

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

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutler, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

Quorum present.

PRAYER.

Prayer was offered by Rev. A. J. Sturtevant.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Hon. Frank J. Brandon, to read the proclamation of the Governor convening the extra session of the Legislature.

Whereupon, the Secretary read the following proclamation:

PROCLAMATION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 23, 1900. }

WHEREAS, An extraordinary occasion exists, requiring the convening of the Legislature of the State of California for the purposes hereinafter particularly set forth:

Now, therefore, I, Henry T. Gage, as Governor, by virtue of the power conferred upon me by Section 9, Article V of the Constitution of the State of California do hereby convene the said Legislature, to assemble in extraordinary session at the City of Sacramento, State aforesaid, at the State Capitol, on Monday, the twenty-ninth (29th) day of January, in the year of our Lord 1900, at one o'clock P. M. of said day.

The purposes for which I have by this proclamation convened, and for which I do hereby convene said Legislature to meet in said session, are specifically as follows:

FIRST.

To elect a United States Senator from this State, to fill the vacancy now existing, caused by the expiration of the term of office of the Honorable Stephen M. White.

SECOND.

To consider and enact a law, to take immediate effect, amending Section 2524 of the Political Code of the State of California, so that said section, when amended, shall be in words and figures substantially as follows.

SECTION 2524. The Commissioners shall have possession and control of that portion of the Bay of San Francisco, together with all the improvements, rights, privileges, easements, appurtenances connected therewith, or in any wise appertaining thereto, for the purpose in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, on valid leases, which parcels so held it is hereby made the duty of the Commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio Reservation intersects the water-line front, as established by the Board of State Tide Land Commissioners, thence easterly along said water-line front to the center of Webster Street; thence southerly along the center of Webster Street to the center of Lewis Street, thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the center of Tonquin Street; thence easterly along the center of Tonquin Street to the center of Larkin Street; thence southerly along the center of Larkin Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street, thence easterly along the center of Beach Street to the center of Dupont Street, thence southerly along the center of Dupont Street to the center of North Point Street; thence easterly along the center of North Point Street to the center of Kearny Street, thence southerly along the center of Kearny Street to the center of Francisco Street, thence easterly along the center of Francisco Street to the center of Montgomery Street; thence southerly along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street, thence southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the center of Battery Street, thence southerly along the center of Battery Street to the center of Greenwich Street; thence easterly along the center of Greenwich Street to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the center of East Street, thence southerly along the center of East Street to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Steuart Street, thence southerly along the center of Steuart Street to the center of Harrison Street; thence southerly on a direct line with said Steuart Street two hundred and fifty-three feet nine inches, to the center of a street the name of which is not on a map, thence at right angles westerly along the center of said street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the center of Brannan Street, thence westerly along the center of Brannan Street to the center of First Street, thence southerly along the center of First Street to the center of Townsend Street; thence westerly along the center of Townsend Street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King Street; thence westerly along the center of King Street to the center of Second Street; thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street, to the center of Third Street, thence southerly along the center of Third Street to the northerly line of Channel Street; thence westerly along the last mentioned line to the easterly line of Fifth Street; thence southerly along said last mentioned line to the southerly line of said Channel Street; thence easterly along said last mentioned line to the center of Kentucky Street; thence southerly along the center of Kentucky Street to the center of Fourth Street; thence along the center of Fourth Street to the center of Louisiana street; thence southerly along the center of Louisiana Street to the center of El Dorado street; thence westerly along the center of El Dorado Street to the center of Illinois street; thence southerly along the center of Illinois Street to the center of Solano street; thence easterly along the center of Solano Street to the water-front line established by the Board of State Tide Land Commissioners; thence southerly along said last mentioned line to the center of Tulare Street; thence westerly along the center of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street to the center of Islais Street; thence easterly along the center

of Islais Street to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of India Street; thence westerly, southerly, and easterly along the center of said India Street to the center of Waterfront Street, to the center of China Street; thence westerly along the center of China Street to the center of Third Avenue; thence southerly along the center of Third Avenue to the northerly line of the property of the California Dry Dock Company, thence easterly along said last mentioned line to the waterfront established by the Board of State Tide Land Commissioners; thence southerly along and around said Dry Dock Company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of Nineteenth Avenue; thence westerly along the center of Nineteenth Avenue to the center of Dock Street; thence southerly along the line of Dock Street to the center of Twenty-third Avenue; thence westerly along the center of Twenty-third Avenue to the center of H Street; thence southerly along the center of H Street to the center of Twenty-fourth Avenue; thence easterly along the center of Twenty-fourth Avenue to the center of Waterfront Street; thence southerly along the center of said Waterfront Street to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly, and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor embankment or seawall shall be constructed outside of the following named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio Reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States Survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such manner as to approach as near as practicable the extreme outer projections of the water-line front, as described in an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry Streets, thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as established by the Board of State Tide Land Commissioners, to the southerly boundary of said City and County of San Francisco; and said Commissioners, in addition to a general control over said premises, shall have authority to use, for loading and landing merchandise, with a right to collect dockage, wharfage, and tolls thereon, such portion of the streets of the City and County of San Francisco, ending or fronting upon the waters of said bay, as may be used for such purposes without obstructing the same as thoroughfares, and authority to rent an office in the City and County of San Francisco, between Montgomery, Market, and Pacific Streets and the city front; and purchase from time to time suitable books for the records of the Secretary and accounts of the Wharfingers, together with such stationery as may be required by the Board; and to fix and regulate, from time to time, the rates of dockage, wharfage, cramage, tolls, and rents; and collect such an amount of revenue therefrom as will enable the Commissioners to perform the duties required of them by authority of this article; and the Commissioners and Governor of California may so modify and establish such rates of dockage and wharfage as will produce a revenue not to exceed in amount the moneys collected in the year eighteen hundred and seventy-five, collecting as near as possible equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished and the toll collectors discharged. The Commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the Board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the City and County of San Francisco, by water. And for the purpose of repairing said wharves, piers, quays, and landings, the Commissioners are hereby authorized and empowered to purchase or construct pile-drivers, and the necessary machinery to be used therewith, and employ men for operating the same, nor shall any wharf be constructed upon such place or line as will cause any ship or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. The Commissioners are hereby authorized and empowered to purchase or construct works for preserving piles and timber, and the necessary machinery to be used therewith, and operate said works, and for that purpose to employ men and purchase chemicals, or such other materials as may be necessary for the preserving of piles and timber. The purchase of chemicals can be made without advertising for proposals therefor. When they determine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile-drivers, scows, steam tugs, or any necessary machinery or material obtained, the costs of which shall exceed three thousand dollars, they shall advertise for sealed proposals, for a period not less than ten days, in one or more of the daily newspapers in the City and County of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the Secretary of said Board; conditioned if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the

bond required within six days after the award is made, in that case the said sum mentioned in said check shall be paid into the State Treasury by said Secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco Harbor Improvement Fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where to be used, which specifications shall be kept in the office of the Secretary of the Board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the Commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the Commissioners, the bids are too high, they may reject them and advertise anew in like manner as before. If, in the opinion of the Commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent lower than the lowest rejected bid. The Board may construct such harbor embankments or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of water craft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the Board of State Harbor Commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the Board, in not less than fifteen fathoms of water. All classes of water craft that uses or makes fast to any wharf, pier, quay, landing or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay to the Commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the Commissioners, shall pay one-half the regular rates of dockage. Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and tolls shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares upon the premises described in this article; and the Commissioners, their agents or lessees, may hold possession of any such goods, wares, or merchandise so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien are deemed to have possession of such goods, wares, and merchandise so landed until such charge for wharfage and tolls are paid. The Commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the State which is intrusted to them by virtue of this article, and said Commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the City and County of San Francisco, all needful rules and regulations not inconsistent with the laws of the State or of the United States in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferry boats and other steamers navigating the waters of the Bay of San Francisco and the fresh water tributaries of said bay, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said Commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks, as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective wharfinger may, under the order of the Commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the Commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The Commissioners may, in their discretion, set apart and assign, for the exclusive use of the water craft used by the officers of the Federal Government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their convenience, and the Commissioners shall charge a reasonable compensation per month for the use of such landings and office and storehouse premises, set apart and assign a suitable and proper locality for the use of the Harbor Police of the City and County of San

Francisco, and also a suitable place for a boat house station, for the exclusive use of the quarantine and health officers of said city and county, without compensation, set apart and assign, for the exclusive use of steam ferryboats, suitable slips in which said structures may be erected as will secure the safe and convenient landing of passengers and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels, to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers and safe landing and delivery of freight, and set apart and assign, for the sole and exclusive use of the fishermen of the City and County of San Francisco, such place or places as the said Commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen: *provided*, the premises set apart by said Commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; and *provided*, said Commissioners shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The Commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any water craft to land any greater number than ten at any one time from any water craft at any other place. The Commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the waterfront northwesterly of the northerly end of Kearny Street and southerly of the easterly end of Solano Street, as the wants of commerce may require. The Commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the Commissioners' charge, except such use as shall be terminated as herein provided, and the said Commissioners may condemn, purchase, and pay a reasonable compensation for such structure as may have been erected upon the said premises, which structure, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares, or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article; nor shall any corporation, firm, association, company, or person collect dockage, wharfage, cranage, or toll within the boundaries of the premises described in this article, without first obtaining permission to do so from said Commissioners. Any use permitted of the property by the Commissioners may be terminated at any time by them, on thirty days' previous notice to the party or parties so using the same. Said Board shall not lease to, or permit any corporation or association, or any person or persons, to lay down any track or tracks for railways along any of the property described herein, or on any portion of the waterfront of San Francisco, under any condition whatever. Said Board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said waterfront as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said Board may determine; *provided*, that no special privileges shall be awarded thereon to any corporation, association, person, or persons, and *provided further*, that switches from said railroad track or tracks may, with the permission of said Board, and under the limitations and conditions of this Act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstruction in that portion of the Bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the Board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with by goods, wares, merchandise, or other substances, whether loose or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the Commissioners to notify, in writing (which service may be served by a Wharfinger, or the Secretary or Assistant Secretary of the Board), the owner, agent, or occupant, or person placing or keeping such obstructions thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified shall be liable to pay the Commissioners the sum of twenty-five dollars for each and every day during which such obstruction shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the Commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the Commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The rate of dockage, wharfage, and tolls shall not exceed those established by the Board of State Harbor Commissioners, July first, eighteen hundred and seventy-four, and dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip. Nothing in this section shall be construed as authorizing the Board of Harbor Commissioners to construct any railroad

along and upon any open canal extending inland from said waterfront. But said Harbor Commissioners may, when a waterfront railroad shall be constructed by them, construct the same across the outlet of such open canal.

THIRD.

To consider and enact a law, to take immediate effect, amending Section 2527 of the Political Code of the State of California, so that said section when amended shall be in words and figures substantially as follows:

SECTION 2527. No contract or obligation entered into by the Harbor Commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force unless signed by all three of the Commissioners, and countersigned by the Secretary of the Board; nor shall any contract, involving the payment of money, be made by the said Commissioners unless the amount then to the credit of the Harbor Improvement Fund, together with the revenue estimated to accrue up to the time of the maturity of such contract, over and above the current expenses of the Commission, be sufficient to meet the payments to become due thereon; *provided*, such estimate of revenue shall be limited, as to time, to five (5) years.

Where the work to be done is the construction of a new wharf, bulkhead or breakwater, and its appurtenances, the Board may lease said wharf, bulkhead or breakwater and its appurtenances for a period not to exceed five years, and for an amount not to exceed the cost of constructing said work, the rents therefrom to be applied, in whole or in part, in payment for the cost of such construction, and said Board may provide in the contracts for the same that the rents therefrom shall be so applied, or the work be paid for, in whole or in part, from such rents and revenues.

FOURTH.

To consider and enact a law in words and figures substantially as follows:

"An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

"The People of the State of California, represented in Senate and Assembly, do enact as follows:

"SECTION 1. The State Treasurer is hereby directed to transfer to the San Francisco Harbor Improvement Fund, from the San Francisco Depot Sinking Fund, the sum of thirty-six thousand dollars (\$36,000).

"SEC. 2. The State Treasurer, immediately after making the transfer provided for in this Act, shall notify the State Controller of the same, and the State Controller shall thereupon make a corresponding transfer upon the books of his office.

"SEC. 3. This Act shall take effect immediately."

FIFTH.

To consider and pass and reenact a law, to take immediate effect, creating a Commissioner of Public Works, defining his powers and duties, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict or inconsistent with such law.

SIXTH.

To consider and enact a law, to take immediate effect, amending an Act of the Legislature of the State of California entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purpose of this Act," approved March 17, 1897, by which the Auditing Board of Public Works and the Commissioner of Public Works shall be authorized and empowered to perform other, further, and additional work upon such of the navigable creeks, rivers, and sloughs of the State of California as the Legislature may deem proper, of a character and nature similar to that outlined and described in the report of the Commissioner of Public Works dated November 16, 1896, and accompanying reports and plans of engineers.

SEVENTH.

To consider and enact a law (to take immediate effect) repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

EIGHTH.

To consider and pass and reenact a law, repealing an Act of the Legislature of the State of California entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

NINTH.

To consider and enact a law, to take immediate effect, amending Section 3494 of the Political Code of the State of California, so that the same when amended shall be in words and figures substantially as follows:

"SECTION 3494. The unsold portions of the five hundred thousand acres granted to the State for school purposes, the sixteenth and thirty-sixth sections, and lands selected in lieu thereof, must, *unless increased in price as hereinafter provided*, be sold at the rate of one dollar and twenty-five cents (\$1.25) per acre in United States gold coin, payable twenty per cent of the principal within fifty days from the date of the certificate of location issued to the purchaser; the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any Act by the Legislature requiring such payment, or before, if desired by the purchaser."

TENTH.

To consider and enact a law adding a new section to the Political Code of the State of California, to be numbered Section 3494½, or otherwise (to take effect immediately), relating to the State school lands, which shall be in words and figures substantially as follows:

"SECTION 3494½. Whenever, in the opinion of the Governor, the public interest justifies, he may by proclamation from time to time suspend the sale of any part of the public lands of the State, which lands so suspended from sale shall thereafter only be sold when, by like proclamation, the Governor shall have authorized such sale, and shall have fixed a price thereon, to be not less than one dollar and twenty-five cents (\$1.25) per acre."

ELEVENTH.

To consider and enact a law repealing Section 19 of an Act of the Legislature of the State of California entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

TWELFTH.

To consider and enact laws amending an Act of the Legislature of the State of California entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897; and also amending an Act of said Legislature entitled "An Act to amend sections three, five, six, and eight of article two of an Act entitled 'An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties,'" approved March 31, 1897, empowering the Governor to summarily remove for cause all Medical Superintendents and Assistant Physicians, or any of them, of the several State Hospitals referred to in said Acts of the Legislature.

THIRTEENTH.

To consider and enact laws amending an Act of the Legislature of the State of California entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897. And also amending an Act of said Legislature entitled "An Act to amend sections three, five, six, and eight of article two of an Act entitled 'An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties,'" approved March 31, 1897, authorizing and empowering the State Commission in Lunacy to fix the salaries of all officers and employes, either appointed or elected, of the several State Hospitals referred to in said Acts of the Legislature.

FOURTEENTH.

To consider and enact a law, to take immediate effect, empowering the Governor of the State of California to summarily remove for cause all public officers appointed by or under the authority of the Governor, whether holding for definite terms or otherwise.

FIFTEENTH.

To consider and enact a law, to take immediate effect, empowering the Governor of the State of California to summarily suspend for cause, during a recess of the Legislature, for and during such interim until the next succeeding session of the Legislature, all appointees of the Governor whose appointments are subject to confirmation by the Senate of the State of California.

SIXTEENTH.

To allow the Governor to send names of appointees to public offices to the Senate of the State of California for confirmation.

In witness whereof, I have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed, at my office in the City of Sacramento, this 23d day of January, A. D. 1900.

[Great Seal of State.]

HENRY T. GAGE,
Governor of the State of California.

Attest: C. F. CURRY, Secretary of State.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That the Senate do now organize and proceed to elect the officers and employes of the Senate for this extra session.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39
NOES—None.

Also :

Resolved, That Hon. Thos. Flint, Jr., be and he is hereby elected President pro tem. of the Senate.

That F. J. Brandon be and he is hereby elected Secretary of the Senate

That E. F. Mitchell be and he is hereby elected Minute Clerk of the Senate.

And that J. Louis Martin be and he is hereby elected Sergeant-at-Arms of the Senate.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.
NOES—None.

RECESS.

At one o'clock and fifteen minutes P. M., on motion of Senator Cutter, the Senate was declared at recess until four o'clock and thirty minutes P. M. of this day.

RECONVENED.

At four o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant-Governor Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Carrier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—34.

Quorum present.

COMMUNICATIONS.

The following communications were presented by the Secretary and Sergeant-at-Arms of the Senate and were read and ordered printed in the Journal:

To the Senate of California:

Pursuant to Section 237 of the Political Code, I hereby appoint, as Assistant Secretaries of the Senate, Miss M. Phebe Jones and Fred L. Thomas, and ask your consent to the nominations.

Very respectfully,

Sacramento, January 29, 1900.

F. J. BRANDON,
Secretary of Senate.

To the Senate of California:

I hereby appoint as Assistant Sergeant-at-Arms of the Senate, for temporary organization, pursuant to Section 237 of the Political Code, Joseph G. McCall.

Very respectfully,

Sacramento, January 29, 1900.

J. L. MARTIN,
Sergeant-at-Arms Senate.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That the Standing Rules of the Senate at the thirty-third regular session be and the same are hereby adopted as the rules of the Senate at the special session, except that paragraph XXXV be amended to read:

“XXXV. The following standing committees shall be appointed by the President of the Senate:

- “1. Attachés, Contingent Expenses, and Mileage; three members.
- “2. Commerce, Harbors, and Rivers; nine members.
- “3. Enrolled and Engrossed Bills; three members.
- “4. Executive Communications and Nominations; three members.
- “5. Finance and Claims; thirteen members.
- “6. Hospitals, Health, and Quarantine; five members.
- “7. Judiciary, sixteen members.
- “8. Mines, Drainage, and Debris, five members.
- “9. Rules and Revision; three members.”

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Carrier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

NOES—None.

Also:

Resolved, That the following be and are hereby elected to the statutory offices of the Senate set opposite their respective names:

Assistant Secretaries	Miss M. P. Jones and F. L. Thomas.
Assistant Minute Clerks	D. G. Holt and Geo. F. Hatton.
Assistant at Desk	F. G. Michaels.
Assistant Sergeant-at-Arms	W. I. Burns and J. G. McCall.
Bookkeeper to Sergeant-at-Arms	C. E. Williams.
Journal Clerk	W. F. Nixon.
Assistant Journal Clerk	H. A. Masac.

Chaplain	Rev. A. J. Sturtevant.
Engrossing and Enrolling Clerk	C. R. Mayhew.
Assistant Engrossing and Enrolling Clerk	J. C. Tittle.
Postmistress	Miss L. M. Luchsinger.
Assistant Postmistress	Miss M. P. Hughes.
Bill Clerk	D. J. Mullins.
Mail Carrier	Will Ent.
Clerk to Committee on Finance	A. C. Unsworth.
Clerk to Committee on Judiciary	E. B. Carr.
Clerk to Committee on Commerce, etc.	B. F. Gray.
Clerk to Committee on Hospitals, etc.	Fred McPherson.
Clerk to Committee on Mining, etc.	H. H. J. St. Leger.
Clerk Cloak Room	Sam Wacholder.
Clerk to Committee on Mileage	H. W. Crocker.
Stenographers	Miss
Hilda Clough, Miss May Driscoll, Mrs. E. J. Niles, and George Furry.	
Gatekeepers	S. Guern, Stanley Wilson, and W. H. Dickinson.
Watchmen	J. O. Leary, F. F. Kingsbury, and W. M. John.
Gallery Doorkeeper	A. L. Tilton.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—36.
NOES—None.

Also:

Resolved, That all the statutory positions not enumerated in resolution appointing officers and attachés of Senate be and the same are hereby declared vacant.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—34.
NOES—None.

By Senator Wolfe:

Resolved, That a committee of three Senators be appointed by the President of the Senate to meet with a like committee of the Assembly, to wait upon the Governor and inform him that the Senate is organized and is ready for business.

Resolution read and adopted.

COMMITTEE APPOINTED.

In compliance with the above resolution, the President of the Senate appointed Senators Wolfe, Bulla, and Ashe as such committee.

By Senator Davis:

RESOLUTION.

Resolved, That the Secretary of Senate be and he is hereby instructed to notify the Assembly that the Senate is organized by the election of the following officers.

President pro tem.....	Hon. Thomas Flint, Jr.
Secretary.....	Frank J. Brandon.
Minute Clerk.....	E. F. Mitchell.
Sergeant-at-Arms.....	J. Louis Martin.

And is now ready for legislative business.

Resolution read and adopted.

COMMUNICATION.

The following communication was presented by the Secretary of the Senate and was read and ordered printed in the Journal:

To the Honorable the Senate of the State of California:

The following named persons were, pursuant to Section 237 of the Political Code, this day appointed by me to act as employes of the Senate for temporary organization:

Postmistress	Miss Mamie Luchsinger.
Gatekeepers	Jack Terrill, A. Noble, I. C. Carter.
Pages	J. B. Harris, Reed Baxter, N. Trout.
Mail Carrier	A. M. Dillon.

F. J. BRANDON, Secretary of the Senate.

Sacramento, January 29, 1900.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Dickinson, a recess was declared until the committee which had been appointed to inform the Governor of the organization of the Senate should have returned.

RECONVENED.

At four o'clock and fifty minutes P. M., the Senate reconvened.
Lieutenant-Governor Hon. Jacob H. Neff in the chair.

REPORT OF COMMITTEE.

MR. PRESIDENT: Your special committee of three, appointed to confer with the Governor, respectfully beg leave to report that they have conferred with the Governor, who desires that the Senate and Assembly meet in joint convention to hear a personal reading of his message.

WOLFE, Chairman.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That the Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session pursuant to the proclamation of his Excellency the Governor, dated January 23, 1900, and is ready for the transaction of legislative business with the following officers:

Speaker	Hon. Alden Anderson.
Speaker pro tem	Hon. F. E. Dunlap.
Clerk	C. W. Kyle.
Sergeant-at-Arms	W. O. Banks.
Assistant Clerks	H. S. Wanzer, Frank H. Owen, J. L. Scotchler, H. T. Smith.
Minute Clerk	R. Q. Wickham.
Assistant Minute Clerks	Clarke Howard and A. P. Johnston.
Assistant Sergeant-at-Arms	W. H. Dahle.
Journal Clerk	L. Davis.
Assistant Journal Clerk	Frank J. Murphy.
Bookkeeper to Sergeant-at-Arms	Robert Corlett.
Enrolling and Engrossing Clerk	C. O. Wellock.
Postmistress	Miss Reba Blood.
Assistant Postmistress	Miss Lizzie Baxter.
Mail Carrier	John Hillard.

And awaits its pleasure in legislative business.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

WHEREAS, The Governor has indicated his desire to deliver his message in the presence of the two houses;

Resolved, That the Clerk be instructed to send a message to the Senate requesting the Senate to meet with the Assembly in joint session immediately for the purpose of receiving the Governor's message.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

RESOLUTION.

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That the resolution of the Assembly, requesting the Senate to meet with the House for the purpose of listening to the message of the Governor, be placed on file, and the Secretary be directed to notify the Assembly of the acceptance by the Senate of said request.

Resolution read and adopted.

RECESS.

In pursuance to the foregoing resolution, at five o'clock P. M. the Senate was declared at recess.

RECONVENED.

At six o'clock and fifteen minutes P. M., the Senate reconvened.
Lieutenant-Governor Hon. Jacob H. Neff in the chair.

ADJOURNMENT.

At six o'clock and twenty minutes P. M., on motion of Senator Dickinson, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, January 30, 1900.

IN SENATE.

SENATE CHAMBER,)
Tuesday, January 30, 1900.)

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Boyce, Braunnhart, Bulla, Burnett, Chapman, Carrier, Currin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF JOURNAL.

The Journal of Monday, January 29, 1900, was read.

APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate Standing Committees, as follows:

Attachés, Contingent Expenses, and Mileage—Senators Flint (Chairman), Bulla, and Prisk

Commerce, Harbors, and Rivers—Senators Shorridge (Chairman), Leavitt, Gillette, Nutt, Bulla, Bettman, Sims, Braunhart, and Doty.

Enrolled and Engrossed Bills—Senators Jones (Chairman), Hoey, and Feeney.

Executive Communications and Nominations—Senators Burnett (Chairman), Morehouse, and Boyce.

Finance and Claims—Senators Dickinson (Chairman), Smith, Bulla, Wolfe, Luchsingel, Rowell, Flint, Goad, Prisk, Langford, La Rue, Leavitt, and Sims.

Hospitals, Health, and Quarantine—Senators Rowell (Chairman), Maggard, Nutt, Pace, and Ashe.

Judiciary—Senators Gillette (Chairman), Davis, Stratton, Morehouse, Bulla, Dickinson, Wolfe, Nutt, Cutter, Boyce, Taylor, Sims, Ashe, Smith, Curtin, and Simpson.

Mines, Drainage, and Debris—Senators Davis (Chairman), Cutter, Laird, Chapman, and Prisk.

Rules and Revision—Senators Bettman (Chairman), Trout, and Hall.

APPOINTMENTS.

The President of the Senate announced the following appointments:

SENATE CHAMBER, SACRAMENTO, January 30, 1900

I hereby appoint the following Pages to serve during the session: Frank Springer, J. M. Gilman, Reed Baxter, Esmond Smith, Donn J. Shields, Burchell Upson.

J. H. NEFF,
President of the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1900.

I hereby appoint the following named persons, Porters of the Senate, to be assigned by the Sergeant-at-Arms: J. P. Fraser, Henry Clay, A. Noble, J. C. Carter, Thos. Rodgers, William Cowan, G. W. Newbert.

J. H. NEFF,
President of the Senate

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was offered:

By Senator Cutter:

*

SENATE CONCURRENT RESOLUTION NO. 1.

Resolved by the Senate, the Assembly concurring, That the two houses adjourn *sine die* at two P. M. on Saturday, February 10, 1900.

Resolution read.

Senator Davis moved that the resolution be referred to Committee on Rules and Revision.

SPECIAL ORDER SET.

During the discussion of the above concurrent resolution, on motion of Senator Bulla, the further consideration of the resolution was made a special order for ten o'clock A. M. of Wednesday, January 31, 1900.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Wolfe, the following message from the Governor was taken up and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,)
SACRAMENTO, January 30, 1900.)

To the Senate of the State of California

I have the honor to transmit to your honorable body a copy of my message covering the points specified in the proclamation convening the Legislature in extraordinary session, which message was by me delivered to the Legislature in joint session in the Assembly Chamber, January 29, A. D. 1900.

HENRY T. GAGE,
Governor of the State of California.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,)
SACRAMENTO, January 29, 1900.)

Gentlemen of the Senate and Assembly of the State of California:

In re-convening your honorable body in extraordinary session for the purposes expressed in my proclamation, it becomes my duty to state more fully the views which I entertain regarding the business to be transacted and the necessity for this extra session.

After careful consideration for many months of the question whether, among other things, the expense to the people which may accrue from this session should outweigh the exigency of convoking the Legislature, I have fully determined that the question of immediate disbursement should be subordinated to public duty and public necessity, and that this necessity, above all other matters, demands the election of a United States Senator, so that California shall stand equal in representation with her sister States in the Senate of the United States.

The duty which devolves upon you of electing a United States Senator is paramount, and, to afford you an opportunity to perform this high prerogative, would alone—were there no other important questions to be disposed of by the Legislature—require this extraordinary session.

If the representatives of each State in the Union were to refuse to perform their constitutional obligations of electing a United States Senator, the foundation of the Federal Government by and for the people would crumble, and the American Republic would become a melancholy phantasy.

The sisterhood of States represented in Congress is the constitutional essence of our Nation; and full representation is not alone a right belonging to each State, but also one of the greatest rights of the Republic, and for many months last past patriotic and urgent appeals have come to me from many of the most eminent statesmen and jurists in America imploring California to perform, in this regard, her whole duty to the Union. Our country's seal bears the motto Unity from Multiplicity, and the stars and stripes, joined in one flag, signify supremacy and singleness of purpose through a union of the States.

The Constitution and laws of the United States must be obeyed, as well as the Constitution and laws of each State.

The Federal Constitution and laws require that all States shall supply Representatives to Congress, to legislate for the whole people, as well as for the people of the separate States; and the persistent refusal of a State to perform this duty required by the Federal Constitution and laws is treason against the Union.

In taking my oath of office, I solemnly pledged myself to support the Constitution and laws of the United States, and I firmly believe that I would be recreant to that sacred oath did I fail now to convoke this Legislature for the purpose of electing a United States Senator.

The practical results of the recent war with Spain must be measured by Congressional legislation.

The Pacific Coast is vitally interested in the maintenance of our new possessions. Commercial expansion westward needs Federal assistance. The proper government of the Philippines is a necessary increment to Western commerce. Trade is based on order, and there can be no order without law.

California should have her full corps of legislators in Congress to assist in the passage of laws favorable to our trade with the newly acquired territory. No State can be equal if not equally represented. California, therefore, demands her equal right of representation by the election at your hands of a United States Senator.

Upon the 13th of March, 1899, I addressed a message to you, in which, while calling your attention to this solemn duty, among other things, I used the following language, which is at this time equally true and much more significant:

"In view of the great territorial expansion westward in the Pacific Ocean, the commercial interests of this State are too vast and its political position too important to be now impaired by your failure to choose a National Representative. The power to select a United States Senator is vested in you by the Constitution, by the law, and by

the people; and the people require at your hands the exercise of that high prerogative."

Through unhappy and hidden causes, you failed to heed my appeal on that occasion; and subsequent events have justified the fears which I then entertained, that the grand National Administration, under the guidance of our great President, might meet with some opposition from those who ought to be first to maintain our country's grandeur.

Already, with the fruits of a victorious war within our control, discordant voices are raised to obstruct our country's expansion.

The enemies of progress seek to sow the seeds of distrust. The retrogressive few struggle to oppose the Nation's majestic strides eastward and westward. Discarding the laws of civilization and national evolution, these obstructionists would once more reduce (if they could) this magnificent empire to its original thirteen States.

America, proud of her prestige among nations, must go forward, not backward. The doctrine of the rights of man must be taught on the isles of the Orient. The flag which symbolizes these rights likewise symbolizes freedom; and no people above whom it floats can bear the shackles of the slave.

Our country has a moral as well as a material duty to perform respecting our newly acquired islands. It must unselfishly show to the people of the Philippines, of Guam, and of the other isles of the Pacific the virtue of American law and American liberty. Our Republic must be an exemplar through social and commercial contact. Our messengers of peace and civilization must educate the inhabitants of our new possessions in the industrial and mechanical arts, and in the best methods of agricultural development. The iron of war must be transformed into implements of husbandry. Racial hates must yield to American philanthropy, and crude and savage customs to American morality.

To achieve all this, we should have wise laws and prudent counselors; and California—the westernmost State of the Union, and the commercial gate for America's Oriental trade—is deeply concerned in this great and necessary work.

I am, therefore, conscientiously convinced that an essential step in this direction is the election of a United States Senator.

Being conscious of the rectitude of our purposes, no lurking assassin of character nor cowardly libeler need hope, for a single instant, to intimidate or sway us from the faithful discharge of our duty to our country and our State because of the dastardly menace of painted blackmail.

Unbiased by special predilections, undeterred by the ruthless and unfounded criticism of a few morning newspaper political bosses of pretended influence, ever ready and willing to sacrifice the welfare of their party, State, and Nation to the gratification of their own hates and ambitions, and to defy every honorable principle and deed opposed to their various schemes and personal aspirations, here you may meet in calm council to select some gentleman for the United States Senate unquestionably worthy of the high honor, whose ability and integrity can not justly be assailed, who is inspired with the splendid and progressive views of the President, and who, when elected, will unswervingly assist the National Administration in its magnificent governmental plan of extending American civilization and commerce to the new territory, where the American soldier and sailor have planted and maintained our country's flag.

HARBOR IMPROVEMENT.

In the second, third, and fourth grounds of the proclamation I have called your attention to needed legislation for the improvement of the harbor of San Francisco, wherein it is suggested that you pass amendments to Sections 2524 and 2527 of the Political Code, and also that you enact a law for the transfer to the San Francisco Harbor Improvement Fund of the money now lying unused in the San Francisco Depot Sinking Fund.

The growing commercial necessities of the State require greater harbor facilities for the State's principal port at San Francisco, in order to meet the trade which has so greatly increased during the past year, and which is still further increasing.

The length of wharves now limited by said sections of the Political Code is inadequate to accommodate the shipping of the coast. By reason of this lack of wharfage space, the shipment of the large grain yields and other products of our State causes great expense to our merchants, and especially imposes extraordinary burdens upon the farmers throughout the State, by hampering their sales on account of delay in shipment arising from this condition.

The immediate demand for appropriate legislation in this direction may be better understood from the following petition received by me last December, and signed by the members and officers of the State Board of Harbor Commissioners, who are worthy and competent officers, and have at heart the interest of the State and the harbor of San Francisco, and are administering their office with skill and economy. Inasmuch as my distinguished and very able predecessor in office, Hon. James H. Budd, is the attorney for this Board, and the majority of the Board is Democratic, it is manifest that I should not be accused of Republican partisanship in this call for an extra session, since these gentlemen differing from me in politics join in their request for immediate legislation in behalf of the harbor to the many other urgent appeals of people who are best acquainted with and deeply interested in the commercial necessities of the port of San Francisco. The petition is as follows:

“BOARD OF STATE HARBOR COMMISSIONERS,
“OFFICE UNION DEPOT AND FERRY HOUSE,
“SAN FRANCISCO, CAL., December 13, 1899.” }

“HON. HENRY T. GAGE, *Governor of California, Sacramento, Cal.*”

“DEAR SIR: The commercial community seem to be a unit on the proposition that the traffic by water to and from this port will, within the next two years, show an unprecedented increase. Already there is every indication that this expected large volume of commerce is gradually finding its way to San Francisco.

“For the past ten months, while our harbor facilities have been sufficiently ample to accommodate the shipping, it nevertheless required all the wharfage room at the disposal of this Commission to meet the requirements of the increased trade of the port during that period.

“It is a fact that there has been a scarcity of tonnage this season to move for export our grain crop. This fact is verified by the crowded condition at the present time of the large grain warehouses at tide-water at Port Costa, and the similarly crowded condition of the interior warehouses throughout the State. Vessels engaged in our export grain trade arrive at this port first with an inward cargo. Had the number of vessels arrived here during the last four months that the volume of our grain for export justified, it must be admitted that our harbor facilities would have been inadequate to meet the demands of the trade.

“In anticipation of a much larger volume of shipping to and from this port, the Board of State Harbor Commissioners have been earnest in their efforts to provide increased wharf accommodations, so that all vessels, foreign and domestic, entering our harbor shall be given prompt and convenient facilities to discharge their inward and load their outward cargoes with as quick dispatch as can be afforded elsewhere.

“Should the business of the port, however, increase to such an extent as is now generally conceded that it will, legislation will be necessary to enable this Commission to accommodate the modern-built vessels with wharf facilities.

“The present outline of the San Francisco waterfront was arranged years ago, when the greatest length of vessels entering the port was from 200 to 300 feet. At the time when these conditions existed, the Legislature by law (which is still in effect) prohibited the Harbor Commissioners from extending wharves out more than 600 feet from the bulkhead line, inasmuch as with the vessels then in service, four of them—two on each side—could be moored alongside of a wharf 500 or 600 feet in length. Vessels now afloat and being built in the shipyards of the world vary from 400 to 700 feet in length. Such vessels have been coming to this port, and their number will henceforward increase, and therefore it can readily be observed that our dockage room at wharves 600 feet in length and less has become minimized.

“The law should be so amended as to permit the extension of wharves out a distance of 800 feet from the bulkhead line, instead of 600 feet, as provided for by the present law. While this Commission hope to be able within the next twelve months to commence to build three new wharves of the most modern construction, at an estimated cost of \$180,000 for the three, and pay for the same from the revenues of the Board, yet it is quite certain that a greater number of new wharves, as well as other improvements, will be necessary, to keep pace with the trade heading this way.

“These improvements can not be undertaken by the Board until sufficient funds have been accumulated from the revenues, and to wait till then might possibly jeopardize the volume of shipping. To overcome this requires some enabling legislation, authorizing this Commission, whenever they find it necessary in order to provide for the construction or repairs of any work deemed necessary for the convenience of commerce, to pledge the revenue of such work for and during a period not exceeding five years from the date of such contract.

“No risk should be assumed in not being able to afford all necessary accommodations for any increased shipping that may come hither. Therefore, in view of the circumstances and conditions outlined herein, this Board would respectfully petition you to convene the Legislature in extraordinary session, for the purpose of amending the law relating to the Board of State Harbor Commissioners, so as to enable said Board to provide additional harbor facilities for an increased trade in the port and harbor of San Francisco.”

“Very respectfully,

“PARIS KILBURN,

“P. J. HARNLY,

“EDDOLPH HEROLD, JR.,

“Board of State Harbor Commissioners.

“WM. D. ENGLISH, Secretary.

“We concur:

“JAMES H. BUDD, Attorney for Board.

“HOWARD C. HOLMES, Chief Engineer”

The immediate necessity for this legislation may be perceived, not only from such petitions, but also from the fact (not of unusual occurrence) that last Thursday there were no unoccupied berths for ships in the harbor of San Francisco, and twelve deep-water vessels were overdue.

The shipping interests of this State are dependent upon the proper improvement of its principal rivers and harbors, and where defects exist in our laws which are incompatible

with new conditions arising from increasing trade, and greater development of our resources, it becomes a public duty to eliminate from our statute books those defects which are opposed to the progress of our State and the prosperity of our people. All the people of the State are vitally interested in the development of the San Francisco harbor. The fostering care of the State is a guaranty of the State's continued concern for the future of this great harbor. With the betterment of trade and enhanced business advantages of our coast cities, the condition of the interior of the State will be likewise improved. As a people we are interdependent, and a material impediment to the commercial progress of the City of San Francisco (which contains nearly one-fourth of the State's population) is a corresponding obstacle to the interests of other parts of this State. Above all, it is the right and duty of the State, and not of a municipality, to extend sovereign care and management over the navigable waters of the State. For the State to attempt to abandon that right and duty would be an effort to forego one of its most sacred functions.

The expressions of those who maintain that a municipality may control and direct an entire harbor and navigable waters because of proximity thereto, are frequently the inconsiderate utterances of those having private ambitions or who are influenced by sectional prejudices. The nourishing of such local jealousies can only result in injury to both city and State, for the interests of San Francisco are necessarily joined with those of the State at large, and through the moral aid of the people of that city and the sovereign care of the State, this splendid harbor is destined to be a source of wealth to all the people of California.

The sovereign control of the State over its navigable waters is a solemn trust held for the benefit of all the people, which the State can not absolutely resign in favor of municipalities. The language of the highest court of the nation in a recent case is decisive of this proposition, and that court has there defined the limits of local and private control as follows:

"A grant of all the lands under the navigable waters of a State has never been adjudged to be within the legislative power, and any attempted grant of the kind would be held, if not absolutely void on its face, as subject to revocation. * * * *The ownership of the navigable waters of the harbor and of the lands under them is a subject of public concern to the whole people of the State*"

So again one of the learned Justices of the Supreme Court of this State, in considering a phase of this subject in a late case, tersely gave sanction to this view in the following words:

"Whatever power or sovereignty has been conferred upon the State to be exercised only for the benefit and in the interest of the entire people, can not be abdicated or surrendered to individuals, or exercised in favor of some to the detriment or disadvantage of others."

Nor is this position inconsistent with that taken by the court in the prevailing opinion in the same case, where it is said:

"No grant of lands covered by navigable waters can be made which will impair the power of a subsequent Legislature to regulate the enjoyment of the public right."

The sovereign right of the State to control its harbors, bays, and rivers, being a trust held for the advantage of all the people of the State, the regulation of the San Francisco harbor, supervision of its wharves, and the collection and management of its tolls, is necessarily a matter of supreme concern to the State for the public weal.

Sections 1 and 2, Article XV, of the Constitution of this State, protect the public right of free navigation, and impose the duty upon the Legislature of enacting laws which will preserve to the whole people of the State access to the State's navigable waters.

No municipality nor other section can usurp this sovereign right, nor can any Act of the Legislature surrender the State's sovereign control. It is therefore evident that the matters called to your attention for the improvement of the harbor of San Francisco are of pressing general importance, and designed for the benefit of all the people of the State, and, were there no other reasons, would alone require this extraordinary session.

The amendments which I have suggested, if adopted by you, will afford adequate relief, and accomplish all that is necessary for the immediate improvement of the harbor, without levying taxes upon the people, or even necessitating the issuance of bonds.

PUBLIC WORKS.

The fifth reason specified in the proclamation for which I have called this extraordinary session is to pass a bill creating a Commissioner of Public Works, defining his powers and duties, and fixing his compensation.

A bill of this character passed both houses of the Legislature, and was on the last day of the Thirty-third Session presented to me for signature, duly signed by the President pro tem. of the Senate and the Speaker of the Assembly also, and duly certified to by the Secretary of the Senate and the Chief Clerk of the Assembly, and was by me approved three days thereafter, to wit: March 21, 1899. This Act is to be found on pages 157 and 158 of the Statutes of 1899.

After the approval of the Act my attention was called to certain irregularities in the passage of said Act, due perhaps to the necessary haste during the last days of the session, and upon an examination of the Journals of the Senate and Assembly I discovered the following facts: The Act as originally passed in the Senate allowed to the

Commissioner the compensation of eighteen hundred dollars a year, and omitted the language expressed in Section 3 of the Act as it now appears in the Statutes.

The bill passed the Senate February 23, 1899 (Senate Journal, p. 834), and on March 7, 1899, was amended in the Assembly with the provisions which now appear, wherein, among other changes, an increased annual salary was allowed the Commissioner (Assembly Journal, pp. 1293 and 1299). As thus amended, the bill passed the Assembly March 14, 1899 (Assembly Journal, p. 1506). Subsequently, March 16, 1899, the Senate refused to concur in the Assembly amendments, and appointed a conference committee (Senate Journal, p. 1351), and on the same day the Assembly receded from the amendments, thereby consenting to the Senate bill as originally engrossed (Assembly Journal, p. 1595). On March 18, 1899, the bill as now printed was duly signed by the President pro tem. of the Senate and by the Speaker of the Assembly, and was certified to by the Secretary of the Senate and the Chief Clerk of the Assembly, and presented to me for signature. On the same day the bill, as so printed and presented to me, was reported to the Senate by the Chairman of the Senate Committee on Enrolled and Engrossed Bills as correctly enrolled, and presented for my approval (Senate Journal, pp. 1431 and 1432). Through some singular mishap, the bill thus presented contained all of the amendments which had been passed in the Assembly and from which that House had subsequently receded, and in that form received my approval. It is almost needless to add that it would be impossible for the Governor to follow in detail the entire course of every bill introduced in both houses during a session of the Legislature; and even if such examination were possible, the Governor would be necessarily obliged to rely upon the enrolled bills for the correctness of the bills when the same are duly signed and certified by the proper officers of the Senate and Assembly; for, of course, it could not be expected that the Governor should enter the printing office and do the work of both the compositors and enrolling committees.

As the bill now appears, it is at least an unsettled proposition of law, in the event of litigation, whether the courts would go behind the enrolled bill and consult the Journals of the Houses in an inquiry as to its legality. But at all events I am satisfied that the Act itself, owing to this misfortune, does not properly express the intention of the people acting through their representatives, and I have therefore called your attention to the defects in this most important legislation, so essential for the prosperity of the farmers and other citizens of the Sacramento and San Joaquin valleys, and to the business and property of the people of the various cities and towns along the Sacramento and San Joaquin rivers and their tributaries.

The necessity for the legislation suggested in the sixth ground of the proclamation is apparent from an examination of the Act relating to the Auditing Board of Public Works, approved March 17, 1897, which confines the work to be done by the Board and Commissioner to the insufficient plans embodied in the report of the Engineers accompanying the Report of the Commissioner of Public Works, dated November 15, 1896. Not only is the report of the Engineers ambiguous in its outline, but it was held, in the opinion of the Attorney-General rendered April 20, 1898, that neither the Auditing Board nor the Commissioner of Public Works could expend any part of the money appropriated for the improvement of the Sacramento and San Joaquin rivers above the mouth of the Feather River. In consequence of this condition of the law, not only are thousands of acres of valuable and productive land in Yolo, Sutter, and Yuba and other counties imperiled, but the inability to perform such work above the mouth of the Feather River results in serious detriment to work already done upon the Sacramento River. In the report of the Auditing Board and Commissioner of Public Works made to Governor Budd, December 1, 1898, it was recommended that the jurisdiction of the Board and of the Commissioner should be extended. The Commissioner on page 7 of his report says:

"As the law now stands, the money appropriated can only be expended on the San Joaquin and on the Sacramento River from the mouth of the Feather to Suisun Bay. The expenditure of a very moderate amount on the Feather River, and on the Sacramento above the mouth of the Feather, would vastly improve the navigability of both, and incidentally afford protection to a large area of fertile country."

When we consider that the Federal Government has already appropriated large sums of money for the construction of restraining barriers and other improvements on the Sacramento and Feather rivers, and has now able engineers engaged in the work under the Secretary of War, pursuant to the Act of Congress creating the California Debris Commission, it would be only the exercise of good faith on the part of this State, apart from the incalculable benefit to our people, to cooperate with the Federal Government in the work of improvement in directions which are not allowed to the United States engineers under said Act of Congress.

REPEAL OF WIDE-TIRE LAW.

The seventh subject specified in the proclamation requiring legislation is the repeal of the Act approved March 20, 1897, regulating the width of wagon tires to be used on the public highways. The Act is very inartificially drawn, and contains provisions of doubtful constitutionality. Independent of such criticisms, it is wholly unsuited for the purposes sought to be attained, and will if attempted to be enforced cause trouble and distress to thousands of farmers, tradesmen, and other people using wagons within this State.

My attention has been called by the Highway Commissioner to various and con-

fusing errors in the law itself, which are of such a character that I am positively informed that compliance with the terms of the law by either wagon users or manufacturers is an impossibility.

As the Act itself makes non-compliance with the law a crime, and punishable by fine and imprisonment, the continuance of such a law on our statute books would be a great wrong to the people.

REPEAL OF MINING LAWS.

I have recommended in the eighth ground of the proclamation a substantial re-enactment of the Act approved March 20, 1899, repealing the State Mining Act, approved March 27, 1897, in order to obviate the misconception of the repealing Act of 1899, and to avoid possible litigation, owing to a clerical error which crept into the first section of the Act.

LAND FRAUDS

The object of the amendments proposed in the ninth and tenth grounds of the proclamation is of vast importance, and had this remedy been given which is suggested in the tenth ground, many thousands of acres of valuable State land would not have been permitted during the last few years to pass under the control of land rings at a value of \$1.25 per acre, to be at once resold by them at prices ranging from \$4 and upward per acre.

Until proper amendments are made to the laws relating to our public land, power should be vested in the Governor to withdraw from sale the school lands which are now being used as scrip to take the place of the Valentine and Porterfield scrip.

One of the principal objects of the sale by the State of its public lands to private persons is to encourage its actual settlement and cultivation, and when the intention of our statutes is so perverted through the pernicious schemes of land jobbers, it becomes the high and solemn duty of the legislators to prevent such frauds for the protection of the people.

Owing to the Act of Congress directing the President to set apart forest reserves upon the public domain of the United States, various reserves covering large tracts of valuable timber and other lands belonging to the State in 16th and 36th sections have been placed within the boundaries of these reserves. As the title to these school sections still remained in the State, they were subject to entry and sale under our State laws, notwithstanding that they fall within the boundaries of the proclaimed reserves.

In the Act of Congress dated June 4, 1897 (Vol. 30, U. S. Statutes, page 36), the following provision is made for the benefit of actual settlers and owners of land within these reserves, allowing a relinquishment of their titles to the United States:

"That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected, *provided further*, that in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims."

This provision of the United States statute, together with the condition of our own laws, has been used by the land ring for their own selfish and unlawful purposes.

Immediately after the proclamation by the President of a forest reserve within this State, applications for State school land within such reserve have been filed, and immediately sold as scrip by local dealers, as well as by dealers in other States, at prices ranging as high as \$5 per acre, whereas the State can only receive \$1.25 per acre. The land attorneys secure the relinquishment of the entryman or his assignee to the United States, and file application for other public lands of the United States, even outside of the State of California.

In cases where the State school lands within the reserves have been patented, the dealers secure under said Act of Congress patents to other lands which they have located.

By reason of this privilege afforded by the United States statutes and our own lax laws, the school lands within the forest reserves are greatly increasing in value, and much of the land has been cornered by the land attorneys, and is now advertised and sold as scrip.

If the State is obliged to part under the existing laws with its school lands within these reserves, so that it likewise loses the taxes which would be paid by an actual settler, in the absence of the ability of the State's officers to detect and discriminate between fraudulent and bona fide land claims, then the people of the State should reap the benefit from the advanced value of such lands which now go to the land jobbers, by authorizing the Governor to withdraw such land from sale at the minimum price, and to sell the same at an increased price according to its value. Although many thousands of acres of land have already been lost to the State, I believe it to be absolutely and immediately necessary to call for the relief which I have proposed in the proclamation.

To provide against this great fraud upon the State, it would have been my duty to convoke you in extraordinary session had no other reason existed, for it is estimated that hundreds of thousands of dollars would be thereby gained for the State.

STATE LUNACY LAW.

In the eleventh ground of the proclamation your attention has been called to the repeal of Section 19 of the Act to establish a State Lunacy Commission, approved March 31, 1897, and in the thirteenth ground I have advised the amendment to said State Lunacy Law so as to empower the Commission to fix the salaries of all officers and employes. The necessity for this change in the law will be apparent from the recent experience of the present State Lunacy Commission. This Commission a short time ago deemed it necessary for the proper and economical management of the several State Hospitals for the Insane to make a reduction in the salaries of officers and employes which would create a saving to the State of over \$20,000 each year, and at the same time the said officers and employes would be amply compensated. Despite the Commission's efforts to economically administer the affairs of the State Hospitals, their praiseworthy purpose was impeded by some of the officers of the institution through menace of litigation, the said officers contending that Section 19 of the Act of 1897 (notwithstanding the amendments of the Act approved March 21, 1899) deprived the Commission of the power of making this reduction. To avoid possible litigation as to the proper construction of the State Lunacy Commission's powers, I have requested you to rectify the ambiguity, for I have no doubt that in passing the amendments at the last session of the Legislature your intention was to vest in the Lunacy Commission full power to regulate the salaries of officers and employes. If this power be vested in the present Lunacy Commission, it will save the people of the State more than \$20,000 annually for years to come.

AUTHORITY TO REMOVE APPOINTEES FOR CAUSE.

In the twelfth and fourteenth grounds of the proclamation I have suggested that the Governor be granted the power to remove for cause officers appointed for definite terms, and in the fifteenth ground I have advised that the power be likewise vested in the Governor of temporarily suspending for cause conferees of the Senate. In thus requesting this necessary authority I have not harbored a single partisan thought nor desired such power for any political purpose, but my sole desire was that the responsibility which is laid upon the Governor by the people should not be hampered through his utter helplessness to remove officers who misbehave themselves in office to the detriment of the public, or who may be even guilty of crime. If the Governor is to be held responsible to the people, and if the party which nominated and elected him is to be held likewise responsible to the electors for the Governor's conduct of State affairs, he should be invested with power commensurate with that responsibility. Personally I would prefer, were I not bound by my sacred oath of office, to be shorn of the responsibility for acts of others, and would not desire even that the power of appointment to office should rest with me, for among the most painful and trying duties of office have been those when I have been ceaselessly importuned and entreated to grant positions to worthy but rival candidates.

The appalling scandals at the Agnews State Hospital, which were revealed during several investigations of that institution, were of a character to show that the public welfare requires that full and summary power should be given the Governor to rectify as far as possible such infamous wrongs. Under the present condition of the law an officer once appointed for a definite term may be guilty of crime, continually dishonor his office, and enjoy the fruits of his malfiance by resorting to the courts to defend his crimes. To illustrate the very limited authority vested in the Governor, I will state that a few months ago serious crimes were charged against an officer now holding the same State office, and a petition was forwarded to me by one of the members accusing him in direct language with flagrant crimes. Knowing that the power was not given me to investigate the charges, and if true, to right the wrong by removal of the officer, in order to silence a hostile press which had used this incident for political and personal ends, I requested the opinion of the Attorney-General, who replied in writing assuring me of my utter inability to remove any appointed officer whatever who held office for a definite term.

No spirit of partisanship has actuated me in this reasonable request for authority to remedy wrongs, but I am guided altogether by a wish to fully serve the people of the State and to protect them from the misdoings of any officer without regard to political creed.

My distinguished predecessor in office, Hon. James H. Budd, who holds opposite political views, in his inaugural address called the attention of the Legislature to the necessity of granting the Governor this power of removal in the following very proper words:

"If the Governor is to be held responsible for the conduct of the departments whose incumbents he names, he should have the control of those functionaries. In this State we should either have a system of continuous tenure during good behavior, as under the civil service classification of the General Government, or else the appointing power, which, in the public mind, is held responsible for the conduct of the appointee, should be vested with authority to remove the appointee, in the language of the Constitution, 'for misconduct, incompetence, or neglect of duty,' after an opportunity to be heard on written charges."

Again, in his first biennial message to the Legislature in 1897, the Governor, with the experience of two years in office, repeated these words, and urged the Legislature to pass a law of that character.

Still again, Governor Budd, on the very eve of his departure from office, when he could not possibly be benefited by the passage of such laws, unselfishly requested the Legislature to grant to the Governor this very necessary authority. If the Governor of this State is to be made the target where crimes are committed by appointees holding office for a definite term, it is but just that he should be equipped with the power to remove the guilty officer. No Governor could be found who would dare to misuse this solemn trust when once reposed in him by the people's representatives.

CONCLUSION.

The foregoing are some of many reasons which I hold in support of the grounds specified in the proclamation convening you in extraordinary session.

It is to be deplored that there are a few persons who, by reason of their own unworthy motives, attribute to me improper political purposes in assembling you together, whereas, in truth and in fact, I have merely obeyed the promptings of impartial duty and the mandates of the law.

If you shall conclude to pass the various laws suggested in the proclamation, there will thereby be saved to the State sums of money largely in excess of the expenditures which will be incurred on account of convoking this Legislature, even should the cost thereof exceed the high estimates of those who—false to the interests of their country—have bitterly assailed this call for an extra session.

Whether or not you differ from me as to the necessity of legislation in detail upon all of the topics suggested for legislation is to me unimportant, only as it affects our common country, for the responsibility now rests with your honorable body and not with me alone.

You will nevertheless agree that your duty absolutely requires that the business of the session be transacted with the utmost dispatch consistent with the gravity of the subjects involved.

Despite the malignant predictions, which through private malice have been published, that this extraordinary session would engulf the State in vast expense, my confidence in your sense of duty and in your ability, gained by a personal knowledge of your conduct of legislative affairs during the thirty-third session, bids me trust that this extraordinary session will be unexcelled in the history of the State, and worthy of future emulation.

Irrespective of your political views I believe in your honor, I believe in your ability, I believe in your integrity; and inspired by these beliefs I am assured that the duties which you owe to the people of the State and Nation will be economically, honestly, and ably performed.

HENRY T. GAGE,
Governor of the State of California.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Curtin: Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Bill read first time, and referred to Committee on Mines, Drainage, and Debris.

Also: Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Bill read first time, and referred to Committee on Mines, Drainage, and Debris.

By Senator Curtin: Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Bill read first time, and referred to Committee on Mines, Drainage, and Debris.

RECESS.

At ten o'clock and forty minutes A. M., on motion of Senator Smith, the Senate was declared at recess until eleven o'clock A. M.

RECONVENED.

At eleven o'clock A. M. the Senate reconvened.
Lieutenant-Governor Hon. Jacob H. Neff in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Wolfe: Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Bill read first time, and referred to Committee on Commerce, Harbors, and Rivers.

Also: Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce, Harbors, and Rivers.

Also: Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

Bill read first time, and referred to Committee on Finance and Claims.

ADJOURNMENT.

At eleven o'clock and fifteen minutes A. M., on motion of Senator Dickinson, the Senate was declared adjourned until eleven o'clock A. M. of Wednesday, January 31, 1900.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 31, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF JOURNAL.

The Journal of Tuesday, January 30, 1900, was read.

SPECIAL ORDER.

The President of the Senate stated that before the motion of yesterday was made to adjourn to eleven o'clock of this day, the consideration of Senate Concurrent Resolution No. 1, to adjourn *sine die* on Saturday, February 10, 1900, was made a special order for this day at ten o'clock A. M., and would rule, there being no objection, that the special order for the consideration of Senate Concurrent Resolution No. 1 would go into unfinished business.

So ordered.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That the following be and they are hereby elected to the statutory positions set opposite their respective names, to date from January 29, 1900:

Assistant Sergeant-at-Arms for Judiciary Committee.....	A. B. Conrad.
Janitress Ladies' Cloakroom.....	Mrs. Della Sampson.
Press Mailing Clerk.....	Amos Stevens.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Also:

Resolved, That the Secretary be instructed to have printed five hundred copies of the Governor's Proclamation, for the use of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of Frank J. Brandon, in the sum of fifteen dollars (\$15), to be expended for postage stamps for use at the desk.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Leavitt :

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase, for the use of the Senate, the necessary number of bill and journal files for the use of the Senate and its officers. The Controller is hereby directed to draw his warrant for the same, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also :

Resolved. That the Lieutenant-Governor, Hon. J. H. Neff, be and he is hereby allowed twenty-five dollars (\$25) for contingent expenses, as allowed to the members of the Senate, payable out of the appropriation for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also :

Resolved, That the Committee on Attachés, Contingent Expenses, and Mileage be requested to report to this Senate the amount of mileage due to the Senators and officers for the thirty-third (extra) session.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent four typewriting machines for the use of the stenographers of the Senate, and the Controller of State is authorized to draw his warrant for the amount of rental, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That each member of the Senate be and he is hereby allowed ten dollars (\$10) for contingent expenses provided by the Constitution, payable out of the appropriation for contingent expenses of the Senate, 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 hereby made. The Controller is hereby directed to draw his warrant for such balance as may stand to the credit at the close of to-day's session, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That the sum of fifteen dollars (\$15) be and the same is hereby appropriated out of the Contingent Fund of the Senate, for the purpose of procuring rubber stamps for the use of the clerks of the Senate, and the Controller is hereby directed to draw his warrant in favor of the Secretary of the Senate for said sum, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following joint resolutions and bills were introduced:

By Senator Stratton: Senate Joint Resolution No. 1—Relative to expression of sympathy with the Transvaal Republic and the Orange Free State.

POINT OF ORDER.

After the reading of the above resolution, Senator Leavitt made the following point of order:

"That the subject-matter contained in Senate Joint Resolution No. 1 was not contained in the proclamation of the Governor convening the Legislature in extra session, and was therefore out of order and could not be introduced at this extra session."

The Chair declared that the point of order as stated by Senator Leavitt was not well taken, and gave as precedents for his ruling (as shown by statutes) the action of previous Legislatures of this State convened in extra session, wherein joint resolutions of similar character were introduced and adopted by both houses, in which the subject-matter was not included in the proclamation issued by the Governor for convening the Legislature in extra session.

Senate Joint Resolution No. 1 referred to Committee on Judiciary.

INTRODUCTION OF BILLS, ETC.—(RESUMED).

By Senator Braunhart: Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

Resolution read, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read first time, and referred to Committee on Finance and Claims.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Senator Boyce, the Senate was declared adjourned until eleven o'clock A. M. of Thursday, February 1, 1900.

IN SENATE.

SENATE CHAMBER,
Thursday, February 1, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., *President pro tem.* of the Senate, in the chair.

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

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsing, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, January 31, 1900, was read.

The Journal of Monday, January 29, 1900, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 31, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolutions

Resolved, That the Lieutenant-Governor, Hon. J. H. Neff, be and he is hereby allowed twenty-five dollars (\$25) for contingent expenses, as allowed to members of the Senate, payable out of the appropriation for the contingent expenses of the Senate.

Also: *Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of Frank J. Brandon for the sum of fifteen dollars (\$15), to be expended for postage stamps for use at the desk.

Also: *Resolved*, That the Secretary of the Senate be and he is hereby instructed to rent four typewriting machines for the use of the stenographers of the Senate, and the Controller of State is authorized to draw his warrant for the amount of rental, and the Treasurer is hereby directed to pay the same.

Also: *Resolved*, That the sum of fifteen dollars (\$15) be and the same is hereby appropriated out of the Contingent Fund of the Senate for the purpose of procuring rubber stamps for the use of the clerks of the Senate, and the Controller is hereby directed to draw his warrant in favor of the Secretary of the Senate for said sum, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT Chairman.

The question being on the adoption of the report and resolutions.

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

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsing, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the matter of mileage due the officers and members, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and Senators of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same:

Officers.		Miles.	Amt.
J. H. Neff, Lieutenant-Governor		180	\$18 00
Frank J. Brandon, Secretary		256	25 60
E. F. Mitchell, Minute Clerk		338	33 80
J. L. Martin, Sergeant-at-Arms		168	16 80
Senators		Miles	Amt
24—Ashe, R. P.	San Francisco	180	\$18 00
22—Bettman, S. M.	San Francisco	180	18 00
35—Boyce, J. J.	Santa Barbara	738	73 80
17—Braunhart, S.	San Francisco	180	18 00
37—Bulla, R. M.	Los Angeles	956	95 60
20—Burnett, F. W.	San Francisco	180	18 00
5—Chapman, E. W.	Greenwood	150	15 00
38—Currier, A. T.	Spadra	1026	102 60
12—Curtin, J. B.	Sonora	200	20 00
16—Cutler, W. M.	Marysville	104	10 40
14—Davis, J. F.	Jackson	154	15 40
11—Dickinson, J. H.	Sausalito	192	19 20
13—Doty, G.	Elk Grove	33	3 00
25—Feeney, J.	San Francisco	180	18 00
33—Flint, Thos. Jr.	San Juan	360	36 00
1—Gillette, J. L.	Eureka	624	62 40
8—Goad, J. W.	Colusa	160	16 00
23—Hall, S.	San Francisco	180	18 00
18—Hoey, J. A.	San Francisco	180	18 00
39—Jones, T. J.	Anaheim	992	99 20
2—Laird, J. T.	Alturas	758	75 80
15—Langford, B. F.	Acampo	116	11 60
7—La Rue, C. L.	Yountville	142	14 20
26—Leavitt, F. W.	Oakland	168	16 80
9—Luchsinger, J. J.	Vallejo	122	12 20
4—Maggard, W. F.	Corning	270	27 00
31—Morehouse, H. V.	San José	256	25 60
40—Nutt, A. E.	San Diego	1234	123 40
32—Pace, H. L.	Tulare	448	44 80
3—Prisk, W. F.	Grass Valley	134	13 40
16—Rowell, Chester	Fresno	338	33 80
30—Shortridge, Chas. M.	San José	256	25 60
36—Simpson, C. M.	Pasadena	976	97 60
10—Sims, J. C.	Santa Rosa	364	36 40
34—Smith, S. C.	Bakersfield	556	55 60
27—Stratton, F. S.	Oakland	168	16 80
28—Taylor, E. K.	Alameda	168	16 80
29—Trout, D. H.	Boulder Creek	440	44 00
21—Wolfe, E. I.	San Francisco	180	18 00

FLINT, Chairman.

The question being on the adoption of the report and resolution.

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

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutler, Davis, Doty, Feeney, Flint, Gillette, Goad, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—34.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 1, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase, for the use of the Senate, the necessary number of bill and journal files for

the use of the Senate and its officers. The Controller is hereby directed to draw his warrant for the same, and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the following committee substitute be adopted:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase, for the use of the Senate, the necessary number of bill and journal files for the use of the officers of the Senate. The Controller is hereby directed to draw his warrant for the amount, and the Treasurer directed to pay the same.

FLINT, Chairman.

The question being on the adoption of the report and substitute resolution.

The roll was called, and the report and substitute resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That each member of the Senate be and he is hereby allowed ten dollars (\$10) for contingent expenses provided by the Constitution, payable out of the appropriation for contingent expenses of the Senate, 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 hereby made. The Controller is hereby directed to draw his warrant for such balance as may stand to the credit at the close of to-day's session, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

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

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutler, Davis, Dickinson, Doty, Feeney, Flint, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

NOES—None.

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, January 31, 1900.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Also: Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Have had the same under consideration, and respectfully report back the same, and recommend that they do pass.

SHORTRIDGE, Chairman.

Senate Bill No. 5 ordered on file for second reading.

Senate Bill No. 6 ordered on file for second reading.

ON MINES, DRAINAGE, AND DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 1, 1900.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Debris, to whom was referred Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Also: Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Also: Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DAVIS, Chairman.

Senate Bill No. 4 ordered on file for second reading.

Senate Bill No. 2 ordered on file for second reading.

Senate Bill No. 3 ordered on file for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 1, 1900.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Judiciary Committee.

DICKINSON, Chairman.

Senate Bill No. 7 referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson asked for and was granted unanimous consent to offer the following resolution:

Resolved, That Senate Bills Nos. 8, 9, and 10 present cases of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bills shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Senate Bills Nos. 8, 9, and 10 declared cases of urgency by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—36.

NOES—Senator Taylor—1.

CASES OF URGENCY.

Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the

extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

During the second reading of bill, the following amendment was offered by Senator Dickinson:

Amend by striking out the word "two," Section 1, line 2, first page, printed bill, and inserting in lieu thereof the following: "one."

Amendment adopted.

Bill read second time and ordered to print and engrossment.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to take up Senate Bill No. 5 out of order, to be read second time for purpose of amendment.

Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

During the second reading of bill, the following amendment was offered by Senator Sims:

Amend by striking out of Section 1, line 148, the second word "and" and inserting a comma and the word "the" in lieu thereof. Also, after the word "California," on line 148, Section 1, page 5, add the words "Mayor of the City and County of San Francisco." Also, insert comma after word California, in Section 1, line 148.

Amendment adopted.

Bill read second time and ordered to print and engrossment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following constitutional amendments, joint and concurrent resolutions, and bill were introduced:

By Senator Cutter: Senate Concurrent Resolution No. 2—Relative to the rescinding of Senate Constitutional Amendment No. 22.

Resolution referred to Committee on Judiciary.

By Senator Wolfe: Senate Joint Resolution No. 3—Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make.

Resolution referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department.

Referred to Committee on Judiciary.

By Senator Smith: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

Referred to Committee on Judiciary.

ADJOURNMENT.

At eleven o'clock and fifty minutes A. M., on motion of Senator Burnett, the Senate was declared adjourned until eleven o'clock A. M. of Friday, February 2, 1900.

IN SENATE.

SENATE CHAMBER,)
Friday, February 2, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

At eleven o'clock and five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, February 1, 1900, was read.

The Journal of Tuesday, January 30, 1900, was approved.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That Burchell Upson be and he is hereby elected Page of the Senate, to date from January 29, 1900, at a per diem of \$2.50, payable out of the Contingent Fund of the Senate.

SUSPENSION OF RULES.

Senator Cutter asked for and was granted unanimous consent to have the rules suspended and the above resolution considered at this time without reference to committee.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Smith, Stratton, Trout, and Wolfe—29.

NOES—None.

RESOLUTIONS—(RESUMED).

By Senator Flint:

Resolved, That all attachés and employés of the Senate be and they are hereby ordered and directed to report every morning at nine o'clock to the Sergeant-at-Arms for duty, and the Sergeant-at-Arms is directed to report to the Senate any person absent without leave.

Resolution read and adopted.

By Senator Smith:

Resolved, That the Controller be and he is hereby directed to deliver to the Sergeant-at-Arms, or his bookkeeper, all the warrants of the members of the Senate and the officers and attachés thereof, and the warrants in payment of contingent expense, taking his receipt therefor.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 2, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

JONES, Chairman.

Senate Bill No. 5 ordered on file for third reading.

Senate Bill No. 10 ordered on file for third reading.

INTRODUCTION OF JOINT RESOLUTION.

The following joint resolution was introduced:

By Senator Stratton: Senate Joint Resolution No. 4—Relative to the President of the United States tendering his good offices to the Kingdom of Great Britain and Ireland and to the Transvaal Republic and Orange Free State, with a view to bringing about a cessation of hostilities.

Referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILES—THIRD READING OF BILLS.

Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.
Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL URGENCY FILE.

Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND-READING FILE—RESOLUTION (OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to offer the following resolution:

Resolved, That Senate Bill No. 6 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Senate Bill No. 6 declared a case of urgency by the following vote:

AYES—Senators Bettman, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Trout, and Wolfe—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 6—An Act to amend Section 2527 of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Bill read second time, and considered engrossed.

Read third time.

On motion of Senator Wolfe, Senate Bill No. 6 was referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to offer the following resolution :

Resolved, That Senate Bill No. 4 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Senate Bill No. 4 declared a case of urgency by the following vote :

AYES—Senators Ashe, Bettman, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Custer, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—35.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 4—An Act to repeal an Act entitled “An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordination of notices of location and affidavits,” approved March 27, 1897.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Ashe, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1900.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GILLETTE, Chairman.

Senate Bill No. 7 ordered on file for second reading.

Senate Bill No. 1 ordered on file for second reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

During the second reading of bill, the following amendment was offered by Senator Smith:

Amend by striking out of Section 1, line 26, the word "navigable."

The hour of recess having arrived, on motion of Senator Bulla, the time was extended for fifteen minutes.

The question then being on the adoption of the amendment, the same was put and the amendment lost.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until eleven o'clock A. M. of Saturday, February 3, 1900.

IN SENATE.

SENATE CHAMBER,
Saturday, February 3, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bulla, Burnett, Chapman, Currier, Cutter, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—24.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF JOURNAL.

The Journal of Friday, February 2, 1900, was read.

LEAVES OF ABSENCE.

Senator Langford was granted a leave of absence for this day, on motion of Senator Luchsinger.

Senator Prisk was granted a leave of absence for this day, on motion of Senator Gillette.

Senator Goad was granted a leave of absence for this day, on motion of Senator Braunhart.

Senator La Rue was granted a leave of absence for this day, on motion of Senator Doty.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as cases of urgency, Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

Also: Assembly Bill No. 14—An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 13 read first time, and referred to Committee on Finance and Claims.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 8 ordered to enrollment.

Senate Bill No. 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 14 read first time.

Assembly Bill No. 15 read first time.

Assembly Bill No. 16 read first time.

RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to offer the following resolution:

Resolved. That Assembly Bills Nos. 14, 15, and 16 present cases of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bills shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their final passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Assembly Bills Nos. 14, 15, and 16 declared cases of urgency by the following vote:

AYES—Senators Braunnhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—27.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 14—An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 finally passed by the following vote:

AYES—Senators Braunnhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 15 finally passed by the following vote :

AYES—Senators Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 16 finally passed by the following vote:

AYES—Senators Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Maggard, Morehouse, Nutt, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION OF JOINT RESOLUTION.

The following joint resolution was introduced:

By Senator Jones: Senate Joint Resolution No. 5—Relative to defeating Jamaica treaty, now before the Congress of the United States at Washington, D. C.

CONSIDERATION OF JOINT RESOLUTION.

Senator Jones asked for and was granted unanimous consent to take up Senate Joint Resolution No. 5 for consideration at this time without reference to committee.

SENATE JOINT RESOLUTION No. 5.

WHEREAS, There is now pending in the Senate of the United States, for ratification, a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty; and

WHEREAS, The proposed reduction of duties upon the importations from these islands that come into competition with the products of the United States, apply only to sugar-cane products, citrus fruits, and fresh vegetables, which are only produced in competing quantities by the States of Florida, Louisiana, and California; and

WHEREAS, The articles of export enumerated in said proposed treaty upon which a reduction of duty is obtained are neither produced or exported from either of the said States of Florida, Louisiana, or California, thereby entailing great loss to them without any corresponding benefits, and

WHEREAS, The citrus product of this State, amounting to over five millions of boxes, which will be doubled within the next decade, is handicapped by a freight rate to the principal centers of population and trade, of ninety cents per box, which exceeds by fifteen cents per box the combined freight rate and the proposed import duty from the British West Indies; and

WHEREAS, The citrus products of these islands come directly into competition with the holiday trade, which is known to be the best of the entire year, and

WHEREAS, The entire imports of the Island of Jamaica have never exceeded eight millions of dollars per annum, a large proportion of which is imported from England, owing to a preferential tariff rate; and

WHEREAS, At the request of this body and the petition of the citrus fruit-growers of this State, the fifty-fifth Congress fixed a tariff duty upon that product, placing it on an equality with the foreign production, in respect to the freight rate only; and

WHEREAS, The American producer is entitled to, and ought, by right, to enjoy the benefit of his home market, when fully able to supply the demand; therefore,

Resolved by the Senate of the State of California, the Assembly jointly, That it deprecates the attempt to disturb the present existing conditions of the tariff upon sugar, citrus fruits, and fresh vegetables; that it is an unequal and unjust hardship to sacrifice the interests of a few for the benefit of a very large majority; that the supposed benefits accruing to this country in its added proportion of the eight millions of dollars of trade with Jamaica, will not compensate it for the loss inflicted upon one item alone of California production; that the California producer is entitled to a protective duty as against foreign competition, at least equal to the difference in their several freight rates, and that the American producer should be maintained in his demand for the markets of his own country; and be it further

Resolved, That our Senators be instructed to vote against the ratification of said treaty, and that our Representatives in Congress be requested to use their influence and best efforts to accomplish its defeat.

Resolved, That a copy of these resolutions be telegraphed to the Hon. George C. Perkins by the Secretary of the Senate, and that a copy be transmitted by mail to each of our Representatives in Washington.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Currier, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Smith, Stratton, and Trout—25.

NOES—None.

Resolution ordered immediately transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Senator Laird:

Resolved, That each member of the Senate be and is hereby allowed twenty-five (\$25) dollars for contingent expenses as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate, and that the aggregate amount of the value of the 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 hereby made. The Controller is hereby directed to draw his warrants for such balance as may stand to the credit of the members at the close of to-day's session, and the Treasurer is directed to pay same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1900.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

GILLETTE, Chairman.

Senate Bill No. 6 ordered on file for second reading.

Senate Constitutional Amendment No. 1 ordered on file.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Senator Cutter asked for and was granted unanimous consent to take up Senate Constitutional Amendment No. 1 for the purpose of amendment.

Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the Judicial Department.

During the reading of the constitutional amendment the following amendments were submitted by the committee:

Amend Section 2, line 47, by striking out the word "of" between the word "or" and the words "a city."

Amendment adopted.

Also: Amend Section 2, line 58, by striking out the word "amendment" and inserting instead the word "article."

Amendment adopted.

Also: Amend Section 3 by inserting the following between lines 49 and 50:

"one at the end of eight years and the third at the end of twelve years. An entry of such classification shall be made in the minutes of the court signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State.

"If a vacancy occur in the office of a Justice of the District Court of Appeal the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy. Such election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

"The Justices of each of the District Courts of Appeal shall elect one of their number as a Presiding Justice. The presence of three Justices shall be necessary for the transaction of any business by such Court, and the concurrence of two Justices shall be necessary to pronounce a judgment.

"Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining Justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the Justice so disqualified or unable to act. Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Chief Justice may appoint a Judge of a Superior Court, who has not acted in the cause in the court below, to act pro tempore in the place of the Justice so disqualified or unable to act. A Justice of one District Court of Appeal may at any time sit as a Justice pro tempore in any other District Court of Appeal upon the written request of any Justice of said court: every Justice pro tempore of the Supreme Court or of the District Court of Appeal, while acting as such, shall have the same power and authority as the Justice of such court.

"The several District Courts of Appeal shall have appellate jurisdiction in every civil action, proceeding and special proceeding commenced and determined and (on questions of law alone) in every criminal action prosecuted by indictment or information in the Superior Courts within their several appellate districts, excepting only those actions, proceedings or special proceedings in which an appeal direct to the Supreme Court from the Superior Courts is expressly allowed by this article. The statutes now in force allowing, providing for and regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as consistent with this article until the Legislature shall make provisions for appeals to said courts.

"The judgments and decrees of the District Courts of Appeal shall be final in all causes embraced within their appellate jurisdiction, except in the following cases:

"In any cause decided by a District Court of Appeal, if the "

Amendment adopted.

Also: Amend Section 11, line 12, by inserting the word "the" before the word "liens."

Amendment adopted.

Constitutional amendment ordered to print.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 6—An Act to amend Section 2527 of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Bill having been read the third time on a previous day, Senator Wolfe moved that Senator Gillette be appointed a special committee of one to amend the bill as follows:

Amend by striking out all of Section 2 and inserting instead the following:

"SEC. 2. All leases hereunder shall be made upon competitive bids after such public advertisement as the commissioners shall deem sufficient, inviting proposals or bids therefor, and shall be awarded to the person who will pay the amount required to construct such improvement and execute and take a lease thereof for the shortest period of such time."

Also, by adding a new section to be known as Section 3 and to read as follows:

"SEC. 3. This Act shall take effect and be in force from and after its passage."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1900.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 6—An Act to amend Section 2527 of the Political Code, relating to the powers of the Board of State Harbor Commissioners—with instructions to amend, respectfully reports the same back amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and re-engrossment.

At eleven o'clock and forty minutes A. M., Senator Frank W. Leavitt, of the Twenty-sixth Senatorial District, in the chair.

SECOND READING OF BILLS.

Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

During the second reading of bill the following amendments were offered:

By Senator Bulla:

Amend by striking out all of Section 1 and inserting in lieu thereof the following:

"SECTION 1. The State Treasurer is hereby authorized and directed to sell bonds and securities now in his possession and purchased by him with thirty-six thousand dollars (\$36,000), which said sum was paid into the San Francisco Depot Sinking Fund prior to the twenty-third day of July, eighteen hundred and ninety-four, the date of the sale of the San Francisco Depot bonds issued under and in pursuance of an Act entitled 'An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and furnishing by the Board of State Harbor Commissioners of a general ferry and passenger depot in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people,' approved March 17, 1891."

At eleven o'clock and fifty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The question being on the adoption of the amendment by Senator Bulla.

The same was put, and the amendment lost.

Senator Boyce moved to amend by striking out Section 3.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Stratton, Boyce, and Burnett.

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

AYES—Senators Boyce, Bulla, Burnett, Currier, Curtin, Doty, Morehouse, Stratton, and Taylor—9.

NOES—Senators Bettman, Braunhart, Chapman, Davis, Dickinson, Feeney, Flint, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Nutt, Rowell, Sims, Smith, Trout, and Wolfe—19.

Bill read second time and ordered to engrossment.

Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the words "the State of" after the second word "of" on line 2, printed bill.

Amendment adopted.

Bill read second time and ordered to print and engrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 3, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

JONES, Chairman.

THIRD READING OF BILLS.

Senator Cutter asked for and was granted unanimous consent to take up for immediate consideration Senate Bills Nos. 2 and 3.

Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery,

tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until eleven o'clock A. M. of Monday, February 5, 1900.

IN SENATE.

SENATE CHAMBER,
Monday, February 5, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

LEAVES OF ABSENCE.

Senator Currier was granted a leave of absence for this day, on motion of Senator Bulla.

Senator Davis was granted a leave of absence for this day, on motion of Senator Taylor.

Senator Dickinson was granted a leave of absence for this day, on motion of Senator Morehouse.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, February 3, 1900, was read.
The Journal of Wednesday, January 31, 1900, was approved.

COMMUNICATION.

The following communication was received by the Secretary of the Senate from A. J. Johnston, Superintendent of State Printing, and was read:

SACRAMENTO, February 3, 1900.

HON. F. J. BRANDON, *Secretary Senate, California Legislature*:

DEAR SIR: I have just been notified by Mr. Rogers of the action of the members of the Typographical, Pressmen's, and Bookbinders' Unions, employed in the State Printing Office. Will you kindly place this information before the proper persons and advise me what assurances I may convey to the committee?

I have the honor to be, very respectfully your obedient servant,

A. J. JOHNSTON,
Superintendent State Printing.

(2 enclosures.)

SACRAMENTO, February 3, 1900.

MR. HARRY ROGERS, *General Foreman, State Printing Office*:

DEAR SIR: At a joint chapel meeting of the Typographical, Pressmen's, and Bookbinders' Unions this committee was appointed and instructed to notify you that the members of the three unions employed in the State Printing Office have unanimously decided to do no more work on legislative printing until some definite assurance is received that we will be paid for work already performed and yet to be done for the thirty-third (extra) session of the Legislature.

Awaiting a reply, we are respectfully yours.

(Signed:) FRANK COOKE, of B. B. Union No. 35,
(Signed:) JOHN L. HAVERLAN, of S. P. P. Union No. 60,
(Signed:) S. J. MATHEWS, of Typographical Union No. 46,
Committee.

HON. A. J. JOHNSTON, *Superintendent State Printing*:

DEAR SIR: I beg leave to inform you that I have just been notified by the employés of the State Printing Office that no further legislative work will be handled until such time as you can assure said employés that their wages will be promptly paid.

See enclosed. Yours respectfully,

(Signed:) HARRY ROGERS, General Foreman.
Sacramento, February 3, 1900, 1 P. M.

LEAVE OF ABSENCE.

At eleven o'clock and fifteen minutes A. M., Senator Leavitt asked for and was granted a leave of absence of fifteen minutes for the Committee on Finance and Claims for the purpose of considering Assembly Bill No. 13 in reference to above communication.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1900.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

Also: Senate Joint Resolution No. 3—Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted as amended.

Also: Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Joint Resolution No. 1—Relative to the expression of sympathy with the Transvaal Republic and the Orange Free State.

Also: Senate Joint Resolution No. 4—Relative to the President of the United States tendering his good offices to the Kingdom of Great Britain and Ireland, and to the Transvaal Republic and Orange Free State, with a view to bringing about a cessation of hostilities.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

GILLETTE, Chairman.

Senate Bill No. 11 ordered on file for second reading.

Senate Joint Resolutions Nos. 2, 3, 1, and 4, and Senate Constitutional Amendment No. 2, ordered on file.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 5, 1900

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the Contingent Fund of the Senate in favor of the following named persons for the amount set opposite each of their names, as per attached bills, and the State Treasurer is hereby ordered and directed to pay the same:

Mrs. M. Frazee	\$9 00
Mrs. M. Frazee	13 00
The A. S. Hopkins Co.	12 50
The A. S. Hopkins Co.	60 21
L. Martin, Sergeant-at-Arms	2 70
Total	\$97 41

FLINT, Chairman.

The question being on the adoption of the report and resolution.

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

AYES—Senators: Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Jones, Land, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Taylor, and Trout—21.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 5, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund—and report that the same has been correctly engrossed.

JONES, Chairman.

Senate Bill No. 7 ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 10 ordered to enrollment.

THIRD READING OF BILLS.

Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Bettman, Burnett, Chapman, Curtin, Doty, Gillette, Goad, Hall, Hoey, Jones, Laird, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Sims, Statton, Taylor, Trout, and Wolfe—21.

NOES—Senators Boyce and Bulla—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

On request of Senator Bulla, the following statement was ordered printed in the Journal as explanation of his vote on the bill referred to:

MR. PRESIDENT: I vote "no" on Senate Bill No. 6, solely for the reason that I believe the bill in its present form to be clearly unconstitutional, and that if passed in that form it will be entirely inoperative. I favor the object of the measure and because of that, offered an amendment which, I think, would have increased the probability of its being sustained by the courts. That amendment was lost and I am compelled, very reluctantly, to vote against the bill.

R. N. BULLA.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 5, 1900

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also, Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 3d day of February, 1900, at twelve o'clock and twenty minutes P. M.

JONES, Chairman.

ON FINANCE AND CLAIMS—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 5, 1900

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

SMITH, Chairman pro tem.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to take up Assembly Bill No. 13 for consideration at this time.

Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "seven thousand five hundred dollars" on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the following. "three thousand five hundred dollars."

Amendment adopted.

Upon the adoption of the above amendment, on motion of Senator Leavitt, bill was ordered immediately to print.

RECESS.

At eleven o'clock and thirty minutes A. M., on motion of Senator Leavitt, the Senate was declared at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Trout, and Wolfe—25.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 5, 1900

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

JONES. Chairman.

Senate Bill No. 1 ordered on file for third reading.

Senate Bill No. 6 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cutter moved a call of the Senate.

Motion carried.

Time: Two o'clock and ten minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

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

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Sims, Smith, Stratton, and Trout—24.

The Secretary announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and fifteen minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senators Leavitt, Shortridge, Bettman, Wolfe, and Hoey, who were excused for absence from the Senate Chamber, on motion of Senator Bettman.

FURTHER PROCEEDINGS UNDER CALL OF SENATE DISPENSED WITH.

At two o'clock and twenty minutes P. M., further proceedings under call of the Senate were dispensed with, upon motion of Senator Bettman.

The roll of absentees was called, and the President pro tem. announced Senate Bill No. 1 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Doty, Gillette, Hall, Hoey, Jones, Laud, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Trout, and Wolfe—24

NOES—Senators Bulla and Stratton—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to offer the following resolution:

Resolved, That Assembly Bill No. 13 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Assembly Bill No. 13 declared a case of urgency by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

Bill read second time.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Assembly Bill No. 13 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pusk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 5, 1900

MR PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following Constitutional Amendment correctly engrossed:

Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department.

JONES, Chairman

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Cutter asked for and was granted unanimous consent to take up at this time Senate Constitutional Amendment No. 1 for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

Proposition to amend Article VI of the Constitution, relating to the Judicial Department.

The Legislature of California, at its special session convened January twenty-ninth, nineteen hundred, two thirds of all the members elected to each house voting therefor, proposes, to the qualified electors of the State, the following amendment to the Constitution. That Article VI be amended to read:

Article VI—Judicial Department.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

SECTION 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices; *provided*, that the Chief Justice and the Associate Justices in office at the time of the adoption of this amendment shall continue in office and constitute the court until the expiration of their respective terms of office; *and provided further*, that at the expiration of the term of office of the two Justices having at the time of the adoption of this amendment the shortest terms to serve, their offices shall be abolished. The presence of a majority of the Justices shall be necessary for the transaction of business (except such as may be done at chambers), and the concurrence of a majority of the Justices shall be necessary to pronounce a judgment.

The Supreme Court shall hold all of its sessions at San Francisco. There shall be three regular sessions each year, beginning on the second Monday in January, May, and September. Special sessions may be held at any time on the order of the Chief Justice or of three Associate Justices.

The Chief Justice and the Justices of the Supreme Court shall be elected by the qualified electors of the State at large at the general State elections at the times and places at which State officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election.

If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Supreme Court shall have appellate jurisdiction direct from the Superior Courts in every action, proceeding or special proceeding where is necessarily drawn in ques-

tion the validity of a statute, or of an authority exercised under the United States; or where is necessarily drawn in question the validity of the Constitution or any statute of or authority exercised under this State on the ground of being repugnant to the Constitution or laws of the United States; or where is necessarily drawn in question the validity of any statute of or authority exercised under this State on the ground of being repugnant to the Constitution of this State, or where is necessarily drawn in question the legality of any tax, impost or assessment, in all proceedings in exercise of the right of eminent domain, in actions or proceedings for usurpation or intrusion in to, or unlawful holding of, a public franchise, also in all criminal actions (on questions of law alone) in which the judgment shall be death or imprisonment for life, and also in all cases in which the fact of the adoption by a city, or a city and county, of a charter for its own government, or the validity of the same, or any part thereof, or of any authority exercised thereunder is necessarily drawn in question. It shall also have appellate jurisdiction in every action, proceeding or special proceeding determined by any District Court of Appeal, the record in which may, by order pursuant to the further provisions on these subjects hereinafter contained in this article, be directed to be transmitted to it. It shall also have jurisdiction in every action, proceeding and special proceeding which shall actually have been submitted to it for decision before the organization of the District Courts of Appeal established by this article, and of every pending cause which shall not be transferable to the District Courts of Appeal as hereinafter provided. And in all cases in which the Supreme Court shall acquire jurisdiction it shall have further jurisdiction to decide all questions properly presented on the record, whether or no they be such as of themselves would entitle the court to take jurisdiction of the cause.

SECTION 3 The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three Justices. There shall in each year be four regular sessions of each District Court of Appeal, commencing on the second Monday in February, May, August and November. Special sessions may be held at any time upon the order of the court.

The first appellate district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito. The official designation of the District Court of Appeal in this District shall be "The Court of Appeal of the State of California in and for the First District," and it shall hold its sessions at the City and County of San Francisco.

The second appellate district shall embrace the following named counties in the State: Fresno, Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego. The official designation of the District Court of Appeal for this district shall be: "The Court of Appeal of the State of California in and for the Second District," and the court shall hold its sessions at the City of Los Angeles.

The third appellate district shall embrace the following named counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Siskiyou, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, Mono, Mariposa, Madera, and Merced. The official designation of the District Court of Appeal of this district shall be "The Court of Appeal of the State of California in and for the Third District," and the court shall hold its sessions at the City of Sacramento.

The Legislature may remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections, at the times and places at which State officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding the election; *provided*, that on or before the first day of January after this amendment takes effect the Governor shall appoint three Justices for each District Court of Appeal, to hold office until qualification of Justices to be elected at the next succeeding general election. The Justices of each District Court of Appeal so elected at the first election shall, at their first meeting, so classify themselves by lot that one of them shall go out of office at the end of four years, one at the end of eight years, and the third at the end of twelve years. An entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State.

If a vacancy occur in the office of a Justice of the District Court of Appeal the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy. Such election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Justices of each of the District Courts of Appeal shall elect one of their number as a Presiding Justice. The presence of three Justices shall be necessary for the transaction of any business by such court, and the concurrence of two Justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining Justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the Justice so disqualified.

fied or unable to act. Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Chief Justice may appoint a Judge of a Superior Court, who has not acted in the cause in the court below, to act pro tempore in the place of the Justice so disqualified or unable to act. A Justice of one District Court of Appeal may at any time sit as a Justice pro tempore in any other District Court of Appeal upon the written request of any Justice of said court; every Justice pro tempore of the Supreme Court or of the District Court of Appeal, while acting as such, shall have the same power and authority as the Justice of such court.

The several District Courts of Appeal shall have appellate jurisdiction in every civil action, proceeding and special proceeding commenced and determined and (on questions of law alone) in every criminal action prosecuted by indictment or information in the Superior Courts within their several appellate districts, excepting only those actions, proceedings or special proceedings in which an appeal direct to the Supreme Court from the Superior Courts is expressly allowed by this article. The statutes now in force allowing, providing for and regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as consistent with this article until the Legislature shall make provisions for appeals to said courts.

The judgments and decrees of the District Courts of Appeal shall be final in all causes embraced within their appellate jurisdiction, except in the following cases:

In any cause decided by a District Court of Appeal, if the decision of such Court of Appeal conflicts with a previous decision of the Supreme Court, or of another District Court of Appeal, the Supreme Court shall, upon petition to be filed within thirty days after entry of judgment in the District Court of Appeal, order the cause to be heard by the Supreme Court, and thereupon the record shall be transmitted to the Supreme Court, which shall hear and determine the cause.

The Supreme Court, or any Justice thereof, shall have power to issue writs of habeas corpus, and the Supreme Court shall have power to issue writs of mandamus, certiorari, and prohibition to the District Courts of Appeal, and shall likewise have power to issue all writs, orders, and process necessary or proper to the complete and effectual exercise of its appellate jurisdiction. It shall also have power to issue writs of mandamus, certiorari, and prohibition in any matter affecting a State, Congressional, or Presidential election. The District Courts of Appeal shall have power to issue within their respective districts writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, and shall likewise have power within such districts to issue all writs and orders necessary or proper to the complete and effectual exercise of their appellate jurisdiction. Each Justice of the District Courts of Appeal shall have power to issue writs of habeas corpus to any part of the appellate district in which he sits, and any such writ may be made returnable before the Justice who issued it, or the court from which it was issued, or any Justice thereof, or before any lower court of record, or before any Judge thereof.

Unless oral argument be waived by the parties with the consent of the court, every cause and matter in the Supreme Court and in any District Court of Appeal (except such applications as may be made ex parte) shall be orally argued by the parties or their counsel in open court; but this shall not prevent the courts from requiring that the points to be argued and considered, together with a list of authorities to sustain such points, shall be printed and filed before a cause is taken up for argument. Not more than twenty cases (except ex parte applications) shall be under submission for decision at any one time in the Supreme Court or in any District Court of Appeal. All decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing and the grounds of the decision shall be stated. A remittitur or mandate must issue on every judgment of said courts on or before the expiration of thirty days after the rendition thereof.

SECTION 4. The Supreme Court shall, upon the organization of the District Courts of Appeal, transfer to them respectively any causes then pending in the Supreme Court and which have not been heard or are within the class of causes over which such District Courts have appellate jurisdiction; and upon such transfer the District Courts of Appeal shall have full jurisdiction to hear and determine the same.

SECTION 5. The Superior Courts shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer, of proceedings in insolvency; of action to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, and of all such special cases and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State, *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof affected by such action or actions, is situated. Said courts and their judges shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

SECTION 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one Judge shall be elected by the qualified electors of the county, or city and county, at the general State election, *provided*, that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are Judges thereof. The said Judges shall choose, from their own number, a Presiding Judge, who may be removed at their pleasure. He shall distribute the business of the court among the Judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the Judges of said courts, respectively, shall be equally effectual as if all the Judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda there shall be elected two such Judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court elected in the City and County of San Francisco, at the first election held under this Constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a Judge to fill the vacancy, which election shall take place at the next succeeding general election, and the Judge so elected shall hold office for the remainder of the unexpired term.

SECTION 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the Judges of such court may hold as many sessions of said court at the same time as there are Judges thereof, and shall apportion the business among themselves as equally as may be.

SECTION 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a Judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

SECTION 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may, at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county in the State; *provided*, that no such reduction shall affect any Judge who has been elected.

SECTION 10. Justices of the Supreme Court, of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers except Justices of the Peace may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the reasons therefor be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal.

SECTION 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities, and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that said Justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the liens nor the value of the property amounts to three hundred dollars.

SECTION 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature may prescribe, shall be courts of record.

SECTION 13. The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

SECTION 14. The County Clerks shall be *ex officio* clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment by the several Superior Courts of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SECTION 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

SECTION 16. The Legislature shall provide for the speedy and uniform publication of such opinions of the Supreme Court and of the District Courts of Appeal as may be ordered by said courts respectively, and all such opinions shall be free for publication by any person.

SECTION 17. The Justices of the Supreme Court and Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected, which compensation shall be paid by the State. Until otherwise changed by the Legislature, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each, and the Superior Court Judges shall receive the salaries now allowed by law, payable monthly. Each Judge of the Superior Court may appoint a competent stenographer for his court, who shall hold office during good behavior. Such stenographer shall receive a salary for reporting, payable by the State, and fees for transcription when required, payable in criminal cases by the county, and in civil cases by the party ordering the same. Such salary, which may vary in different counties in proportion to duties, and such fees shall be fixed by law.

SECTION 18. The Justices of the District Courts of Appeal shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected. The salaries of the Justices of the District Courts of Appeal shall be paid by the State. Unless otherwise changed by the Legislature, the annual salaries of the Justices of the District Courts of Appeal shall be six thousand dollars each.

SECTION 19. The Justices of the Supreme Court, of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SECTION 20. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SECTION 21. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SECTION 22. The Supreme Court shall appoint a clerk of that court, but the present clerk of the court shall hold office until the expiration of his term of office; a phonographic reporter, and a bailiff, who shall severally hold his office and be removable at the pleasure of the court. Each District Court of Appeal shall appoint a clerk, phonographic reporter and bailiff, who shall severally hold his office and be removable at the pleasure of the court by which he is appointed. The Supreme Court shall appoint a reporter of decisions, who shall appoint an assistant reporter for each of the District Courts of Appeal. All of said officers shall hold office and be removable at the pleasure of the Supreme Court. The decisions of the District Courts of Appeal shall be published in the same volumes with the opinions of the Supreme Court under the same general title of California Reports; and all statutes in relation to the publication of the opinions of the Supreme Court shall be deemed to apply to the publication of the decisions of the District Courts of Appeal.

SECTION 23. No Judge of a court of record shall practice law in any court of this State during his continuance in office.

SECTION 24. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SECTION 25. No Judge of the Supreme Court, nor of a District Court of Appeals, nor of a Superior Court, shall draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days.

Senate constitutional amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Hall, Jones, Laird, Leavitt, Luchsinger, Muggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senators Goad and La Rue—2.

Ordered transmitted to the Assembly.

SPECIAL URGENCY FILE.

Senate Bill No. 6—An Act to amend Section 2527 of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Bill having been read a third time on a previous day.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Smith asked for and was granted unanimous consent to take up at this time Senate Constitutional Amendment No. 2 for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 2.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers

The Legislature of the State of California, at its thirty-third session, commencing on the twenty-ninth day of January, Anno Domini nineteen hundred, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that section five of article eleven of the Constitution of the State of California be amended so as to read as follows:

SECTION 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. The compensation of such officers and the number and compensation of their deputies, clerks, and assistants shall be regulated by the Legislature, or in such manner as the Legislature may by uniform laws provide, and for this purpose it may classify the counties and townships by population, and it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them or officially come into their possession.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sum, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Ordered transmitted to the Assembly.

CONSIDERATION OF JOINT RESOLUTIONS—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to take up at this time Senate Joint Resolution No. 3 for consideration.

SENATE JOINT RESOLUTION No. 3.

Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make.

WHEREAS, There are now pending in Congress measures for the laying of a submarine cable from some point in the State of California across the Pacific Ocean; and

WHEREAS, The construction of the same will be of great benefit to the United States and to this State; and

WHEREAS, If the cable is made by an American company in the United States it will favorably advertise our manufactures abroad and give employment to a great number of our citizens; now, therefore, be it

Resolved by the Senate and the Assembly, jointly, That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to vote for and use all honorable means to secure the passage of a bill requiring the laying of such cable, and also requiring that the cable be made by an American company in the United States; and be it further

Resolved, That a copy of this resolution be forwarded by telegraph to Hon. George C. Perkins, and that he be requested to deliver a copy of the same to each member of the California delegation in Congress

During the reading of the joint resolution, the following amendment was submitted by the committee:

Amend by striking out of Section 2 all of lines 2, 3, and 4, and inserting in lieu thereof, the following: "the Secretary of the Senate to our Senators and Representatives in Congress."

Amendment lost.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None

Ordered transmitted to the Assembly.

Senator Braunhart asked for and was granted unanimous consent to take up at this time Senate Joint Resolution No. 2 for consideration.

Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

During the reading of the joint resolution, the following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the word "concurring" on line 2 of first paragraph, printed bill, and inserting in lieu thereof the word "jointly."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

In first line of first paragraph strike out the "comma" after the word California and insert the word "and."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out the words "that his Excellency the Governor be requested to transmit a copy of these resolutions" in second paragraph, printed bill, and inserting in lieu thereof the following: "That a copy of these resolutions be transmitted."

Amendment adopted.

Joint resolution ordered to print.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Wolfe: Senate Bill No. 12—An Act to amend Section 5 of Article II of an Act entitled “An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties,” approved March 31, 1897.

Bill read first time, and referred to Committee on Hospitals, Health, and Quarantine.

Also: Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled “An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties,” approved March 31, 1897.

Bill read first time, and referred to Committee on Hospitals, Health, and Quarantine.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 5, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That each member of the Senate be and is hereby allowed twenty-five (\$25) dollars for contingent expenses as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate, and that the aggregate amount of the value of the 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 hereby made. The Controller is hereby directed to draw his warrants for such balance as may stand to the credit of the members at the close of to-day's session, and the Treasurer is directed to pay same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

FLINT, Chairman.

The question being on the adoption of the report.

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

AYES—Senators Bulla, Curtin, Flint, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, and Trout—14.

NOES—Senators Bettman, Burnett, Hall, Laird, Nutt, Smith, Stratton, and Taylor—8.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until eleven o'clock A. M. of Tuesday, February 6, 1900.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 6, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Statton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, February 5, 1900, was read.

The Journal of Thursday, February 1, 1900, was approved.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Braunhart, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 5—Relative to a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Joint Resolution No. 5 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate amendment to Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature—and requests that your honorable body recede therefrom, and in case of non-receding, the Assembly has appointed Assemblymen Valentine, Knights, and Hoey as a Committee of Conference, on behalf of the Assembly, to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate recede from its amendment to Assembly Bill No. 13?"

The roll was called, and the Senate refused to recede from its amendment to Assembly Bill No. 13, by the following vote:

AYES—None

NOES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Smith, Taylor, and Trout—30

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President appointed Senators Smith, Leavitt, and Prisk a Committee of Conference on Assembly Bill No. 13.

The Secretary was directed to inform the Assembly, by message, of the Senate's action on Assembly Bill No. 13.

INTRODUCTION OF JOINT AND CONCURRENT RESOLUTIONS AND CONSTITUTIONAL AMENDMENT.

The following joint and concurrent resolutions and constitutional amendment were introduced:

By Senator Luchsinger: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Constitutional amendment ordered to print and on file without reference to committee.

By Senator Shortridge: Senate Concurrent Resolution No. 4—Relative to the consent of the Legislature to absence from the State of G. W. Root, Clerk of the Supreme Court of the State of California, for a period not to exceed six months.

Referred to Committee on Judiciary.

By Senator Burnett: Senate Concurrent Resolution No. 3—Relative to tendering Mrs. Almira S. Townsend a vote of thanks.

SUSPENSION OF THE RULES.

Senator Burnett moved that the rules be suspended and that Senate Concurrent Resolution No. 3 be now taken up for consideration.

The question being on the suspension of the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Bettman, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—32.

NOES—None.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

SENATE CONCURRENT RESOLUTION No. 3.

WHEREAS, Almira S. Townsend, a resident of San Francisco, State of California, has shown great liberality in the reception and entertainment of the First Regiment of California Volunteers, and the United States Volunteers from other States, upon their return from the Philippine Islands in eighteen hundred and ninety-nine, and also for the care and attention to the sick and wounded Volunteer Soldiers, therefore, be it

Resolved by the Senate, the Assembly concurring, That a vote of thanks be and is hereby tendered to Mrs. Almira S. Townsend for the attention shown and the kindness displayed to our soldiers on their return from the Philippine Islands, and the Governor of California be requested to forward a copy of this resolution to Mrs. Almira S. Townsend

Concurrent resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Ashe, Bettman, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Langford, La Rue,

Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Resolution ordered immediately transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

WHEREAS, At the thirty-third regular session of the California Legislature, the Hon. W. F. Goad did not receive the Codes and Constitution provided the other members of the Senate; therefore, be it

Resolved, That the Secretary of the Senate be and he is hereby instructed to purchase and provide said Senator Goad with a copy of each of the Codes and Constitution of the State of California, to be paid for out of the Contingent Fund of the Senate. The Controller of State is hereby authorized to draw his warrant for the same, and the Treasurer directed to pay it.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—and report that the same has been correctly enrolled, and presented the same to the Governor on the 5th day of February, 1900, at six o'clock and fifty-five minutes P. M.

JONES, Chairman.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Leavitt, the following message from the Governor was taken up and read and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 6, 1900. }

To the Senate of the State of California

I have the honor to inform your honorable body that I have approved Senate Bill No. 8, entitled "An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year."

Also: Senate Bill No. 9, entitled "An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year."

Also: Senate Bill No. 10, entitled "An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year."

HENRY T. GAGE,
Governor of the State of California.

SECOND READING OF BILLS.

Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

During the second reading of bill, the following amendment was offered by Senator Shortridge:

Amend by striking out the enacting clause.

Amendment lost.

Bill read second time and ordered to engrossment.

WITHDRAWAL OF SENATE JOINT RESOLUTION.

Senator Stratton asked unanimous consent to withdraw Senate Joint Resolution No. 1—Relative to the expression of sympathy with the Transvaal Republic and the Orange Free State.

Consent granted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following correctly engrossed:

Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

JONES, Chairman.

Senate Joint Resolution No. 2 ordered on file.

SPECIAL ORDER SET.

On motion of Senator Stratton, the consideration of Senate Joint Resolution No. 4—Relative to the President of the United States tendering his good offices to the Kingdom of Great Britain and Ireland, and to the Transvaal Republic and Orange Free State, with a view to bringing about a cessation of hostilities—was made the special order for immediately after recess of this day.

UNFINISHED BUSINESS.

Senate Concurrent Resolution No. 1—Relative to adjournment on February 10, 1900.

SPECIAL ORDER SET.

On motion of Senator Taylor, the further consideration of Senate Concurrent Resolution No. 1 was made the special order for immediately after the reading of the Journal on Wednesday, February 7, 1900.

RESOLUTION.

At twelve o'clock M. the following resolution was offered:

By Senator Cutter:

WHEREAS, The term of the Honorable Stephen M. White as United States Senator in Congress for the State of California, elected January 18, A. D. 1893, expired on the 4th day of March, A. D. 1899, and

WHEREAS, His successor, whose term shall commence on said 4th day of March, A. D. 1899, must be now chosen, therefore, be it

Resolved, That the Senate do now proceed to name, by viva voce vote, a person for Senator in Congress from the State of California, for the term of six years, commencing March 4, 1899, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, A. D. 1806, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873," approved January 22, 1874.

Resolution read and adopted.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

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

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

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

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

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

SEC. 19 The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

NOMINATIONS FOR UNITED STATES SENATOR.

The President announced nominations for United States Senator in order.

Senator Rowell nominated Hon. Thomas R. Bard.

Senator Boyce seconded the nomination of Hon. Thomas R. Bard.

Senator Davis seconded the nomination of Hon. Thomas R. Bard.

Senator Gillette seconded the nomination of Hon. Thomas R. Bard.

Senator Wolfe seconded the nomination of Hon. Thomas R. Bard.

Senator Bulla seconded the nomination of Hon. Thomas R. Bard.

Senator Shortridge seconded the nomination of Hon. Thomas R. Bard.

Senator Sims nominated Hon. James D. Phelan.

Senator Doty seconded the nomination of Hon. James D. Phelan.

Whereupon, there being no further nominations, the President declared the nominations closed, and directed the Secretary to call the roll of the Senate, and that, in accordance with the provisions of the Act of Congress just read, each Senator announce the name of the person for whom he votes, as his name is called.

The roll was thereupon called, with the following result:

For Thomas R. Bard—Senators Beitman, Boyce, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Flint, Gillette, Hoey, Jones, Lard, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—26.

For James D. Phelan—Senators Brauhart, Curtin, Doty, Goad, Hall, Langford, La Rue, Pace, Prisk, and Sims—10.

Whole number of votes cast	36
Necessary to a choice	19
Thomas R. Bard received	26 votes.
James D. Phelan received	10 votes.

Whereupon, the President announced that Hon. Thomas R. Bard had received a majority of all the votes cast for United States Senator, and declared him the choice of the Senate for the term of six years commencing with March 4, 1899, to succeed the Hon. Stephen M. White in that office, and directed that the fact be entered in the Journal.

RESOLUTION.

The following resolution was offered.

By Senator Cutter:

Resolved, That the Secretary forthwith inform the Assembly of a vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the Assembly Chamber to-morrow, Wednesday, February 7, 1900, at twelve o'clock meridian, in Joint Assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections of Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874

Resolution read and adopted.

RECESS.

At one o'clock and five minutes P. M., on motion of Senator Cutter, the Senate was declared at recess until three o'clock P. M. of this day.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

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

Senators Ashe, Beitman, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dory, Flint, Gillette, Goad, Jones, Lard, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—30.

Quorum present.

SPECIAL ORDER.

The special order heretofore set for this hour, being the consideration of Senate Joint Resolution No. 4—Relative to the President of the United States tendering his good offices to the Kingdom of Great Britain and Ireland, and to the Transvaal Republic and Orange Free State, with a view to bringing about a cessation of hostilities—was taken up.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 4 refused adoption by the following vote:

AYES—Senators Ashe, Braunhart, Chapman, Cutter, Davis, Doty, Hall, La Rue, Morehouse, Nutt, Pace, Sims, Stratton, and Taylor—14

NOES—Senators Bettman, Boyce, Bulla, Burnett, Currier, Curtin, Dickinson, Flint, Gillette, Goad, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Rowell, Shortridge, Simpson, Smith, and Trout—21.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of Committee of Conference was received:

SENATE CHAMBER, SACRAMENTO, February 6, 1909

MR. PRESIDENT Your Committee of Conference, concerning Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature—report that we have met a like committee of the Assembly, consisting of Assemblymen Valentine, Knights, and Hoey, and we report that the Conference Committee agreed upon and recommend that the words “three thousand five hundred dollars” on line 1, Section 1, printed bill, be stricken out and the words “four thousand five hundred dollars” be inserted.

SMITH, Chairman.

Report read.

The question being on the adoption of the report and amendment.

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

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Flint, Goad, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced:

By Senator Cutter: Senate Concurrent Resolution No. 5—Relative to adjournment *sine die*.

Resolution ordered to print.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Cutter:

Resolved, That F. F. Kingsbury be and he is hereby appointed Watchman in the place of J. H. Brown, to date from January 29th, and the Controller be and he is hereby directed to correct the Senate payroll by substituting the name of F. F. Kingsbury in place of J. H. Brown, and to draw his warrants accordingly.

Resolution read.

Senator Cutter asked for and was granted unanimous consent to take up the above resolution at this time for consideration without reference to committee.

The question being on the adoption of the resolution.

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

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 4—Relative to leave of absence of G. W. Root, Clerk of Supreme Court, from the State—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GILLETTE, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Simpson asked for and was granted unanimous consent to take up at this time Senate Concurrent Resolution No. 4, for consideration.

SENATE CONCURRENT RESOLUTION No. 4.

Relative to the consent of the Legislature to absence from the State of G. W. Root, Clerk of the Supreme Court of the State of the California, for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that G. W. Root, Clerk of the Supreme Court of the State of California, may depart from the State of California at any time during the remainder of his official term as Clerk of the Supreme Court of the State of California, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Ashe, Bettman, Brannhar, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Sherridge, Simpson, Sims, Smith, Trout, and Wolfe—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 2—Relative to annulling Senate Constitutional Amendment No. 22—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

GILLETTE, Chairman.

Senate Concurrent Resolution No. 2 ordered on file.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until eleven o'clock A. M. of Wednesday, February 7, 1900.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 7, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Boyce, Braunnhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Tuesday, February 6, 1900, was read.
The Journal of Friday, February 2, 1900, was approved

COMMUNICATION.

The following telegram was received by the Secretary of the Senate, which was read and ordered printed in the Journal:

WASHINGTON, D. C., February 7, 1900.

HON. FRANK J. BRANDON, *Secretary Senate, Sacramento, California*

Joint resolution Legislature on Jamaica treaty received, and has been presented to United States Senate and will have good effect. I feel confident that proposed reciprocity treaties will not be ratified. Have used every effort to put them into the sleep that knows no waking. I congratulate the Legislature in having elected a Senator, which action gives California full representation in the United States Senate. The Pacific Coast, in view of increasing commerce with Orient, needs its full strength in Congress to take advantages of present opportunities. In uniting on one candidate, the Republican party also unites for the Presidential election, making California safe for November. The State's influence in Congress has been increased by our Legislature's action.

GEORGE C PERKINS.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 7, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

JONES, Chairman.

Senate Bill No. 11 ordered on file for third reading.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 7, 1900.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act

entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospital for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Senate Bill No. 13 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Wolfe: Senate Bill No. 14—An Act to amend Section 8 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Bill read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Boyce: Senate Bill No. 15—An Act to provide for the removal, by the Governor, of officers and commissioners appointed by the Governor, whose terms of office are not fixed by the Constitution.

Bill read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 16—An Act to provide for the removal, by the Governor, of all officers and commissioners appointed by the Governor whose terms of office are not fixed by the Constitution.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF SPECIAL ORDER TEMPORARILY POSTPONED.

The special order heretofore set for this hour, being the consideration of Senate Concurrent Resolution No. 1—Relative to adjournment *sine die* on February 10, 1900—was, on motion of Senator Brauhart, temporarily postponed until the resolution should be received from the printer, and the third-reading file proceeded with.

THIRD READING OF BILLS.

SENATE JOINT RESOLUTION NO. 2.

Relative to the election of United States Senators by direct vote of the people.

WHEREAS, Section three of article one of the Constitution of the United States provides that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years"; and

WHEREAS, The present system for the election of United States Senators is subject to severe public criticism and divided public opinion arising from various causes; therefore, be it

Resolved by the Senate of the State of California, and the Assembly, jointly, That our Senators in Congress be instructed, and our Representatives be requested, to vote for the submission of an amendment to the Constitution of the United States providing for the election of Senators by the direct vote of the electors of the respective States.

Resolved, That a copy of these resolutions be transmitted to our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Carrier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Goad, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Simpson, Sims, Stratton, Taylor, and Trout—30.

NOES—Senators Chapman, Laird, Morehouse, Rowell, and Shortridge—5.

Resolution ordered transmitted to the Assembly.

At eleven o'clock and fifty minutes A. M. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1900

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

WHEREAS, It appears by a message of the Senate that on the 6th day of February, A. D. 1900, proceedings were had in the Senate for the election of a United States Senator in Congress, in conformity to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, A. D. 1866, and pursuant to Sections 14 and 15 of the Revised Statutes of the United States; and it appearing that Thomas R. Bard received a majority of the votes cast in the Senate; and

WHEREAS, Similar proceedings were had in the Assembly on said 6th day of February, A. D. 1900, and a majority of said votes of the Assembly were cast for said Thomas R. Bard: now, therefore, be it

Resolved, That the Senate and Assembly meet in Joint Assembly on the 7th day of February, A. D. 1900, at twelve o'clock noon of said day, to declare the said election of the said Thomas R. Bard Senator in Congress for the term of six years commencing on the 4th day of March, A. D. 1899.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1900.

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

"WHEREAS, The term of the Honorable Stephen M. White, United States Senator in Congress from the State of California, elected on the 18th day of January, A. D. 1893, for a full term of six years from the 4th day of March, A. D. 1893, did expire on the 4th day of March, A. D. 1899, and

"WHEREAS, His successor, whose term did commence on the said 4th day of March, A. D. 1899, must now be chosen: therefore, be it

Resolved, That the Assembly do now proceed to name, by viva voce vote, a person for Senator in Congress from the State of California, for the term of six years commencing March 4, 1899, pursuant to an Act of Congress entitled 'An Act to regulate the time and manner of holding elections for Senators in Congress,' approved July 25, A. D. 1866, and pursuant to the provisions of Sections 14 and 15 of the Revised Statutes of the United States."

And pursuant to the above resolution, I hereby certify that this Assembly has this day voted for a person for United States Senator in Congress from California, for the term of six years, commencing March 4, 1899, with the following result:

Whole number of votes cast.....	80
Necessary to a choice.....	41
Thomas R. Bard received.....	59 votes.
James D. Phelan received.....	20 votes.
Stephen M. White received.....	1 vote.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 3—Relative to construction of Pacific cable, and requesting that Congress require the same to be of American make.

Also: Passed, as a case of urgency, Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Joint Resolution No. 3 ordered to enrollment.
Assembly Bill No. 21 read first time.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Leavitt asked for and was granted unanimous consent to have the rules suspended and Assembly Bill No. 21 considered without reference to committee.

RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to offer the following resolution:

Resolved, That Assembly Bill No. 21 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Assembly Bill No. 21 declared a case of urgency by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.
NOES—None.

CASE OF URGENCY.

Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read second time.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Assembly Bill No. 21 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—33.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

SENATE CONSTITUTIONAL AMENDMENT No. 3.

A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

The Legislature of the State of California, at its thirty-third session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California, the following amendment to section eight of article eleven of the Constitution.

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

SECTION 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 3 adopted by the following vote:

AYE—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoev, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—35.

NOES—None

Constitutional amendment ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and fifty-eight minutes A. M. Hon. Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint

Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 7, 1900. }

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

The Senate and Assembly then went into joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner for holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States, in force on the 1st day of December, A. D. 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in conjunction with the Hon. Alden Anderson, Speaker of the Assembly, presiding.

The President pro tem of the Senate directed the Secretary of the Senate to call the roll of Senators.

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

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luch-singer, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

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

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Toulumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—79.

Quorum of both houses present.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Act of Congress requiring both houses to meet in Joint Assembly this day.

The Secretary of the Senate read as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in

Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

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

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

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

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

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President pro tem. of the Senate, then read from the Journal of the Senate so much of the proceedings of yesterday as relates to the election of a United States Senator to fill the term commencing March 4, 1899.

Whereby it appears that thirty-six Senators were present and voted each for his choice, and that the

Hon. Thomas R. Bard received	26 votes.
Hon. James D. Phelan received	10 votes.

The President pro tem. of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. Thomas R. Bard had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1899.

By direction of the Speaker of the Assembly, the Chief Clerk of the Assembly then read from the Journal of the Assembly so much of the proceedings of yesterday as relates to the election of a United States Senator to fill the term commencing March 4, 1899.

Whereby it appears that eighty members of the Assembly were present and voted each for his choice, and that the

Hon. Thomas R. Bard received	59 votes.
Hon. James D. Phelan received	20 votes.
Hon. Stephen M. White received	1 vote.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that Hon. Thomas R. Bard had received a majority of the votes of the whole House, and declared him the choice of the Assembly for United States Senator to fill the term commencing March 4, 1899.

The President pro tem. of the Senate, Hon. Thomas Flint, Jr., then declared as follows: It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. Thomas R. Bard has received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. Thomas R. Bard duly elected United States Senator in the Congress of the United States from the State of California for the term beginning March 4, 1899.

RESOLUTION.

The following resolution was introduced by Assemblyman Dibble:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California a copy of the proceedings of this Joint Assembly appertaining to the election and declaring the election of a person to the United States Senate in Congress from California for a term of six years beginning March 4, 1899, in accordance with the provisions of an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and in pursuance to the provisions of Sections 14 and 15 of the Revised Statutes of the United States, and that said copy be attested by the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly.

Adopted.

APPOINTMENT OF COMMITTEE.

On motion of Assemblyman Dibble, the President pro tem. appointed Assemblymen Dibble, Radcliff, and Mead, and Senators Rowell, Leavitt, and Sims a committee to invite the Hon. Thomas R. Bard, Senator elect, to address the Joint Assembly.

ADDRESS BY UNITED STATES SENATOR BARD.

Whereupon the Hon. Thomas R. Bard, Senator elect, was conducted to the chair by the committee appointed to escort him, and made the following address:

MR. CHAIRMAN, AND GENTLEMEN OF THE SENATORIAL CONVENTION. I fully appreciate and thank you, as the representatives of the people of the State of California, for the honor that you have conferred upon me. I accept the office to which you have been pleased to elect me, fully realizing its responsibilities, and the services which are inseparable from it. And, invoking God's aid, I shall undertake to discharge the duties of the office, having in view as my highest reward the commendation of the people of the State. Honesty and industry are common virtues, but relying upon these, I hope to win that reward. I thank you.

RESOLUTION.

The following resolution was introduced by Assemblyman Mead:

Resolved, That the Legislature of California, assembled in joint convention, tenders to the Hon. Stephen M. White the thanks of a grateful people for his distinguished services to the State and Nation during the six years that he served in the Senate of the United States.

Resolved, That the Chief Clerk of the Assembly be instructed to have an engrossed copy of this resolution made, signed by the proper officers of the Senate and Assembly, and transmit the same to the Hon. Stephen M. White.

Adopted.

APPROVAL OF MINUTES.

The minutes of the Joint Assembly of this day were read and, on motion, approved.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Assemblyman Dibble, the Joint Assembly stood adjourned.

IN SENATE.

RECONVENED.

At twelve o'clock and fifty minutes P. M. the Senate reconvened.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

LEAVE OF ABSENCE.

Senator Braunhart was granted leave of absence for this day and Thursday, February 8, 1900, on his own motion.

RECESS.

On motion of Senator Leavitt, at twelve o'clock and fifty minutes P. M., the Senate was declared at recess until three o'clock P. M. of this day.

RECONVENED.

At three o'clock P. M., the Senate reconvened.
Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dory, Flint, Gillette, Goad, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—27.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, At the thirty-third regular session of the California Legislature, the Hon. W. F. Goad did not receive the Codes and Constitution provided the other members of the Senate, therefore, be it

Resolved, That the Secretary of the Senate be and he is hereby instructed to purchase and provide said Senator Goad with a copy of each of the Codes and Constitution of the State of California, to be paid for out of the Contingent Fund of the Senate. The Controller of State is hereby authorized to draw his warrant for the same, and the Treasurer directed to pay it.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

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

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Concurrent Resolution No. 1—relative to adjournment *sine die*—heretofore made a special order for immediately after the reading of the Journal, and on this day temporarily postponed, was taken up.

WITHDRAWAL AND SUBSTITUTION OF CONCURRENT RESOLUTION.

Senator Cutter asked for unanimous consent to withdraw Senate Concurrent Resolution No. 1—relative to adjournment *sine die*—and substitute Senate Concurrent Resolution No. 5—relative to adjournment *sine die*—therefor.

Consent granted.

SENATE CONCURRENT RESOLUTION NO. 5.

Relative to adjournment *sine die*.

Resolved by the Senate, the Assembly concurring That the two houses adjourn *sine die* at twelve noon on Saturday, February tenth, nineteen hundred.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Concurrent Resolution No. 5 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Also: Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

Also: Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recordors, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Also: Senate Bill No. 5—An Act to amend Section 2524 of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 4 ordered to enrollment.
Senate Bill No. 5 ordered to enrollment.
Senate Bill No. 7 ordered to enrollment.
Senate Bill No. 6 ordered to enrollment.
Senate Bill No. 3 ordered to enrollment.
Senate Bill No. 2 ordered to enrollment.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT.

The following constitutional amendment was introduced:

By Senator Wolfe: Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Referred to Committee on Judiciary.

THIRD READING OF BILLS.

Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Goad, Hall, Jones, Leavitt, Luchsinger, Nutt, Rowell, Sims, Stratton, Taylor, and Wolfe—21.

NOES—Senators Chapman, Davis, Gillette, Langford, Maggard, Morehouse, Pace, Prisk, Shortridge, Smith, and Trout—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 2—Relative to annulling Senate Constitutional Amendment No. 22.

During the reading of concurrent resolution, the following amendment was submitted by the committee:

Amend by adding to resolution the following: "there being a fatal variance between Section 17 thereof and the same section as proposed to be amended by Senate Constitutional Amendment No. 9, also adopted at the thirty-third regular session, which, if both amendments were submitted to and ratified by the electors, would result in that section of the Constitution reading two and entirely distinct ways, and therefore it would be inoperative, and there being the further defect in Senate Constitutional Amendment No. 22, in that it reads to annul, while in fact it amends, Section 24."

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Cutter:

Resolved. That the following be allowed one day's pay each for services rendered on January 29, 1900, in the positions set opposite their respective names, payable out of the Contingent Fund of the Senate, the Controller being hereby authorized and required to draw his warrants thereon therefor:

Pages—D. J. Shields, J. M. Gilman, Esmond Smith, Frank Merritt.

Mail Carriers—A. L. Dillon, J. Terrill.

Porters—E. Cowan, G. F. Nightingale, H. Clock, H. Clay, J. P. Frazer, S. Truett

Also:

Resolved, That C. E. Williams, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all vouchers and papers, after the close of the Senate, to their proper owners, and file with the Secretary of the Senate his receipts therefor, and

Resolved, That he be allowed twenty-five dollars (\$25) for above service, and that the Controller is hereby instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Also:

Resolved, That J. L. Martin be and he is hereby allowed five days after the close of this session to properly care for the property of the Senate, delivering the same to the State Janitor and taking his receipt therefor, and that he is hereby allowed the same per diem received by him now, and that the Controller is directed to draw his warrant, payable out of the Contingent Fund of the Senate, for the same.

Resolutions read and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 7, 1900

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 12—An Act to amend Section 5 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ROWELL, Chairman.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Also: Senate Concurrent Resolution No. 3—Relative to a vote of thanks to Almita S. Townsend.

Also: Senate Concurrent Resolution No. 4—Relative to leave of absence of G. W. Root, Clerk of Supreme Court, from the State

Also: I am directed to herewith return to your honorable body Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature—respectfully calling attention to the fact that the same had not been printed as amended before your final action thereon.

C. W. KYLE, Chief Clerk.
By H. S. WANZEL, Assistant.

Assembly Bill No. 13 ordered to print.

Senate Constitutional Amendment No. 3 ordered to enrollment.

Senate Concurrent Resolution No. 3 ordered to enrollment.

Senate Concurrent Resolution No. 4 ordered to enrollment.

BILL TAKEN UP FOR PURPOSE OF AMENDMENT.

Senator Wolfe asked for and was granted unanimous consent to take up at this time Senate Bill No. 12 for the purpose of amendment.

Senate Bill No. 12—An Act to amend Section 5 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide

a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

During the second reading of bill, the following amendments were offered :

By Senator Wolfe:

Amend by inserting in Section 5, line 30, after the word "remove," the following: "for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Wolfe, Leavitt, and Shortridge.

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

AYES—Senators Bettman, Curtin, Cutter, Dickinson, Laird, Leavitt, Shortridge, Trout, and Wolfe—9.

NOES—Senators Ashe, Bulla, Burnett, Chapman, Currier, Davis, Doty, Flint, Gillette, Goad, Hall, Jones, Langford, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, and Taylor—24.

By Senator Rowell:

Amend by striking out the enacting clause.

During the discussion, Senator Gillette moved the previous question.

The question then being, "Shall the main question be now put?"

The ayes and noes were demanded by Senators Wolfe, Bulla, and Rowell.

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

AYES—Senators Ashe, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Flint, Gillette, Goad, Hall, Jones, Langford, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Smith, and Stratton—23.

NOES—Senators Bettman, Dickinson, Laird, Leavitt, Luchsinger, Shortridge, Taylor, Trout, and Wolfe—9.

FINAL PASSAGE OF BILL AS AMENDED BY COMMITTEE OF CONFERENCE.

Assembly Bill No. 13 having been returned from print, as amended by Committee of Conference of Senate and Assembly, and having been read a third time on a previous day.

The question being on the final passage of the bill.

The roll was called, and Assembly Bill No 13 finally passed, as amended by Committee of Conference of Senate and Assembly, by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Senator Davis, the Senate was declared adjourned until eleven o'clock A. M. of Thursday, February 8, 1900.

IN SENATE.

SENATE CHAMBER,
Thursday, February 8, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, February 7, 1900, was read.
The Journal of Saturday, February 3, 1900, was approved.

LEAVES OF ABSENCE.

Senator Nutt was granted a leave of absence for remainder of session, on his own motion.

Senator Rowell was granted a leave of absence for this day, on motion of Senator Davis.

Senator Bulla was granted a leave of absence for this day, on motion of Senator Currier.

Senator Simpson was granted a leave of absence for this day, on motion of Senator Currier.

RESOLUTION.

The following resolution was offered:

By Senator Cutter:

Resolved, That G. A. Byron be allowed the sum of forty-eight dollars (\$48) for twelve days' services as Electrician, and that Hiram Clock be allowed thirty-six dollars (\$36) for twelve days' services as Watchman, both payable out of the Contingent Fund of the Senate, on which the Controller is hereby authorized and directed to draw his warrants therefor.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

SECOND READING OF BILLS.

Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled “An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties,” approved March 31, 1897.

Bill read second time.

RESOLUTION—(OUT OF ORDER).

Senator Cutter asked for and was granted unanimous consent to offer the following resolution:

Resolved, That Senate Bill No. 13 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be considered engrossed, read third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time: Eleven o'clock and twenty minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

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

Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Cutter, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF SENATE DISPENSED WITH.

At eleven o'clock and twenty-two minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Cutter.

The roll of absentees was called, and the President pro tem. announced Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Senate Bill No. 13 declared a case of urgency by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Cutter, Davis, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senator Langford—1.

CASE OF URGENCY.

Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Bill considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Cutter, Davis, Doty, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 7, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 5—Relative to a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty—and report that the same has been correctly enrolled, and presented the same to the Governor on the 7th day of February, 1900, at ten o'clock and forty minutes A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined the following

Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation

Also: Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Senate Joint Resolution No. 3—Relative to construction of Pacific cable, and requesting that Congress require the same to be of American make.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 7th day of February, 1900, at ten o'clock and forty minutes A. M.

JONES, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 8, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named persons for the amount set opposite each of their names, as per bills attached, and the State Treasurer is hereby ordered and directed to pay the same:

Siller Bros	\$20 00
Postal Telegraph-Cable Company	17 10
George B. Stack	40 50
George B. Stack	70 90

Also: *Resolved*, That the State Controller be and he hereby is directed and ordered to draw his warrant upon the proper fund in favor of the following named persons for the amount set opposite each of their names, as per bills attached, and the State Treasurer is hereby ordered and directed to pay the same:

F. R. Pulford.....	\$43 95
Klune & Floberg.....	2 50
G. Bailey.....	5 00
S. Dannebaum & Son.....	20 94
John Breuner & Co.....	4 65
John Breuner & Co.....	13 30
John Breuner & Co.....	2 90
Buffalo Brewing Company.....	14 00
F. M. Jones.....	21 50
Pacific Postal Telegraph Company.....	42 73
Postal Telegraph-Cable Company.....	4 81
H. S. Crocker Company.....	18 50
H. C. Mergerle.....	6 00
Capital Artesian Water Company.....	24 00
Siller Bros.....	5 00
A. S. Hopkins Company.....	2 25
John Breuner.....	11 75

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

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

AYES—Senators Bettman, Boyce, Burnett, Currier, Cutter, Davis, Doty, Flint, Gillette, Goad, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. PRESIDENT: I am hereby directed to request your honorable body to return to the Assembly for correction Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 3, Article XI, of the Constitution of the State of California, relating to charters.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Constitutional Amendment No. 3 ordered returned to the Assembly, as requested by that body.

Assembly Bill No. 22 read first time.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Leavitt asked for and was granted unanimous consent to have the rules suspended and Assembly Bill No. 22 considered without reference to committee.

RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to offer the following resolution:

Resolved, That Assembly Bill No. 22 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Assembly Bill No. 22 declared a case of urgency by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, Langford, Leavitt, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Bill read second time.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Assembly Bill No. 22 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Cutter, the following message from the Governor was taken up:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 8, 1900

To the Senate of the State of California:

I have the honor to inform your honorable body that, since the adjournment of the thirty-third regular session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

August 28, 1899—George W. Reed, Alameda County, a Director of the Deaf, Dumb, and Blind Asylum, in place of Andrew J. Ralston, appointment withdrawn

August 28, 1899—John H. Grindley, Alameda County, a Director of the Deaf, Dumb, and Blind Asylum, in place of Benjamin F. Bernan, appointment withdrawn

June 28, 1899—F. W. Lougee, San Francisco, a Director of the California Home for the Care and Training of Feeble-Minded Children, in place of F. W. G. Moebus, appointment withdrawn.

June 28, 1899—Robert A. Poppe, Sonoma County, a Director of the California Home for the Care and Training of Feeble-Minded Children, in place of A. B. Ware, appointment withdrawn.

June 1, 1899—Henry W. Keller, Los Angeles County, a member of the State Board of Fish Commissioners, in place of James M. Morrison.

June 1, 1899—R. E. Nickel, Los Angeles County, a member of the Board of Port Wardens for the Port of San Francisco, in place of Samuel Braunhart, term expired

June 1, 1899—Charles F. Kenneally, San Francisco, a member of the Board of Port Wardens for the Port of San Francisco, in place of P. L. Henderson, term expired

June 1, 1899—James Clarke, Los Angeles County, a Trustee of the Whittier State School, in place of William R. Rowland, resigned.

HENRY T. GAGE,
Governor of the State of California

Communication read and referred to Committee on Executive Communications and Nominations.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

The following joint resolution was introduced:

By Senator Taylor: Senate Joint Resolution No. 6—Relative to the survey of public lands in California.

Joint resolution referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Morehouse:

Resolved, That the Committee on Municipal Corporations, as constituted at the first session of this Legislature, be authorized and is hereby directed to investigate, during the interim between the adjournment of this special session and the meeting of the next Legislature, the condition of the laws of the State relating to municipal corporations and the need of the same for revision and amendment, and to report to the next session of this body such amendments and proposed laws as shall be deemed necessary and proper; and the State Printer is hereby authorized and directed to print, upon the order of the chairman of such committee, such reports and proposed laws.

During the reading of the resolution the following amendment was offered by Senator Taylor:

And no expense further than the printing shall be incurred

Amendment adopted.

The question being on the adoption of the resolution as amended.

The ayes and noes were demanded by Senators Trout, Davis, and Laird.

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

AYES—Senators Ashe, Bettman, Burnett, Chapman, Currier, Curtin, Dickinson, Hoey, Leavitt, Morehouse, Prisk, Smith, Stratton, Taylor, and Wolfe—15.

NOES—Senators Cutter, Davis, Doty, Gillette, Jones, Laird, Langford, Luchsinger, Maggard, Pace, Shortridge, Sims, and Trout—13.

COMMUNICATION.

The following communication was received and read, and ordered printed in the Journal:

BAKERSFIELD, CAL., February 6, 1900

To the Honorable Members of the Senate and Assembly, State of California, Sacramento, Cal

WHEREAS, Hundreds of thousands of acres of lands bearing petroleum, asphaltum, and other valuable minerals in paying quantities, and being situate in Kern, Fresno, and other counties of this State, have been returned by the United States Surveyor-General as agricultural lands; and

WHEREAS, These lands are now being developed for the minerals they contain, and are producing and will continue to produce millions of wealth in such minerals, thus building up an industry of immeasurable wealth for the State of California; and

WHEREAS, Certain persons are now attempting fraudulently to acquire title to same as agricultural State lands under the Act authorizing the State of California to take Government lands in exchange for State school lands under an Act passed February, 1891, and "relating to lieu lands to be selected by State or Territory," and also in exchange for forest reservation lands under an Act of June 4, 1897; and

WHEREAS, The sole purpose of such persons in acquiring these lands is for speculation because of their value for oil and other minerals, but not for development purposes, thus retarding the growth of one of the most important industries in California, thwarting the will of the people and the intent of our National Congress in granting certain rights to the locator of mining claims, and by high-handed robbery depriving thousands of miners of their holdings, the title to which has hitherto been held valid by the United States government; therefore, be it

Resolved, That the Miners' Association of Bakersfield would respectfully petition the Legislature now in session at Sacramento to make such laws as will preclude the acquiring of these mineral lands in exchange for State agricultural school lands; and also to memorialize our National Congress to pass such laws as will also preclude the use of what is known as forest reservation land scrip to acquire title to these well-known mineral lands, a system now widespread and the most reprehensible known in the history of land-grabbing in California; be it further

Resolved, That a copy of these resolutions be at once forwarded to our Senator, S. C. Smith, and Assemblyman R. C. Dale with the urgent request that they use all honorable means to prevent this stupendous fraud by organized capital upon the miners of this State.

C. A. CANFIELD, Chairman.
C. LUKENBOCH,
J. W. P. LAIRD,
C. S. YOUNG,

Committee.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Davis, the following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 2—Relative to appropriations for roads in and about Yosemite National Park.

C. W. KYLE, Chief Clerk
By FRANK H. OWEN, Assistant.

Assembly Concurrent Resolution No. 2 referred to Committee on Judiciary.

ADJOURNMENT.

At twelve o'clock and five minutes P. M., on motion of Senator Davis, the Senate was declared adjourned until eleven o'clock A. M. of Friday, February 9, 1900.

IN SENATE.

SENATE CHAMBER,
Friday, February 9, 1900. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, February 8, 1900, was read.

The Journal of Monday, February 5, 1900, was approved.

LEAVES OF ABSENCE.

Senator Rowell was granted a leave of absence for this day, on motion of Senator Davis.

Senator Bulla was granted a leave of absence for this day, on motion of Senator Currier.

Senator Simpson was granted a leave of absence for this day, on motion of Senator Currier.

INTRODUCTION OF JOINT RESOLUTION.

The following joint resolution was introduced:

By Senator Davis: Senate Joint Resolution No. 7—Relating to the report of the California Debris Commission.

Resolution referred to Committee on Judiciary.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1900.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Assembly Concurrent Resolution No. 2—Relative to appropriations for roads in and about Yosemite National Park.

Also: Senate Joint Resolution No. 6—Relative to the survey of public lands in California.

Have the same under consideration, and respectfully report the same back, and recommend that they be adopted.

GILLETTE, Chairman.

Senate Constitutional Amendment No. 4 ordered on file.

Assembly Concurrent Resolution No. 2 ordered on file.

Senate Joint Resolution No. 6 ordered on file.

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the accompanying nominations from His Excellency, Henry T. Gage, the Governor of the State of California, in reference to the appointments of the gentlemen therein named to the offices set opposite their respective names, have had the same under consideration, and reposing the utmost confidence in the good judgment of our honored Executive, and not having a personal acquaintance with the various appointees, and realizing the difficulty surrounding him in making these appointments, we are guided by his choice and earnestly solicit this honorable Senate to confirm the appointees named.

BURNETT, Chairman.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 8, 1900. }

To the Senate of the State of California

I have the honor to inform your honorable body that, since the adjournment of the thirty-third regular session of the Legislature, I have made the following appointments, and request your concurrence therein and consent thereto:

August 28, 1899—George W. Reed, Alameda County, a Director of the Deaf, Dumb, and Blind Asylum, in place of Andrew J. Ralston, appointment withdrawn.

August 28, 1899—John H. Grindley, Alameda County, a Director of the Deaf, Dumb, and Blind Asylum, in place of Benjamin F. Bergin, appointment withdrawn.

June 28, 1899—F. W. Lougee, San Francisco, a Director of the California Home for the Care and Training of Feeble-Minded Children, in place of F. W. G. Moebus, appointment withdrawn.

June 28, 1899—Robert A. Poppe, Sonoma County, a Director of the California Home for the Care and Training of Feeble-Minded Children, in place of A. B. Ware, appointment withdrawn.

June 1, 1899—Henry W. Keller, Los Angeles County, a member of the State Board of Fish Commissioners, in place of James M. Morrison.

June 1, 1899—R. E. Nickel, Los Angeles County, a member of the Board of Port Wardens for the Port of San Francisco, in place of Samuel Braunhart, term expired.

June 1, 1899—Charles F. Kenneally, San Francisco, a member of the Board of Port Wardens for the Port of San Francisco, in place of P. L. Henderson, term expired.

June 1, 1899—James Clarke, Los Angeles County, a Trustee of the Whittier State School, in place of William E. Rowland, resigned.

HENRY T. GAGE,
Governor of the State of California

CONSIDERATION OF GOVERNOR'S APPOINTMENTS.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of George W. Reed, Alameda County, a Director of the Deaf, Dumb, and Blind Asylum, vice Andrew J. Ralston, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of George W. Reed as a Director of the Deaf, Dumb, and Blind Asylum had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of John H. Grindley, Alameda County, a Director of the Deaf, Dumb, and Blind Asylum, vice Benjamin F. Bergin, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None

Whereupon the President pro tem. announced the appointment of John H. Grindley as a Director of the Deaf, Dumb, and Blind Asylum had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of F. W. Lougee, San Francisco, a Director of the California Home for the Care and Training of Feeble-Minded Children, vice F. W. G. Moebus, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None

Whereupon the President pro tem. announced that the appointment of F. W. Lougee as a Director of the California Home for the Care and Training of Feeble-Minded Children had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Robert A. Poppe, Sonoma County, a Director of the California Home for the Care and Training of Feeble-Minded Children, vice A. B. Ware, appointment withdrawn?"

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, there not being twenty-one Senators voting aye, Senator Wolfe moved a call of the Senate.

The ayes and noes were demanded by Senators Wolfe, Ashe, and Leavitt

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

AYES—Senators Bettman, Boyce, Currier, Cutter, Davis, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Shortridge, Smith, Trout, and Wolfe—16

NOES—Senators Ashe, Braunhart, Burnett, Chapman, Curtin, Doty, Goad, Hall, Langford, Maggard, Prisk, Sims, and Taylor—13.

Time: Eleven o'clock and twenty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

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

Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30

The Secretary announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock M., the Sergeant-at-Arms brought to the bar of the Senate Senator Morehouse, who was excused for absence from the Senate Chamber, on motion of Senator Ashe.

FURTHER PROCEEDINGS UNDER CALL OF SENATE DISPENSED WITH.

At twelve o'clock and two minutes P. M., further proceedings under the call of the Senate were dispensed with, upon motion of Senator Wolfe

The roll of absentees was called.

AYES—Senators Bettman, Boyce, Currier, Cutter, Davis, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—21.

NOES—Senators Ashe, Braunhart, Burnett, Chapman, Curtin, Doty, Goad, Hall, Langford, Prisk, and Sims—11

CHANGE OF VOTE—Taylor, no to aye

Whereupon, there being twenty-one Senators voting aye, the President pro tem. announced the appointment of Robert A. Poppe as a Director of the California Home for the Care and Training of Feeble-Minded Children had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Henry W. Keller, Los Angeles County, a member of the State Board of Fish Commissioners, vice James M. Morrison?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—Senator Langford—1

Whereupon the President pro tem. announced that the appointment of Henry W. Keller as a member of the State Board of Fish Commissioners had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of R. E. Nickel, Los Angeles County, a member of the Board of Port Wardens for the Port of San Francisco, vice Samuel Braunhart, term expired?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senator Langford—1.

Whereupon the President pro tem. announced that the appointment of R. E. Nickel as a member of the Board of Port Wardens for the Port of San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Charles F. Kenneally, of San Francisco, as a member of the Board of Port Wardens for the Port of San Francisco, vice P. L. Henderson, term expired?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—26.

NOES—Senator Langford—1.

Whereupon the President pro tem. announced that the appointment of Charles F. Kenneally as a member of the Board of Port Wardens for the Port of San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of James Clarke, Los Angeles County, a Trustee of the Whittier State School, vice William R. Rowland, resigned?"

The roll was called, with the following result:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of James Clarke as a Trustee of the Whittier State School had been duly confirmed.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 4—Relating to the report of the California Debris Commission.

Also: Passed, as amended, Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Joint Resolution No. 4 referred to Committee on Judiciary.

CONSIDERATION OF ASSEMBLY AMENDMENT.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 3?"

Amend by striking out, after the title, the words "The Legislature of the State of California, at its thirty-third session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California, the following amendment to section eight of article eleven of the Constitution," and inserting the following: "The Legislature of the State of California, at its extraordinary session, commencing on the twenty-ninth day of January, nineteen hundred, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to section eight, article eleven of the Constitution."

The roll was called, and Assembly amendment concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

FINAL ADOPTION OF SENATE CONSTITUTIONAL AMENDMENT AS AMENDED IN THE ASSEMBLY.

Senate Constitutional Amendment No. 3, having been returned from print, as amended in Assembly and concurred in by the Senate, and having been read on a previous day.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 3, as amended by the Assembly and concurred in by the Senate, adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Senate Constitutional Amendment No. 3 ordered to enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in above amendment.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 5—Relative to adjournment *sine die*.

Also: Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Also: Respectfully struck out the enacting clause of Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Also: Adopted Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to article two thereof to be known as section number six, permitting the expression by ballot by the people of their preference for the office of United States Senator.

Also: Adopted Assembly Constitutional Amendment No. 3—An Act amending Section 32, Article IV of the Constitution.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Concurrent Resolution No. 5 ordered to enrollment.

Senate Bill No. 13 ordered to enrollment.

Assembly Constitutional Amendment No. 2 referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 3 referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 1 ordered to enrollment.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Leavitt, the following messages from the Governor were taken up:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 9, 1900. }

To the Senate of the State of California.

I have the honor to inform your honorable body that I have approved Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Also: Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Also: Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Also: Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 9, 1900. }

To the Senate of the State of California.

I hereby nominate Franklin Ellery, Sr., of Humboldt County, a member of the Board of Harbor Commissioners of the Port of Eureka, in place of H. L. Ricks, whose

term expires March 12, 1900; also, J. G. Murray, of Humboldt County, a member of the Board of Harbor Commissioners of the Port of Eureka, in place of J. R. Brown, whose term expires March 16, 1900. And I respectfully request your consent to said appointments.

HENRY T. GAGE,
Governor of the State of California.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Wolfe asked for and was granted unanimous consent to have the rules suspended and the Governor's messages considered without reference to committee.

HOOR OF RECESS EXTENDED.

The hour of recess having arrived, was, on motion of Senator Cutter, extended forty-five minutes.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Franklin Ellery, Sr., of Humboldt County, a member of the Board of Harbor Commissioners of the Port of Eureka, vice H. L. Ricks, whose term expires March 12, 1900?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Smith, Stratton, Trout, and Wolfe—26.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Franklin Ellery, Sr., as a member of the Board of Harbor Commissioners of the Port of Eureka, vice H. L. Ricks, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of J. G. Murray, of Humboldt County, a member of the Board of Harbor Commissioners of the Port of Eureka, vice J. R. Brown, whose term expires March 16, 1900?"

The roll was called, with following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of J. G. Murray, as a member of the Board of Harbor Commissioners of the Port of Eureka, vice J. R. Brown, had been duly confirmed.

MESSAGES FROM THE GOVERNOR—(RESUMED).

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 9, 1900. }

To the Senate of the State of California.

I have the honor to inform your honorable body that since the adjournment of the thirty-third regular session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

May 6, 1899—F. C. Lusk, Butte County, a Trustee of the State Normal School at Chico.

May 6, 1899—T. H. Barnard, Butte County, a Trustee of the State Normal School at Chico.

May 6, 1899—Frank D. Ryan, Sacramento County, a Trustee of the State Normal School at Chico.

May 6, 1899—Richard Belcher, Yuba County, a Trustee of the State Normal School at Chico.

May 6, 1899—Clifford Coggins, Siskiyou County, a Trustee of the State Normal School at Chico.

May 10, 1899—R. H. F. Varrel, Los Angeles County, a Trustee of the State Normal School at Los Angeles.

May 10, 1899—Henry W. O'Melveny, Los Angeles County, a Trustee of the State Normal School at Los Angeles.

May 10, 1899—John S. Collins, Ventura County, a Trustee of the State Normal School at Los Angeles.

May 10, 1899—N. P. Conrey, Los Angeles County, a Trustee of the State Normal School at Los Angeles.

May 10, 1899—E. J. Louis, San Diego County, a Trustee of the State Normal School at Los Angeles.

May 11, 1899—Frank W. Leavitt, Alameda County, a Trustee of the State Normal School at San José.

May 11, 1899—Frank H. Short, Fresno County, a Trustee of the State Normal School at San José.

May 11, 1899—George W. Pierce, Yolo County, a Trustee of the State Normal School at San José.

May 11, 1899—Dr. H. C. Brown, Santa Clara County, a Trustee of the State Normal School at San José.

May 11, 1899—George Sweigert, Santa Clara County, a Trustee of the State Normal School at San José.

May 6, 1899—Dr. R. M. Powers, San Diego County, a Trustee of the State Normal School at San Diego.

May 6, 1899—George Fuller, San Diego County, a Trustee of the State Normal School at San Diego.

May 6, 1899—Z. B. West, Orange County, a Trustee of the State Normal School at San Diego.

May 6, 1899—W. R. Guy, San Diego County, a Trustee of the State Normal School at San Diego.

May 6, 1899—I. B. Dockweiler, Los Angeles County, a Trustee of the State Normal School at San Diego.

May 11, 1899—M. Cooney, San Francisco, a Trustee of the State Normal School at San Francisco.

May 11, 1899—S. C. Denson, San Francisco, a Trustee of the State Normal School at San Francisco.

May 11, 1899—F. A. Hyde, San Francisco, a Trustee of the State Normal School at San Francisco.

May 11, 1899—W. G. Jobson, San Francisco, a Trustee of the State Normal School at San Francisco.

May 11, 1899—H. G. W. Dinkelspiel, San Francisco, a Trustee of the State Normal School at San Francisco.

June 14, 1899—W. H. L. Barnes, San Francisco, a Member of the Board of Regents of the University of California, in place of Timothy Guy Phelps, deceased.

June 1, 1899—Charles H. Spear, Alameda County, a Member of the Board of Port Wardens for the Port of San Francisco, in place of R. T. Atwood, term expired.

February 8, 1900—Henry T. Wate, Alameda County, a Member of the Board of Port Wardens for the Port of San Francisco, in place of Nelson Provost, term expired, and F. W. Burnett.

HENRY T. GAGE,
Governor of the State of California.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of F. C. Lusk, of Butte County, a Trustee of the State Normal School at Chico?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of F. C. Lusk as a Trustee of the State Normal School at Chico had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of T. H. Barnard, of Butte County, a Trustee of the State Normal School at Chico?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Jones, Laird, Langford, Leavitt, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of T. H. Barnard as a Trustee of the State Normal School at Chico had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Frank D. Ryan, of Sacramento County, a Trustee of the State Normal School at Chico?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Frank D. Ryan as a Trustee of the State Normal School at Chico had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Richard Belcher, of Yuba County, a Trustee of the State Normal School at Chico?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Richard Belcher as a Trustee of the State Normal School at Chico had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Clifford Coggins, of Siskiyou County, a Trustee of the State Normal School at Chico?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Clifford Coggins as a Trustee of the State Normal School at Chico had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of R. H. F. Variel, of Los Angeles County, a Trustee of the State Normal School at Los Angeles?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—28.
NOES—None.

Whereupon the President pro tem. announced that the appointment of R. H. F. Variel as a Trustee of the State Normal School at Los Angeles had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Henry W. O'Melveny, of Los Angeles County, a Trustee of the State Normal School at Los Angeles?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.
NOES—None.

Whereupon the President pro tem. announced that the appointment of Henry W. O'Melveny as a Trustee of the State Normal School at Los Angeles had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of John S. Collins, of Ventura County, a Trustee of the State Normal School at Los Angeles?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.
NOES—None.

Whereupon the President pro tem. announced that the appointment of John S. Collins as a Trustee of the State Normal School at Los Angeles had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of N. P. Conrey, of Los Angeles County, a Trustee of the State Normal School at Los Angeles?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.
NOES—None.

Whereupon the President pro tem. announced that the appointment of N. P. Conrey as a Trustee of the State Normal School at Los Angeles had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of E. J. Louis, of San Diego County, a Trustee of the State Normal School at Los Angeles?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Land, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—29.
NOES—None.

Whereupon the President pro tem. announced that the appointment of E. J. Louis as a Trustee of the State Normal School at Los Angeles had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Frank W. Leavitt, of Alameda County, a Trustee of the State Normal School at San José?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—39.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Frank W. Leavitt as a Trustee of the State Normal School at San José had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Frank H. Short, of Fresno County, a Trustee of the State Normal School at San José?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Carrier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Smith, Taylor, and Wolfe—23.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Frank H. Short as a Trustee of the State Normal School at San José had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of George W. Pierce, of Yolo County, a Trustee of the State Normal School at San José?"

The roll was called, with the following result:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Carrier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of George W. Pierce as a Trustee of the State Normal School at San José had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. H. C. Brown, of Santa Clara County, a Trustee of the State Normal School at San José?"

The roll was called, with the following result:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Carrier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. H. C. Brown as a Trustee of the State Normal School at San José had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and

consent to the appointment of George Sweigert, of Santa Clara County, a Trustee of the State Normal School at San José?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of George Sweigert as a Trustee of the State Normal School at San José had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. R. M. Powers, of San Diego County, a Trustee of the State Normal School at San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. R. M. Powers as a Trustee of the State Normal School at San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of George Fuller, of San Diego County, a Trustee of the State Normal School at San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Whereupon the President pro tem. announced that the appointment of George Fuller as a Trustee of the State Normal School at San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Z. B. West, of Orange County, a Trustee of the State Normal School at San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Z. B. West as a Trustee of the State Normal School at San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of W. R. Guy, of San Diego County, a Trustee of the State Normal School at San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Flint, Gillette, Goad, Hall, Hoey, Jones, Langford, Leavitt,

Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—28.
N~~O~~ES—N~~O~~ne.

Whereupon the President pro tem. announced that the appointment of W. R. Guy as a Trustee of the State Normal School at San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of I. B. Dockweiler, of Los Angeles County, a Trustee of the State Normal School at San Diego?"

The roll was called, with the following result:

A~~Y~~ES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Flint, Gillette, Goad, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—27.
N~~O~~ES—N~~O~~ne.

Whereupon the President pro tem. announced that the appointment of I. B. Dockweiler as a Trustee of the State Normal School at San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of M. Cooney, of San Francisco, a Trustee of the State Normal School at San Francisco?"

The roll was called, with the following result:

A~~Y~~ES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—24.
N~~O~~ES—N~~O~~ne.

Whereupon the President pro tem. announced that the appointment of M. Cooney as a Trustee of the State Normal School at San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of S. C. Denson, of San Francisco, a Trustee of the State Normal School at San Francisco?"

The roll was called, with the following result:

A~~Y~~ES—Senators Bettman, Boyce, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Flint, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—22.
N~~O~~ES—N~~O~~ne.

Whereupon the President pro tem. announced that the appointment of S. C. Denson as a Trustee of the State Normal School at San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of F. A. Hyde, of San Francisco, a Trustee of the State Normal School at San Francisco?"

The roll was called, with the following result:

A~~Y~~ES—Senators Bettman, Boyce, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Flint, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Taylor, and Trout—21.
N~~O~~ES—Senator Braunhart—1.

Whereupon the President pro tem. announced that the appointment of F. A. Hyde as a Trustee of the State Normal School at San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise

and consent to the appointment of W. G. Jobson, of San Francisco, a Trustee of the State Normal School at San Francisco?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Goad, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—26

NOES—None.

Whereupon the President pro tem. announced that the appointment of W. G. Jobson as a Trustee of the State Normal School at San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of H. G. W. Dinkelspiel, of San Francisco, a Trustee of the State Normal School at San Francisco?"

The roll was called, with the following result:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Goad, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Smith, Taylor, and Wolfe—24.

NOES—None.

Whereupon the President pro tem. announced that the appointment of H. G. W. Dinkelspiel as a Trustee of the State Normal School at San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of W. H. L. Barnes, of San Francisco, a member of the Board of Regents of the University of California, vice Timothy Guy Phelps, deceased?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Goad, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Sims, Taylor, Trout, and Wolfe—25.

NOES—None.

Whereupon the President pro tem. announced that the appointment of W. H. L. Barnes as a member of the Board of Regents of the University of California had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Charles H. Spear, of Alameda County, a member of the Board of Port Wardens of the Port of San Francisco, vice H. R. Atwood, term expired?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Charles H. Spear as a member of the Board of Port Wardens of the Port of San Francisco had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Henry T. Waite, of Alameda County, a member of the Board of Port Wardens of the Port of San Francisco, vice Nelson Provost, term expired, and F. W. Burnett?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Flint, Gillette, Goad, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—27.
NOES—Senator Boyce—1.

Whereupon the President pro tem. announced that the appointment of Henry T. Waite as a member of the Board of Port Wardens of the Port of San Francisco had been duly confirmed.

MESSAGES FROM THE GOVERNOR—(RESUMED).

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 9, 1900.

To the Senate of the State of California.

I hereby nominate John E. Budd, of San Joaquin County, a member of the Board of Regents of the University of California, for the full term prescribed by law, to succeed himself immediately after the expiration of his present term on March 1, 1900, and I respectfully request your consent to his appointment.

HENRY T. GAGE,
Governor of the State of California.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of John E. Budd, of San Joaquin County, a member of the Board of Regents of the University of California, for the full term prescribed by law, to succeed himself immediately after the expiration of his present term on March 1, 1900?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hoey, Jones, Land, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—30.
NOES—None.

Whereupon the President pro tem. announced that the appointment of John E. Budd as a member of the Board of Regents of the University of California had been duly confirmed.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Cutter:

Resolved, That E. F. Mitchell, Minute Clerk; D. G. Holt, Assistant Minute Clerk; Miss M. P. Jones and F. L. Thomas, Assistant Secretaries; W. F. Mixon, Journal Clerk; Howard Masac, Assistant Journal Clerk; C. R. Mayhew, Engrossing and Enrolling Clerk; and F. J. Brandon, Secretary, be and they hereby are allowed two days' per diem each for services in closing up the business of their respective offices after the adjournment of the session, payable out of the Contingent Fund of the Senate, on which the Controller is hereby authorized and directed to draw his warrants therefor.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 9, 1900

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills, have examined Senate Concurrent Resolution No. 3—Relative to a vote of thanks to Mrs. Almira S. Townsend.

Also: Senate Concurrent Resolution No. 4—Relative to the consent of the Legislature to absence from the State of G. W. Root, Clerk of the Supreme Court of the State of California, for a period not to exceed six months.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 9th day of February, 1900, at ten o'clock and fifty-five minutes A. M.

JONES, Chairman

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective location, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Also: Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Also: Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 9th day of February, 1900, at twelve o'clock and fifteen minutes P. M.

JONES, Chairman.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2—An Act to add a new section to the Political Code of the State of California, to be known as Section 3494½, relating to the suspension and sale of the lands of the State.

C. W. KYLE, Chief Clerk
By H. T. SMITH, Assistant.

Assembly Bill No. 2 read first time and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department.

C. W. KYLE, Chief Clerk.
By H. T. SMITH, Assistant

Senate Constitutional Amendment No. 1, on motion of Senator Custer, referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

Also: Assembly Joint Resolution No. 1—Relating to an application by the Legislature of the State of California to the Congress of the United States to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in Congress.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Joint Resolution No. 2 ordered to enrollment.

Assembly Joint Resolution No. 1 referred to Committee on Judiciary.

RECESS.

On motion of Senator Davis, at twelve o'clock and fifty-one minutes P. M. the Senate was declared at recess until four o'clock P. M. of this day.

RECONVENED.

At four o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Currier, Curtin, Curter, Davis, Dickinson, Doty, Flint, Gillette, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—27.

Quorum present.

LEAVES OF ABSENCE.

Senator La Rue was granted a leave of absence for this day, on motion of Senator Jones.

Senator Stratton was granted a leave of absence for this day and for Saturday, February 10, 1900, on motion of Senator Leavitt.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Taylor, the following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 5—Relative to the survey of public lands in California.

C. W. KYLE, Chief Clerk.
By F. H. OWEN, Assistant.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Taylor asked for and was granted unanimous consent to have the rules suspended and Assembly Joint Resolution No. 5 placed on file without reference to committee.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Wolfe asked for unanimous consent to withdraw Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Consent granted.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced:

By Senator Smith: Senate Concurrent Resolution No. 6—Relative to the consent of the Legislature to absence from the State of Truman Reeves, State Treasurer of the State of California, for a period not to exceed six months.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Smith asked for and was granted unanimous consent to have the rules suspended and Senate Concurrent Resolution No. 6 considered without reference to committee.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

SENATE CONCURRENT RESOLUTION No. 6.

Relative to the consent of the Legislature to absence from the State of Truman Reeves, State Treasurer of the State of California, for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that Truman Reeves, State Treasurer, may depart from the State of California at any time during the remainder of his official term as State Treasurer, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—22.

NOES—None.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution

Resolved, That E. F. Mitchell, Minute Clerk; D. G. Holt, Assistant Minute Clerk, Miss M. P. Jones and F. L. Thomas, Assistant Secretaries; W. F. Mixon, Journal Clerk; H. A. Masac, Assistant Journal Clerk; C. R. Mayhew, Engrossing and Enrolling Clerk, and F. J. Brandon, Secretary, be and they are hereby allowed two days' per diem each for services in closing up the business of their respective offices after the adjournment of the session, payable out of the Contingent Fund of the Senate, on which the Controller is hereby authorized and directed to draw his warrants therefor, and the Treasurer is hereby directed to pay the same.

Recommend that the above resolution be adopted.

Also: *Resolved*, That G. A. Byron be allowed the sum of forty-eight dollars (\$48) for twelve days' services as Electrician, and that Hiram Clock be allowed thirty-six dollars (\$36) for twelve days' services as Watchman, both payable out of the Contingent Fund of the Senate, on which the Controller is hereby authorized and directed to draw his warrant therefor, and the Treasurer is hereby directed to pay the same.

Recommend that the above resolution be adopted.

Also: *Resolved*, That C. E. Williams, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all vouchers and papers, after the close of the Senate, to their proper owners, and file with the Secretary of the Senate his receipts therefor; and

Resolved, That he is allowed twenty-five dollars (\$25) for above service, and that the Controller is hereby instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Also: *Resolved*, That J. L. Martin be and he is hereby allowed five days after the close of this session to properly care for the property of the Senate, delivering the same to the State Janitor and taking his receipt therefor, and that he is hereby allowed the same per diem received by him now, and that the Controller is directed to draw his warrant, payable out of the Contingent Fund of the Senate, for the same, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back and recommend that they be amended as follows.

Resolved, That J. L. Martin, Sergeant-at-Arms, and C. E. Williams, Bookkeeper to the Sergeant-at-Arms, be and are hereby allowed two days after the close of the session at the same per diem received by them now, and that the Controller is directed to draw his warrant out of the Contingent Fund of the Senate for the same.

Recommend that the above resolution as amended be adopted.

Also: *Resolved*, That the following be allowed one day's pay each for services rendered on January 29, 1900, in the positions set opposite their respective names, payable out of the Contingent Fund of the Senate, the Controller being hereby authorized and required to draw his warrants therefor, and the Treasurer is hereby directed to pay the same:

Pages—D. J. Shields, J. M. Gilman, Esmond Smith, and Frank Merritt.

Mail Carriers—A. L. Dillon and I. M. Terrill.

Porters—E. Cowan, G. F. Nightingale, H. Clay, J. P. Frazer, and S. Truett.

Recommend that the above resolution be adopted.

Also: *Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named person for the amount set opposite his name, and the State Treasurer is hereby ordered and directed to pay the same:

Hook & Son.....	\$24 73
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Recommend that the above resolution be adopted.

Also: *Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named persons for the amount set opposite each of their names, as per bills attached, and the State Treasurer is hereby ordered and directed to pay the same:

Sunset Telephone and Telegraph Co.	\$7 00
Sunset Telephone and Telegraph Co.	12 75
L. Martin, Sergeant-at-Arms	2 00
L. Martin, Sergeant-at-Arms	2 50

Recommend that the above resolution be adopted.

FLINT, Chairman

The question being on the adoption of the report.

The roll was called, and the report and resolutions and amended resolutions adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunnhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—26.

NOES—None.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1900

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department—have had the same under consideration, and respectfully recommend that the amendments of the Assembly be concurred in.

Also: Assembly Constitutional Amendment No. 3—An Act amending Section 32, Article IV of the Constitution—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Joint Resolution No. 1—Relating to an application by the Legislature of the State of California to the Congress of the United States to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in Congress—have had the same under consideration, and respectfully report the same back without recommendation as amended.

Also: Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to article two thereof, to be known as section number six, permitting the expression by ballot by the people of their preference for the office of United States Senator—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Assembly Joint Resolution No. 4—Relating to the report of the California Debris Commission—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GILLETTE, Chairman

At four o'clock and twenty minutes p. m., Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That a committee consisting of three hold-over Senators be appointed by the President or President pro tem of the Senate for the purpose of making a thorough examination and investigation of the State Printing Office. It will be the duty of such committee to report at the next regular session of the Legislature the condition, the manner of conducting, and the expense of State printing.

Resolved further, That the expenses of said committee shall not exceed in the aggregate the sum of five hundred dollars.

Resolution read and adopted.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Wolfe, the following message from the Governor was taken up:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 9, 1900. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Also: Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

HENRY T. GAGE,
Governor of the State of California.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Curtin asked for and was granted unanimous consent to have the rules suspended and Senate Constitutional Amendment No. 1, Assembly Constitutional Amendment No. 3, Assembly Joint Resolution No. 1, Assembly Constitutional Amendment No. 2, and Assembly Joint Resolution No. 4 considered at this time.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 1?"

Amend by striking out all of Section 6, on pages 8 and 9, of printed amendment, and substituting in lieu thereof the following:

"SECTION 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one Judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are Judges thereof. The said Judges shall choose, from their own number, a Presiding Judge, who may be removed at their pleasure. He shall distribute the business of the court among the Judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the Judges of said courts, respectively, shall be equally effectual as if all the Judges of said respective courts presided at such session. In the county of Los Angeles there shall be elected six such Judges; in the county of Alameda four such Judges, in each of the counties of Sacramento and Santa Clara, three such Judges; and in each of the counties of San Joaquin, Sonoma, San Bernardino, Fresno, Humboldt, and San Diego, two such Judges.

The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a Judge to fill the vacancy, which election shall take place at the next succeeding general election, and the Judge so elected shall hold office for the remainder of the unexpired term."

Amend by striking out all of Section 17 after the word "monthly," in line 10, of Section 17, on page 11, of the printed amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cutter moved a call of the Senate.

Motion carried.

Time: Four o'clock and twenty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

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

Senators Ashe, Bettman, Boyce, Braunnhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Shortridge, Smith, Taylor, Trout, and Wolfe—25

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and twenty-nine minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Langford, who was excused for absence from the Senate Chamber, on motion of Senator Leavitt.

FURTHER PROCEEDINGS UNDER CALL OF SENATE DISPENSED WITH.

At four o'clock and thirty minutes P. M., further proceedings under the call of the Senate were dispensed with, upon motion of Senator Dickinson.

The roll of absentees was called, and the President announced that the Senate concurred in the Assembly amendments to Senate Constitutional Amendment No. 1 by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunnhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Frisk, Shortridge, Smith, Taylor, Trout, and Wolfe—27

NOES—None.

ADOPTION OF CONSTITUTIONAL AMENDMENT AS AMENDED IN THE ASSEMBLY.

Senate Constitutional Amendment No. 1, having been returned from print as amended in the Assembly and concurred in by the Senate, and having been read on a previous day.

The question being on the adoption of the constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time: Four o'clock and forty-one minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

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

Senators Ashe, Bettman, Boyce, Braunnhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Taylor, Trout and Wolfe—26.

The Secretary announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and forty-three minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Sims, who was excused for absence from the Senate Chamber, on motion of Senator Laird.

FURTHER PROCEEDINGS UNDER CALL OF SENATE DISPENSED WITH.

At four o'clock and forty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, upon motion of Senator Cutter.

The roll of absentees was called, and the President announced Senate Constitutional Amendment No. 1, as amended in the Assembly and concurred in by the Senate, adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunnhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—27.

NOTES—None.

Senate Constitutional Amendment No. 1 ordered to enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's action.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Also, Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 29, 1897.

Also: Senate Concurrent Resolution No. 5—Relative to adjournment *sine die*.

Also, Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 9th day of February, 1900, at three o'clock and thirty minutes P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1900

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people—and report that the same has been correctly enrolled, and presented the same to the Governor on this 9th day of February, 1900 at four o'clock and fifty minutes P. M.

JONES, Chairman.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Taylor asked for and was granted unanimous consent to have the rules suspended and Senate Joint Resolution No. 6 considered without reference to committee.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

SENATE JOINT RESOLUTION NO. 6.

Relative to the survey of public lands in California.

WHEREAS, From the report of the Commissioner of the General Land Office it appears that during the year ended June thirtieth, eighteen hundred and ninety-nine, there were added to the surveyed area of public lands in this State no more than eight thousand three hundred and eighty-seven acres, while the amount so added to such areas in other States was vastly more, and nearly two million acres in one State; and

WHEREAS, It is important for the welfare and development of California that the public surveys here should be pushed as rapidly toward completion as they are in other States in order that our settlers on new lands can obtain their titles with the same facility as elsewhere; and

WHEREAS, It is unjust that settlers in California should be less favored than in other States.

Resolved by the Senate of the State of California, and the Assembly jointly. That our Senators in Congress be instructed, and our Representatives be requested, to urge the completion of the public surveys in this State and prompt filing of plats in the local land offices, to the end that the public lands be made available for settlement and improvement.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—27.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 3—An Act amending Section 32, Article IV, of the Constitution.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 3 refused adoption by the following vote:

AYES—Senator Ashe—1.

NOES—Senators Bettman, Boyce, Braunhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Trout, and Wolfe—25.

Constitutional amendment ordered transmitted to the Assembly.

CONSIDERATION OF JOINT RESOLUTION.

Assembly Joint Resolution No. 1—Relating to an application by the Legislature of the State of California to the Congress of the United States to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in Congress.

During the reading of the joint resolution, the following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the words "on the question of the election of Senators in Congress" in the title, first page, printed bill

Amendment adopted

COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "on the question of the election of Senators in Congress" on lines 5 and 6, second page, printed bill

Amendment adopted.

Joint resolution ordered to print.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to article two thereof, to be known as section number six, permitting the expression by ballot by the people of their preference for the office of United States Senator.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 2 refused adoption by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Currier, Curtin, Cutter, Doty, Goad, Langford, Maggard, Morehouse, Pace, Prisk, Sims, Trout, and Wolfe—17.

NOES—Senators Bettman, Chapman, Dickinson, Gillette, Jones, Laird, Leavitt, Luchsinger, Shortridge, Smith, and Taylor—11

Constitutional amendment ordered transmitted to the Assembly.

CONSIDERATION OF JOINT RESOLUTION.

ASSEMBLY JOINT RESOLUTION No. 4.

Relating to the report of the California Debris Commission.

WHEREAS, The California Debris Commission has, in the report concerning debris dams and restraining works recently submitted to the Secretary of War, recommended a system which is claimed to be safe, practicable, and economical, and

WHEREAS, In order to secure the inauguration and construction thereof, the appropriations recommended by said commission should be made without delay; therefore, be it

Resolved by the Assembly, the Senate concurring. That our Senators be instructed, and our Representatives in Congress be requested, to urge the approval of said report and the publication thereof, and to use all honorable means to secure the appropriations required to put into execution the plans recommended therein; be it further

Resolved, That a copy of this resolution, duly attested, be transmitted to each Senator and Representative in Congress from the State of California.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Goad, Jones, Laird, Leavitt, Luchsinger, Maggard, Pace, Prisk, Shortridge, Smith, Trout, and Wolfe—24.

NOES—Senator Boyce—1.

Joint resolution ordered transmitted to the Assembly.

ANNOUNCEMENT OF COMMITTEE OF INVESTIGATION.

In accordance with the resolution adopted this day, requiring the President to appoint a committee of hold-over Senators to investigate the State Printing Office, the President announced Senators Leavitt, Shortridge, and Ashe as such committee.

CONSIDERATION OF CONCURRENT RESOLUTION.

ASSEMBLY CONCURRENT RESOLUTION No. 2.

Relative to appropriations for roads in and about Yosemite National Park.

WHEREAS, By an Act of Congress approved October first, eighteen hundred and ninety, the tract of land in the State of California described as townships one (1) and two (2) north, and townships one (1), two (2), three (3), and four (4) south, all of ranges nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) east, also townships one (1), two (2), three (3), and four (4) south, of range twenty-five (25) east, and also townships three (3) and four (4) south, of range twenty-six (26) east, excepting therefrom the tract of land known as Yosemite Valley, granted to the State of California for a public park, by an Act of Congress approved June thirtieth, eighteen hundred and sixty-four, as the same has been surveyed out and accepted by said State, have been set apart for a public park, and the same is known as the "Yosemite National Park"; and

WHEREAS, Such park withdraws from settlement and production a vast area within the State of California, and

WHEREAS, To the present time the appropriations for the improvement and maintenance of said park have been so limited in character that it remains a park in name but not in fact, and is furthermore inaccessible to the people of the United States and the State of California, and therefore of no benefit to said people for the purposes intended; and

WHEREAS, To make said park accessible, it will be necessary to construct various roads to and through said park, and to acquire the existing toll roads in and about said park, requiring national expenditure, due to the fact that said park is under national control; and

WHEREAS, At the last session of Congress a special commission was created to examine and report upon the feasibility of acquiring the existing roads in and about said park, and for the construction of other necessary new roads within said park, and

WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested and urged, to take such action as shall result in the securing of proper appropriations in accordance with the report of said commission, for these most necessary improvements, to the end that said Yosemite National Park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

Resolved further, That the Chief Clerk of the Assembly be instructed to transmit by mail a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States of America, and to each Senator and Representative of the State of California at Washington, D. C.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote :

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Goad, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Smith, Taylor, Trout, and Wolfe—26.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Smith, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 6—Relative to the survey of public lands in California.

Also: Adopted Senate Concurrent Resolution No. 6—Relative to leave of absence of Truman Reeves, State Treasurer, from the State.

Also: Adopted Assembly Concurrent Resolution No. 3—Relative to accommodations for the Legislature.

Also: Adopted Assembly Joint Resolution No. 3—Relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Joint Resolution No. 6 ordered to enrollment.

Senate Concurrent Resolution No. 6 ordered to enrollment.

Assembly Concurrent Resolution No. 3 referred to Committee on Judiciary.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Smith asked for and was granted unanimous consent to have the rules suspended and Assembly Joint Resolution No. 3 considered at this time without reference to committee.

CONSIDERATION OF JOINT RESOLUTION.

ASSEMBLY JOINT RESOLUTION No. 3.

Relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

WHEREAS, Many thousands of acres of lands bearing petroleum, asphaltum, and other valuable minerals in paying quantities, situate in Kern, Fresno, and other counties of the State of California, have been returned by the United States Surveyor-General as agricultural lands; and

WHEREAS, Said lands are now being developed for the minerals they contain, and are producing, and will continue to produce, millions of dollars of wealth in such minerals, and thus building up an industry of immeasurable worth to the State of California; and

WHEREAS, Certain persons are now attempting to acquire title to said lands as agricultural State lands, under an Act authorizing the State of California to take Government lands in exchange for State school lands, under an Act passed in February, eighteen hundred and ninety-one, and "relating to lieu lands to be selected by State or Territory," and also in exchange for forest reservation lands under an Act of June fourth, eighteen hundred and ninety-seven, and

WHEREAS, The sole purpose of such persons in acquiring said lands is for speculation because of their value for oil and other minerals, and not for development purposes, thus retarding the growth of one of the most important industries in California, thwarting the will of the people and the intent of our National Congress in granting certain rights to the locator of mining claims, and depriving thousands of miners of their holdings, the title to which has hitherto been held by the United States Government to be valid, therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives be requested, to use all honorable means to prevent the frauds which seem to be practiced upon the miners in this State, by securing the passage of such laws by the National Congress as will preclude the use of what is known as forest reservation land scrip to acquire title to these well-known mineral lands, be it further

Resolved, That the Chief Clerk of the Assembly be instructed to forthwith transmit by mail a copy hereof to our Senators and Representatives in Congress from the State of California.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Gillette, Goad, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Sims, Smith, Taylor, Trout, and Wolfe—24.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Hon. Thomas Flint, Jr., President pro tem., was granted leave of absence for the remainder of the session, on motion of Senator Luchsinger.

ADJOURNMENT.

At five o'clock and thirty-five minutes P. M., on motion of Senator Davis, the Senate was declared adjourned until ten o'clock A. M. of Saturday, February 10, 1900.

IN SENATE.

SENATE CHAMBER,
Saturday, February 10, 1900 }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Bettman, Brauhart, Burnett, Chapman, Currier, Cutter, Davis, Doty, Gillette, Goad, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, February 9, 1900, was read.

The Journal of Tuesday, February 6, 1900, was approved.

The Journal of Wednesday, February 7, 1900, was approved.

The Journal of Thursday, February 8, 1900, was approved.

The Journal of Friday, February 9, 1900, was approved.

LEAVES OF ABSENCE.

Senator Rowell was granted a leave of absence for this day, on motion of Senator Davis.

Senator Bulla was granted a leave of absence for this day, on motion of Senator Currier.

Senator Simpson was granted a leave of absence for this day, on motion of Senator Currier.

Senator Goad was granted a leave of absence for this day, on motion of Senator Brauhart.

Senator Hoey was granted a leave of absence for this day, on motion of Senator Hall.

RULES SUSPENDED BY UNANIMOUS CONSENT.

Senator Davis asked for and was granted unanimous consent to have the rules suspended and Assembly Joint Resolution No. 1 considered at this time.

CONSIDERATION OF JOINT RESOLUTION.

Assembly Joint Resolution No. 1—Relating to an application by the Legislature of the State of California to the Congress of the United States to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 1 refused adoption by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Gillette, Goad, Hall, La Rue, Luchsinger, Maggard, Pace, Prisk, Sims, and Trout—19.

NOES—Senators Bettman, Jones, Laird, Leavitt, Morehouse, Shortridge, Smith, and Wolfe—8.

Joint resolution ordered transmitted to the Assembly.

COMMUNICATION.

The following telegram was received by the President, and was read and ordered printed in the Journal:

NEW YORK, N. Y., February 9, 1900.

To President of the Senate, Sacramento, Cal.

Hav. Pauncefote Treaty, forbidding us to fortify Nicaragua Canal, menaces safety of Pacific Coast. England, France, and Germany alone will have 131 battleships and 274 cruisers that can be sent through the canal if we leave it open. California Legislature should pass resolutions urging Senators to insist on amendment recognizing our right to defend the canal

W. R. HEARST, New York Journal.

LEAVE OF ABSENCE.

Senator Boyce was granted a leave of absence for the remainder of the session, on his own motion.

RECESS.

On motion of Senator Davis, at ten o'clock and fifty minutes A. M. the Senate was declared at recess until eleven o'clock and fifty minutes A. M. of this day.

RECONVENED.

At eleven o'clock and fifty minutes A. M., the Senate reconvened.

Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, in the chair.

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

Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Hall, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Sims, Taylor, and Wolfe—25.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 10, 1900.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department.

Also: Senate Joint Resolution No. 6—Relative to the survey of public lands in California.

Also: Senate Concurrent Resolution No. 6—Relative to the consent of the Legislature to absence from the State of Truman Reeves, State Treasurer of the State of California, for a period not to exceed six months.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 10th day of February, 1900, at eleven o'clock and thirty-five minutes A. M.

JONES, Chairman.

RESOLUTION.

The following resolution was offered:

By Senator Cutter:

Resolved, That a committee of three be appointed by the Chair to wait upon the Governor, and inform his Excellency that the Senate is about to adjourn and awaits his pleasure. Also, that a committee of three be likewise appointed to notify the Assembly that the Senate is ready to adjourn.

Resolution read and adopted.

APPOINTMENT OF COMMITTEES.

In compliance with the above resolution, the President appointed Senators Cutter, Smith, and Sims a committee to wait upon the Governor, and Senators Davis, Wolfe, and Doty a committee to wait upon the Assembly.

REPORT OF ASSEMBLY COMMITTEE.

An Assembly committee, Mr. Wade, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

REPORT OF SENATE COMMITTEE.

Senator Davis, as chairman of the committee appointed to wait upon the Assembly to inform that body that the Senate had no further communication to transmit to the Assembly and was now prepared for final adjournment, reported that they had waited upon the Assembly and so informed that body.

REPORT OF SENATE COMMITTEE.

Senator Cutter, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor informed the committee that he would communicate with the Senate by message.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Cutter, the following message from the Governor was taken up and read and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, 1
SACRAMENTO, February 10, 1900. 1

To the Senate of the State of California

In my message to your honorable body upon the first day of this session I expressed my confidence in you, and now at its close you are to be congratulated, among other things, for the short duration of this session and its moderate cost.

You have passed laws recommended in my proclamation, which by reason of the inestimable advantages which will redound to the people, have fully warranted me in calling you together.

Obedient to the will of your constituents, you have sacrificed your personal preferences, to agree upon and select an able and worthy Senator to represent California in the United States Senate at a juncture most important to the people of the State and Nation—a juncture when the magnificent policy of our President is about to be judged by the people whom he has so faithfully and honorably served, and when Congressional approval of that policy is necessary to firmly maintain, as an inseparable part of our soil, the new American territory acquired by the valor of our soldiers and sailors in a just and glorious war.

There have been passed, pursuant to my proclamation, the requested amendments to the Political Code, which laws will soon result in most material improvement to the harbor of San Francisco, thereby inviting to our shores the shipping of the world, and this great public advantage will be gained without the levy of taxes or the issuance of bonds. You have enacted the laws for the improvement of the Sacramento, San Joaquin, Feather, and Tuolumne rivers recommended in my proclamation, and have by this legislation guaranteed protection to the extensive area of agricultural land in the Sacramento and San Joaquin valleys.

By repealing Section 19 of Article III of "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, as recommended in my proclamation you have empowered the Lunacy Commission to reduce and regulate the cost of managing the State Hospitals for the Insane, which will enable the Commission to save to the people of the State, through their new schedule of salaries, upward of sixty thousand dollars for the remaining three years of my official term, thus paying more than the whole expense of this extraordinary session.

Your labors being now at an end, I beg leave to thank you for your earnest assistance, and to bid you God-speed.

HENRY T. GAGE.

Governor of the State of California.

APPROVAL OF MINUTES.

The minutes of Saturday, February 10, 1900, were read and approved.

ADDRESS BY PRESIDENT OF THE SENATE.

Lieutenant-Governor, Hon. Jacob H. Neff, President of the Senate, addressed the Senators.

FINAL ADJOURNMENT.

The President, upon concluding his remarks, declared the Senate adjourned *sine die*.

JACOB H. NEFF,
President of the Senate.

THOMAS FLINT, JR.,
President pro tem. of the Senate.

F. J. BRANDON,
Secretary of Senate.

E. FORREST MITCHELL,
Minute Clerk of Senate.

D. G. HOLT,
Assistant Minute Clerk.

W. F. MIXON,
Journal Clerk of Senate.